

**County of Santa Barbara Ad hoc Subcommittee of the Board of Supervisors
Proposed Term Sheet
Provided for December 10, 2015 Meeting
With the Santa Ynez Band of the Chumash Indians**

County of Santa Barbara Ad Hoc Subcommittee's Term Sheet for Proposed Memorandum of Agreement for:

- The 194 acres of land designated for Tribal Housing, located on Parcel 2 of the land commonly known as Camp 4.
- The 30 acres of land designated as Special Purpose Zone for Tribal Community facilities/Tribal Center located on Parcel 4 of the land commonly known as Camp 4.

The land use referenced above is designated by the Santa Ynez Band of the Chumash Indians for Tribal Housing/ Residential Development and Tribal Community Facilities as described in the project description set forth within the Final Environmental Assessment and approved by the Tribal Business Committee via Resolution 930B.

The County of Santa Barbara recognizes the Santa Ynez Band of Chumash Indians as an integral part of the County of Santa Barbara community. This term sheet provides a framework to ensure that services, delivered by the County, are supported via funding mechanisms, and that all health, safety and environmental considerations are also addressed, in order to provide for the needs of all and to live as a harmonious interdependent community.

In order to streamline the approval process, if a final agreement is reached, the County of Santa Barbara will support Fee-to-Trust through an Act of Congress or the BIA process for that part of Camp 4 being used for Tribal Housing and a Tribal Center.

1) Waiver of Sovereign Immunity

- a) Limited waiver of sovereign immunity by Tribe as proposed by Tribe with revisions.
- b) Add language requiring Tribal Resolution/Authority to sign.
- c) Add language on enforcement of judgment. No County waiver of sovereign immunity.

2) Term

- a) Coterminous with term of any existing or future gaming compact or other agreement between the State of California and Santa Ynez Band of Chumash Indians.
- b) Must discuss terms of extension prior to set end of term of agreement regardless of any change in land use.
- c) Although County asserts that not all provisions of the Agreement encumber Indian land, the County and Tribe agree that the Agreement must be submitted to the Secretary of the Interior for approval by Secretary of Interior, or a determination that the Secretary's approval is not required. (25 U.S.C. § 81.) If the Secretary of the Interior determines the Agreement falls within 25 U.S.C. § 81 and does not approve the Agreement, the

Agreement is void and the County and the Tribe do not have any obligations under the Agreement.

3) Municipal Finance/Fiscal considerations

- a) Access by County Assessor to land for market valuation annually.
- b) Ongoing distribution to County of 38% (37.92) of 1 % of the market valuation to compensate for ongoing loss of potential property tax revenue which would otherwise be due to County from use on non-tribal property and payment of appropriate benefit assessments per similarly situated land as determined by the Santa Barbara County elected Assessor.
- c) Cooperate in pursuit of grants available for projects (possible transportation, conservation, energy, etc.)
- d) Services will be provided to the Tribe as appropriate.
- e) Payment of Sales, Property and TOT on all and any projects within Camp 4 based on amounts (percentages) paid in SYV, to be paid annually for term of agreement.
- f) No offsets for other sources of funding including SDF, other agreements with Fire and Sheriff or any other sources that apply to existing Reservation and casino gaming operations, or any other sources.

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

- a) Compliance with all Mitigation Measures, Best Management Practices, and Additional Protective Measures in the Finding of No Significant Impacts and the Final Environmental Assessment for Camp 4 referenced.
- b) All development on Camp 4 shall comply with County Environmental Health Regulations for wells and sewer. Ensure no more water than the EA indicates will be used and agree to recycle/reuse water on all Tribal lands to offset use. Ensure groundwater is treated to meet Federal or State drinking water standards. Ensure no water from Camp 4 is exported or extracted for other off site Tribal uses or commercial purposes.
- c) All development on Camp 4 shall comply with County height limit of 35-feet and setback of 50-feet from road centerline and 20-feet from edge of right-of-way.
- d) All development on Camp 4 shall comply with Santa Barbara County Building and Fire Codes including National Fire Protection Association fire flow requirements and Santa Barbara County Fire Department Development standards regarding stored water fire protection systems and space vegetation management requirements of the California Public Resources Code and Community Center must be equipped with early fire detection systems, automatic sprinkler systems and Tribe shall coordinate with Sheriff and County Fire District if needed to ensure safety of large events.
- e) Special events at Tribal Facilities on Camp 4 must be limited to Tribal members and guests.
- f) All development on Camp 4 shall honor existing public and private easements in place at time of agreement
- g) Partner with the County and Santa Ynez River Water Conservation District on the preparation of the Sustainable Groundwater Management Plan (SGMP) for all of Camp 4.

5) Future Use of Land and Limits

- a) Comply with remaining term of Williamson Act contract until 2023 on Camp 4.
 - i) Camp 4 in its entirety entered non-renewal in August 2013.
- b) No gaming activities as currently defined or as may be defined in any further tribal gaming compact with the State of California, may occur on the Camp 4 property or other properties owned, managed or held by the Tribe in Santa Barbara County outside of the existing Reservation.
- c) Agreement does not apply to existing reservation facilities or services.
- d) Designated Camp 4 lands located on Parcels 2 and 4 specifically utilized for Tribal housing and Tribal Center Community facilities will be owned by the Federal Government in Trust for the Tribe.
- e) Camp 4 may only be developed as described in the adopted project description set forth and adopted within the Final EA approved by the Tribal Business Committee via Resolution 930B.

6) Infrastructure and service supports

- a) Construction by Tribe of all onsite support infrastructure and services.
- b) Payment of one time impact monies to County to address:
 - i) Traffic infrastructure impacts consistent with County traffic impacts fee and development standards in place at time of the agreement.

7) Other items for consideration

- a) Separate agreements for school and service agencies outside Santa Barbara County's jurisdiction are strongly encouraged.
- b) Notwithstanding other provisions of law, enforcement and interpretation of the agreement shall be available in Federal District Court or California State Court.

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