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17 B. CORLETT, PRESERVATION OF LOS
18 OLIVOS, SANTA YNEZ VALLEY
19 CONCERNED CITIZENS, ANNE (NANCY)
20 CRAWFORD-HALL, and SANTA YNEZ
21 VALLEY ALLIANCE,

22 Appellants

23 v.

24 PACIFIC REGIONAL DIRECTOR,
25 BUREAU OF INDIAN AFFAIRS,

26 Appellee.

27 **APPELLANT COUNTY OF SANTA
28 BARBARA’S OPENING BRIEF IN
SUPPORT OF APPEAL OF
DECEMBER 24, 2014 NOTICE OF
DECISION ON THE SANTA YNEZ
BAND OF CHUMASH INDIANS
CAMP 4 FEE-TO-TRUST
APPLICATION AND OCTOBER 17,
2014 FINDING OF NO
SIGNIFICANT IMPACT BY
PACIFIC REGIONAL DIRECTOR**

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1 **I. INTRODUCTION.**

2 The County of Santa Barbara (the “County”) appeals the Pacific Regional Director
3 (“Regional Director”), Bureau of Indian Affairs’ (“BIA”) Notice of Decision (“NOD”) to take
4 over 1,400 acres of land into trust in the Santa Ynez Valley (commonly known as “Camp 4”) for
5 the Santa Ynez Band of Chumash Indians (the “Tribe”) and issuance of a Finding of No
6 Significant Impact (“FONSI”) for the project. These actions should be vacated as the Regional
7 Director: (1) failed to properly analyze the statutory fee-to-trust criteria required by 25 C.F.R. §§
8 151.10 and 151.11; (2) failed to conduct adequate environmental review for the project under the
9 National Environmental Policy Act (“NEPA”); and (3) violated the County and other interested
10 parties’ due process rights by omitting environmental review information from the record.

11 In addition to these inadequacies in the decision-making process, the BIA also has a duty
12 under NEPA to supplement its environmental review to address any new circumstances affecting
13 the project or its impacts. Here, the Tribe has purchased 350 acres of land in the area that is
14 closer to the Tribe’s Reservation and other residential and commercial developments. That land
15 is a viable alternative to taking Camp 4 into trust as it provides sufficient acreage for the Tribe’s
16 proposed housing and tribal facility development and could have less impacts to, for example,
17 agriculture, land use conflicts, traffic, visual aesthetics, and the County’s tax base. Thus, it must
18 be studied in a supplement environmental review. In addition, the worsening drought conditions
19 in the County require supplemental analysis of the project’s water impacts. Accordingly, the
20 County respectfully requests that the Assistant Secretary – Indian Affairs (“Assistant Secretary”)
21 vacate the unlawful NOD and FONSI and remand the matter for adequate consideration of the
22 fee-to-trust criteria and a proper and complete environmental review as discussed below.

23 **II. FACTUAL AND PROCEDURAL BACKGROUND**

24 This appeal arises out of the Regional Director’s decision to accept five parcels of land
25 totaling 1,400+ acres, and commonly known as Camp 4, into trust for the benefit of the Tribe.
26 (Administrative Record served on May 19, 2015 (“AR”) at AR0123.00001-03.) Camp 4 is
27 located in the middle of the Santa Ynez Valley, approximately 1.6 miles from the Tribe’s
28 Reservation. (AR0194.00094.) It is zoned exclusively for agriculture and includes a largely

1 pristine set of parcels that contain an intact, self-sustaining oak woodland and active agriculture.
2 (*Id.*, AR0194.00116.) Currently, Camp 4 is under a Williamson Act Contract until December 31,
3 2022, under which the Tribe receives generous property tax reductions in exchange for
4 contractually committing to retain the land in agriculture for ten years. (*Id.* at AR0194.0025.)
5 Cal. Gov't Code §§ 51243-51244. It has been preserved for agricultural use since at least 1971.

6 In November 2013, the Tribe submitted an Amended Fee-to-Trust Application to the BIA
7 for Camp 4, which succeeded a July 2013 Fee-to-Trust Application. (AR0080.) In its
8 application, the Tribe asserted that it needed the land taken into trust for tribal housing and
9 supporting infrastructure, to pursue economic endeavors, and to engage in long range planning
10 and land banking. (*Id.* at AR0080.00009-11.) The County submitted opposition comments on
11 December 17, 2013. (Ex. A hereto.)¹ In May 2014, the BIA released a Final Environmental
12 Assessment (“Final EA”) for the proposed trust acquisition of Camp 4. (AR00194.)

13 The Final EA identified two development alternatives for Camp 4, Alternatives A and B,
14 and a third alternative of no action, Alternative C. (AR0194.00019.) Alternative A would
15 include 143 five-acre residential lots, totaling 793 acres of residential homes and transportation
16 infrastructure. (*Id.*) The project site also would include 206 acres of vineyards (a decrease of 50
17 acres from present uses), 300 acres of open space/recreation areas, 98 acres of riparian corridor,
18 33 acres of oak woodland conservation, and 3 acres of Special Purpose Zone for utilities. (*Id.*)
19 Alternative B would include 143 one-acre housing plots, covering approximately 194 acres of the
20 site with roadways, and 30 acres of Tribal Facilities. (*Id.*) The Tribal Facilities would be 12,042
21 square feet and include a meeting hall, kitchen, breakroom, private office (13 rooms), conference
22 room, general office, training room, and circulation area. (AR0194.00029.) The Tribal Facilities
23 would host 100 special events per year with up to 400 attendees plus vendors at each of the
24 events. (*Id.*) This equates to events two days/nights a week, with an increase of approximately
25 800 visitors to the Valley each week. The Tribal Facilities also would include office space for up
26 to 40 tribal employees and 250 parking spaces. (*Id.*) Alternative B would include 869 acres of

27 _____
28 ¹ The County timely submitted comments on the amended fee-to-trust application on December 17, 2013. The Administrative Record, however, only includes the County’s letter on the initial application. (AR0075.) The County thus attaches the comments as Exhibit A.

1 open space/recreational use and the same acreages of vineyard, riparian corridor, oak woodland
2 conservation, and utilities as Alternative A. (AR0194.00019.) On July 11, 2014, the County
3 submitted written comments to the BIA objecting to many portions of the Final EA and
4 requesting an Environmental Impact Statement (“EIS”). (AR0195.00298-459 [Log No. 129].)

5 Despite the numerous issues raised, the Regional Director issued a FONSI for the project
6 on October 17, 2014, based on the inadequate Final EA. (AR0237.) The Regional Director then
7 issued a NOD for the proposed action on December 24, 2014, stating the BIA intends to accept
8 Camp 4 into trust and identifying Alternative B as the alternative chosen by the Tribe.
9 (AR0123.) The County timely appealed the NOD and FONSI on January 22, 2015. The
10 Assistant Secretary assumed jurisdiction over the appeal on January 30, 2015.

11 **III. ARGUMENT.**

12 **A. THE COUNTY HAS STANDING TO CHALLENGE THE NOD AND FONSI.**

13 The County meets all of the requirements for constitutional and prudential standing. The
14 County has suffered an injury in fact, the injury is traceable to the actions of the Regional
15 Director, the injury likely will be redressed by a favorable decision, and the County’s interests
16 fall within the zone of environmental and proprietary interests protected by NEPA and the fee-to-
17 trust regulations. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992). Camp 4 is in an
18 unincorporated area entirely within the boundaries of the County, over which the County has
19 plenary authority to regulate and manage the lands and services. (AR0194.00012-13.) Cal.
20 Const., art. XI, § 7; *Sierra Club v. Napa Cnty. Bd. of Sup’rs*, 205 Cal.App.4th 162, 172 (2012).
21 If Camp 4 is taken into trust, the County would: (1) lose jurisdiction to regulate land uses and
22 manage its lands; (2) lose property tax revenue; (3) face an increased need for services in the area
23 due to use and population changes; and (4) have difficulty protecting its natural resources and
24 aesthetic values. Further, Camp 4 is adjacent to or near County property, including County
25 owned Baseline Avenue and Armour Ranch Road, County managed and owned Fire Station 32,
26 County maintained Santa Ynez Park, and many other County roadways, public transit stops, and
27 facilities. (AR0194.00011, 23, 91, 94, 103-104, 106.) These County lands will suffer the
28 environmental impacts of the project, which injuries would be redressed by a favorable decision.

1 **B. THE REGIONAL DIRECTOR ABUSED HER DISCRETION BY FAILING TO**
2 **PROPERLY ANALYZE THE 25 C.F.R. §§ 151.10 AND 151.11 FACTORS.**

3 The Indian Reorganization Act (“IRA”) provides discretionary authority for acquiring
4 land and holding it in trust for Indians. 25 U.S.C. § 465. IRA was enacted to provide lands
5 sufficient to enable Indians to achieve self-support and ameliorate the damage resulting from the
6 prior allotment policy. *Cnty. of Charles Mix v. U.S. Dep’t of Interior*, 799 F.Supp.2d 1027, 1039
7 (D.S.D. 2011), *aff’d*, 674 F.3d 898 (8th Cir. 2012). The discretionary authority to take land into
8 trust, however, is not unlimited; it is narrowed by the statutory aims of the IRA. *Id.* Further, any
9 discretionary decision to take land into trust must show the official adequately considered all
10 legal prerequisites to the exercise of discretion, including any regulatory limitations on it. *Day*
11 *Cnty v. Aberdeen Area Director*, 17 IBIA 204, 206 (1989).

12 For tribal requests to acquire land located outside of a reservation, the official must
13 consider and is circumscribed by the regulatory criteria in 25 C.F.R. §§ 151.10 and 151.11. The
14 administrative record on appeal must contain adequate support for each criterion or the fee-to-
15 trust decision must be vacated and remanded for development of an adequate record and issuance
16 of a new decision. *City of Eagle Butte, South Dakota v. Great Plains Reg’l Director*, 38 IBIA
17 139 (2002); *Zieback County, South Dakota v. Great Plains Reg’l Director*, 36 IBIA 201, 204
18 (2001). Here, the Regional Director failed to adequately consider all of the factors outlined in 25
19 C.F.R. §§ 151.10 and 151.11 and thus improperly exercised her discretion in issuing the NOD.

20 **1. The Regional Director Did Not Adequately Consider the Need for the Land.**

21 In applying to have land taken into trust, a tribe must establish a need for the amount of
22 land it seeks to have transferred. 25 C.F.R. § 151.10(b). The BIA must determine the land is
23 “necessary” to facilitate tribal self-determination, economic development, or tribal housing per
24 the IRA. *Yreka v. Salazar*, 2011 WL 2433660 (E.D. Cal. June 14, 2011). Neither occurred here.

25 The Tribe has asserted that it needs 1,400+ acres of land taken into trust for “housing, as
26 well as land-banking and holding for development for future generations.” (AR0080.00009.) In
27 the NOD, the Regional Director merely reiterated and adopted the Tribe’s statements with
28 respect to the need for the land as the basis for concluding all acres were “necessary.” (*Compare*
AR0080.00009-10 *with* AR0123.00020-21.) The Regional Director did not conduct an

1 independent evaluation. Conclusory statements without evidentiary support do not show the
2 Regional Director adequately addressed the need factor. *Zieback County*, 36 IBIA at 204.

3 Further, the record demonstrates the acquisition of over 1,400 acres into trust is not
4 necessary for the stated purposes. The Tribe has an existing 138-acre reservation with 26 acres
5 for tribal housing. (AR0123.00020.) While the Tribe states that only 17% of its tribal members
6 live on the Reservation, it does not explain how many homes are on the Reservation, from what
7 the percentage is derived, or the number of families the 136 members comprise. The Tribe and
8 Regional Director fail to establish that additional tribal members cannot live on the Reservation
9 or that more housing cannot be built. In fact, the Tribe currently is expanding the hotel and
10 casino on its Reservation. (Ex. B hereto, Notice of Adoption and Approval of Chumash Hotel
11 Expansion Project, available at www.chumashee.com.²) Thus, the Tribe could intensify uses on
12 the Reservation site, including for additional housing and economic self-sufficiency.

13 Likewise, the NOD does not address the 6.9 acre property that has been approved to be
14 taken into trust. *Preservation of Los Olivos et al. v. Pacific Regional Director*, 58 IBIA 278
15 (2014). On that property, the Tribe plans to build a 42,000 square foot Tribal museum, cultural
16 center, and commercial retail facility, a 3.5 acre commemorative park, and associated parking,
17 which could alleviate the need for economic development or a tribal facility on Camp 4. *Id.*
18 (AR0237.00435.) Other trust lands are options for the Tribe's current and future expansion.

19 In addition, the chosen development, Alternative B, requires only 227 acres of land to
20 build the tribal housing and tribal facility. (AR0194.00019.) The remaining land is proposed to
21 continue as open space, agriculture, riparian corridors, and resource management zones, which
22 could be accomplished without taking it into trust. The Regional Director did not assess how the
23 Tribe would be precluded from such uses if a smaller acreage were taken into trust, or how the
24 Tribe's sovereignty would be impeded. (AR0123.00020-21.) Similarly, the Regional Director
25 did not address how much development could be accomplished under County standards without
26 taking the land into trust. (*Id.*) Thus, the record on the need for 1,400+ acres is inadequate.

27 _____
28 ² Exhibits B and D are publicly available documents related to the Tribe's casino and hotel expansion
that were issued after the close of the comment period on the Final EA.

1 **2. The Regional Director Did Not Adequately Consider the Purposes of the Land.**

2 In examining the purposes for the land, the Regional Director must determine the current
3 uses of the property and then ascertain the tribe’s plans for the property. *Thurston County,*
4 *Nebraska v. Great Plains Reg’l Director, BIA, 56 IBIA 296, 307 (2013); 25 C.F.R. § 151.10(c).*
5 In the NOD, the Regional Director states the “Tribe intends to provide tribal housing and
6 supporting infrastructure on a portion of the property,” with the remainder to be “used for
7 economic pursuits (vineyards and a horse boarding stable), as well as for future long range
8 planning and land banking.” (AR0123.00021-22.) The Regional Director, however, failed to set
9 forth the *current* uses of the property and failed to consider *all* of the Tribe’s proposed uses. (*Id.*)

10 As to current uses, the NOD vaguely states that the land “will continue to be used for
11 economic pursuits,” but does not describe the scope of those current uses. (AR0123.00022.) As
12 to planned uses, the FONSI/Final EA discuss the development of a 12,042 square foot Tribal
13 Facility, which will be used for approximately 100 special events per year with 400 attendees at
14 each event and house 40 employees. (AR0237.00005; AR0194.00029.) That proposed use is not
15 discussed in the purposes section of the NOD though. (AR0123.00022.)

16 Likewise, the Regional Director does not discuss the other uses of the Property such as
17 for open space/recreational – general trails and resource management zones. (AR0194.00019.)
18 The Regional Director also mentions supporting infrastructure but does not discuss the types of
19 infrastructure to be used. (AR0123.00022.) By failing to address all uses, the Regional Director
20 did not adequately consider the purpose factor. *Thurston County, 56 IBIA at 307-10.* Further,
21 without such information, the Regional Director cannot fully assess jurisdictional or land use
22 conflicts or the other factors required by 25 C.F.R. §§ 151.10 and 151.11. *Id.* at 308.

23 **3. The Regional Director Did Not Adequately Consider the Tax Roll Impacts.**

24 As the County stated in its comments on the Amended Fee-to-Trust Application, the
25 County will lose up to \$311 million in tax revenues over a fifty year time period if the land is
26 taken into trust and developed. (Ex. A hereto at pp. 2 to 3.) The Tribe argued in response to the
27 County’s comments that such a tax loss is “speculative.” The tax loss, however, is not
28 speculative where the Tribe has submitted a notice of non-renewal of the Williamson Act

1 contract for the Camp 4 property and evidenced its intent to change uses on the property, uses
2 that increase the number of people and visitors in the area. (AR0123.000016; AR0194.00019-
3 25.) Further, the Regional Director did not address or mention the County’s comments and
4 therefore cannot show she gave due consideration to them. (AR0123.00022.)

5 As to the limited analysis provided by the Regional Director regarding tax loss, she did
6 not analyze how removal of the stated tax loss *would be insignificant to the provision of services*
7 *in the area*. The Regional Director merely stated that the loss is less than 1% of the total tax the
8 County expects to generate from property taxes. She also summarily concluded, without support,
9 that the tax loss would not be significant given the “financial contributions provided to the local
10 community by the Tribe through employment and purchases of goods and services.” (*Id.*)

11 The record demonstrates the opposite of these conclusions. It shows the County provides
12 major public services to Camp 4 and the area, including law enforcement, fire protection,
13 emergency medical response, and roadway access and maintenance. (Ex. A at pp. 2 to 3;
14 AR0194.00090-94, 103-106.) The Tribe’s development of 143 residences and a much larger
15 tribal structure on Camp 4, would increase the number of residents and employees in the area that
16 use County parks, schools, roads, and other public services. (AR0195.00325-333;
17 AR0244.00018-22.) Thus, the need for County services in the area would expand yet the County
18 would be unable to collect property taxes or other special assessments to pay for them. (Ex. A at
19 2 to 3; AR0195.00325-333; AR0244.00018-27.) The Regional Director’s failure to address these
20 issues or provide substance for her conclusory opinion is in error. *Village of Hobart, Wisconsin*
21 *v. Midwest Reg’l Director, BIA*, 57 IBIA 4, 29-30 (2013); 25 C.F.R. §§ 151.10(e), 151.11(a).

22 **4. The Regional Director Did Not Adequately Consider the Jurisdictional Problems**
23 **and Land Use Conflicts Resulting from the Trust Acquisition.**

24 For the jurisdictional problems and land use conflicts factor, the Regional Director cited
25 the current zoning for the property and the Tribe’s opinion that no “significant jurisdictional
26 conflicts will occur as a result of transfer of the subject property into trust.” (AR0123.00022.)
27 The Regional Director then concluded the “Tribe’s intended purposes of tribal housing, land
28 consolidation, and land banking are not inconsistent with the surrounding uses.” (*Id.*)

1 This conclusion contradicts the record and is unsupported. As the record demonstrates,
2 Camp 4 is zoned AG-II-100 (Agriculture, with a minimum parcel size of 100 acres).
3 (AR0123.00022.) The maximum development on Camp 4 thus would be 14 main residences (1
4 per 100 acres) and no facilities or parking lots are allowed. (AR0195.00438-440.) Surrounding
5 uses likewise are rural. (AR00194.00095; AR0195.00347-348; AR0244.00038-39.) The
6 development of 143 residences and an over 12,000 square foot tribal facility with parking for 250
7 cars would constitute a significant change in the current land use that is inconsistent with
8 surrounding uses; it would be considered an urban development in the middle of a rural area.
9 (AR0195.00347-348; AR0244.00014, 38-39.)

10 Such a development contravenes rural area policy countywide and is incompatible with
11 the County's General Plan, Santa Ynez Valley Community Plan, and County land use
12 regulations. (Ex. A at p. 3; AR0195.00321-325, 333-334, 362-451; AR0244.00017-18, 44-58.)
13 It would create conflicts with the open space, agricultural, and ranch uses on surrounding and
14 adjacent properties and cause significant health, safety, and regulatory problems for the County.
15 (AR0195.00312-337; AR0244.00014-27, 29-30.) Further, numerous problems relating to
16 transportation, water, habitat and air quality impacts would arise as the development would
17 increase traffic and resource usage in the area. (AR0195.00325-335; AR0244.00018-28.) In
18 addition, it would induce development on other agricultural lands that would further stretch the
19 resources in the area and create more conflict. (AR0195.00315-316; AR0244.00016-17.) The
20 Regional Director improperly failed to consider the plethora of data and comments on these
21 points. *Thurston County*, 56 IBIA at 307-10; *Village of Hobart*, 57 IBIA at 30.

22 Instead, the Regional Director sidestepped addressing the jurisdictional and land use
23 conflicts by finding the Tribe has consistently cooperated with local government and service
24 providers to mitigate adverse effects, citing agreements with County Fire and the Sheriff's
25 Office. (AR0123.00023.) Those agreements, however, relate to services on the Reservation, not
26 Camp 4 or Camp 4's impacts. (AR0195.00326-328; AR0244.00019-23.) Further, they do not
27 address the jurisdictional issues raised by the County such as its inability to effectively manage
28 roadways, the quality of waterways, water supply, air quality and other resource and capacity

1 issues addressed by its land use regulations and plans. The NOD therefore should be vacated and
2 remanded on this basis as well. 25 C.F.R. § 151.10(f).

3 **5. The Regional Director Did Not Adequately Consider the BIA's Ability to**
4 **Discharge Any Additional Duties Owed by It.**

5 The Regional Director did not address the additional obligations of the BIA, but instead
6 inaccurately concluded that emergency services are provided by County Fire and Police through
7 agreements between those agencies and the Tribe. (AR00123.00023.) As the County stated in
8 multiple comments, the agreements between County Fire and the Sheriff's Office are for services
9 on the current Reservation, not Camp 4. (AR0195.00326-328; AR0244.00019-23.) The
10 Regional Director thus must address how the BIA would discharge additional duties related to
11 law enforcement, emergency services, and fire and wildfire protection on Camp 4.

12 **6. The Regional Director Did Not Adequately Consider NEPA Compliance.**

13 As discussed fully below in Sections D and E, the FONSI/Final EA prepared for the
14 proposed trust acquisition was substantially flawed and an inadequate environmental review for a
15 project of this significance. The proposed trust acquisition is a major federal action that will
16 significantly impact the environment and thus an EIS must be prepared.

17 **7. The Regional Director Did Not Adequately Consider the Economic Benefits.**

18 The Regional Director must consider the anticipated economic benefits associated with
19 proposed business uses. 25 C.F.R. § 151.11(c). The Regional Director stated this regulatory
20 factor was irrelevant as no new economic businesses are associated with the acquisition.
21 (AR0123.00024.) The proposed development on the Property, however, includes a Tribal
22 Facility. (AR0194.00029.) While the exact purposes of the Tribal Facility are not properly
23 defined, it is clear that it will hold 100 special events per year for approximately 400 persons plus
24 vendors and also house 40 employees. (*Id.*) Thus, the use of the Tribal Facility is a business use,
25 at least in part, and a proposed business plan and economic benefits analysis must be considered.

26 **8. The Regional Director Did Not Adequately Consider the Off-Reservation Locale.**

27 Camp 4 is non-contiguous to the Reservation. (AR0194.00094.) In such circumstances,
28 the BIA must give greater scrutiny to a tribe's justification of anticipated benefits from the

1 acquisition and greater weight to the concerns raised by local government with respect to
2 regulatory jurisdiction and tax losses. 25 C.F.R. § 151.11(b). There is no indication the
3 Regional Director even addressed this heightened scrutiny, and certainly no indication that the
4 Regional Director gave additional weight to the County's concerns in the noted areas.
5 (AR0123.00024.) The NOD also should be vacated and remanded on this basis.

6 **C. THE REGIONAL DIRECTOR ABUSED HER DISCRETION BY NOT**
7 **REQUIRING SUFFICIENT OWNERSHIP INFORMATION OR ADEQUATELY**
8 **RECOGNIZING OTHER PROPERTY INTERESTS WITHIN CAMP 4.**

9 The administrative record in an appeal of a BIA decision must be adequate to support the
10 official's decision. *Cecelia Plain Feather v. Acting Billings Area Director*, 18 IBIA 26, 29
11 (1989). Failure to provide adequate information subjects the decision to challenge. *Id.* Here, the
12 Tribe failed to provide sufficient information to determine the exact number of acres the Tribe
13 seeks to have placed in trust, the exact boundaries of those acres, and its title to all such land.
14 The various documents in the administrative record identify the total acres to be taken into trust
15 as 1411.1 acres, 1427.78 acres, and 1433 acres. (AR0080.00005; AR0123.00003;
16 AR0194.00008.) Likewise, the various maps of the parcels indicate differing outlines, some
17 show the public roads excluded from the parcels and some include the public roads within the
18 parcels. (AR0080.00183-197; AR0194.00010.) Thus, the exact acres and boundaries claimed to
19 be at issue are unclear and the Regional Director has inadequate support for the NOD.

20 Further, the Regional Director must recognize any easement or fee simple rights in the
21 property as part of its analysis of 25 C.F.R. § 151.10(f), and include sufficient information in the
22 record regarding the status of those rights. *Naomi Haikey Eades v. Muskogee Area Director*, 17
23 IBIA 198, 203 (1989). A land use conflict caused by the existence of an easement can be the
24 basis for denying a trust acquisition. *Id.*; 25 C.F.R. § 151.13. As to the County, the Final EA
25 identifies four road rights-of-way – Mora Avenue, Rioridan Avenue, Torrance Avenue, and San
26 Marcos Avenue. (AR0194.001703.) The NOD and FONSI, however, provide no provision for
27 the County's road rights-of-way on the property and the County's enforcement of those rights.
28 Rather, the BIA's comments in the Final EA imply that County rights-of-way will be addressed
on a "case by case basis," without analyzing such rights in the NOD. (AR0194.01704; AR0123.)

1 The Regional Director must address such rights and either exclude them from the trust
2 acquisition or undergo takings procedures, at which time any right-of-way owner could dispute
3 the basis for the taking. *See Tohono O’Odham Nation v. Phoenix Reg’l Director*, 22 IBIA 220,
4 235 (1992).

5 In addition, the Regional Director omitted information regarding all “rights-of-way.” In
6 the Final EA, the BIA identified “a review of the title” by the Tribe, cited as “L&P Consultants,
7 2014” that is not contained within the actual record. (AR0194.01704.) A page of the BIA’s
8 analysis regarding the rights-of-way also appears to be missing from the record as the analysis
9 goes from page 3-17 to page 3-19 and the text is non-sequential. (AR0194.01702-1704.) The
10 County, other appellants, and the Regional Director cannot analyze the impact of any rights-of-
11 way, easements, or fee holdings within Camp 4 on the acquisition without sufficient information.

12 **D. THE NOD AND FONSI VIOLATE NEPA AND ITS IMPLEMENTING**
13 **REGULATIONS AS AN EIS IS REQUIRED FOR A SIGNIFICANT FEDERAL**
14 **ACTION LIKE THE CAMP 4 TRUST ACQUISITION.**

15 Congress enacted NEPA to “promote efforts which will prevent or eliminate damage to
16 the environment” and ensure that the public is notified of environmental impacts before they
17 occur. 42 U.S.C. § 4321. The cornerstone of NEPA is the EIS, which an agency must prepare
18 any time its proposed action will have a *significant impact* on the environment. 42 U.S.C. §
19 4332(2)(C); 40 C.F.R. § 1502.3; 43 C.F.R. § 46.400. “Significant” for purposes of NEPA
20 requires consideration of the *context* and *intensity* of a project. 40 C.F.R. § 1508.27. A party,
21 however, does not have to prove a project will significantly affect the environment to trigger an
22 EIS but only has to raise substantial questions about “whether the proposed action *may* have a
23 significant effect.” *Nat’l Resources Defense Council v. Duvall*, 777 F.Supp. 1533, 1537 (E.D.
24 Cal. 1991) (emphasis added). Pursuant to these standards, both a superficial and a detailed
25 review of the project show that the Camp 4 trust acquisition is significant and requires an EIS.

26 From a thousand-foot view, the Camp 4 trust acquisition is:

27 (1) For over 1,400 acres of land, an area almost the size of the largest city in the
28 Santa Ynez Valley, Solvang (1552 acres in size);

(2) For lands zoned strictly for large agricultural and open space parcels in a rural
area; and

1 (3) For lands highly regulated by several local plans and ordinances that were the
2 result of almost a decade of local land use planning efforts aimed at conserving
3 the resources in the area and the quality of life in the Valley. (AR000194.00012-
13, 94-96; AR0195.00316-325, 333-335, 337, 347-348, 361-451; AR0244.00014-
18, 38-39, 44-58.)

4 The proposed development would convert agricultural uses on Camp 4 to residential, event, and
5 tribal facility uses and bring a considerable addition of residents (415), employees (40+) and
6 visitors (800 per weekend) to a rural area. (AR0194.00019, 22-23, 28-29, 141, 166, 1723.) As
7 of 2009, that rural area was found lacking resources necessary to support such a development.
8 (AR0195.00429-434.) Thus, at a minimum, Camp 4's very context and setting raises *substantial*
9 *questions* about the significant effect it would place on local resources and services.

10 A more detailed review of Camp 4 focused on the factors used to analyze the intensity of
11 a project only strengthens the need for an EIS. Those factors include: (1) impacts to unique
12 geographic characteristics; (2) threats to protective Federal, State, or local laws or requirements;
13 (3) impacts to endangered or threatened species or their habitat; (4) impacts to public health and
14 safety; (5) the likely controversy of the impacts; and (6) the adverse impacts. 40 C.F.R. §
15 1508.27(b). Degradation of *some* factor requires the preparation of an EIS. *See Sierra Club v.*
16 *U.S. Forest Serv.*, 843 F.2d 1190, 1193 (9th Cir. 1988) (emphasis added). Here, the record
17 shows degradation of *several* of the intensity factors.

18 First, the record shows that Camp 4 would impact unique geographic considerations.
19 Camp 4 would convert 1,227 of the 1400+ acres of agricultural land to other uses.
20 (AR0237.00005.) The conversion of agricultural land to other uses is of great significance to the
21 State, region, and locality because agriculture provides economic and environmental benefits, as
22 well as protects the recharging of groundwater basins, wildlife habitats, open space, and visual
23 relief for residents. (AR0195.00312-317, 365-395, 408, 423, 426-427, 432, 453-456;
24 AR0244.00014-18.) Such a conversion also fuels loss of surrounding agricultural uses by
25 making acreages less viable for agriculture in the future and leading to a cycle of urbanization by
26 surrounding landowners. (AR0195.0315-16, 391-92, 441-47.) The growth of urban development
27 in agricultural areas brings land use conflicts that increase regulatory costs and lead to trespass,
28 vandalism, littering, and grass fires, which decrease farming and crop productivity. (*Id.*)

1 Second, it is undisputed that the proposed development would violate numerous County
2 laws, regulations, and policies that protect and promote the public health, safety, and general
3 welfare of the residents and businesses of the County. (*See, e.g.*, AR0195.00312-317, 321-325,
4 361-408, 423, 426-434, 437-451.) The record is replete with evidence that the development
5 contravenes numerous County plan provisions, ordinances, and regulations that were adopted to
6 protect the quality of life and resources in the area. (*Id.*)

7 Third, the record is clear that the proposed development will threaten protected species
8 and habitats. (AR00194.00131, 159.) For example, the selected development alternative
9 unarguably would remove 50 oak trees on the property, which are protected and provide habitat
10 to many other species. (AR0194.00159.) The removal will occur without proper mitigation as
11 discussed below in Section III.E.1. This loss is a significant impact to biological resources.

12 Fourth, the record shows public services in the area would be impacted.
13 (AR0195.00325-338; AR0244.000018-27.) The Final EA recognizes the proposed development
14 could result in at least 415 new residents to the area, as well as 800 event attendees per weekend.
15 (AR00194.00029, 1723.) Adding 415 residents and 800 visitors a week requires: (1) the need
16 for an additional one-half to one deputy in the area; (2) an increase in the need for fire and
17 emergency response services; (3) an increase in water use in the area from the Santa Ynez
18 Uplands Groundwater Basin, which basin is already in a state of overdraft; (4) an increase in the
19 solid waste in the area; (5) an increase in traffic on the rural roads; and (6) an increase in
20 projected student growth of approximately 22.78 elementary students, 15.73 middle school
21 students, and 25.74 high schools students. (AR0195.00325-333.)

22 Fifth, the record shows that the proposed action is controversial. “The term
23 ‘controversial’ refers to cases where a substantial dispute exists as to the size, nature, or effect of
24 the major federal action. . . .” *Found. for N. Am. Wild Sheep v. U.S. Dep’t of Agric.*, 681 F.2d
25 1172, 1182 (9th Cir.1982) (internal quotations omitted). Here, several interested parties,
26 including several experts in their respective fields, dispute the findings of the Final EA. For
27 instance, County Fire, the County Planning and Development Department, the County Public
28 Works Department, and the Sheriff’s Office disagreed with several of the conclusions in the

1 Final EA. (AR0195.00306-307.) Each of these County entities and/or departments is comprised
2 of experts in hydrology, roads, law enforcement, fire suppression and prevention, and land use
3 and planning. They opined that the Final EA was inadequate or incorrect as to its analysis of
4 land use issues and impacts to traffic, water, waste, and public services, including law
5 enforcement and fire services. (AR0195.00300-352.)

6 The County was not the only group of experts to disagree with the impacts analysis.
7 (AR0195.00335-336.) Several other experts did as well. Biologists Hunt and Associates opined
8 that the oak tree mitigation program was inadequate; that wildlife corridor movements and state-
9 protected birds were significantly impacted; and that impacts on the Vernal Pool Fairy Shrimp,
10 wildlife from night lighting, nesting and roosting birds, wetlands, and oak savannah habitat were
11 not sufficiently addressed. (AR0237.00222-224, 259-260; AR0195.00175-180.) The Audubon
12 Society opined that the biological survey for the project was inadequate. (AR0237.00259-260.)
13 Further, the California Department of Fish and Wildlife opined that the residential development
14 would modify the urban-wildlife interface and create edge effects to surrounding habitats.
15 (AR0194.01093.) Even the Final EA agrees both alternatives “would adversely impact water of
16 the U.S., special-status species, protected oak trees, and migratory birds.” (AR0194.00033.)

17 Likewise, with respect to water and traffic impacts, experts other than the County
18 disagreed with the Final EA’s impact findings. The Santa Ynez Rancho Estates Mutual Water
19 Company found the analysis of water impacts flawed. (AR0237.00360.) In addition, the Santa
20 Ynez River Water Conservation District, Improvement District No. 1 (“ID No. 1”), which
21 supplies water in the area, found the water estimates for Camp 4 understated. (AR0194.01155,
22 1162-1164.) It found the water usage analysis did not consider leaching, frost protection, and
23 irrigated pastures, all of which would increase the amount needed per year and result in a 30
24 percent increase in the overdraft amount of the basin at issue. (*Id.*)

25 As to traffic, the California Department of Transportation advised the BIA that the traffic
26 study for the EA was flawed and misrepresented actual operating conditions. (AR0248.000001;
27 AR0194.01085-87.) It used an incorrect minimum operating standard for Highways 154 and
28 246, misapplied methodology outlined in the Highway Capacity Manual, and failed to address

1 appropriate mitigation. (AR0194.01085-86.) Caltrans opined the FONSI did not adequately
2 address its concerns or traffic impacts. (AR0248.00001.) “[T]his is precisely the type of
3 convtroversial action for which an EIS must be prepared.” *N. Am. Wild Sheep*, 681 F.2d at 1182.

4 Finally, the record shows Camp 4 would have adverse impacts. 40 C.F.R. § 1508.27(b).
5 As discussed above, Camp 4 would adversely impact agricultural resources, water, waste, traffic,
6 schools, fire services, emergency and law enforcement services, and protected species, flora, and
7 habitats. In addition, the record shows impacts to visual resources. Although no prototypical
8 house and facility elevations were provided, as they should have been, both alternatives are in a
9 rural area with scenic roads where they will stand in stark contrast to their surroundings and
10 likely preclude views of ridge lines, hillsides, and vegetation. (AR0194.00012-13, 68-69, 117-
11 119.) Based on the above, the proposed development certainly *raises* questions about its effect
12 on the environment. That is all the County and/or other interested parties need to do. *Idaho*
13 *Sporting Cong. v. Thomas*, 137 F.3d 1146, 1149 (9th Cir. 1998) (quotation omitted), *overruled*
14 *on other grounds in The Lands Council v. McNair*, 537 F.3d 981 (9th Cir. 2008). Therefore, the
15 BIA is required to prepare an EIS pursuant to NEPA and erred by not doing so.

16 **E. EVEN IF AN EIS IS NOT REQUIRED, THE FINAL EA IS INADEQUATE TO**
17 **SUPPORT A FONSI AND MUST BE VACATED AND REMANDED.**

18 Even putting aside the need for an EIS, which is clear from the record, NEPA still
19 requires agencies to “take a hard look at the environmental consequences of their actions” when
20 preparing an EA. *Neighbors of Cuddy Mountain v. Alexander*, 303 F.3d 1059, 1070 (9th Cir.
21 2002) (citations omitted). The Final EA does not do so and is insufficient to support a FONSI.
22 First, the Final EA does not adequately address mitigation measures, cumulative impacts, or
23 alternatives for the proposed action. Second, the Final EA is inappropriately premised on a
24 present-day baseline for a project that will not begin until 2023. Third, the Final EA omits key
25 information and includes inaccurate facts and unsupported conclusions.

26 **1. The Proposed Mitigation Measures Are Inadequate.**

27 “Mitigation measures [must] constitute an adequate buffer against the negative impacts
28 that result from the authorized activity to render such impacts so minor as to not warrant an EIS.”

1 *Bark v. Northrop*, 2014 WL1414310, at *12 (D. Or. 2014). Furthermore, the mitigation
2 measures must be “developed to a reasonable degree.” *National Parks & Conservation Ass’n v.*
3 *Babbitt*, 241 F.3d 722, 734 (9th Cir. 2001), *abrogated on other grounds*. “A perfunctory
4 description, or mere listing of mitigation measures, without supporting analytical data, is
5 insufficient to support a finding of no significant impact.” *Id.*

6 The purported mitigation measures contained in the Final EA do not provide the detail
7 and discussion required to support a finding of no significant impact. For many of the resources,
8 the mitigation measures simply list Best Management Practices without a discussion of their
9 effectiveness or ability to reduce a specific impact to an insignificant level. (AR0194.00194-204;
10 AR0237.00011-21; AR0195.00339-440; AR0244.00030-31.) Likewise, the “protective”
11 mitigation measures identified in the Final EA provide no data regarding their effectiveness or
12 how they mitigate a particular impact. (*See, e.g.*, AR0237.00011; AR0195.00340-341;
13 AR0244.00030-31.) This approach is insufficient under NEPA. *Blue Mountains Biodiversity*
14 *Project v. Blackwood*, 161 F.3d 1208, 1214 (9th Cir. 1998).

15 In addition, for those mitigation measures that provide some detail, they do not
16 sufficiently minimize or avoid the impacts. (AR0194.00194-204; AR0237.00011-21;
17 AR0195.00341-343; AR0244.00030-32.) For example, the mitigation measures relating to
18 funding and contractual mitigation of fire and law enforcement services discuss entering into new
19 agreements with the Sheriff and Fire, which has not been done, and the existing agreements with
20 those entities do not apply to Camp 4. (AR00194.00203.) Likewise, with traffic impacts, the
21 Final EA states that the Tribe will contribute a fair share for traffic improvements, which does
22 not alleviate the impact. (AR00194.000201.) For the removal of oak trees, the Tribe proposes to
23 mitigate the loss with replacement at a no net loss ratio. (AR0237.00015.) The County requires
24 a 15:1 replacement ratio to account for the less than 100% survival rate and mitigation of lost
25 habitat until the trees mature. (AR0237.00142-145.) The Department of Fish and Game agreed
26 that the County’s replacement ratio should be used. (AR0194.01092.) For water resources, the
27 mitigation measures do not address any mitigation other than prohibiting turf watering during
28 declared drought emergencies, which does not consider the impacts independent of a drought.

1 (AR00194.000196.) Further, it is insufficient during drought conditions in which significant
2 water restrictions may be imposed on surrounding properties. (*See, e.g.*, Ex. C hereto³, Executive
3 B-29-15 [imposing Statewide 25% water reduction].)

4 In apparent recognition of the failure of some of the mitigation measures, the Tribe
5 adopted additional resolutions *after the comment period* for the Final EA. (AR0237.0007.)
6 Specifically, the Tribe passed Resolution 948 which “establishes the Santa Ynez Tribal Police
7 Department. . .thereby reducing the reliance on the Santa Barbara County Sheriff’s Office for law
8 enforcement” and Resolution 949, which “establishes a dedicated fund for local school districts
9 that include the project site.” (*Id.*) These resolutions do not address all of the failed mitigation
10 measures. Further, the record contains no evidence that either is adequate mitigation to support a
11 FONSI. The record is devoid of any analysis regarding the functionality of the Tribal Police
12 Department, its impact on law enforcement services, or operational date. Also, the grant set
13 aside for local school districts is equal to the taxes paid for 2013/14, which were based on the
14 land’s agricultural preserve status, not its use as residences that bring more children to the area.

15 **2. The Final EA Does Not Adequately Consider the Cumulative Impacts of the**
16 **Proposed Action.**

17 Any EA must fully assess the cumulative impacts of a project. *Te-Moak Tribe of*
18 *Western Shoshone of Nev. v. U.S. Dept. of Interior*, 608 F.3d 592, 602-03 (9th Cir. 2010). In
19 doing so, “some quantified or detailed information is required.” *Id.* at 603 (citation omitted).
20 The Final EA here unlawfully uses perfunctory general statements about possible effects in
21 discussing cumulative impacts, and fails to analyze all foreseeable cumulative projects and
22 impacts in the area. (AR0194.00176-193; AR0195.00352-355; AR0244.00033-34.)

23 The Final EA states that near-term cumulative conditions were established by reviewing
24 the cumulative project database maintained by the County and considering the addition of the
25 hotel and casino expansion on the Reservation. (AR0194.00176.) As to long-term cumulative
26 conditions, the Final EA states that they were established using the 20-year build out forecasts of

27 ³ Exhibits C and E through J are publicly available documents that post-date the December 24, 2015
28 NOD and relate to the changed circumstances affecting the project, as well as excerpts of the County
Land Use and Development Code relating to those issues for the Assistant Secretary’s ease of reference.

1 the Santa Ynez Valley Community Plan. (*Id.*) The Final EA, however, does not breakdown
2 actual increases in population, businesses, or other uses and their impacts such that it is clear the
3 impacts were actually studied. (AR0194.00176-177; AR0195.00352-355; AR0244.00033-34.)
4 It also does not address the cumulative impacts of the project’s indirect impacts on surrounding
5 agricultural uses in a small community such as the Santa Ynez Valley. 40 C.F.R. § 1508.8.

6 Further, a close inspection of the record reveals the impact analysis did not fully consider
7 the casino and Reservation development, nor other foreseeable tribal developments in the area.
8 For instance, until responding to comments on the Final EA in the FONSI, the BIA did not
9 mention the 6.9 acres of land in the Valley approved to be taken into trust for the Tribe or other
10 proposed trust acquisitions in the area. (AR0194.00176-177; AR0237.00435; AR0244.00033-
11 34.) Thus, the significant increase in patrons from that project could not have been analyzed in
12 the Final EA. On the 6.9 acres, the Tribe plans to develop a 42,000 square foot Tribal museum,
13 cultural center, and commercial retail facility, a 3.5 acre commemorative park, and 100 parking
14 spaces. (AR0237.00435; Ex. D hereto, excerpts of Environmental Evaluation Santa Ynez Band
15 of Chumash Indians Hotel Expansion Project at 3.11-2, 9, available at www.chumashee.com.)

16 Likewise, the BIA did not analyze the need for increased public service and resources
17 impacts due to the significant casino expansion on the Tribe’s Reservation, which is projected to
18 bring 1,200 additional patrons daily to the casino and thus the area. (AR0194.00176-177,
19 AR0237.00435; Ex. D hereto at p. 2-11.) For instance, the traffic study in the Final EA does not
20 show how the casino expansion was addressed by the cumulative impacts analysis, or the 6.9
21 acres. (AR0194.00805 [using “approved and pending projects located within the Santa Ynez
22 planning area” for near-term cumulative conditions, but not specifying casino/hotel expansion or
23 6.9 acre development]; AR0194.0081 [identifying use of 20-year buildout forecasts for
24 cumulative conditions, but also not specifying casino/hotel expansion or 6.9 acre development].)
25 An additional 1,200 casino patrons, 415 residents at Camp 4, approximately 800 visitors a
26 weekend to Camp 4, patronage to the 6.9 acres, as well as planned growth, is significant growth
27 in the Valley that must be analyzed in an EIS. In short, the record falls far short of properly
28 analyzing the cumulative impacts of the project under NEPA.

1 contiguous to the Reservation and therefore other off-Reservation locations should be
2 considered, including the recently acquired 350 acre property as discussed below in Section III.G.
3 (AR0194.00094; AR0195.00356; AR0244.00036.) By omitting a detailed analysis of feasible
4 alternatives, the BIA violated NEPA.

5 **4. The Final EA Is Based on an Inappropriate Baseline.**

6 In analyzing the effects of a proposed federal action, NEPA requires an agency to set
7 forth the baseline conditions. *Half Moon Bay Fisherman's' Marketing Ass'n v. Carlucci*, 857
8 F.2d 505, 510 (9th Cir.1988). The NEPA baseline consists of the pre-project environmental
9 conditions. *Id.* The Final EA uses a present-day baseline to assess the environmental impacts of
10 the proposed developments. (AR0194.00025.) The proposed developments, however, will not
11 commence for almost a decade, in 2023, due to the Williamson Act Contract requiring
12 agricultural use of Camp 4 until December 31, 2022. (*Id.*)

13 By using a present-day baseline, the FONSI/Final EA are incomplete and flawed, and
14 likely underestimate the proposed development's potential impacts on numerous resources.
15 (AR0195.00309-311; AR0244.00011-12.) As even the Tribe admits in the FONSI comments,
16 "there is inadequate information available to accurately determine the environmental setting in
17 2022, and use of an inaccurate existing setting would result in an inaccurate or, at best, a limited
18 assessment of impacts to resources." (AR0237.00429.) Yet, that is exactly what the Final EA
19 has done by using a present-day baseline for a 2023 development. Such an approach inhibits the
20 goals of NEPA and the project should be reanalyzed when pre-project conditions, including the
21 appropriate baseline, and actual impacts can be determined. 40 C.F.R. § 1500.1(b).

22 **5. The Final EA Contains Assumptions, Inaccuracies, and Omissions.**

23 In order to satisfy NEPA's "hard look" standard, an agency must verify the factual
24 accuracy of its EA and support the EA's conclusions with "some quantified or detailed
25 information." *Native Ecosystems Council v. U.S. Forest Service*, 418 F.3d 953, 964 (9th Cir.
26 2005); *Sierra Nev. Forest Protection Campaign v. Weingardt*, 376 F.Supp.2d 984, 991 (E.D. Cal.
27 2005); *see also* 40 C.F.R. § 1500.1(b). The BIA failed to do so in the Final EA.

28 First, the Final EA does not provide enough information about the basic components of

1 the proposed developments, such as the full scope of the residential, including any accessory
2 structures, or tribal facilities development. (AR0237.00005-6; AR0194.01722-23;
3 AR0195.00343-344; AR0244.000036-37.) Without this information, the County lacks basic
4 components of the project, including: (a) the number of new people that would be accessing the
5 property for events or residing or staying on the property; and (b) the design, size and height of
6 the residences for purposes of fire safety, visual impacts, and other factors. (*Id.*) As to
7 agricultural resources, the Final EA fails to adequately address the grazing operations on the
8 property. (AR0194.00098-99; AR0195.000346-347; AR0244.00037-38.)

9 Second, the Final EA fails to adequately analyze land use impacts. Rather, the Final EA
10 simply asserts that the land will be removed from the County’s jurisdiction and thus County land
11 use regulations will not apply. (AR0194.00140, 166.) This position assumes the approval of the
12 project without actually studying the impacts of doing so in contravention of NEPA’s mandate to
13 evaluate impacts *before* approving a project. *See N. Plains Council, Inc. v. Surface Transp. Bd.*
14 668 F.3d 1067, 1084-85 (9th Cir. 2011). Further, the Final EA asserts that “[a]dverse impacts to
15 land use would result [only] if an incompatible land use within Alternative [B] would result in
16 the inability of the County to continue to implement existing land use policies outside of the
17 project site boundaries” and summarily concludes that they would not because the proposed
18 development would be “similar” to other development in the area. (AR0194.00140, 166.) Those
19 conclusions are unfounded. No other development bordering Camp 4 has one-acre residences,
20 which is an urban development, and most are required to be a minimum of 100 acres.
21 (AR0194.00034, 95.) Further, adverse impacts also would result from the County’s inability to
22 implement existing land use policies *within* the project site as surrounding uses would be
23 affected. (AR0195.00347-348; AR0244.00038-39.)

24 Third, the Final EA contains many factual inaccuracies, conclusory statements, and
25 improper assumptions in the analysis of fire protection and emergency medical services, law
26 enforcement, traffic, and water. (AR0195.00348-352; AR0244.00039-40.) For example, several
27 sections of the Final EA state that the County would provide emergency and structural fire
28 protection services to the project area, despite there being no agreement in place to do so.

1 (AR00194.00023; AR0195.00348-349.) Similarly, the Final EA states that County Fire would
2 provide wild fire protection services. County Fire does not have a contract to do so though.
3 (AR0194.00146.) The Final EA also states that funds for fire services would be provided by the
4 Special Distribution Fund when it is known that fund will not be available in the future.
5 (AR0194.00103-104; AR0195.00350-51.) As to water, the Final EA includes a decrease in the
6 estimated residential water uses from the initial EA without explanation. (AR0194.00738-39;
7 AR0127.00341-42.) Also, as discussed above, the traffic study contains numerous errors. These
8 errors and omissions render the Final EA, and resulting FONSI, inadequate under NEPA.

9 **F. THE BIA VIOLATED DUE PROCESS IN DECIDING THE APPLICATION.**

10 The Department of Interior’s review of an application to take land into trust must be
11 impartial and is subject to the due process clause. *South Dakota v. U.S. Dept. of Interior*, 775
12 F.Supp.2d 1129, 1136 (D.S.D. 2011). As part of due process, “[a] party is entitled ... to know the
13 issues on which a decision will turn and to be apprised of the factual material on which the
14 agency relies for decision so that he may rebut it. . . .” *Bowman Transp., Inc. v. Ark.-Best Freight*
15 *Sys., Inc.*, 419 U.S. 281, 288 n. 4 (1974). Lack of access to documents in the administrative
16 record violates due process. *Am. Radio Relay League, Inc. v. F.C.C.*, 524 F.3d 227, 236–39
17 (D.C. Cir. 2008). Here, documents contained in the administrative record indicate the Regional
18 Director violated the interested parties’ due process rights by improperly withholding
19 unprivileged drafts of the environmental review for the project.

20 For example, one month prior to issuance of the FONSI, the Regional Director permitted
21 release of a “draft” FONSI to the Tribe, through the BIA’s environmental consultant.
22 (AR0224.0001.) The Regional Director, however, withheld that FONSI draft from the interested
23 parties. (AR index at AR0225; *see also* AR index at AR0193, 0234, 0235.) The interested
24 parties are entitled to view shared draft documents so that they may raise any argument about the
25 information contained in the document. The drafts may show biases on the part of the BIA,
26 controversy related to impacts, or affect other factors relevant to the significance of the project.

27 The Regional Director’s assertion that the “draft” FONSI is privileged from inclusion in
28 the administrative record under the deliberative process privilege is incorrect as that privilege

1 only protects inter or intra government agency communications. 5 U.S.C. §§ 552(b)(5); *Dep't of*
2 *Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 2 (2001). It clearly does not
3 protect documents communicated between Indian tribes protecting their own interests and the
4 Department of Interior, as is the case here. *Klamath*, 532 U.S. at 4-5. Thus, the BIA's failure to
5 provide such non-privileged documents violates due process and requires remand.

6 **G. THE BIA MUST SUPPLEMENT ITS ENVIRONMENTAL REVIEW FOR CAMP 4**
7 **DUE TO SIGNIFICANT NEW CIRCUMSTANCES.**

8 NEPA imposes a continuing duty on federal agencies to supplement EAs and EISs in
9 response to "significant new circumstances or information relevant to environmental concerns
10 and bearing on the proposed action or its impacts." 40 C.F.R. § 1502.9(c)(1)(ii). NEPA requires
11 federal agencies to "apply a 'rule of reason' as to whether a supplemental EA is required."
12 *Greater Gila Biodiversity Project v. United States Forest Service*, 926 F.Supp. 914, 916-17 (D.
13 Ariz. 1994) (citation omitted). The "rule of reason turns on the value of the new information to
14 the still pending decision making process." *Id.* (internal quotations omitted.)

15 With respect to Camp 4, significant new circumstances require the BIA to prepare an EIS
16 for the project or, at the very least, a supplemental EA while the decision-making process for
17 Camp 4 is still pending. 25 C.F.R. § 2.6 (stating decision is not final during appeal period).
18 Specifically, the Tribe has purchased an additional 350 acres of land in the area that is a viable
19 alternative to taking Camp 4 into trust, which could have less environmental impact and should
20 be studied. Further, the State's drought conditions have worsened since the Final EA was issued.

21 **1. The 350 Acres Owned by the Tribe Is a Viable Alternative to the Proposed Camp**
22 **4 Trust Acquisition that Constitutes a Significant Change.**

23 In June 2015, the Tribe purchased approximately 350 acres of land in the Santa Ynez
24 Valley. (Ex. E hereto, Grant Deed, recorded June 26, 2015.) The parcels are located
25 approximately .6 miles from the Tribe's Reservation. (Ex. F hereto, Map of Chumash Properties
26 Near Santa Ynez, available at [https://santabarbara.legistar.com/LegislationDetail.aspx?ID](https://santabarbara.legistar.com/LegislationDetail.aspx?ID=2442507&GUID=22F6AB98-36DF-4A85-B873-3B9DF093A755)
27 [=2442507&GUID=22F6AB98-36DF-4A85-B873-3B9DF093A755](https://santabarbara.legistar.com/LegislationDetail.aspx?ID=2442507&GUID=22F6AB98-36DF-4A85-B873-3B9DF093A755).) The parcels are not under
28 a Williamson Act Contract and are zoned AG-II-40, which applies to areas suitable for

1 agricultural land uses within a rural zone, minimum parcel size of 40 acres. (Ex. G hereto, Map
2 of Zoning Near Chumash 350 Acre Property [350 acre property highlighted in yellow]; Ex. H,
3 excerpts of County Land Use and Development Code at pp. 2-11, 2-18.) Per the Tribe’s selected
4 alternative of one-acre parcels, 350 acres would provide sufficient land to build 143 homes as
5 proposed in Alternative B and a 30 acre tribal facility, with land remaining for other pursuits.

6 Areas surrounding the 350 acre property to the west are zoned 20-R-1, 10-R-1, 10-R-2,
7 C-3, and C-2. (Ex. G hereto.) 20-R-1, 10-R-1, and 10-R-2 apply to areas appropriate for one-
8 family (R-1) or two family dwellings or duplexes (R-2), with a minimum lot size of 10,000
9 square feet (10-R-1) or 20,000 square feet (20-R-1). (Ex. H hereto at pp. 2-29, 2-48.) C-3 and
10 C-2 apply to areas appropriate for retail commercial uses (C-2) and general commercial uses (C-
11 3). (*Id.* at p. 2-65.) Areas to the South and North include Inner Rural Areas zoned AG-1-10,
12 AG-1-5, AG-I-20, which applies to areas appropriate for agricultural uses within urban, inner
13 rural, and some rural areas. (*Id.* at p. 2-11; Ex. G hereto.) The East portion of the property is
14 bordered by Highway 154. (Ex. G hereto.) In addition, a very limited review of the property’s
15 landscape indicates it may contain fewer oak trees and less protected habitat than does Camp 4.

16 The availability of this alternative is a significant, new circumstance relevant to the
17 environmental concerns related to Camp 4. 40 C.F.R. § 1500.2(e) (explaining purpose of
18 alternatives analysis requirement is to identify alternatives “that will avoid or minimize adverse
19 effects of [] actions upon the quality of the human environment”). Although not studied yet, it
20 appears this alternative could have less impact to, for example, agricultural uses, traffic, visual
21 aesthetics, and the County’s tax base and could be more compatible with surrounding land uses.
22 The development of residences closer to other residential areas and commercial uses in an area
23 with less protected habitat and species, rather than in a rural area with agricultural uses and
24 nearly pristine surroundings could significantly reduce impacts to agriculture, wildlife, habitats,
25 and visual resources. Further, impacts to traffic may be reduced due to different roads being used
26 or different access points. Armour Ranch Road and Baseline Avenue would no longer border the
27 project. (Ex. G hereto.) Further, impacts to public services could be lessened since the County
28 would lose less in taxes on a smaller acreage and due to the closer proximity to a town.

1 In fact, the Final EA stated that other locations were not studied as alternatives because
2 “[t]here [wer]e no other available comparable lands that would provide a sufficient land base. . .
3 that [were] within the immediate area of the existing Reservation.” (AR0194.00017.) The Tribe,
4 however, now owns other lands. Thus, the acquisition of the 350 acre property is a significant
5 new circumstance bearing on the environmental consequences that now must be studied.

6 **2. The Drought Conditions Are a Significant Change that Affect Impacts to Water**
7 **Usage in the Area.**

8 On January 17, 2014, California Governor Brown declared a State of Emergency to exist
9 due to severe drought conditions, which caused drinking water shortages, diminished water for
10 agricultural production, increased wildfire risk, and degradation of habitat and water supplies.
11 (Ex. B hereto, Executive Order B-29-15.) On April 1, 2015, after issuance of the NOD, the State
12 imposed a 25% reduction in potable urban water usage through at least February 2016 and, on
13 October 30, 2015 declared a State of Emergency for an epidemic of tree mortality – an estimated
14 22 million dead trees – due to the drought conditions. (*Id.*; Ex. I hereto, 10/15/15 Proclamation.)

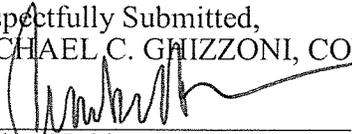
15 In addition, following the April 1st mandatory water reduction by the State, the water
16 purveyor for the Santa Ynez Valley area, ID No. 1, declared a Stage 2 Critical Water Supply
17 Shortage Emergency, stating that its water supplies had been reduced as much as 55% from Lake
18 Cachuma, 80% from the State, and 50% from groundwater sources during the drought. (Ex. J
19 hereto, 7/20/15 Customer Notice, available at [http://www.syrwd.org/article/7609-stage-2-critical-](http://www.syrwd.org/article/7609-stage-2-critical-water-supply-shortage)
20 [water-supply-shortage](http://www.syrwd.org/article/7609-stage-2-critical-water-supply-shortage).) A supplemental environmental review must be prepared in order to
21 address these changed circumstances and fulfill the BIA’s continuing obligations under NEPA.

22 **IV. CONCLUSION.**

23 Based on the foregoing, Appellant County of Santa Barbara respectfully requests that the
24 Assistant Secretary vacate the NOD and FONSI and remand to the Regional Director for
25 reconsideration under the governing law.

26 Dated: December 31, 2015

Respectfully Submitted,
MICHAEL C. GHIZZONI, COUNTY COUNSEL


Amber Holderness, Deputy

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6 County of Santa Barbara

7 UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
8 INTERIOR BOARD OF INDIAN APPEALS

9 COUNTY OF SANTA BARBARA, a
10 Political Subdivision of the State of
California,

11 Appellant

12 v.

13 AMY DUTSCHKE, in her official capacity
14 as Director, Pacific Region, Bureau of
Indian Affairs,

15 Appellee.

Docket No: _____
[not yet assigned]

PROOF OF SERVICE

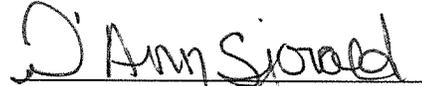
17
18 I, D'Ann K. Sjovold, declare that I am over the age of eighteen and not a party to this
19 cause. I am employed in, or a resident of the County of Santa Barbara, where the mailing occurs.
20 My business address is 105 E. Anapamu Street, Suite 201, Santa Barbara, CA 93101.
21 I further declare that on the 31st day of December, 2015, I delivered a true copy of the
22 **APPELLANT COUNTY OF SANTA BARBARA'S OPENING BRIEF IN SUPPORT OF**
23 **APPEAL OF DECEMBER 24, 2014 NOTICE OF DECISION ON THE SANTA YNEZ**
24 **BAND OF CHUMASH INDIANS CAMP 4 FEE-TO-TRUST APPLICATION AND**
25 **OCTOBER 17, 2014 FINDING OF NO SIGNFICANT IMPACT BY PACIFIC**
26 **REGIONAL DIRECTOR** to each of the persons named below, either by depositing an
27 appropriately-addressed copy in the United States mail, by email or both.

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SEE DISTRIBUTION LIST BELOW

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 31st day of December, 2015.


D'Ann K. Sjevold

<i>VIA EMAIL ONLY</i>	
Kevin K. Washburn, Assistant Secretary, Indian Affairs f2appeals@bia.gov	
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EXHIBIT A

County Of Santa Barbara



Mona Miyasato
County Executive Officer

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Executive Office

December 17, 2013

Ms. Amy Dutschke, Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way, Room 2820
Sacramento, CA 95825

E-mail: amy.dutschke@bia.gov

Re: Application for Transfer of Title for Fee Lands Into Trust Submitted by the Santa Ynez Band of Chumash Mission Indians dated November 2013

Dear Ms. Dutschke:

On October 31, 2013 my office provided comments pertaining to the Santa Ynez Band of Chumash Indians (Tribe) Fee to Trust Application for five parcels known as Camp 4. At that juncture, the Tribal Consolidation Area (TCA) was a matter for consideration and the Fee to Trust Application was premised on Camp 4 being part of a TCA. After the County of Santa Barbara provided its comments of October 31, 2013, the Interior Board of Indian Appeals vacated approval of the TCA and the Tribe withdrew it from consideration.

On November 25, 2013, the County of Santa Barbara received a copy of the Application for Transfer of Title for Fee Lands Into Trust Submitted by the Santa Ynez Band of Chumash Mission Indians which includes an amended and revised narrative for the Camp 4 Fee to Trust Application (Amended Fee to Trust Application). In order to ensure that the County of Santa Barbara's comments are reflective of the Amended Fee to Trust Application, this comment letter is now submitted. All comments are in accordance with 25 Code of Federal Regulations (CFR) Section 151. The County opposes this trust acquisition because of the substantial and significant potential negative impacts which may result as a direct result of removal of the property from the County's tax roll and jurisdiction, including conflicts of land use and the loss of revenues needed to support public services.

Introduction

On November 25, 2013 the County of Santa Barbara officially received notification of the Amended Fee to Trust Application submitted in November 2013 by the Santa Ynez Band of Chumash Mission Indians to the United States Department of the Interior (DOI), Bureau of Indian Affairs (BIA), for the property commonly referred to as Camp 4. The BIA is seeking comments regarding the proposed trust land acquisition in order to obtain sufficient data that would enable an analysis of the potential impacts on County government, which may result from the removal of Camp 4 from the tax roll and local jurisdiction. The BIA indicated that comments must be received within thirty days of receipt of the notice.

The Code of Federal Regulations pertaining to requests to have lands taken in trust, 25 CFR Section 151.10, addresses "on-reservation acquisitions" and 25 CFR Section 151.11 addresses "off-reservation acquisitions." Sections 151.10 and 151.11 both allow the County to provide written comments about the

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proposed acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments.

This response includes in more detail within:

- Section 151.10(e), both directly and through Section 151.11(d): impacts resulting from removal of the land from the tax rolls; and
- Section 151.10(f), both directly and through Section 151.11(d): as jurisdictional problems and potential conflicts of land use which may arise.

It is the County's position that the Amended Fee to Trust Application must be processed and evaluated in accordance with regulations addressed in 25 CFR Section 151.11 for "off-reservation acquisitions" because none of the property is adjacent and contiguous to current reservation boundaries.

Background

The County of Santa Barbara (County) recognizes the role and unique interests of tribes, states, counties and other local government to protect all members of their communities and to provide governmental services and infrastructure benefits to all. In addition, the County recognizes and respects the tribal right of self-governance, to provide for tribal members and to preserve traditional tribal culture and heritage. In similar fashion, the County recognizes and promotes its own self-governance to provide for the health, safety and general welfare of all residents of our communities.

Under the fee-to-trust (FTT) process outlined in Federal Regulations tribes may request the federal government to take additional land owned by them in fee into trust. This FTT transfer process converts land from private or individual title to federal title, holding it in trust for exclusive use by an American Indian Tribe and removing it from local regulatory jurisdiction. As a result, the land becomes exempt from state and local government taxes and land use regulations. In addition to the substantial financial losses to the County and other taxing entities, the status of trust land often creates jurisdiction confusion in law enforcement, land use planning, social service delivery and emergency services. Additionally, the loss of local control can result in land uses that conflict with the County's General Plan, Community Plans, and surrounding uses. This loss of local control to regulate land uses without appropriate mitigation can congest county/state roadways, impact water quality in waterways, reduce water supply to adjacent properties, degrade habitat, air quality and the environment and create public nuisance complaints.

Significant Loss of Tax Revenue

The County currently provides major public services to the property proposed for trust acquisition in the Amended Fee to Trust Application. These services include law enforcement, fire protection, emergency medical response, and roadway access and maintenance. With the development anticipated in the proposed project, the need for these services and many others will be expanded. Moving the property from fee ownership into trust, however, will remove it from the tax rolls. The result will be significant loss of local tax revenue for the County, schools, and other taxing entities. As this property is developed, the tax value will increase exponentially and the County will suffer a substantial loss of tax revenue with no corresponding mitigation.

Per the County Assessor, the 2012/13 assessed value on the Camp 4 parcels, under the Williamson Act Contract (agreement for the property to remain in agriculture), was \$8.3 million with an estimated tax of \$83,000 (1%). The current assessed value, without the Williamson Act Contract, is \$34 million with an estimated tax of \$340,000. Assuming no additional development of the property, if the land is taken into trust and removed from the tax rolls, the county will lose nearly \$35 million over 50 years. Under the proposed Alternative #1, principally residential, the county would lose more than \$311 million over 50 years. Under proposed Alternative #2 (residential and tribal facilities) the County would lose nearly \$275 million in property taxes and an unknown additional amount of sales tax generated by the Community Center and Banquet Hall/Exhibition facility.

Cumulative Estimated Property Tax Loss - Camp 4
Tax Value (1% of Assessed Value)
(dollars in millions)

	Current	Year 5	Year 10	Year 20	Year 50
Existing uses - (w/o Williamson Act)	\$.34	\$ 1.84	\$ 4.15	\$ 9.8	\$ 34.9
Alternative #1 – 5 Acre parcels	\$ 3.8	\$ 19.8	\$ 42.0	\$ 94.0	\$311.4
Alternative #2 – 1 Acre parcels	\$ 3.1	\$ 16.2	\$ 34.5	\$ 78.2	\$273.8

Compatibility with the County’s General Plan, Santa Ynez Community Plan, and County land use regulations

Tribal applications to take land into federal trust often do not specify and limit the uses for the proposed site, and even when they do, a tribe is not bound to those uses once the land is taken into trust. This is the case with the Camp 4 project. Per the Tribe, the proposed uses include both development of a portion for housing as well as land-banking and holding land for future development. The development contemplated by the Tribe is likely the largest and most impactful in the entire Santa Ynez Valley. The proposed development is incompatible with the County's General Plan, Santa Ynez Community Plan, and County land use regulations. It should be noted that the Santa Ynez Valley Community Plan includes guidance that the County shall oppose the loss of jurisdictional authority over land within the Plan area where the intended use is inconsistent with the goals, policies and development standards of the Plan or in the absence of a satisfactory legally enforceable agreement.

It should also be noted that the uses specified in the application by the Tribe may be achieved, with the property remaining in fee, via the County's land use process to amend a Community Plan. In doing so, the amended Santa Ynez Community Plan addresses service, resource, and infrastructure capacities while accommodating development to a degree and in a manner which provides the greatest community welfare with the least public and private harm. Appropriate mitigation of any additional impacts is required. It is recognized and anticipated that the Tribe may choose to change the uses on the site, and once in trust the County has no regulatory authority to play a role in the approval of such uses.

Proposed Trust Acquisition is “off reservation”

The trust acquisition proposed in the Amended Fee to Trust Application encompasses over 1,400 acres and is zoned AG-II-100 (Agriculture, with a minimum parcel size of 100 acres). This property is under an existing Williamson Act Contract, which is a 10-year rolling contract enabling property taxes to be substantially reduced in exchange for the land remaining in agriculture. The property has been preserved for agricultural use by a Williamson Act Contract since at least 1971. In August 2013, the Tribe submitted an application for non-renewal, meaning the contract will expire in December 31, 2022. On July 1, 2013, the Tribe passed Resolution 931 which requires compliance with the existing Williamson Act Contract until the contract expires. It is unlikely the contract can legally be removed by approval of the Amended Fee to Trust Application.

Finally, Camp 4 is located 1.75 miles from the Tribe’s Reservation and does not have any shared boundaries with the Reservation. Therefore the BIA must utilize the process for off-reservation discretionary trust acquisition. (25 CFR 151.11)

There is no need for additional land to be taken into Trust

Camp 4 is 1,433 acres located in the middle of the Santa Ynez Valley in Santa Barbara County, California, directly off of State Highway 154 between Baseline Avenue and Armour Ranch Road. The property is zoned exclusively for agriculture. The project proposes 143 residential dwellings ranging from 3,000 to 5,000 square feet as well as an on-site wastewater treatment plant, roads, and other infrastructure.

The Tribe currently has an approximately 138-acre Reservation located on the south side of Highway 246 in the Santa Ynez Valley, approximately 1.6 miles west of the intersection of Highways 246 and 154. Of the 138 acres, at least 26 acres currently has residential capacity, and 16 acres has economic development capacity. The Tribe has 136 tribal members and approximately 1,300 lineal descendants. The stated purpose of the Amended Fee to Trust Application is to provide housing for tribal members because the current Reservation is claimed to be insufficient in size.

In August 2013, the BIA released an Environmental Assessment for public review and comment. The Environmental Assessment identifies two Alternatives. Alternative A consists of 1,433 acres to be converted to 143 five-acre residential lots. A total of 793 acres would be covered by residential homes and transportation infrastructure. The project site would also include 300 acres of vineyards (256 existing and 44 acres dedicated for expansion), 206 acres of open space/recreational, 98 acres of riparian corridor and 33 acres of oak woodland conservation and 3 acres of Special Purpose Zone for utilities.

Alternative B consists of 143 one-acre residential lots for tribal members. The residential lots and roadways would cover approximately 194 acres of the project site. The project site would include 775 acres of open space/recreational use and 30 acres of Tribal Facilities and the same acreages of vineyard, riparian corridor and oak woodland conservation, and utilities. The Tribal Facilities include a Community Center with a Banquet Hall/Exhibition Facility, an office complex and tribal community space. The Community Center proposes 100 special events per year with potentially up to 1000 attendees at each of the special events. This equates to events two nights a week, with an increase of 2000 visitors to the Valley each week.

Based on the need for less than 200 of the over 1400 acres of the property to be used for housing and the fact that the proposed residential development could be processed via the County's land use development process, the County believes there is no need for additional land to be taken into trust. (25 CFR 151.11(o).) If the property remains in fee and is developed for the purposes proposed in the Amended Fee to Trust Application, it contributes to the financial strength of the entire community, including the Tribe, while respecting local concerns for development and avoiding jurisdictional and land use conflicts. Other residents of the county utilize and develop properties in compliance with local regulations. The Tribe must at least attempt to work with the County via the land development process placed on all residents prior to concluding that its only option for development is conversion of the property to trust. While the Tribe may want the BIA to approve moving the land to trust, it has not articulated a genuine need, or necessity arising from existing circumstances, nor has it articulated a satisfactory economic benefit, to justify transferring into trust land that the Tribe currently holds in fee.

Need for an Environmental Impact Statement

Factors to be considered with the Amended Fee to Trust Application should include the extent of the impacts from the proposed project and any proposed mitigation measures. To adequately evaluate the impacts, the County has identified the need for the environmental document to be elevated from the current level proposed by the BIA of an Environmental Assessment (EA) to an Environmental Impact Statement (EIS). An EIS is necessary to disclose all project components, accurately analyze all the project's potentially significant direct and cumulative impacts, and require substantial measures to mitigate or avoid them. An EIS is also necessary to evaluate a full range of alternatives including use of the County's standard land development process for property held in fee. Without an EIS that provides correct and complete information, neither the BIA nor the public can make a proper, informed evaluation of the proposed project. At a minimum, impacts to be considered should include:

- Compatibility with the County's General Plan, Santa Ynez Community Plan, and County land use regulations;
- Conversion of Agricultural Land and Agricultural Preserve (Williamson Act) Contract requirements;
- Provision of public safety services including law enforcement, fire protection, and emergency medical services;

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- Provision of other public services including schools, parks and recreation;
- Avoidance of negative impacts to water supplies, storm water quality, wastewater or solid waste management, biology, and air quality;
- Traffic capacity and circulation for vehicles, bicycles, and pedestrians; and
- Loss of taxes and special assessments used to fund countywide services.

County submitted its complete comments to the EA on October 7, 2013. A copy of the October 7 comments is attached to this letter.

In addition to the EA being an inadequate environmental review for the proposed project, the EA at issue is now further and even more fundamentally flawed. The EA supporting the Amended Fee to Trust Application was completed in August 2013 and is premised on the now withdrawn and vacated TCA. Therefore, it is no longer based on accurate or complete information concerning the Amended Fee to Trust Application. For example, the proposed alternatives in Section 2.0 of the EA are analyzed within the context of there being a TCA, which clearly does not exist. Accordingly, the EA should be withdrawn and the proper environmental review – an EIS – conducted in order to satisfy the requirements of the National Environmental Policy Act.

Conclusion

The County requests that the Amended Fee to Trust Application be denied and that the Tribe be directed to process any and all development proposals utilizing the County's land development process which is available to all property owners.

The project currently proposed by the Amended Fee to Trust Application conflicts with the County's General Plan, Santa Ynez Community Plan, and County land use regulations. In addition the Amended Fee to Trust Application cannot be adequately evaluated in the absence of an Environmental Impact Statement. Further, it does not demonstrate the necessary justification for the BIA to acquire the land into trust. The Tribe has not stated a real need for additional land to be taken into trust and removed from the tax rolls and local jurisdiction. If the land is taken into trust, the County will lose substantial tax revenue, while at the same time experiencing an increased demand for its services and infrastructure.

Thank you for the opportunity to comment on the Amended Fee to Trust Application. If you have any questions concerning this comment please contact Dennis Bozanich, Assistant to the County Executive Officer, at 805-568-3400 or Dbozanich@co.santa-barbara.ca.us.

Sincerely,



Mona Miyasato
County Executive Officer

cc: Members of the Board of Supervisors
Congresswoman Lois Capps, California 24th Congressional District
Senator Dianne Feinstein
Senator Barbara Boxer
Congressman Doc Hastings, Natural Resources Committee Chair
Thomas Walters, Walters and Associates
Sam Cohen, Santa Ynez Band of Chumash

EXHIBIT B

Notice of Adoption and Approval

To:

Office of Planning and Research
1400 Tenth St., Rm 113
Sacramento, CA 95814

Board of Supervisors
County of Santa Barbara
105 East Anapamu Street, Room 406
Santa Barbara, CA 93101

Interested Parties

From:

Santa Ynez Band of Chumash Indians
100 Via Juana Lane
Santa Ynez, CA 93460
(805) 688-7997

SUBJECT: Filing of Notice of Adoption and Approval

State Clearinghouse Number: 2014071051

Project Title: Chumash Hotel Expansion Project

Project Proponent: Santa Ynez Band of Chumash Indians, Business Committee

Project Location: Santa Ynez Band of Chumash Indians Reservation, 100 Via Juana Lance, Santa Ynez, CA 93460

Project Description: The Santa Ynez Band of Chumash Indians (Tribe) proposes to expand and renovate the existing Chumash Casino Resort on reservation lands in Santa Barbara County, California. The proposed project includes the following components: addition of up to 215 hotel guest rooms; addition of up to 584 parking spaces; expansion of the casino area to ease overcrowding; and renovation of the existing casino and hotel to address overcrowding and circulation issues.

This is to advise that the Business Committee on behalf of the Santa Ynez Band of Chumash Indians has approved the Final Environmental Evaluation for the above-described project and adopted the mitigation presented therein on September 10, 2014 and has made the following determinations regarding the above-described project.

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Evaluation was prepared for this project pursuant to the provisions of the Tribal State Gaming Compact and the Tribe's Ordinance No. 4 "Off-Reservation Environmental Impacts" and it was found that the above-described project:
 - Can proceed as designed with recommended mitigation.
 - Requires additional mitigation measures recommended by the Business Council before it can proceed.
 - Is remanded back to the environmental review process for additional analysis.
3. Approvals [were were not] made pursuant to the provisions of the Tribal-State Gaming Compact and the Tribe's Ordinance No. 4 "Off-Reservation Environmental Impacts".

This is to certify that the Final EE with comments and responses is available at:

www.chumashEE.com

Signature: _____

Title: _____

Date: _____

9-22-14

TRIBAL CHAIRMAN

EXHIBIT C

Executive Department

State of California

EXECUTIVE ORDER B-29-15

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

WHEREAS a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified herein.

SAVE WATER

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.
3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.
4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.
5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.
6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.

8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

INCREASE ENFORCEMENT AGAINST WATER WASTE

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.
10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.
12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.

13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.
14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.
15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.
16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

INVEST IN NEW TECHNOLOGIES

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

STREAMLINE GOVERNMENT RESPONSE

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.
19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.

20. The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and the Department of Fish and Wildlife at locations within the Sacramento - San Joaquin delta estuary. These barriers will be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for essential human health and safety uses in 2015 and in the future.
21. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals for the purpose of installation of the Emergency Drought Salinity Barriers.
22. The Department shall immediately consider voluntary crop idling water transfer and water exchange proposals of one year or less in duration that are initiated by local public agencies and approved in 2015 by the Department subject to the criteria set forth in Water Code section 1810.
23. The Water Board will prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages. As the Department of Public Health's drinking water program was transferred to the Water Board, any reference to the Department of Public Health in any prior Proclamation or Executive Order listed in Paragraph 1 is deemed to refer to the Water Board.
24. The California Department of Forestry and Fire Protection shall launch a public information campaign to educate the public on actions they can take to help to prevent wildfires including the proper treatment of dead and dying trees. Pursuant to Government Code section 8645, \$1.2 million from the State Responsibility Area Fire Prevention Fund (Fund 3063) shall be allocated to the California Department of Forestry and Fire Protection to carry out this directive.
25. The Energy Commission shall expedite the processing of all applications or petitions for amendments to power plant certifications issued by the Energy Commission for the purpose of securing alternate water supply necessary for continued power plant operation. Title 20, section 1769 of the California Code of Regulations is hereby waived for any such petition, and the Energy Commission is authorized to create and implement an alternative process to consider such petitions. This process may delegate amendment approval authority, as appropriate, to the Energy Commission Executive Director. The Energy Commission shall give timely notice to all relevant local, regional, and state agencies of any petition subject to this directive, and shall post on its website any such petition.

26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.
27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.
28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.
29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.
30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.

31. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 1st day of April 2015.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXHIBIT D

ENVIRONMENTAL EVALUATION
SANTA YNEZ BAND OF CHUMASH INDIANS
HOTEL EXPANSION PROJECT



JULY 2014

LEAD AGENCY:

Santa Ynez Band of Chumash Indians
100 Via Juana Lane
Santa Ynez, CA 93460
(805) 688-7997
www.santaynezchumash.org



ENVIRONMENTAL EVALUATION
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PREPARED BY:

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(916) 447-3479
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- Appendix A – Environmental Impact Analysis Checklist
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SECTION 1.0

INTRODUCTION

1.1 INTRODUCTION

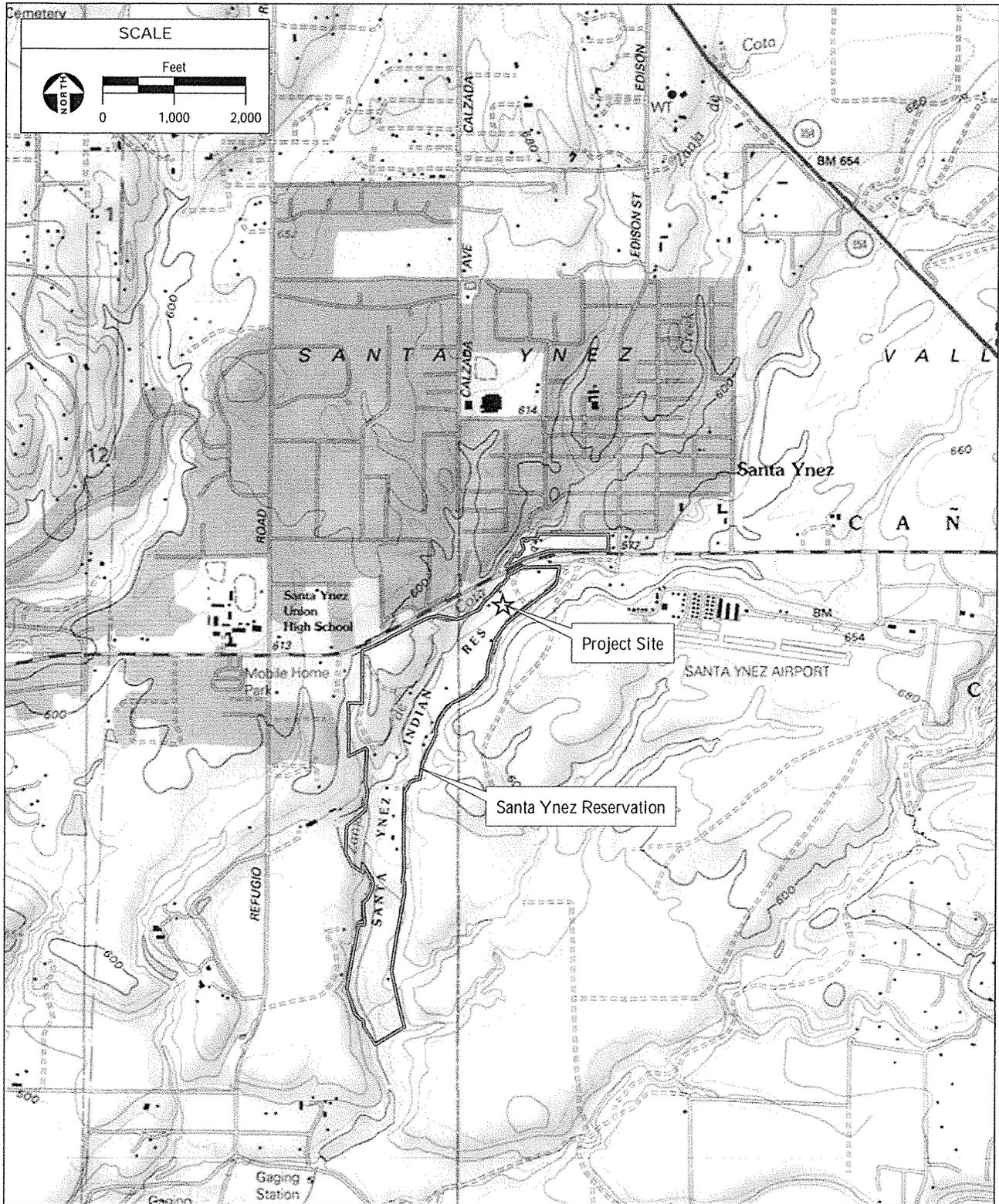
The Santa Ynez Band of Chumash Indians (Tribe) proposes to expand the hotel and expand/modify portions of the Chumash Casino Resort located on Reservation lands in Santa Barbara County, California (Proposed Project). The regional location of the Proposed Project site is shown in **Figure 1-1**, and a site and vicinity topographical map is shown in **Figure 1-2**. The Proposed Project will be constructed in a single phase and will involve the activities described below:

- Addition of up to 215 new hotel guest rooms;
- Addition of 584 parking spaces;
- Expansion of the casino area to ease existing overcrowding; and
- Renovation of the existing casino and hotel to address overcrowding and circulation issues.

The Tribal-State Gaming Compact (Compact) required that the Tribe adopt an environmental ordinance providing for the preparation, circulation, and consideration by the Tribe of environmental reports concerning potential off-Reservation environmental impacts of gaming-related Projects to be commenced on or after the effective date of the Compact. In addition, according to the Compact the Tribe shall:

- “Make a good faith effort to incorporate the policies and purposes of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) consistent with the Tribe’s governmental interests.”
- “Consult” with local jurisdictions (cities and counties), and if requested, “meet with them to discuss mitigation of significant adverse off-Reservation environmental impacts.”
- Make “good faith” efforts to mitigate off-Reservation impacts.

The Tribe enacted Ordinance No 4 “Off-Reservation Environmental Impacts” (Ordinance) in accordance with the Compact. The Ordinance establishes the mechanisms to comply with the Compact by providing procedures for the preparation, circulation, and consideration by the Tribe of environmental reports concerning potential off-Reservation environment impacts of on-Reservation Projects. In accordance with the Compact, the term “Project” is defined as “the commencement, on or after the effective date of the Tribal-State Gaming Compact, of any expansion or any significant renovation or modification of any existing gaming facility or any significant excavation, construction, or development associated with the



SOURCE: "Santa Ynez, CA" USGS 7.5 Minute Topographic Quadrangle, T7N & R29W, Unsectioned Area of Santa Ynez, Mt. Diablo Baseline & Meridian; Santa Barbara County GIS Data, 2012; AES, 2014

Figure 1-2
Site and Vicinity

existing Gaming Facility or proposed Gaming Facility.” In accordance with the Ordinance, the Proposed Project constitutes a “Project.”

1.2 BACKGROUND

The Santa Ynez Reservation was first established in 1906. The Tribe is the only “band” of Chumash people that are federally recognized as an “Indian Nation.” The Reservation is located adjacent to the community of Santa Ynez, 3.5 miles east of the City of Solvang, and 25 miles northeast of the City of Santa Barbara. The current Reservation consists of approximately 144 acres of land held in trust by the federal government for the Tribe. The Reservation is 0.2 mile west of the Santa Ynez Airport.

1.3 PURPOSE AND NEED FOR THE PROPOSED PROJECT

Implementation of the Proposed Project would assist in meeting the following objectives:

- Improve the socioeconomic status of the Tribe by providing an augmented revenue source that could be used to strengthen the Tribal government; improve existing Tribal housing; provide new Tribal housing; fund a variety of social, governmental, administrative, educational, health and welfare services to improve the quality of life of Tribal members; and to provide capital for other economic development and investment opportunities;
- Relieve overcrowded conditions at the existing facility;
- Provide additional amenities to the community and out-of-town guests; and
- Allow Tribal members to maintain their economic self-sufficiency.

1.4 EE PROCESS

This Environmental Evaluation (EE) was prepared in compliance with Section 10.8 of the Compact and the Tribe’s Ordinance, which requires that an environmental document be prepared before the commencement of construction of the Proposed Project. The Tribe will use this EE to determine if the Proposed Project would result in significant off-Reservation impacts to the environment and to mitigate identified impacts to the extent feasible and reasonable. The scope of this EE has been focused via the preparation of an Environmental Impact Analysis Checklist (Checklist) (**Appendix A**). The Checklist provides an initial assessment of the potential significant off-Reservation environmental impacts and determines which, if any, environmental issues merit further analysis. Potentially significant impacts identified in the checklist have been evaluated in detail in **Section 3.0** of this EE. This EE identifies and analyzes potential off-Reservation environmental impacts attributable to the Proposed Project and recommends mitigation measures to eliminate or minimize these impacts. After completion of the EE, the document will be released to the County, the public, and the State Clearinghouse to facilitate public comment. After the close of the public comment period, the Tribe shall review and consider all comments received as the comments pertain to the EE. The Tribe will then determine whether and to

what extent mitigation measures are necessary or appropriate with respect to significant adverse off-Reservation environmental impacts, if any. In accordance with the Compact and Ordinance, the Tribe will make a good faith effort to mitigate significant adverse off-Reservation environmental impacts.

1.5 EE ORGANIZATION

This EE is organized as described below.

- **Section 1.0 – Introduction.** This section describes the purpose and organization of this EE and the EE preparation, review, and certification process.
- **Section 2.0 – Project Description.** This section describes the Proposed Project and outlines the objectives of the Proposed Project. Components of the Proposed Project are presented in this section, including design features to reduce anticipated potentially significant off-Reservation environmental impacts.
- **Section 3.0 – Environmental Analysis.** For each environmental resource area listed in the Checklist (**Appendix A**), this section describes the applicable regulatory setting for the Proposed Project and the existing off-Reservation environmental setting; discusses the potentially significant off-Reservation environmental impacts attributable to the construction and operation of the Proposed Project, including direct growth-inducing and cumulative off-Reservation impacts; and identifies mitigation measures for those impacts.
- **Section 4.0 –References.** This section provides a list of reference materials used to prepare the EE.
- **Appendices.** The appendices to this EE are listed in the Table of Contents and include the Checklist as well as technical studies prepared in support of the Proposed Project.

SECTION 2.0

PROJECT DESCRIPTION

2.1 PROJECT SETTING

The Santa Ynez Band of Chumash Indians (Tribe), a federally recognized sovereign Indian Tribe, proposes to expand its hotel and gaming facilities on the Tribe's Reservation (project site) located in Santa Barbara County (County). The Reservation is located within the Santa Ynez Valley, adjacent to the community (unincorporated township) of Santa Ynez and is approximately 25 miles northeast of the City of Santa Barbara, California. Regional access to the Reservation is provided by State Route (SR) 246, a major highway that connects on the west to Highway 101 and on the east to SR-154. The Reservation is located west of Edison Street and south of SR-246. The project site is relatively level at an elevation that varies from approximately 530 to 550 feet above mean sea level and consists primarily of previous developed areas. Two forks of Zanja de Cota Creek, the East Fork and the West Fork, bisect the Reservation in a generally north to south direction.

Off-Reservation land uses surrounding the project site primarily include SR-246 and residential developments. North of the casino structure is SR-246, followed by a 6.9-acre undeveloped trust parcel (which constitutes on-Reservation in accordance with the Tribe's Ordinance No 4 "Off-Reservation Environmental Impacts" [Ordinance]), with the Santa Ynez Park located immediately north of the 6.9-acre trust parcel. Due west of the project site is the West Fork of the Zanja De Cota Creek, the Tribe's Wildland Fire Department, and a Tribal housing subdivision, with off-Reservation residential lands beyond the western boundaries of the Reservation. Commercial uses are present to the east (gas station owned and operated by Tribe) and northeast (miscellaneous commercial). Residential areas of the community of Santa Ynez are also present northeast of the Reservation. Land uses south and southwest of the project site consist of agricultural lands. The East Fork of Zanja De Cota Creek is located southeast and confluences with the West Fork of Zanja de Cota Creek just south of the project site. East of the project site is the Santa Ynez Airport.

2.2 EXISTING SETTING

The facilities located on trust lands include the Chumash Casino Resort, Tribal homes, Tribal hall, education building, medical clinic, administration and storage facilities, dining facilities, and parking structures. Developed portions of the Reservation are clustered at the northern end of the property due to constraints associated with Zanja de Cota Creek. The existing Chumash Casino Resort consist of

approximately 285,600 square feet, including 2,000 slot machines, 46 table games, 14 poker tables, 800 bingo seats, and supporting dining space. The existing Chumash Casino Resort includes a 4-story hotel tower providing 106 rooms. In addition, there are currently 140 surface parking spaces and 1,817 parking spaces in two parking structures on the site. An aerial view of the existing Chumash Casino Resort is shown in **Figure 2-1**. The Chumash Casino Resort currently employs approximately 1,600 employees and is managed by the Tribe.

2.3 PROJECT CHARACTERISTICS

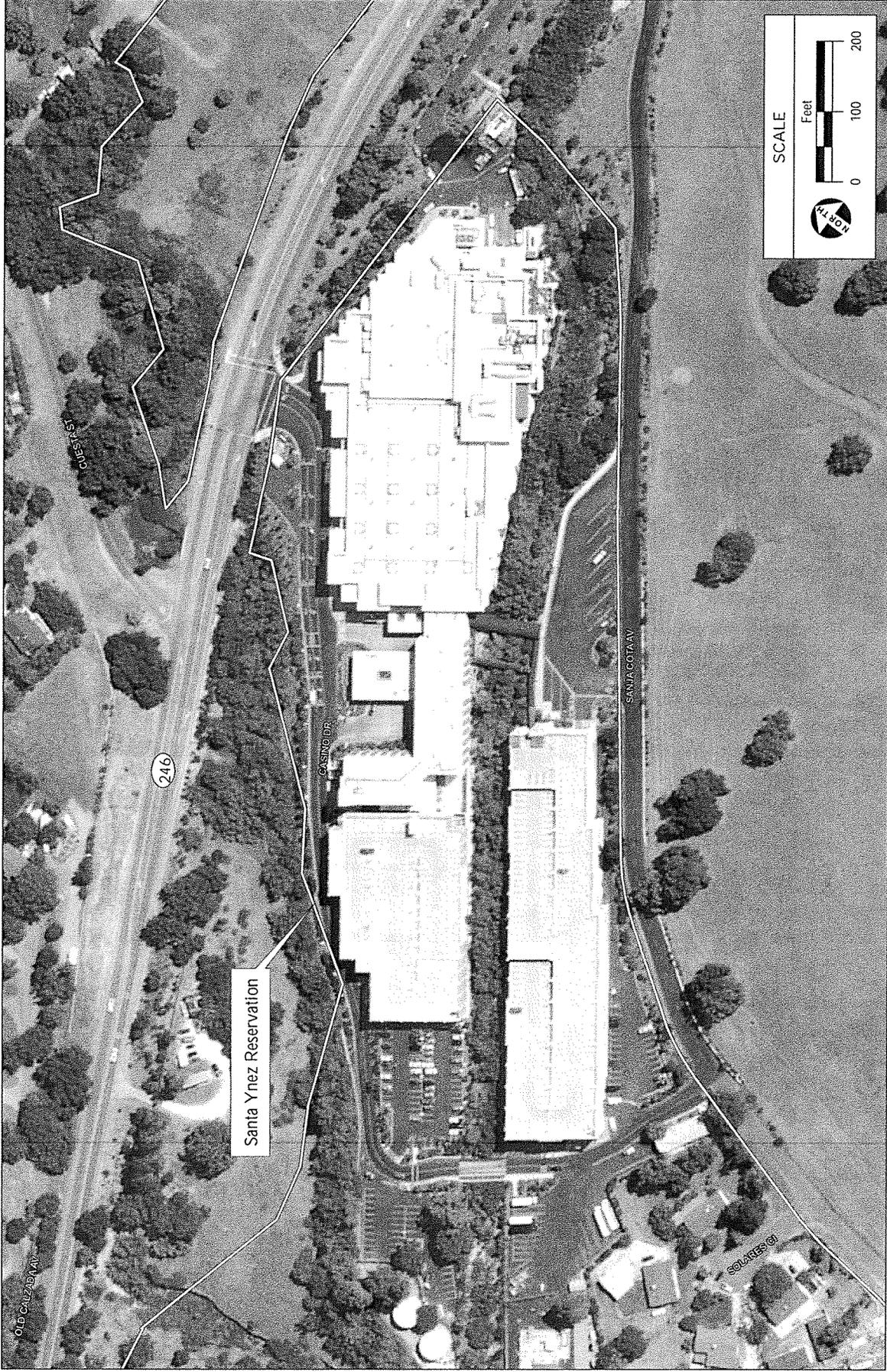
The Tribe proposes to add a new tower to the existing hotel, to renovate and expand the existing casino structure to replace and improve upon existing operations, and to construct additional structured parking adjacent to one of the existing parking structures. The proposed layout of the Proposed Project is shown in **Figure 2-2**. The project components are listed in **Table 2-1**.

TABLE 2-1
CHUMASH HOTEL EXPANSION PROJECT COMPONENTS

Component		Square Footage
New Facilities	Hotel (up to 215 Rooms)	190,000 SF
	New 12 Story Tower	150,000 SF
	New Meeting Room and Restaurant Space	15,000 SF
	New Hotel Rooftop Pool Deck	20,000 SF
	New Breezeway and Entry Enclosure	5,000 SF
	Casino	75,000 SF
	New Casino Area	45,000 SF
	New Back of House (BOH)/Administrative Space	30,000 SF
	New Parking Structure (Six-Tiers, Five Stories)	170,000 SF
Total New Facilities:		435,000 SF
Remodeled Facilities	Hotel	24,000 SF
	Existing Ground Level to be Remodeled	24,000 SF
	Casino	126,000 SF
	Major Renovation of Existing BOH and Casino	100,000 SF
	Fine Dining/Buffer Remodel	26,000 SF
Total Renovation:		150,000 SF

SOURCE: Delawie, 2014

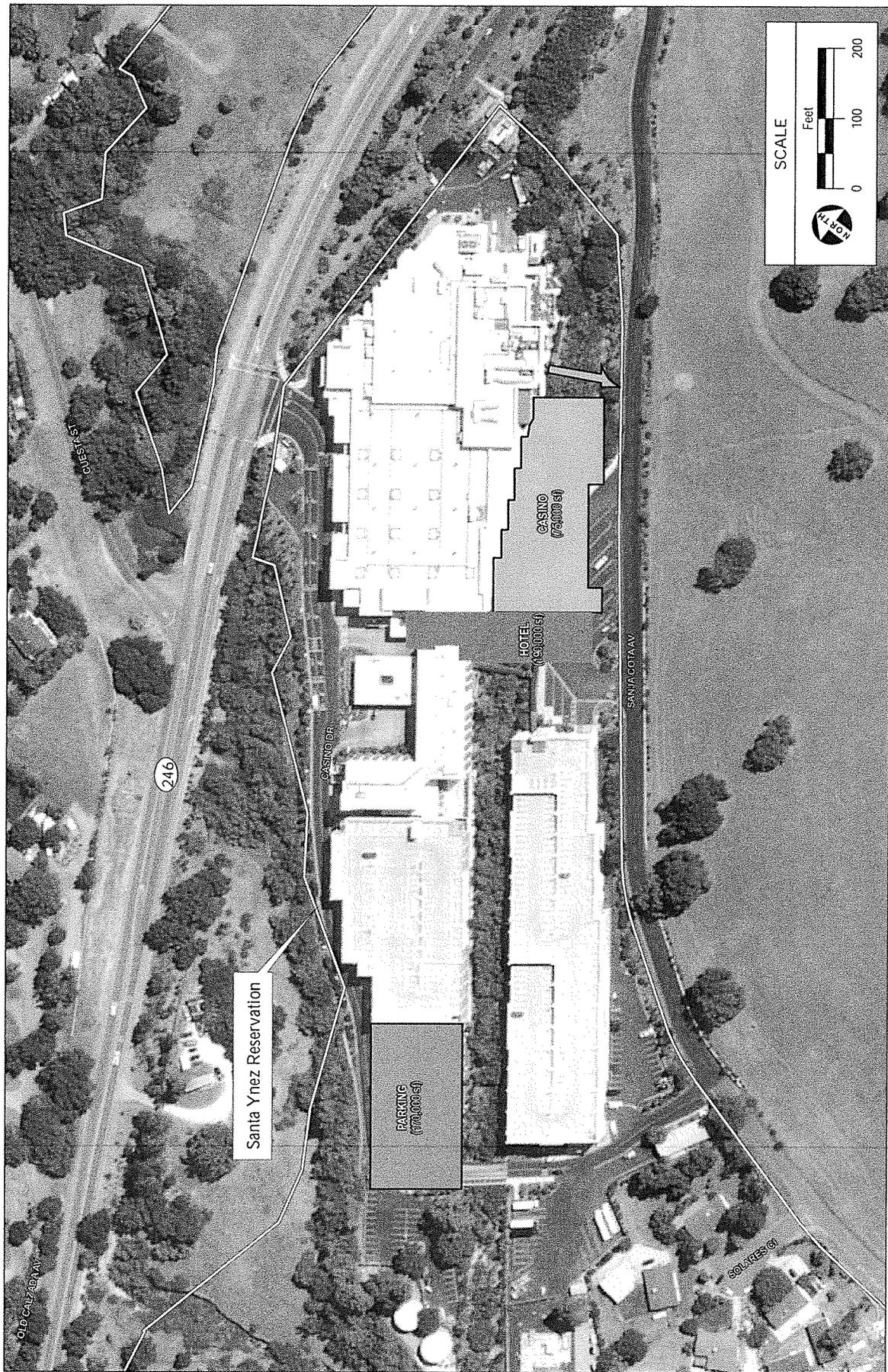
The Tribe is proposing to develop a new 12-story hotel tower to alleviate existing shortages of hotel rooms and retain more patrons for a longer period of time. The new hotel tower would be located perpendicular to the existing hotel and would span the East Fork of Zanja de Cota Creek to connect to the existing southern parking structure. The new hotel tower would include a maximum of 215 guest rooms and new meeting room and restaurant space, rooftop pool, and a new breezeway and entry enclosure. The Tribe would also renovate approximately 24,000 square feet (SF) on the ground level of the existing hotel to enhance the existing elements as well as maximize the utilization of the new hotel tower.



SOURCE: Tutor Perini Building Corp, 2014; Microsoft aerial photograph, 5/8/2010; AES, 2014

Chumash Hotel Expansion Environmental Evaluation / 201561

Figure 2-1
Aerial Photograph



SOURCE: Tutor Perini Building Corp., 2014; Microsoft aerial photograph, 5/8/2010; AES, 2014

Chumash Hotel Expansion Environmental Evaluation / 201561

Figure 2-2

Proposed Project Site Plan

To alleviate existing crowding in the casino and dining areas, the Tribe proposes to expand the casino structure, adding approximately 75,000 SF to the southeastern corner of the building. The new casino expansion would span the East Fork of Zanja de Cota Creek. The new casino expansion would include approximately 45,000 SF of additional casino area to improve patron circulation and patron experience by increasing the gaming area housing the existing 2,000 regulated gaming devices allowed by the Tribal-State Gaming Compact (Compact) and by providing additional space for food, beverage, and other amenities. Approximately 30,000 SF of additional back of house (BOH)/administrative space would be included in the casino expansion. In addition to the expansion, approximately 126,000 SF of the existing casino would be renovated to maximize the utilization of the expansion as well as increase capacity within the restaurant facilities. The expansion would include BOH and casino floor renovations along with the expansion of the buffet by moving the non-smoking casino and poker room to the main gaming level.

The Tribe would construct a new six-tier parking structure (five above-ground stories) providing an additional 584 parking stalls to accommodate the increase in patrons associated with the hotel addition. The proposed parking structure would be constructed atop the existing self-parking lot located adjacent to the existing northern parking structure.

The hotel and casino development features would be constructed in compliance with the 2012 Edition of the International Building Code (IBC), International Fire Code (IFC), International Plumbing Code (IPC), and other electrical, mechanical, and related codes in effect. In addition, the development would comply with the Federal Americans with Disabilities Act, P.L. 101-336, as amended, 42 U.S.C. Section 1201 et seq. Pursuant to the Compact, the Proposed Project would also comply with the following provisions:

- Development will be issued a certificate of occupancy by the Tribal Gaming Agency prior to occupancy;
- Tribal government will comply with the adopted standards that are no less stringent than state public health standards for food and beverage handling;
- Tribal government will comply with the adopted standards that are no less stringent than federal water quality and safe drinking water standards applicable in California;
- Tribal government will comply with the adopted standards that are no less stringent than federal workplace and occupational health and safety standards;
- Tribal government will comply with Tribal codes and other applicable federal law regarding public health and safety; and
- The Tribe will make reasonable provisions for adequate emergency, fire, medical, and related relief and disaster services for patrons and employees of the gaming facility.

paving, among other construction trades. Project construction would require from 20 to 200 construction workers on site, depending upon the phase of construction.

2.5 FUTURE OPERATION

The Proposed Project would require approximately an additional 250 employees. Upon completion, the renovated casino and hotel would serve approximately 10,000 patrons per day (up from the 8,800 current daily average).

3.11.2 CUMULATIVE OFF-RESERVATION ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT

Cumulative off-Reservation environmental impacts are those impacts which result from the incremental off-Reservation environmental impacts of the Proposed Project when added to other past, present, and probable future projects. Even if the Proposed Project's individual off-Reservation environmental impact is less than significant, the Proposed Project may have a "cumulatively considerable" impact once the Proposed Project's impacts are added to the impacts of other past, present, and probable future projects. The purpose of an analysis of cumulative effects is to ensure that the full range of off-Reservation consequences of the Proposed Project is acknowledged.

REGIONAL POPULATION GROWTH

Santa Barbara County (County) is expected to grow at a moderate pace averaging 3.0 percent per every 5 years through 2030, whereas the State is projected to average 4.8 percent growth per every 5 years through 2030 (Department of Finance, 2013). Future growth in the area would largely be consistent with the land use designations of the County General Plan and the zoning of the County Zoning Ordinance.

POTENTIAL CUMULATIVE PROJECTS

Near-Term cumulative conditions were established by reviewing the approved and under construction projects listed in the cumulative project database maintained by the County for projects within the Santa Ynez Valley (SBC, 2014) as well as by reviewing the Tribe's pending projects. **Table 3.11-1** presents a summary of the approved and pending near-term cumulative development within the Santa Ynez Valley. Any project that requires County or other local government approval is subject to the provisions of the California Environmental Quality Act (CEQA) as well as applicable permits, all of which would minimize significant environmental impacts of the projects. Similarly, other Tribal projects may be subject to the provisions of the National Environmental Policy Act (NEPA) and/or Tribal environmental laws and ordinances, all of which would minimize significant environmental impacts of Tribal projects.

TABLE 3.11-1
NEAR-TERM APPROVED/PENDING SANTA YNEZ VALLEY PROJECTS

Jurisdiction	Status	Use Type	New Residential Lots	New Commercial or Community Use Facility (square feet)
Tribal	Pending Environmental Review	Residential	143	12,000 ¹
	Approved	Commercial	0	42,000
County/Local	Approved	Conditional Use Permit	0	28
		Residential	37	0
		Wineries		19,818
	Under Construction	Residential	18	0

¹Depending on the environmental review process and the final approved project, the community facility component of this project may be eliminated.

SOURCE: SBC, 2014

implementation of the mitigation measures included in **Section 3.4.3**. The Proposed Project would not result in a cumulatively considerable impact to the off-Reservation public and/or environment related to wildland fires during construction.

Operation

The Proposed Project would involve use and storage of small amounts of hazardous materials for maintenance, similar to those at surrounding commercial facilities, as well as for operation of the MBR WRF. The Tribe would adhere to typical safety guidelines and standards when using potentially hazardous materials. Operation of the Proposed Project would not result in a cumulatively considerable impact to the off-Reservation public and/or environment through routine transport, use, or disposal of hazardous materials.

Operation of the Proposed Project would not increase the risk of wildland fire over existing conditions, as discussed in **Section 3.4.3**. The Proposed Project would not result in cumulatively considerable impacts concerning wildland fires during operations.

Noise

The methodology used to determine off-Reservation noise impacts from the Proposed Project under a cumulative scenario is the same as was used to determine noise off-Reservation in **Section 3.5.3**.

Construction

Construction noise that would be produced as a result of the Proposed Project is discussed in **Section 3.5.3**. Construction-related thresholds would be considered significant if an exceedance of Federal Highway Administration (FHWA) ambient noise level standards occurs at off-Reservation sensitive receptors. Individually, construction of the Proposed Project would not exceed FHWA construction noise thresholds (**Section 3.5.3**). The reasonably foreseeable projects identified in **Table 3.11-1** would not occur in the nearby vicinity of the project site, with the exception of the Tribal cultural center and commercial retail facility, which proposes approximately 42,000-square feet of commercial and community use space and an approximately 100-space parking lot to be located on approximately 6.9 acres north of State Route (SR) 246 across from the project site. Should construction occur at the same time, the simultaneous construction noise may contribute to an exceedance of FHWA ambient noise level standards at off-Reservation sensitive receptors. As discussed in the Environmental Assessment (EA) for the Tribal 42,000-square foot cultural center and commercial retail facility (**Table 3.11-1**) (AES, 2004), noise impacts could be minimized by limiting the hours of construction on the 6.9 acres. To ensure the noise associated with the construction of the Proposed Project does not contribute to a cumulative impact, mitigation is included below. Construction-related noise attributable to the Proposed Project is not cumulatively significant with mitigation.

Off-Reservation vibration noise levels of the Proposed Project were based on Caltrans guidelines as discussed in **Section 3.5.3**. Off-Reservation vibration would not exceed thresholds for significance

EXHIBIT E

RECORDING REQUESTED BY
FIRST AMERICAN TITLE



2015-0033526

Recorded	REC FEE	36.00
Official Records	TAX	16500.00
County of	CONFORMED COPY	2.00
Santa Barbara	NONCONFORM	24.00
Joseph E. Holland	SURVEY MONUMENT	10.00
County Clerk Recorder		

09:00AM 26-Jun-2015 | Page 1 of 8

RECORDING REQUESTED BY
AND WHEN RECORDED, RETURN AND
MAIL TAX STATEMENTS TO:

Santa Ynez Band of Mission Indians
P.O. Box 517
Santa Ynez CA 93460
Attn: Eldon Shiffman

AG 8972

APN Nos. 141-230-010, 013, 015, 017,
018, 019, 020, 021 and 022

(Above Space For Recorder's Use Only)

UD
8
cc Sur, noncon

GRANT DEED

MONUMENT SURVEY-\$10.00

The undersigned Grantor declares:

The amount of Documentary Transfer Tax due on this Grant Deed is \$ 16,500⁰⁰,
computed on the full value of the interest or property conveyed in the County of Santa Barbara.

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, SAN CARLOS LAND COMPANY N.V., a corporation organized under the laws of the Netherlands Antilles, who acquired title as SAN CARLOS LAND COMPANY N.Y., a corporation organized under the laws of the Netherlands Antilles, hereby grants to SANTA YNEZ BAND OF MISSION INDIANS, that certain real property in the County of Santa Barbara, State of California, which is more particularly described on Exhibit 1 attached hereto.

SUBJECT TO:

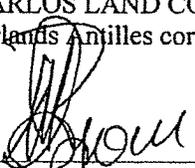
1. Current taxes and assessments, all liens and encumbrances of record that were recorded prior to the recordation of this Grant Deed in the Office of the Santa Barbara County Recorder.
2. All other matters that may be visible from an inspection of the Property or would be disclosed by an accurate survey of the Property.

*[Remainder of page intentionally left blank:
signature page follows]*

IN WITNESS WHEREOF, Grantor has caused this Grant Deed to be executed as of the _____ day of June, 2015.

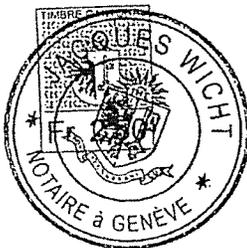
GRANTOR:

SAN CARLOS LAND COMPANY N.V.,
a Netherlands Antilles corporation

By: 
Name: DAVID BYROM
Its: DIRECTOR

Seen exclusively for the authentication of the overleaf signature of Mr David BYROM, based on a specimen signature filed in our office.

Geneva, the 15th of June 2015/vle.



APOSTILLE

(Convention de la Haye du 5 octobre 1961)

1. Pays: Suisse

Le présent acte public

2. a été signé par Jules Wicht

3. agissant en qualité de notaire

4. est revêtu du sceau/timbre de ll

Attesté

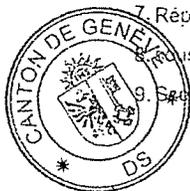
5. à Genève

6. le 16 JUIN 2015

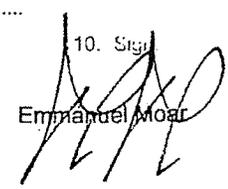
7. République et Canton de Genève

8. Actes N° 8741

9. Sceau / timbre



10. Signé


Emmanuel Moar

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of Santa Barbara, State of California, described as follows:

PARCEL A:

PARCEL 1 THROUGH 4, INCLUSIVE, OF PARCEL MAP NO. 12,909 FILED IN BOOK 23, PAGES 78 AND 79 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL B:

LOT 1 OF TRACT 12, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 21, 1978 AS INSTRUMENT NO. 78-43829 OF OFFICIAL RECORDS.

PARCEL C:

LOT 2 OF TRACT 12, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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PARCEL D:

LOT 3 OF TRACT 12, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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PARCEL E:

LOT 4 OF TRACT 12, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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PARCEL F:

LOT 5 OF TRACT 12, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE

COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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PARCEL G:

LOT 6 OF TRACT 12, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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PARCEL H:

LOT 7 OF TRACT 12, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 21, 1978 AS INSTRUMENT NO. 78-43842 OF OFFICIAL RECORDS.

PARCEL I:

LOT 8 OF TRACT 12, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 21, 1978 AS INSTRUMENT NO. 78-43843 OF OFFICIAL RECORDS.

PARCEL J:

LOT 9 OF TRACT 12, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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PARCEL K:

LOT 10 OF TRACT 12, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED FEBRUARY 3, 1978 AS INSTRUMENT NO. 78-5403 OF OFFICIAL RECORDS.

PARCEL L:

LOT 11 OF TRACT 12, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 21, 1978 AS INSTRUMENT NO. 78-43845 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING SOUTHERLY OF THE NORTHERLY LINE OF STATE HIGHWAY 246, AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED OCTOBER 20, 1970, IN BOOK 2324, PAGE 831 OF OFFICIAL RECORDS OF SAID COUNTY.

PARCEL M:

LOT 12 OF TRACT 12, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 21, 1978 AS INSTRUMENT NO. 78-43846 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING SOUTHERLY OF THE NORTHERLY LINE OF STATE HIGHWAY 246, AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED OCTOBER 20, 1970, IN BOOK 2324, PAGE 831 OF OFFICIAL RECORDS OF SAID COUNTY.

PARCEL N:

LOT 4 OF TRACT 16, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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ALSO EXCEPTING THEREFROM THAT PORTION THEREOF LYING NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF STATE HIGHWAY 154, AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED APRIL 2, 1968, IN BOOK 2227, PAGE 136 OF OFFICIAL RECORDS OF SAID COUNTY.

PARCEL O:

LOT 5 OF TRACT 16, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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PARCEL P:

LOT 12 OF TRACT 16, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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PARCEL Q:

LOT 13 OF TRACT 16, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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PARCEL R:

LOT 14 OF TRACT 16, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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PARCEL S:

LOT 21 OF TRACT 16, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 21, 1978 AS INSTRUMENT NO. 78-43853 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING SOUTHERLY OF THE NORTHERLY LINE OF STATE HIGHWAY 246, AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED OCTOBER 20, 1970, IN BOOK 2324, PAGE 831 OF OFFICIAL RECORDS OF SAID COUNTY.

PARCEL T:

LOT 22 OF TRACT 16, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 21, 1978 AS INSTRUMENT NO. 78-43851 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING SOUTHERLY OF THE NORTHERLY

LINE OF STATE HIGHWAY 246, AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED OCTOBER 20, 1970, IN BOOK 2324, PAGE 831 OF OFFICIAL RECORDS OF SAID COUNTY.

PARCEL U:

LOT 23 OF TRACT 16, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 21, 1978 AS INSTRUMENT NO. 78-43854 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING SOUTHERLY OF THE NORTHERLY LINE OF STATE HIGHWAY 246, AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED OCTOBER 20, 1970, IN BOOK 2324, PAGE 831 OF OFFICIAL RECORDS OF SAID COUNTY.

PARCEL V:

LOT 24 OF TRACT 16, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 21, 1978 AS INSTRUMENT NO. 78-43855 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING SOUTHERLY OF THE NORTHERLY LINE OF STATE HIGHWAY 246, AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED OCTOBER 20, 1970, IN BOOK 2324, PAGE 831 OF OFFICIAL RECORDS OF SAID COUNTY.

PARCEL W:

LOT 25 OF TRACT 16, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 21, 1978 AS INSTRUMENT NO. 78-43856 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING SOUTHERLY OF THE NORTHERLY LINE OF STATE HIGHWAY 246, AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED OCTOBER 20, 1970, IN BOOK 2324, PAGE 831 OF OFFICIAL RECORDS OF SAID COUNTY.

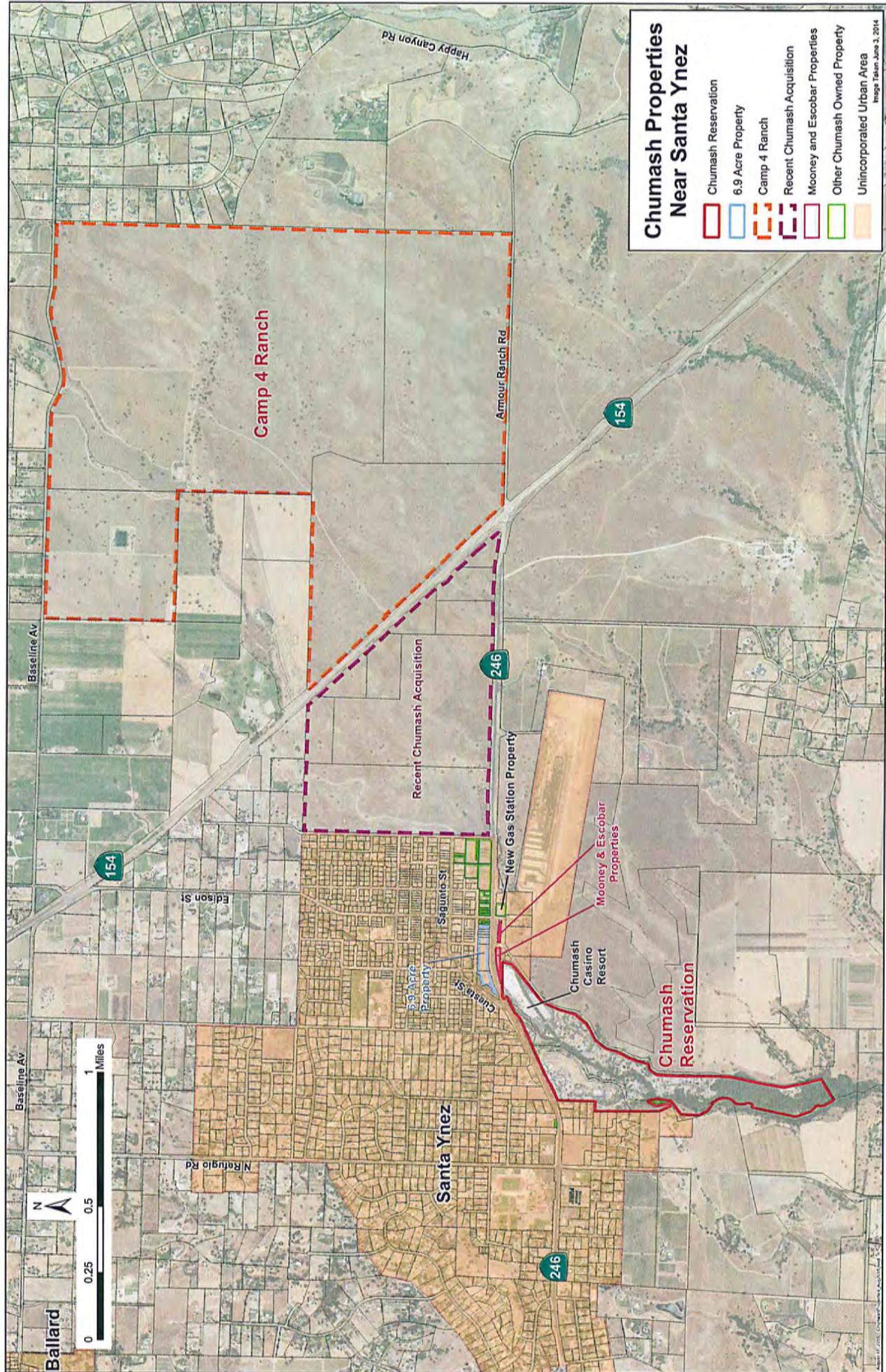
PARCEL X:

LOT 11 OF TRACT 16, OF THE RANCHO CANADA DE LOS PINOS OR COLLEGE RANCHO, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AUGUST 8, 1888, AS MAP 4, IN RACK 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED FEBRUARY 3, 1978 AS INSTRUMENT NO. 78-5404 OF OFFICIAL RECORDS.

ARN: 141-230-10
141-230-13
141-230-15
141-230-17
141-230-18
141-230-19
141-230-20
141-230-21
141-230-22

EXHIBIT F



Chumash Properties Near Santa Ynez

- Camp 4 Ranch
- Recent Chumash Acquisition
- Chumash Reservation
- 6.9 Acre Property
- Other Chumash Owned Property
- Mooney and Escobar Properties
- Unincorporated Urban Area

Ballard

Baseline Av

N Rotundo Rd

Edison St

Sagunto St

Chiesta St

Amour Ranch Rd

Happy Canyon Rd

154

246

246

154

0 0.25 0.5 1 Miles

North Arrow

Santa Ynez

Chumash Reservation

New Gas Station Property

Recent Chumash Acquisition

Camp 4 Ranch

Chumash Casino Resort

Mooney & Escobar Properties

6.9 Acre Property

EXHIBIT G

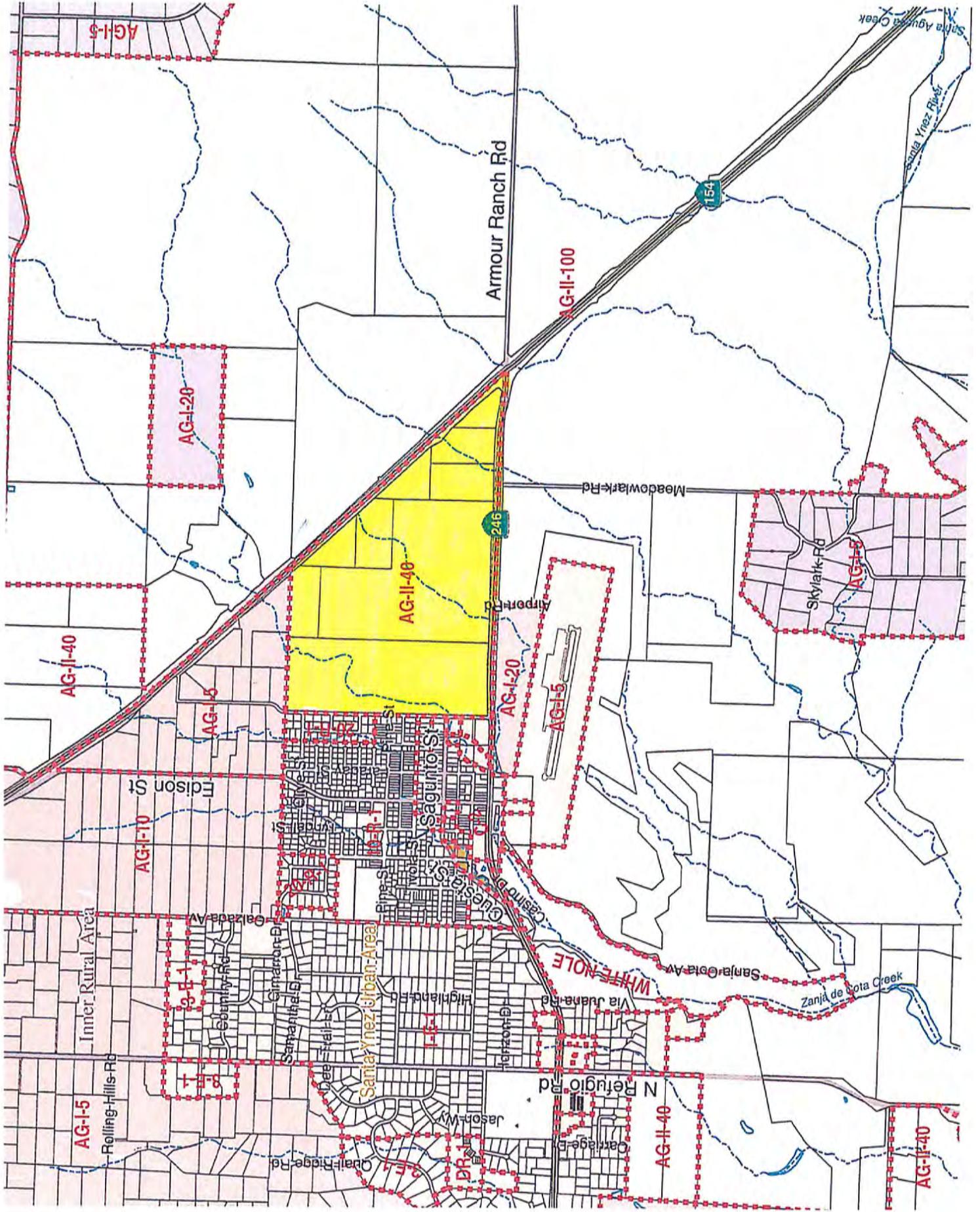


EXHIBIT H



COUNTY OF SANTA BARBARA

Planning and Development

Santa Barbara County Land Use & Development Code



Published December 2011

Updated December 2015

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CHAPTER 35.21 - AGRICULTURAL ZONES

Sections:

- 35.21.010 - Purpose
- 35.21.020 - Purposes of the Agricultural Zones
- 35.21.030 - Agricultural Zones Allowable Land Uses
- 35.21.040 - Agricultural Zones Lot Standards
- 35.21.050 - Agricultural Zones Development Standards

35.21.010 - Purpose

This Chapter lists the land uses that may be allowed within the Agricultural zones established by Section 35.14.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use and provides basic standards for site layout and building size.

35.21.020 - Purposes of the Agricultural Zones

The purposes of the individual Agricultural zones and the manner in which they are applied are as follows.

A. AG-I (Agricultural I) zone.

1. The AG-I zone is applied to areas appropriate for agricultural use within Urban, Inner Rural, Rural (Coastal Zone only), and Existing Developed Rural Neighborhood areas, as designated on the Comprehensive Plan maps. The intent is to provide standards that will support agriculture as a viable land use and encourage maximum agricultural productivity.
2. Within the Coastal Zone, the AG-I zone is intended to designate and protect lands appropriate for long term agricultural use within or adjacent to urbanized areas and to preserve prime agricultural soils.

B. AG-II (Agricultural II) zone.

1. The AG-II zone is applied to areas appropriate for agricultural land uses on prime and non-prime agricultural lands located within the Rural Area as shown on the Comprehensive Plan maps. The intent is to preserve these lands for long-term agricultural use.
2. Within the Coastal Zone, the AG-II zone is intended to provide for agricultural land uses on large properties (a minimum of 40- to 320-acre lots) with prime and non-prime agricultural soils in the rural areas of the County, and to preserve prime and non-prime soils for long-term agricultural use.

35.21.030 - Agricultural Zones Allowable Land Uses

- A. **General permit requirements.** Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) identifies the uses of land allowed by this Development Code in each Agricultural zone, and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-1 (Allowed Land Uses and Permit Requirements for the Agricultural Zones) includes a section number, the referenced Section may affect whether the use requires a Coastal Development Permit or a Land Use Permit, Development Plan, Minor Conditional Use Permit, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. **Development Plan approval required, Coastal Zone.** Within the Coastal Zone, Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required concurrent with the approval of a Coastal Development Permit for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval, and is 20,000 or

Table 2-2 - Minimum Lot Area/Building Site Area

Zoning Map Symbol	Minimum Gross Lot Area
AG-I-5	5 acres
AG-I-10	10 acres
AG-I-20	20 acres
AG-I-40	40 acres
AG-II-40	40 acres
AG-II-100	100 acres
AG-II-320	320 acres

35.21.050 - Agricultural Zones Development Standards

- A. **General development standards.** Development within the Agricultural zones shall be designed, constructed, and established in compliance with the requirements in Table 2-3 (AG-I and AG-II Zones Development Standards) below, and all applicable standards in Article 35.3 through Article 35.7 of this Development Code. These standards apply within the Coastal Zone and Inland area, except where noted.
- B. **Community Plan overlay requirements.** Section 35.28.210 (Community Plan Overlays) establishes additional requirements and standards that apply to development and uses located in an applicable community or area plan as specified in Section 35.28.210 (Community Plan Overlays).

Table 2-3 - AG-I and AG-II Zones Development Standards

Development Feature	Requirement by Zone	
	AG-I & AG-I (CZ) Agriculture I	AG-II & AG-II (CZ) Agriculture II
Residential density Maximum density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i> 1 one-family dwelling per lot; plus agricultural employee housing, residential agricultural units, and second units, where allowed by Table 2-1 and applicable standards provided that the lot complies with Section 35.21.040 (Agricultural Zones Lot Standards).	
Setbacks Front Side Rear Building separation	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>	
	50 ft from road centerline and 20 ft from edge of right-of-way.	50 ft from road centerline and 20 ft from edge of right-of-way.
	20 ft; 10% of lot width on a lot of less than 1 acre, with no less than 5 ft or more than 10 ft required.	None.
	20 ft; 25 ft on a lot of less than 1 acre.	None.
Height limit Maximum height	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i> 35 ft for a residential structure, no limit otherwise; Toro Canyon Plan area - 25 ft for a residential structure.	
Landscaping	See Chapter 35.34 (Landscaping Standards).	
Parking	See Chapter 35.36 (Parking and Loading Standards).	
Signs	See Chapter 35.38 (Sign Standards).	

- C. **Development standards for agricultural structural development that does not require the approval of a Final Development Plan.** In addition to the development standards listed in Subsections 35.21.050.A, above, all development associated with the construction of agricultural structural

CHAPTER 35.23 - RESIDENTIAL ZONES

Sections:

- 35.23.010 - Purpose
- 35.23.020 - Purposes of the Residential Zones
- 35.23.030 - Residential Zones Allowable Land Uses
- 35.23.040 - Residential Zones Lot Standards
- 35.23.050 - Residential Zones Development Standards
- 35.23.060 - DR Zone Standards
- 35.23.070 - EX-1 Zone Standards
- 35.23.080 - MHP Zone Standards
- 35.23.090 - MHS Zone Standards
- 35.23.100 - PRD Zone Standards
- 35.23.110 - SLP Zone Standards
- 35.23.120 - SR-M and SR-H Zones Standard
- 35.23.130 - MR-O Zone Standards

35.23.010 - Purpose

This Chapter lists the land uses that may be allowed within the residential zones established by Section 35.14.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use and provides basic standards for site layout and building size.

35.23.020 - Purposes of the Residential Zones

The purposes of the individual residential zones and the manner in which they are applied to the Inland area and the Coastal Zone of the County are as follows.

- A. **RR (Rural Residential) Coastal Zone.** The RR zone is applied within the Coastal Zone within Rural Areas as designated on the Coastal Land Use Plan maps that are generally of marginal agricultural value where low density residential and agricultural uses are appropriate. This zone is intended to preserve the rural character of an area and provide for low density residential development.
- B. **RR (Residential Ranchette) Inland area.** The RR zone is applied within the Inland area within Urban, Inner-Rural and Existing Developed Rural Neighborhood area as designated on the Comprehensive Plan maps where low density residential and agricultural uses are appropriate. This zone is intended to preserve the character of an area and to minimize the services required by providing for low density residential development.
- C. **R-1/E-1 (Single Family Residential) zone.** The R-1 and E-1 zones are applied to areas appropriately located for one-family living at a reasonable range of population densities, consistent with sound standards of public health, safety, and welfare. This zone is intended to protect the residential characteristics of an area and to promote a suitable environment for family life.
- D. **EX-1 (One-Family Exclusive Residential) zone.** The EX-1 zone is applied to areas appropriate for high standards of residential estate development on lots larger than one acre. The intent is to ensure that development protects the residential character of the area and is consistent with sound standards that promote public health, safety, and welfare.
- E. **R-2 (Two-Family Residential) zone.** The R-2 zone is applied to areas appropriate for residential development in the form of two-family dwellings (duplexes) and to maintain a residential character similar to that of one-family neighborhoods. This zone is intended to ensure the compatibility of duplex development with surrounding multiple and one-family dwellings and neighborhoods.
- F. **DR (Design Residential) zone.** The DR zone is applied to areas appropriate for one-family, two-family,

Table 2-9 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	SLP	SR-M CZ	SR-H CZ	MHP	MHP CZ	MHS	

WATER SUPPLY & WASTEWATER FACILITIES

Bulk water importation facilities	—	CUP	CUP	—	CUP	—	
Desalination facility, less than 15 connections	—	MCUP	MCUP	—	MCUP	—	
Desalination facility, 15 to less than connections	—	CUP	—	—	CUP	—	
Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	P(3)	P	P	P(3)	P	P(3)	
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or greater	P(3)	MCUP	MCUP	P(3)	MCUP	P(3)	
Reservoir, less than 20,000 sf of total development	P	P	P	P	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	MCUP	MCUP	P	MCUP	P	
Reservoir, 50,000 sf or more of total development	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Wastewater treatment system, individual, alternative	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Wastewater treatment system, individual	E	P	P	E	P	E	
Wastewater treatment facility, less than connections	CUP	CUP	CUP	CUP	CUP	CUP	
Water diversion project	P	MCUP	MCUP	P	MCUP	P	
Water extraction, commercial	CUP	CUP	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station (4)	—	P	P	—	P	—	
Water system with 1 connection	E	P	P	E	P	E	
Water system with 2 to less than 5 connections	P	MCUP	MCUP	P	MCUP	P	
Water system with 5 or more connections (5)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Water trucking facility, commercial	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Water well, agricultural	—	P	P	—	P	—	

Key to Zone Symbols

SLP	Small Lot Planned Development	MHP	Mobile Home Planned Development
SR-M	Medium Density Student Residential	MHS	Mobile Home Subdivision
SR-H	High Density Student Residential	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) Limited to wastewater pipelines; see Article 35.5 for development standards.
- (4) In the Inland area, such facilities are allowed in compliance with the required planning permit to which the water or sewer pump or lift station is accessory.
- (5) In the Coastal Zone, limited to less than 200 connections.

35.23.040 - Residential Zones Lot Standards

A. Minimum lot size.

1. **Minimum area and width.** Each lot in a proposed subdivision shall comply with the minimum lot area and width requirements in Table 2-10 (Minimum Lot Size and Minimum Building Site Area). Area requirements are gross or net as noted, minimum lot widths are gross or net, as noted. (Note that lot width is defined differently in the EX-1 zone than other zones, see the definition of “Lot Width, Gross” in Article 35.11 (Glossary)).
2. **Minimum depth.** Minimum lot depth shall be determined by the review authority through the subdivision approval process; except that minimum lot depth in the SLP zone shall be 80 feet.

- B. Minimum building site area for residential use.** Each primary dwelling and its allowed accessory structures shall be located on a lot with the minimum area and width shown in Table 2-10 (Minimum Lot Size and Minimum Building Site Area), except that:
1. A dwelling and its accessory structures and uses may be located on a lot of less area, except for a fraction lot; and
 2. A dwelling and its accessory structures and uses may be located on a lot of less width.
- C. Minimum building site area for residential use - Summerland.** Within the Summerland Community Plan area, a minimum net lot area of 10,000 square feet is required for the development of a two-family dwelling in a 10-R-2 zone, instead of the minimum building site area required by Subsection B. (Minimum building site area for residential use) above.

Table 2-10 - Minimum Lot Size and Minimum Building Site Area

Zoning Map Symbol	Minimum Lot and Building Site Area	Minimum Lot Width	Zoning Map Symbol	Minimum Lot and Building Site Area	Minimum Lot Width
RR-5	5 acres gross	250 ft gross	1.5-EX-1	1.5 acres gross	150 ft gross (1)
RR-10	10 acres gross	250 ft gross	2.5-EX-1	2.5 acres gross	200 ft gross (1)
RR-15	15 acres gross	250 ft gross	3.5-EX-1	3.5 acres gross	225 ft gross (1)
RR-20	20 acres gross	250 ft gross	7-R-2	7,000 sf net	65 ft net
RR-40	40 acres gross	250 ft gross	8-R-2	8,000 sf net	75 ft net
RR-100	100 acres gross	250 ft gross	10-R-2	10,000 sf net	80 ft net
7-R-1	7,000 sf net	65 ft net	12-R-2	12,000 sf net	80 ft net
8-R-1	8,000 sf net	75 ft net	15-R-2	15,000 sf net	90 ft net
10-R-1	10,000 sf net	80 ft net	20-R-2	20,000 sf net	100 ft net
12-R-1	12,000 sf net	80 ft net	30-R-2	30,000 sf net	110 ft net
15-R-1	15,000 sf net	90 ft net	DR (2)	Determined by Final Development Plan	
20-R-1	20,000 sf net	100 ft net	PRD	None; see 35.23.100	
1-E-1	1 acre gross	120 ft net	SLP	4,000 sf net	50 ft net
2-E-1	2 acres gross	150 ft net	SR-M	7,000 sf net	65 ft net
3-E-1	3 acres gross	210 ft net	SR-H	7,000 sf net	65 ft net
5-E-1	5 acres gross	270 ft net	MHP	See Section 35.23.080	
10-E-1	10 acres gross	380 ft net	MHS	See Section 35.23.090	
			MR-O	See Section 35.23.130	

Notes:

- (1) Lot width is defined differently for the EX-1 zone than other zones. See the definition of "Lot Width, Gross" in Article 35.11 (Glossary).
- (2) The DR zoning map symbol is accompanied by a number that specifies the allowable number of units per gross acre, see Table 2-12 (DR Zone Maximum Density).

35.23.050 - Residential Zones Development Standards

- A. General development standards.** Development within the residential zones shall be designed, constructed, and established in compliance with the requirements in Table 2-11 (Residential Zones Development Standards) below and all applicable standards in Article 35.3 through Article 35.7 of this Development Code. These standards apply within the Coastal Zone and Inland area, except where noted.
- B. Community Plan overlay requirements.** Section 35.28.210 (Community Plan Overlays) establishes additional requirements and standards that apply to development and uses located in an applicable community or area plan as specified in Section 35.28.210 (Community Plan Overlays).

CHAPTER 35.24 - COMMERCIAL ZONES

Sections:

- 35.24.010 - Purpose
- 35.24.020 - Purposes of Commercial Zones
- 35.24.030 - Commercial Zones Allowable Land Uses
- 35.24.040 - Commercial Zones Development Standards
- 35.24.050 - CN, C-1, C-2, C-3, C-S, CH, and PI Zones Additional Standards
- 35.24.060 - C-V Zone Additional Standards
- 35.24.070 - CM - LA Zone Additional Standards
- 35.24.080 - SC Zone Additional Standards

35.24.010 - Purpose

This Chapter lists the land uses that may be allowed within the commercial zones established by Section 35.14.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use and provides basic standards for site layout and building size.

35.24.020 - Purposes of Commercial Zones

The purposes of the individual commercial zones and the manner in which they are applied are as follows.

- A. **C-1 (Limited Commercial) zone.** The C-1 zone is appropriate for both retail and service commercial activities that serve the local community and in the Coastal Zone, the traveling public as well. This zone allows diverse uses, yet restricts allowable uses to those that are also compatible with neighboring residential uses to protect residential uses from negative impacts, including noise, odor, lighting, traffic, or degradation of visual aesthetic values.
- B. **C-2 (Retail Commercial) zone.** The C-2 zone is appropriate for retail business and commercial needs including stores, shops, and offices supplying commodities or performing services for the residents of the surrounding community.
- C. **C-3 (General Commercial) zone.** The C-3 zone is applied to areas appropriate for wholesale and heavy commercial uses and services that are not suited to the commercial zones that accommodate lighter commercial uses. The intent is to provide for commercial uses in these areas while protecting adjacent uses from negative impacts including noise, odor, lighting, or traffic.
- D. **CH (Highway Commercial) zone.** The CH zone is applied to areas adjacent and accessible to highways or freeways appropriate for uses that serve the highway traveler.
- E. **CM-LA (Community Mixed Use - Los Alamos) zone.** The CM-LA zone applies to areas only within the Los Alamos Community Plan along the Bell Street Corridor. The purpose is to create a sense of place and provide certainty in the permitting process as to what is allowed within the Bell Street Commercial Core area. The result will be a vibrant mix of uses along Bell Street with retail on the ground floor fronting Bell Street and housing above and in buildings fronting secondary streets of the corridor.
- F. **CN (Neighborhood Commercial) zone.** The CN zone is applied to areas within residential neighborhoods appropriate for local retail or service businesses to meet daily needs for food, drugs, gasoline, and other incidentals of residents in the immediate area. The intent is to provide local serving commercial establishments while preserving the residential character of the area.
- G. **CS (Service Commercial) zone.** The CS zone is applied to areas appropriate for service commercial activities, including wholesale service and business facilities with ancillary offices and inside storage areas, which are more limited in scope than the range of uses permitted in the general commercial zones. The intent is to provide for commercial uses in these areas and ensure compatibility with and the protection of neighboring land uses from negative impacts including noise, odor, lighting, or traffic.

EXHIBIT I

Executive Department
State of California

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS the State of California is experiencing record drought conditions, which have persisted for the last four years; and

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS a lack of precipitation over the last four years has made trees in many regions of California susceptible to epidemic infestations of native bark beetles, which are constrained under normal circumstances by the defense mechanisms of healthy trees; and

WHEREAS these drought conditions and resulting bark beetle infestations across broad areas have caused vast tree mortality in several regions of the state, with the United States Forest Service estimating that over 22 million trees are dead and that tens of millions more are likely to die by the end of this year; and

WHEREAS recent scientific measurements suggest that the scale of this tree die-off is unprecedented in modern history; and

WHEREAS this die-off is of such scale that it worsens wildfire risk across large regions of the State, presents life safety risks from falling trees to Californians living in impacted rural, forested communities, and worsens the threat of erosion across watersheds; and

WHEREAS such wildfires will release thousands of tons of greenhouse gas emissions and other harmful air pollutants; and

WHEREAS the circumstances of the tree die-off, by reason of its magnitude, is or is likely to be beyond the control of the services, personnel, equipment and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the California Government Code, I find that conditions of extreme peril to the safety of persons and property exist within the State of California due to these events; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, section 8625 of the California Government Code, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist within the State of California.

IT IS HEREBY ORDERED THAT:

1. The Department of Forestry and Fire Protection, the California Natural Resources Agency, the California Department of Transportation, and the California Energy Commission shall immediately identify areas of the State that represent high hazard zones for wildfire and falling trees using best available science and geospatial data.
2. State agencies, utilities, and local governments to the extent required by their existing responsibilities to protect the public health and safety, shall undertake efforts to remove dead or dying trees in these high hazard zones that threaten power lines, roads and other evacuation corridors, critical community infrastructure, and other existing structures. Incidental vegetation such as shrubs that restrict access for safe and efficient removal of the dead and dying trees also may be removed. The Department of Forestry and Fire Protection shall issue emergency guidelines setting forth the relevant criteria, and the California Conservation Corps shall assist government entities in implementing this directive to the extent feasible.
3. The Department of Forestry and Fire Protection shall identify potential storage locations for removed trees across impacted areas in partnership with federal agencies and local jurisdictions.
4. The California Department of Transportation shall formally request immediate assistance through the Federal Highway Administration's Emergency Relief Program, Title 23, United States Code section 125, in order to obtain federal assistance for removal of dead and dying trees that are adjacent to highways.
5. The Department of General Services will identify state facilities, and the California Department of Transportation shall identify highway and road corridors, where woodchips produced from dead trees can be used as mulch.
6. The Governor's Office of Emergency Services and the Department of Forestry and Fire Protection shall work with impacted counties to distribute portable equipment across high hazard zones so that isolated communities can remove and process wood waste locally where appropriate.
7. The California Air Resources Board and the California Department of Forestry and Fire Protection shall work together and with federal land managers and the United States Environmental Protection Agency to expand the practice of prescribed burns, which reduce fire risk and avoid significant pollution from major wildfires, and increase the number of allowable days on a temporary basis to burn tree waste that has been removed in high hazard areas.

8. The California Public Utilities Commission shall utilize its authority to extend contracts on existing forest bioenergy facilities receiving feedstock from high hazard zones.
9. The California Public Utilities Commission shall take expedited action to ensure that contracts for new forest bioenergy facilities that receive feedstock from high hazard zones can be executed within six months, including initiation of a targeted renewable auction mechanism and consideration of adjustments to the BioMat Program defined pursuant to Public Utilities Code section 399.20. No later than six months after the BioMat program begins, the California Public Utilities Commission shall evaluate the need for revisions to the program to facilitate contracts for forest bioenergy facilities.
10. The California Public Utilities Commission shall prioritize facilitation of interconnection agreements for forest bioenergy facilities in high hazard zones, and shall order the use of expedited mediation or other alternative dispute resolution processes when conflicts delay development of projects.
11. The California Energy Commission shall prioritize grant funding from the Electric Program Investment Charge for woody biomass-to-energy technology development and deployment, consistent with direction from the California Public Utilities Commission.
12. The California Department of Forestry and Fire Protection, the California Energy Commission, and other appropriate agencies shall work with land managers to estimate biomass feedstock availability, storage locations, and volumes that may be available for use as bioenergy feedstock at existing and new facilities.
13. The California Department of Forestry and Fire Protection and the California Energy Commission shall work with bioenergy facilities that accept forest biomass from high hazards zones to identify potential funds to help offset higher feedstock costs.
14. The California Department of Resources Recycling and Recovery and the California Department of Forestry and Fire Protection will work with affected counties and existing wood product markets to determine the feasibility for expanded wood product markets in California.
15. For purposes of carrying out directives 1, 2, and 5 through 8, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions.

16. In order to ensure that equipment and services necessary for emergency response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended as necessary to carry out this Proclamation. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

17. For purposes of this Proclamation, Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of the Government Code is suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.

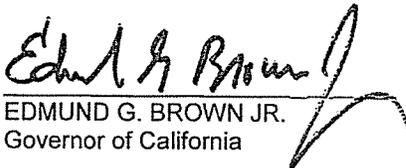
18. The Office of Emergency Services shall provide local government assistance as appropriate under the authority of the California Disaster Assistance Act, California Government Code section 8680 et seq. and California Code of Regulations, title 19, section 2900 et seq.

19. State agencies shall actively monitor tree removal efforts directed by this Proclamation to assess their effectiveness in protecting forest health and strengthening forest resilience.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I **FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 30th day of October 2015.


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXHIBIT J

****IMPORTANT NOTICE****

Stage 2 Critical Water Supply Shortage Emergency Declared - New Conservation Measures Enacted

July 20, 2015

Dear Customer:

First and foremost, on behalf of the Santa Ynez River Water Conservation District, Improvement District No.1 (ID No.1) Board of Trustees and staff, "THANK YOU" to those customers who have effectively responded to ID No. 1's call for voluntary water conservation measures of 20% since June 2014. Your efforts have allowed water service to continue without restrictions even though ID No.1's water supplies have been reduced as much as 55% from Lake Cachuma, 80% from the State, and 50% from groundwater sources during California's critical drought period. With your cooperation, we have been able to manage those sources of supply to get us through the past year.

However, because the extreme drought conditions continue to plague California, Governor Brown issued Executive Order B-29-15 on April 1st calling for State-wide mandatory water use reductions. The resulting action directed the State Water Resources Control Board to enact emergency conservation regulations effectuating the Governor's Executive Order by calling for a State-wide reduction of 25% in water use beginning June 1, 2015 and extending to February 2016. This State mandate requires ID No. 1 to attain a 25% reduction in water usage on a monthly basis compared to 2013 water use during the same months, or limit outdoor watering to two days per week which is anticipated to achieve the equivalent of the State's mandated reduction.

Fortunately, ID No. 1 customers have been doing their part by conserving since June 2014 and have already achieved savings of 20%. Thus, an additional 5% reduction in water use is needed to reach our mandated State requirement.

In an effort to help customers determine their water savings and proactively plan future water use, monthly bills for water service now reflect a graph showing each customer's individual water use history from 2013. .

ID No. 1 Board of Trustees Implements a "Stage 2 Critical Water Supply Shortage" To Comply With State Mandates

In response to the Governor's Executive order, the ID No. 1 Board of Trustees formally declared a "Stage 2 Critical Water Supply Shortage Emergency" on Friday, July 10, 2015. The "Stage 2 Critical Water Supply Shortage

(continued on reverse side)



TRUSTEES:

DIVISION 1
LOS OLIVOS
Harlan J. Burchardi

DIVISION 2
SOLVANG
Jeff Clay

DIVISION 3
SOLVANG
Kevin Walsh

DIVISION 4
SANTA YNEZ
Harry F. Poor

TRUSTEE-AT-LARGE
Brad Joos

MANAGER/SECRETARY
Chris Dahlstrom

BROWNSTEIN HYATT
FARBER SCHRECK, LLP
General Counsel

Emergency" supersedes the "Stage 1 Water Supply Shortage Emergency" declaration on June 17, 2014 by the ID No. 1 Board of Trustees.

The Board's Stage 2 Critical Water Supply Shortage action complies with and incorporates water waste restrictions imposed by the State of California. A comprehensive list detailing the Stage 2 Critical Water Shortage Emergency water use restrictions is attached.

ID No. 1 encourages all customers to review this information thoroughly and immediately observe the specific water use restrictions contained in the Stage 2 Critical Water Supply Shortage Emergency declaration.

Thank you for your water conservation efforts

ID No. 1 applauds those customers who continue their successful water conservation efforts and have individually reduced their water use by 25%. *We ask that you do no more but maintain that level of water savings each month.* Your ongoing efforts have and will continue to positively assist ID No.1 in managing its already constrained water sources and allow us to maintain water service to our customers.

It is important to note that throughout the mandatory Stage 2 Critical Water Supply Shortage Emergency, ID No. 1 will closely monitor customer water use and concentrate on those high-end users who have not reduced their usage, nor complied with the required actions from the State. Those non-compliant customers will be notified and measures will be provided to assist them in conserving water as well as to ensure compliance.

Information and Assistance

ID No. 1 customers are urged to contact ID No.1's Regulatory Specialist, Lydia Cardenas, at (805)688-6015 for helpful tips, conservation information, availability of water saving devices, and information on ID No. 1's Low-Flow Toilet Rebate Program. This information can also be found on ID No. 1's website at www.syrwd.org.

To learn more about the State's drought response, visit Drought.CA.Gov.

Everyone should take steps to conserve water. Find out how at SaveOurWater.com.

Thank you for your efforts to wisely use our most precious resource. ID No.1 will continue to provide updates on the critical issues facing our water supplies. In the meantime, please feel free to contact Lydia Cardenas at the number above with any questions you may have regarding this information.

Sincerely,



Chris Dahlstrom
General Manager

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5 Attorneys for
6 County of Santa Barbara

7 UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
8 INTERIOR BOARD OF INDIAN APPEALS

9 COUNTY OF SANTA BARBARA, a
10 Political Subdivision of the State of
California,

11 Appellant

12 v.

13 AMY DUTSCHKE, in her official capacity
14 as Director, Pacific Region, Bureau of
Indian Affairs,

15 Appellee.

Docket No: _____
[not yet assigned]

PROOF OF SERVICE

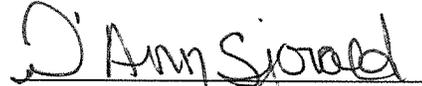
17
18 I, D'Ann K. Sjovold, declare that I am over the age of eighteen and not a party to this
19 cause. I am employed in, or a resident of the County of Santa Barbara, where the mailing occurs.
20 My business address is 105 E. Anapamu Street, Suite 201, Santa Barbara, CA 93101.
21 I further declare that on the 31st day of December, 2015, I delivered a true copy of the
22 **APPELLANT COUNTY OF SANTA BARBARA'S OPENING BRIEF IN SUPPORT OF**
23 **APPEAL OF DECEMBER 24, 2014 NOTICE OF DECISION ON THE SANTA YNEZ**
24 **BAND OF CHUMASH INDIANS CAMP 4 FEE-TO-TRUST APPLICATION AND**
25 **OCTOBER 17, 2014 FINDING OF NO SIGNFICANT IMPACT BY PACIFIC**
26 **REGIONAL DIRECTOR** to each of the persons named below, either by depositing an
27 appropriately-addressed copy in the United States mail, by email or both.

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SEE DISTRIBUTION LIST BELOW

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 31st day of December, 2015.


D'Ann K. Sjevold

VIA EMAIL ONLY	
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