

February 10th 2016

Supervisors Farr and Adam,

c/o Mona Miyasoto, County Executive Office
105 E. Anapamu
Santa Barbara, Ca 93101

Subject: POLO comments on the December 10th, 2015 County Proposed term Sheet and January 14, 2016 regarding FTT and the Williamson Act

Dear Supervisors

Preservation of Los Olivos (POLO) has participated in all 5 of the Ad Hoc Committee meetings concerning the Santa Ynez Band Of Indians. Recently members of POLO became extremely alarmed when the County of Santa Barbara came out with a Term sheet that contains a 180 degree change in County Policy on Fee To Trust and the Williamson Act. For some unknown reason the Term Sheet suddenly indicated that the County has become extremely pro gambling and pro tribal reservation expansion. POLO hopes this is unintentional and can be reversed before it becomes too late to reverse easily.

As you know the community's and the County's focus for the last two years has been on freezing the La Malfa HR 1157 Bill indefinitely. This combined community and County's effort has been very successful and very expensive, but as a result should

go a long way in alleviating any imagined or propagandized fears promoted by lobbyist and from a handful of rogue subcommittee Congressmen. It is well known that there are many major hurdles to ever getting this Bill past both houses of Congress. As updates and good news from Washington DC regarding HR 1157 came in, the Term Sheet reflected that our County Ad Hoc committee may have suddenly changed course.

The most dangerous and completely unneeded paragraph in the Term Sheet is (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). This new action by the Ad Hoc committee may embolden possible movement on this Bill when in fact it has been frozen. No longer will it be real or perceived threats from Congress, that has tortured hundreds if not thousands of residents who's lifetime investments in their homes and ranches are at risk, but now the County's actions may threaten these same people who do not deserve this treatment by our elected officials.

POLO members will attend the February 11 meeting this Thursday and hope to understand what has changed and why.

Note: If it can be determined that there is a need for housing, then the new land acquisition of 350 acres which is not in the Williamson Act should be considered as a much better viable alternative for housing done through a Community Plan Amendment and the County process. The recent tribal gas station, car wash project on Sanja Cota Creek is a perfect

example of how quickly and efficiently Planning was able to approve this project for the tribe. Both the County Planning staff and Supervisor Doreen Farr were heralded by tribal leaders for their support and help with this project.

Below are the unofficial minutes from October 15th 2016. We hope these public comments will be helpful.

Sincerely,

Doug Herthel President POLO

34 Citizen Speakers from SBCounty Oppose FTT on 1400 acres at BOS Hearing Oct 15th 2013

1. Gerry Shepard, 2. Karen Jones, 3. Kelly Gray, 4. Susan Jordan, 5. Andi Culbertson, 6. Brooks Firestone, 7. Dan Hoagland, 8. Sharon Curry, 9. Kathy McHenry, 10. Wendy Welcome, 11. Jim Westby, 12. James Marino, 13. Steve Pappas, 14. CJ Jackson, 15. Bob Field, 16. Doug Herthel, 17. Justin Tevis, 18. Mark Herthel, 19. Dale Francisco, 20. Carrie Kendall, 21. Mark Preston, 22. Lee Weir, 23. Christine Burtness, 24. Jerry Rounds, 25. Tami Boulet, 26. Julia Di Sieno, 27. Sharon Merrit, 28. Debbie Earl, 29. Judith Ishikanian, 30. Mike McGill, 31. Sally Jordan, 32. Tim Elwell, 33. Kendra Duncan O'Connor, 34. Mary Jackson

1 Speaker supported FTT on 1400 Camp Four

Andy Caldwell (COLAB)

4 Supervisors Opposed FTT on 1400 acres

1. Supervisor Adams (I think they are trying to buffalo everybody a little bit, that's my feeling, maybe I am wrong and maybe in ten years I will be sorry, but for right now the best thing that I can do even if somebody disagrees is to pursue all avenues of opposition.)

2. Supervisor Farr (So you know I stand by my motion 100% of it, this must be opposed, there are so many serious issues here)

3. Supervisor Wolfe (This is not a good application. We need to oppose this application because now there's some confusion about the TCA, we heard from our CEO about the environmental impacts, the, over and over in this application it talks about that there are no significant environmental impacts. Well because of statements like that we need to oppose it because our Staff has done such a good job in looking at those environmental impacts. There is something else in this application that was very striking to me, and that was there's a statement in here that the County would not have the burden or responsibility or maintaining jurisdiction over the Tribal property. Well I think that's making quite an assumption. I think that what has been said in the audience and what I feel is that we as a Board of Supervisors, we as a County want jurisdiction. So the notion that they are going to take that responsibility away from us is almost laughable. We want that responsibility don't take it away from us.)

4. Supervisor Carbajal (But I understand there's impacts, that's never been the issue. That's why I am willing to support Supervisor Farr today.)

Subject: Fwd: Transcript - Camp 4 FTT Application BOS Oct 15th 2013

I think it's also important to remember that this application puts into nonrenewal 1400 acres of prime agricultural land in perpetuity that has long been in a Williamson Act Contract and in the County's comments on the land use chapter of the environmental assessment we characterize that section as "fatally flawed". If I look at the application through the lens of environmental concerns there are multiple problems that the County commented on in detail for the environmental assessment. The first page of those comments sums it up by saying that "there are substantial questions that Camp 4 cause a significant impact to land use, agriculture, public services, water resources, biology, air quality, traffic and visual resources. And therefore an environmental impact statement is required." If I look at the application through the lens of

fiscal impacts to the County the costs are enormous and we have just seen the numbers a little while ago. So no matter what alternative is chosen, the loss of taxes at the ten year mark, somewhere between \$34 and \$42 million and those amounts more than double in the following ten years. And that assumes that nothing else is built on the property that might also generate property tax, sales tax and transient occupancy tax. Those are funds that this County would really need to pay for the increase in services that this project would demand, as well as be used to provide services for people throughout our County. Our schools would suffer, our roads would deteriorate and public safety services would be lessened at a time when they should be increased. In addition, we are already seeing negative impacts to the real estate market in the Valley due to the uncertainties brought down upon us by the approval of the TCA and the application for the Fee to Trust which will have a corresponding negative impact on our current property tax base in the Valley for the foreseeable future. So I will end as I began. The desires of 143 members of the Chumash Tribe no matter how well intentioned for the future of their Tribe should not and cannot outweigh the very real needs of County government and the 420,000 other County residents which we are pledged to represent and serve. So the County must oppose the decision by the BIA to find this Fee to Trust application complete and pursue all possible areas of opposition to it. That we are doing this because we have already requested that the BIA stay the processing of this application pending the outcome of the litigation because the environmental impact statement must be completed and deemed adequate prior to any notice of completion, and last but not least because of the overwhelming evidence and public testimony due to the fiscal impacts and loss of jurisdictional authority that are not in the best interest of our County. So Mr. Chair I am going to go ahead and move Staff's recommended actions A, B and D and when it comes to C as to the direction that we direct the CEO to provide written comments to the Bureau of Indian Affairs by November 7th in accordance with 25 code of Federal Regulation part 151 that oppose the Fee to Trust application and acquisition and describe in detail the negative potential impacts on the County of Santa Barbara from jurisdictional problems and potential conflicts of land use, which may arise and financial impacts if the property is removed from the County's tax rolls from both lost real property taxes and any special assessment. Thank you Mr. Chair.

Chair: Motion has been made, is there a second.

Female: Mr. Chair I will second.

Chair: Seconded. Could you repeat that last part, Supervisor Farr about C, it deviates from what was up on screen, I just want to make sure I.

Supervisor Farr: C just says provide direction so that was the direction that I was given. That the CEO provide written comments to the Bureau of Indian Affairs by November 7th in accordance with the Federal Regulation part 151 that oppose the Fee to Trust application and acquisition and then describe in detail the negative potential impacts from land use and fiscal.

Chair: Thank you, motion has been made and seconded. Further discussion, Supervisor Wolfe.

Public Testimony - 34 speakers opposed FTT on 1400 acre Camp 4 - 1 speaker supported FTT on Camp 4

Santa Barbara Board of Supervisors October 15th 2013 Camp 4 Fee to Trust Application response

CEO Waller: The item before you today is asking for the Board's direction on what our response to the Camp 4 Fee to Trust Application should be. What I have before you here are the recommended actions that I will be asking your Board to take at the end of our presentation. By way of background in July 2013 the Santa Isabel, the Santa Ynez of Chumash Mission Indians submitted an application for transfer of title for fee lands into trust to the Bureau of Indian Affairs for Camp 4. In July County officially received the BIA notice of the application and begins a 30 day comment period. The BIA is currently 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 Camp 4 Fee to Trust. The proposed project, as I know your Board is aware, is very substantial and size and scope and affected resources. Because of the significant concerns that could result from a Fee to Trust approval the County Executive Office requested a 60 day extension for us to review the possible impacts and prepare our comments. The BIA approved only a 15 day extension to November 7, 2013.

I want to provide just a little bit of key context for our discussion today. The County recognizes the role in the unique interests of the Tribes, the States, Counties and other local governments to protect all members of our communities and to provide governmental services and infrastructure. The County also recognizes and respects the Tribal right to self-governments and for them to provide for the welfare of their Tribal members.

I am going to briefly describe the Fee to Trust process and this is covered in Federal regulation section 151. To start off Tribes request that the Federal Government take the land into trust for exclusive use by the Tribe. This converts land from private or individual title to Federal title. Land becomes exempt from 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 jurisdictional confusion in law enforcement, land use planning, social service deliver and emergency services. Additionally, the loss of local control can result in land use conflicts with the County's General Plan, Community Plans and surrounding uses. The loss of local control to regulate land uses without appropriate mitigation can congest county roadways, impact water quality and waterways, reduce water supply to adjacent properties, degrade habitat,

and also degrade air quality and the environment and sometimes create public nuisances. Often an application does not specify the specific uses for the proposed site and even if they do a Tribe is not bound to those uses once the land is taken into trust. In our case Camp 4 proposes uses including 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.

Factors to be considered with the Camp 4 Fee to Trust Application should include the extent of the impacts from the proposed project and any proposed mitigation measures, as well as the Tribe's commitment to reimburse the County for loss tax revenue and willingness to enter into an agreement related to future uses of the Trust land. Staff believes that there is a need for environmental document to be elevated from the current environmental assessment to an environmental impact statement. We believe an EIS is necessary to disclose all of the project components, to accurately analyze these potentially significant direct and cumulative impacts, to evaluate a full range of alternatives, including utilization of the County land development process and to identify required substantial measures to mitigate or avoid impacts. 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.

We believe that at a minimum impacts to be considered in an EIS should include compatibility with the County's General Plan, the Santa Ynez Community Plan and County land use regulations. We believe that it should consider conversion of agricultural land that currently exists and the agricultural preserve Williamson Act Contract requirements that are currently on the land. We believe that it should include provisions for public safety, including law enforcement, fire and emergency medical response. We believe that it should include provision or other public services including schools, parks and recreation. That it should consider avoidance of negative impacts to water supplies, storm water quality, waste water and solid waste management, biology and air quality. It should include traffic capacity and circulation analysis for vehicles, bicycles and pedestrians and it should also include and analysis of the loss of taxes and special assessments used to fund countywide services.

Now I am going to talk a little bit about the specific project. The Camp 4 project is proposed to encompass over 1400 acres and is currently zoned Ag2, which means the minimum parcel size is 100 acres. It's also currently under a multiyear agricultural preserve, Williamson Act Contract. I should note that the Tribe has requested that that contract be wound down and eliminated. Additionally, I want to make note the Santa Ynez Community Valley 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 absences of a satisfactory legally enforceable agreement. And the proposed project that we are speaking of is not in conformance with those regulations. The property is located approximately 1.7 miles from the existing reservation and we believe that the BIA should utilize the process for off reservation discretionary trust acquisition instead of the on reservation acquisition process.

Again the uses that are proposed in the application by the Tribe may be achieved utilizing the County process and with the property remaining in fee versus trust and just a reminder again,

once the land is in trust the Tribe may choose to change the uses on the site and the County would have no control over that. The Tribal consolidation area, the reason that I bring this to the discussion of the Fee to Trust is twofold. One it's been declared by the Tribe that the tribal consolidation area, which encompasses over 11,500 acres in the area actually makes this an on reservation process. So it's important from that perspective. As your Board will recall, we are currently appealing the TCA and we believe that before we should consider, or before the BIA should consider the Camp 4 Fee to Trust application that they should consider the County's appeal and make a final decision on the validity of the TCA.

I want to talk a little about financial impacts. Approval of the Fee to Trust application will result in loss of local taxes and increase cost for countywide services. So what I have for you here are three scenarios. Just as a baseline when the property that we are speaking of was in the Williamson Act Contract fully the annual taxes were \$83,000 per year. Now that they have entered into the process to remove the Williamson Act Contract the current property taxes are approximately \$340,000 a year. And I am going to go on and describe the other two before I take us across the chart. So under alternative one, and alternative one just as a reminder is 143 five acre lots and about 300 acres of vineyards with the remaining property continuing to be undeveloped, alternative two is very similar to alternative one in that it has 143 residents but in this case they are on one acre lots. The other piece of alternative two that we should consider is that it would also include 30 acres of Tribal facilities. Now these Tribal facilities are anticipated to be a community center with a banquet hall and exhibit facility, an office complex and Tribal community space. So that gives us a description of what the various projects are. So again going back to current value, the current value of the land with the declining Williamson Act Contract is about \$340,000. Now if the land is taken into trust what you see if the cumulative impact to taxing entities over the next several years. So for example in year five if the land were taken into trust currently the taxing entities would lose about \$1.84 million, that would escalate to 50 years would mean that the County would lose approximately \$35 million, when I say the County, I am talking all the taxing entities in the County and that would occur if there was no development whatsoever above existing but the land was taken into trust. Alternative one, what we would see if it were in a fee property that the County actually assessed taxes on it would be about \$3.8 million, so at the end of 50 years what we would see if the project were to move forward as alternate one that the County taxing entities would lose about \$311 million. Alternative two the current assessed value of that type of a development if it were to remain in fee would be approximately \$3.1 million and taking it into trust 50 years from now would result in about \$274 million that would not come to County taxing entities.

So in summary, Staff believes that consideration of the Fee to Trust application should include the extent of impacts from the proposed project, any proposed mitigation measures, commitments to reimburse the County for lost tax revenue and a willingness to enter into an agreement related to the future uses of the trust land. Bringing us back to our recommended actions for your board today we ask that you receive and consider background that we have presented on the attached application for transfer of title from fee to trust, that your Board consider options for responding to the application and provide directions on next steps, if any, to the accounting executive officer on how to respond to the Fee to Trust application and then in conformance with CEQA guidelines determine that this is not a project to CEQA review. That

concludes my presentation and I would be pleased to respond to any questions that your board may have.

Chair: Thank you, Supervisor Wolfe.

Supervisor Wolfe: Thank you Mr. Chair. CEO Waller, this financial impact chart that you just had up, I found very interesting and you talked about the taxing entities. So it's not just the County, it goes to the schools.

CEO Waller: Chair, Supervisor it includes the schools and any other special districts that are currently receiving taxes from that area.

Supervisor Wolfe: Is Bob Geiss here? Maybe if he is listening he can come back. Because I think Santa Ynez High School is a basic aid district that gets their revenue directly from property taxes as opposed to the revenue allocation. I would be interested to know what other school districts would be impacted by this that are basic aid districts. So if he hears that maybe he can come back and let us know.

Female: Yes I believe our Clerk of the Board just contacted his office and asked him to join us bringing with him that information.

Supervisor Wolfe: Thank you.

Chair: We are going to go to the public right now. First a representative from the Chumash Tribe, but CEO Waller I did notice that you mentioned some Santa Ynez Valley Community Plan guidance and I think it touched on a policy or two. But I am hoping that you can also touch on and read policy LUG Santa Ynez Valley – 6 and action LUG Santa Ynez Valley – 6.1 because I think those are very important as to how we deliberate up here. And it's important to understand what those mean or don't mean. I am not really sure that I understand what they mean but it would be great to touch on those two issues, either now or in a while, but if you can do it now it would be great.

Waller: Chair I am going to ask our planning and development folks if they have that information with them, if they could provide it and if they don't I know they have it very close. Do you have that Diane? So if you could read those sections please?

Diane: Yes, Mr. Chair LUG Santa Ynez Valley – 6 says 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.

Chair: Can you read 6.1 now?

Diane: And then the action that follows, 6.1 says The County shall pursue legally enforceable government to government agreements with entities seeking to obtain jurisdiction over land within the plan area to encourage compatibility with the surrounding area and to mitigate environmental and fiscal impacts to the County. And if you like I could get copies of this made.

Chair: Yeah I think that would be good. I was just trying to reconcile those two issues in the plan, I, a number of people have raised those to my attention. I just wanted to make sure they were mentioned. Thank you.

CEO Waller: Chair we will make copies of those and have them available in the back of the room and I also want to note for those who may be reviewing online that particular plan is one of the attachments that we have on our website so for those that are viewing via our website they can access it at that location.

Chair: Great, thank you so much. Why don't we start with the rest of our, the public speakers. First Chairman Vincent Armenta has five minutes and then we will go to the public speakers. Okay two minutes.

Vincent Armenta: Mr. Chair, Supervisors.

Chair: Mr. Armenta you have five minute, and please let's settle down.

Vincent Armenta: Thank you Mr. Chair. Supervisors I was glad to hear Chandra Waller say that the Tribe and the County should sit down and talk and come to an agreement. I was happy that it was read under section 6.1 of the Santa Ynez Valley Plan that the County should be sitting down and developing a plan relationships and agreement with the Tribe. Unless that 6.1 just doesn't really mean anything. But regardless. There seems to be quite a bit of misinformation out there in regards both to the for Fee to Trust as well as the TCA, misinformation coming from many different places, both groups who I believe are using it as a scare tactic for fund raising, misinformation from pep rallies held by Supervisor Farr that quite honestly the comments contained zero facts. But what we have done in the last several weeks is I have been out speaking to quite a few people, a lot of land owners within the TCA, landowners outside the TCA, elected officials in Solvang, Buellton, Santa Maria and a lot of them have legitimate concerns. **And when we adopted the TCA, as well as when we applied for the 1400 acre Fee to Trust process we didn't do it to damage anybody's property value. We didn't do it to infringe on anybody's property rights, that wasn't the intent. The intent of the TCA was simply a tool that will allow the Bureau and the Tribe to plan for the future, that is still the intent, that always will be the intent.** I know that, the Bureau knows that, I believe many individuals in this room know that, although perhaps won't admit it.

The Tribe is going to continue its quest to bring the 1400 acres into trust, we are going to do it both through the administrative process, which I am sure will be appealed, and we will continue to do it and pursue it through the legislative process, which I am sure we will prevail. I think it's in the best interest of the County to sit-down and reconsider and talk to the Tribe and do exactly

like the Santa Ynez Valley Plan section 6.1 was that? Says and make this work. I can tell you another little bit of information. Based on the conversations I said we had myself, my board members with individuals. I don't know, perhaps some individuals in this room, the Tribe has, as of last week, formally withdrawn the TCA from the Bureau. I don't know if this Board was aware of it, here's the letter if County would like it. We are not doing it, we are doing it now to appease anybody that opposes us just simply to oppose it. We are not doing it because of the rumors or the false information that was set out by individuals either in this room or sitting up on the podium, we did it because we believe it's the right thing to do because our intent was to never harm anybody's property values and never upset the individuals that own those properties. That's why we did it, we wanted to be good neighbors, I think we have showed that, other than that the County will do today what they need to do but I assure you we will continue to do what we need to do. Thank you very much.

Chair: CEO Waller.

CEO Waller: Thank you Chair, I was just going to make note of something I probably should have included in my presentation, which has made things extremely difficult I think for the County, for the community and for the Tribe in with the Federal Government shutdown we have, not any of us been able to access folks or information with the BIA so I just wanted to make note of that for everyone.

Chair: Thank you very much. Mr. Allen we will proceed with the public speakers.

Mr. Allen: Chairman Carbahol, Members of the Board our first speaker is Jerry Shepherd to be followed by Karen Jones and then Kelly Gray.

Gerry Shepherd: Chairman Carbahol and Supervisors, I am Jerry Shepherd representing Santa Ynez Valley Concerned Citizens. Santa Ynez Valley Concerned Citizens, which is a community of over 1000 Santa Barbara County voters appreciated the recent position taken by the Board of Supervisors to appeal the BIA approval of the Tribal consolidation and acquisition plan that was valiant in your part. Additionally, County Staff prepared an excellent response to the Camp 4 annexation application environmental assessment documenting the inadequacy of the analysis both environmentally and fiscally. SYVCC urges the Board of Supervisors to now strongly oppose the Santa Ynez band of Mission Indians, the Chumash application for annexation of the Camp 4 1400 plus acres of County land. We are aware you have received many, many letters from County residents who are in enraged at the potential loss of County control over this land. While not reiterating herein all the reasons why this annexation would be so egregious to the County we do want to add our voice in opposition to Camp 4 annexation. Additionally, we feel it is important to point out what has probably already become blatantly obvious to you. Never have we seen our community so outraged on an issue affecting every voter in this County. We recognize the financial impact annexation would have on the entire County. We encourage you, oppose annexation of Camp 4 and we thank you for your consideration of the citizens, residents and voters of Santa Barbara County. Thank you.

Mr. Allen: Our next speaker is Karen Jones.

Chair: Supervisor Wolfe has a question.

Supervisor Wolfe: You can sit down, this is of Staff, perhaps Mr. Marshall or CEO Waller, I just wanted to confirm what I think I heard Mr. Armenta say, that they have withdrawn the TCA. I, what was, what was stated?

CEO Waller: Chair Supervisor we are making copies, I believe Mr. Armenta indicated that he had requested that the BIA withdraw that and that's why I was noting that there is not really any information flowing any direction from the BIA right now during the shutdown so perhaps that part of the reason that we are not aware of it, but certainly if I misheard that I am sure that I can be corrected.

Supervisor Wolfe: So the reason I ask is because in the application Mr. Marshall, in the application there is numerous references to the TCA, so if in fact that's being withdrawn does that mean that the application then is withdrawn?

Mr. Marshall: No I don't believe so. The letter we have here simply withdraws the Tribal consolidation area application dated March 27, 2013 as approved on June 17, 2013. It may have some implications for how the Fee to Trust is evaluated by the BIA but I do not believe that it withdraws the Fee to Trust application if I understood the question.

Supervisor Wolfe: Well it just would seem that the application should be revised because it incorporates the TCA, like I said throughout, but I guess that could be answered at a later time. CEO Waller.

CEO Waller: Chair, Supervisor, I think that that could certainly be one of the clarifications in our response to the application that we include if your Board desires.

Supervisor Farr: Mr. Chair.

Chair: Supervisor Farr.

Supervisor Farr: Thank you, I also have a question for Counsel. Counsel since the Bureau of Indian Affairs approved the TCA already it wasn't just that the application was filed by the Tribe but it was approved, wouldn't the BIA have to take an affirmative action then to also negate their approval of the TCA?

Counsel: One would think, but I have not, I have not seen any cases or any authority on how a withdrawal of this TCA application would occur. I don't know whether they will treat it as a ministerial action or whether there would be a discretionary action, but it's difficult looking at the only governing law in terms of a TCA, which is a statute, it doesn't talk about withdrawing, but presumably it can be done, it can be done, I would presume it would be done ministerially but we will have to evaluate that as we continue to look at the Fee to Trust application.

Supervisor Farr: Since we didn't get any notification the first time do you think we would get notification this time?

Counsel: Yes actually I believe we will because we still have an appeal pending. We should expect some recognition by the administrative court that the item has been moved, at some point that this application is acted on and accepted and approved by the BIA then we would get notice, from counsel standpoint we would get notice that our appeal would be moot on the TCA.

Chair: Again I will just reiterate if we could just keep down our emotions it would be, really allow the hearing to proceed in an effective way. If not, there's other things we could do to modify our hearing so please I ask that you do that. Thank you please.

Mr. Allen: Karen Jones will be speaking followed by Kelly Gray and Susan Jordan.

Karen Jones: Hello, thank you for letting me speak. I will try and be fast since I thought I had three minutes. So anyway, we live in the house, the last house that you pass on your way to the casino. We are a preexisting, nonconforming structure in downtown Santa Ynez. So we have a front row seat to the traffic going to the casino. Every morning we get up and pick up the condoms and the booze bottles and all the crap that gets thrown by sore losers leaving town and so I know what damage is just done to the environment just from the trash thrown out of cars alone. But my children are the fourth generation to live in this house, when Lorenzo Armenta walked in my house the first time he said wow this looks just like my grandparents' house, it's a really cute little redwood house, very simple, very humble home and because we are a preexisting, nonconforming building we had to get right with the County a few years ago and it was a very expensive process. However, we were able to get through it, we hired attorneys, we spend our savings, we did all this stuff that people do and we were able to work with the County and we are all good now. I believe that, you know I know so many Armentas and I believe every one of them is as capable as I am and just go to the County, get your attorney, do what you need to do to get right with the County land rules and people getting \$50,000 a month are certainly able to do that. **Now the threat was made that there are other ways to get this done if we don't do County Government to Government stuff and they were talking about putting a rider on a Congressional Bill, well see the movie Casino Jack, United States of Money and you will see how that movie ends. Spoiler alert they go to jail, all the illegal lobbying and payoffs are all eventually revealed.**

Chair: Thank you.

Karen Jones: Thank you.

Mr. Allen: Kelly Gray to be followed by Susan Jordan and Andy Culbertson.

Kelly Gray: Good morning Mr. Chair, supervisors, and thank you for your attention. **First of all the request to withdraw the TCA, first of all that has not been granted and second of all that request itself can also be withdrawn so I think we need to look at things the way that they are**

today as it stands with the TCA in place. I live in the Santa Ynez Valley located in the third district of Santa Barbara County. Without question the two most important factors that will impact the future quality of life in the valley are tax revenues and water. Without a doubt the Fee to Trust application that was filed by the Band of Chumash is of great concern to the future of the Valley. However, it is premature to respond to the Fee to Trust application as a matter of Federal Law different levels of scrutiny are to be evaluated where there is a Fee to Trust application for contiguous land. The TCA transferred the 1400 acres from being noncontiguous land to be contiguous land and therefore afforded that property the lowest level of scrutiny. More remote the subject land is to the reservation the higher level the scrutiny is. The BIA approved a Tribal acquisition annexation plan and that includes Camp 4. The stated purpose of the TCA was to change the level of scrutiny that was to be applied to the evaluation of Camp 4 Fee to Trust and have that be the lowest level. Camp 4 is inside the TCA, is it not contiguous to the reservation. This Board of Supervisors has appealed the TCA. Thank you very much for that. Until the ruling on your appeal has become final no one can know what level of scrutiny must be applied to the consideration of Camp 4 Fee to Trust application, if your appeal will prevail as the level of scrutiny will be higher than the one described in the TCA. **And we cannot count on that plan being, the TCA being withdrawn permanently.** I ask this Board to pursue and injunction to prevent the Fee to Trust application from proceeding until the ruling on the appeal is final or there is some final ruling on the.

Chair: Thank you very much.

Kelly Gray: Thank you.

Mr. Allen: Susan Jordan to be followed by Andy Culbertson to be followed by Brooks Firestone.

Susan Jordan: My name is Susan Jordan and I am the Director of the California Coastal Protection Network. **I am here today to ask you to oppose the Camp 4 Fee to Trust application before the deadline on November 7th.** Whether it's processed as an on or off reservation application and whether or not the TCA has been withdrawn. I have been really concerned with the BIA's lack of transparency throughout this entire process and their issuance of this EA, a 986 page grossly inadequate document as it was, thank God that your County Staff stood up and analyzed what the impacts would be if Camp 4 goes Fee to Trust. Certainly the removal of a large swath of land from the County's jurisdiction that would reduce tax revenues while increasing the County's financial responsibility for providing public service is reason enough, but the County's written comments on the EA provide a clear picture of the many substantial inconsistencies between what is being proposed for this property versus what is allowable under the current land use policies and the adverse impacts that would result. The bottom line is even if they stay the stated purposes for what they are going to do with this property, once it goes Fee to Trust they can do whatever they want, this is very clear, they don't have to come back to you, they don't even have to go back to the BIA. So I am urging you to object to this Fee to Trust application either on reservation or off reservation and I am asking you that you restate your purpose to the Tribe that they should come in and have discussions with the Planning Department on how to move forward as your CEO suggests and I am also hoping that should you vote to object to this Fee to Trust that you formally reach out to the Governor and you request

that he join you as he has joined other local governments in objecting to Fee to Trust applications. Thank you so very much.

Mr. Allen: Andy Culbertson to be followed by Brooks Firestone to be followed by Dan Hoagland.

Andy Culbertson: Good morning Mr. Chairman, Members of the Board, I am Andy Culbertson and my husband and I are residents of the Santa Ynez Valley. I ask that the Board oppose the Camp 4 Fee to Trust application on the basis of its adverse impacts on the County's regulatory authority and the County's real property taxes and special assessments. The County Board of Supervisors, it occurs to us, must act in a manner that benefits all of its residents. **It does not matter who is doing the asking. For an escape from our local government and perpetual financial support of our community facilities, such as schools, roads, social services, and the like, it matters that the Board will protect our tax base, not for ten years, but in perpetuity. If the development aims of the Chumash are as stated there is no reason why the level of development that's being proposed cannot take place under the County. Merely because a County property owner does not want to go through the process is not a justification for excusing them from it. Hear the devastating effect on the County's revenues over time, as the CEO has presented today, with that there's no doubt in my mind that the County will look to tax payers, like us to subsidize the shortfall or the County will have to make hard decisions to forgo help to the truly needy. And it is clear, that Camp 4 is not where this acquisition strategy ends. Regardless of the so called withdrawal of the TCA, it simply does not make sense to eliminate so much property from the tax rolls. Just remember once the property goes into trust the Chumash may build anything they want with or without your permission and therefor the plan is not worth the paper it's printed on. My position has nothing to do with who is asking, the newspapers have been filled with attacks on people like me who oppose because we don't like Native Americans, well I am married to one. So it just ain't so. The Board decision about Fee to Trust will actually be approved by the Department of the Interior but I ask that you represent us, including the Chumash who will feel this impact. Thank you.**

Mr. Allen: Brooks Firestone and Dan Hoagland.

Brooks Firestone: Thank you very much Mr. Chair. I think as a point of planning and a point of fairness we should be unanimously opposed to this application for Deed of Trust. The Santa Ynez Valley Plan took over ten years with countless hours and Staff input and we approved that plan. All of us in this County live by the principal of planning and zoning, it's made our County what it is and to deny that would be a terrible, terrible error on the Board of Supervisors. The original plan that Fess Parker showed me in his office included a hotel and a casino. It had it right there on the plan. I remember that very clearly. They could do that again if they wanted to, if it was Fee to Trust. It could be anything they wanted to. I must remind the Board of an incident back in 94, Supervisor Carbahol, Mr. Chair you and I were on the Board together and the question just like it is today was an application for 6.8 acres that the Tribe wanted to put a community center on and we were trying to decide whether to oppose that. The Tribe promised and they memorialized that in a letter that they sent to us that they would give us a binding agreement, which as you know is very difficult between Sovereign Nation and the County, that they would never have anything else besides this community center. On that basis

we let it go and we approved their application. The reneged on that promise, they did not give us a binding agreement. Subsequently it was not approved and that was a good thing. I think that incident, and that history must be borne in mind when we consider this, I urge the supervisors unanimously to oppose this application. Thank you.

Mr. Allen: Dan Hoagland to be followed by Sharon Curry to be followed by Kathy McHenry.

Dan Hoagland: Hello, this is pretty scary. My name is Dan Hoagland, I don't really trust Mr. Armenta so I am going to go through part of the TCA that I had written about. I was born and raised here in Santa Barbara and my home is, was captured in the hundreds of this Tribal consolidation act. No matter what the politically correct name has been given to this land grabbing effort, the era for unbridled stealing of land must be over. Mr. Armenta stated over and over how they wish to build a Tribal Hall and a Tribal Cultural Center, but the latest multimillion dollar construction just completed on an already annexed land was a mega gas station, the third petroleum business they now own in the Valley, a Quiki Mart and a car wash. It is yet another money making, forever blister in our Valley. Why was this property not used for their so important Tribal heritage building? And I believe it's because it's all about wealth and power with Mr. Armenta and his followers. They say Tribal heritage but do anything but that. Their proven track record is to remove open wild space and any life form that may inhabit that land so they can pave it over and create yet another cash generating enterprise, all while continuing to take revenue away from tax paying families and small business owners. Another case in point is the land they have just purchased in Buellton that has now been approved for a three story high density housing apartment. **They continue to flaunt that they have the financial freedom to buy or build anything they wish. Why would we continue to give them a free ride by the annexation of even more land. Their strength is pulling on the heart strings of the uninformed and I don't have time to say the rest. What I will say is I am asking the Santa Ynez Band of Indians to follow the same rules as we have to follow. No TCA and no Fee to Trust.**

Mr. Allen: Next speaker is Sharon Curry to be followed by Kathy McHenry to be followed by Wendy Welcome.

Sharon Curry: Good morning, **I am Sharon Curry. I served the Santa Ynez Valley Association of Relators as their President** and I am also a long term resident of Santa Barbara County. You are going to hear a lot of complaints today but I want to do is thank you for the time that you have dedicated in learning about the TCA map and Camp 4. It's a very complicated subject. As a person who has dedicated countless hours myself, I know what that means and I commend all of you for your time. You are going to get a lot of requests as you did today from Mr. Armenta, certainly Dos Williams has written on it, other people have, City Council in Solvang, to sit down with the Tribe and negotiate. **And so I looked up negotiate in Wikipedia and it says negotiation is intended to aim at compromise so I would say to you that there is no compromise here that's satisfactory. What does that mean? Only 70 houses on an Ag2 parcel, only half a casino, only half of the rape of our water supply. I mean there is no compromise that works here so I would encourage you to continue your stance of not meeting with the Tribe and instead enforcing the same rules that we all have to go through in development of a parcel. And in closing I would like for you to know that there is a County in South Dakota, Bennett County, South Dakota who is considering bankruptcy and the reason is**

the tremendous number of Fee to Trust parcels in their County. 25% of their County is Fee to Trust and they cannot afford to support the other people who live there any longer. They are seeking Federal aid, barring that their County will go in bankruptcy and it's because of a checkerboard Fee to Trust much like we are looking at today. You can look it up on the internet, it's a very real thing that's happening today. So that could very easily happen to us if we continue to allow checkerboard. Thank you.

Mr. Allen: Kathy McHenry to be followed by Wendy Welcome to be followed by Jim Wesby.

Kathy McHenry: I am Kathy McHenry, I am here representing Women's Environmental Watch. I wanted to thank you for filing your appeal for the TCA. We also filed an appeal on the TCA, which is rather an odd thing for us to do. We are merely a 501c3 in the Valley, we have been around since the 1990's, we have a strong record of participating in land use issues and it was impossible for us to foresee an issue that would be of any greater assault on the Valley than this TCA and the attendant Camp 4 Fee to Trust transfer. This seemingly last minute move by the Tribe to withdraw the TCA is appealing, but can we afford to be complacent about that? I would echo the previous speakers who asked you to oppose the Camp 4, whether it is with the lesser standard assuming the TCA stands or even if it is removed and there is a higher burden. **We need to oppose the Camp 4 Fee to Trust transfer in any way possible. Thank you.**

Mr. Allen: Wendy Welcome to be followed by Jim Westby to be followed by James Moreno.

Wendy Welcome: Good afternoon, Mr. Chair, honorable members. My name is Wendy Welcome from Capella Noel, we are here today representing Nancy Crawford Hall and related San Lucas Ranch entities. Ms. Hall as you know, has been ranching in the Santa Ynez Valley for three generations, her family has been there. Her grandmother started there with the San Lucas Ranch. Camp 4 was formerly part of that property. She knows it intimately, she has ranched on it, she has run cattle on it and she knows the problems. The Fee to Trust application, whether or not the Tribal Consolidation Area application is vacated is simply a disaster in the making. And this Board really has no option, we feel, but to oppose it strongly no matter how it is considered and what criteria. Because of the time constraints I am going to adopt all of the comments that are made opposing it today and I am going to focus on two fast issues. **One is the water issue, the San Lucas Ranch family drilled on the wells on Camp 4. They are very well aware of the water problems. The County's environmental assessment comments were also very clear, the Fee to Trust project grossly underestimates the water draw. The basin is in overdraft and the overuse that's going to happen is particularly true because they are planning unclear economic development and the water, the waste water treatment plant, which presupposes there is going to be commercial activity. There will be substantial pumping, there will be overuse and there will be impacts way beyond Camp 4. The other thing I want to point you to is the grotesque inconsistency with the actual agricultural uses. This.**

Chair: Thank you very much.

Mr. Allen: The next speaker is Jim Westby followed by James Moreno to be followed by Steve Papas.

Jim Westby: Good afternoon Board of Supervisors. My name is Jim Westby and I am a member of the Neighborhood Defense League. I am here to oppose, have you oppose the Fee to Trust application based on all the things you have heard. You know you think back to the government, government board meeting, the TCA appeal hearing and the standing room only that Supervisor Farr had at the Town Hall Meeting in Solvang, I mean that place was packed. So I don't really need to add anymore to that. But there is one thing that I think probably hasn't been said and that's the way that this Fee to Trust application is being used. I don't believe that the creators of laws and regulations about Indian Reservations had intended for what's going on here of large land transfers into the Fee to Trust that exempts them from our laws and regulations. I don't believe that was ever their intention and I thank you and I hope you do the right thing.

Mr. Allen: James Moreno to be followed by Steve Pappas to be followed Charles CJ Jackson.

James Moreno: Good morning Chairman Carbahol, members of the Board I am James Moreno an attorney and I am representing several of the appellants who have appealed the TCA along with the County. It's pretty clear that that whole TCA episode which was filed just before the Fee to Trust application was filed was to evade the impacts of 25CFR151.11 which requires all these things you have heard about to be considered, the impacts on the community, the county, the taxes, public services and so on, which are not required for on reservation transfers. I agree with Supervisor Wolfe that the inextricable connection between the Fee to Trust application for the Camp 4 property and the TCA, and even the EA if you read it, it refers repeatedly and they are well when it's in trust the County won't have anything to say about it, the Community won't have anything to say about it, so none of those things were even considered in the EA. And in fact if you look at the people that were consulted, they didn't even consult with most of the agencies that you normally would consult with before you did anything with the property in the County, the Environmental Protection people and so on and so forth. In any case, I think that it's pretty clear that by withdrawing their application or attempting to withdraw it, and I agree it probably needs to be formally denied or removed somehow from the BIA records, that they can do that anytime they want. I don't know how many of you remembered when the 5.8 acre parcel across the road was going to be brought into trust and then Governor's legal man _____ wrote a letter saying well there was no homogenous Chumash Tribe and there's no such thing as banking land, bringing it into trust to bank it and so on, well then they just withdrew it. Well I understand now it's back on the Board again, they are going to bring the 5.8 piece back into trust. There's nothing to stop them from doing that here, drawing another fictitious line around another 10,000 acres somewhere and claiming that's a TCA. There are issues that must be decided, will be decided as to whether or not the BIA can do what they did here, whether the Chumash is involved or not. Thank you very much.

Mr. Allen: Steve Pappas, CJ Jackson, to be followed by Andy Cauldwell.

Steve Pappas: Good morning, I am going to go really quick. As most of you know I have been studying this issue and have been an intimate part of being involved in its evolution for the last eight years so I think I have a fairly good command of the facts. And please ask me questions after if you have them, but cutting to Supervisor Wolfe's issue regarding the TCA. I

agree completely with the County Counsel, it has no effect, no effect on this application at all. That application has been approved, it's done, it is now, the BIA is asking this Board for its position on the Fee to Trust acquisition of Camp 4 that's it. And that is what I think this Board is charged with today, is responding to that particular issue. Number two I am glad the Chair brought up the 6.1 policy. I was very involved in that policy when the community plan was written, I understand it very well and I want us to all be clear, and please listen to this. This might be the most important issue, that policy does not require you to go into agreement, it's an option. **You may oppose this annexation without an agreement, as a separate action that this Board can take, it is the action that this Board should take and I believe that the Board should simply adopt a resolution or adopt its policy today to oppose the annexation and oppose the application to take the 1400 acres Camp 4 into trust period. That's it.** Clean simple, no issue about agreement, 6.1 does not require any agreement and frankly moving toward an agreement is conceding that you are letting this land go into trust. Because now you are trying to mitigate the effects of that action. So again, please understand you may oppose this today and I suggest that you simply oppose the application period. Thank you.

Mr. Allen: CJ Jackson, followed by Andy Cauldwell to be followed by Bob Field.

CJ Jackson: Mr. Chair, Superiors thank you for this opportunity to speak, CJ Jackson speaking on behalf of myself. I want to draw just one observation, dialog, communication. I see somebody missing in this dialog here and now you know how those of us in the Santa Ynez Valley feel when we are attenuating to a rapidly changing picture. We had a TCA, we don't have a TCA. Well let me say after reading the appeal made by the County and the response to the EA provided by Staff I would withdraw the TCA too. That was thorough, it was complete, it was civil, it was professional and it addressed all the issues. I think that's the reason that that is not there. Fee to Trust is a land use issue, and this Board has asked my community to become articulate and eloquent on decision making in land use issues. We listen to you, we respond, we go out and we do the homework. I believe that Fee to Trust in the Santa Ynez Valley as proposed on Camp 4 is lousy land use policy. **It creates a zone and a zone in which inside the zone is governed one set of rules, outside the zone is a different set of rules. The conflicts that you talk about are significant and manifold, confusing and frightening.** As a result you see community members come emotionally bound. I thank you for the efforts you have made, I ask you to object to the Fee to Trust application and to oppose it. I thank Supervisor Farr for her leadership, that meeting was a testimony to good sense and good quality and if someone typecast that as a toxic environment they weren't there. Thank you very much.

Mr. Allen: Andy Cauldwell to be followed by Bob Field and then Kim Kimball.

Andy Cauldwell: Chairman Carbahol, Members of the Board. I have been making the same speech for the last five years. We have never, COLAB has never denied the impacts of the reservation, the casino or the 1400 acres. We have never denied it. We, the list that was up there of potential impacts, we agree that all of those things could be potential impacts. We believe all those things should be addressed and if possible mitigated. The one thing we have been asking for, and this even predates Brooks Firestone going on the Board of Supervisors is we have been asking for government to government dialog. You have had that government to government dialog with UCSB, you have had it with Vandenberg Air Force Base, you have had with cities in

other jurisdictions but for some reason you have refused to have it with the Tribe and our bottom line is we know there's going to be impacts. How do you hedge your bets, how does the community hedge their bets. If the Tribe gets it approved one way or another and you were on record as having refused to comply with the Santa Ynez Plan because they had that offer on the table for two years. What's going to be your fallback position to your constituency when the record shows you choose not to comply with the Santa Ynez Community Plan? That's all we have asked for, we have never asked you to give a blank check to the Tribe. We have asked you to negotiate with them, to see if the community's concerns could be addressed, if not then oppose it. But if the community's concerns can be addressed with regard to water, taxes, future annexation requests then why not at least give it a try. Why not at least talk to them, because they are your constituents too, they are longstanding residents of the Valley too, they may not have liked some of the development that happened around them over the last couple of hundred years and nobody asked. I am just asking you to treat them like you do other governments. That's all we ever asked. Thank you.

Mr. Allen: Bob Field to be followed by Kim Kimball, then Doug Herthel.

Bob Field: My name is Bob Field, I had planned to say that I live in the Chumash Tribal Consolidation Area but then I figured I better say I live in Santa Ynez but now I am not sure where I live, but I do hope that when this quasi sovereign government and this Federal Government Agency gone wild figure it out that somehow I will be able to discover what their decision was. And that's my first point here. We are not being adequately represented by different levels of government and I do think you folks have been terrific recently and I thank you for that. I am going to, one of the reasons that I think you should oppose this and there are many, and hopefully you saw the Rancho Estates Water Company comments that I submitted is that there is no way that this county can afford the impact of this annexation. The estimate that you were given by the CEO's office I think was good yet conservative. \$300 million in the first 50 years of a deal that lasts forever. If you add to that the hotel, the golf courses, the equestrian center and the condos from the Fess Parker plan you are at a billion dollars over the first 50 years and that didn't use the first half of the 1400 acres. The tragic consequence to this is that, that, you have to make up somehow and while some of you may wish to tax those of us who are left in the class of taxpayers, you really can't do that. You are pretty much out of taxing authority and it's going to be a heck of a struggle to try to tax tax payers. This is going to leave you with nothing to do but cut services and the tragedy that most of your services go to the less fortunate people in this community. So this becomes a tax break for the super rich, this Tribe is making a million dollars a year each. They are in the top 10% of the top 1% in America. This is a tax break for the super wealthy that comes at the expense of all of the less fortunate people in this community. Please oppose this.

Mr. Allen: Supervisor Adam.

Supervisor Adam: Yeah I just want to make sure you are going to be able to find your way home. You know where you live right.

Male: Thank you, yeah, yeah. I am starting to wonder.

Chair: Since Supervisor Adam wanted to make a funny and we all laughed that's great. Let's get it out of our system. We are going to refrain from that.

Supervisor Adam: A little levity is not a bad thing.

Mr. Allen: Kim Kimball.

Female: I believe he had to leave.

Mr. Allen: We are going to go with Doug Herthel, Justin Tivas and Mark Herthel.

Doug Herthel: Chairman Carbahol and Supervisors I am here as a individual and also representing POLO and as an individual I just wanted to say how incredibly pleased the community is with this Board. Considering August 20th we almost lost the situation here with a 3-2 vote on the government to government. And I think everyone here realizes government to government means a co-government and sometimes a government that actually becomes dominant and so 3-2 was close and then the next time when we had the TCA 4-1 was good. Today has to be 5-0. We have to send a message to the out of control BIA that the citizens will not allow this type of nontransparent activity to go on anymore. There's been many, many people harmed drastically by the TCA and also the ongoing bravado about that and what they are going to and what they can do. So anyway, as a community we can't help but thank you. We do have hope that this, we are not going to be doing this for the next ten years. This is going to end and it's going to end fairly soon in the courts. And the courts are ruling against this nonsense and every month there's a case that comes down that will aid us in getting us back to normal. So as a member of POLO I just want to let you know that we are very soon going to Federal Court and hopefully will help the situation out. So thank you very much. I have to tell you I am so proud of this community and so proud of the leaders up in front of me thank you.

Mr. Allen: Justin Tivas to be followed by Mark Herthel to be followed by Del Francisco.

Justin Tevis: Thank you my name is Justin Tivas, third generation Valley resident. I grew up on a little street called Fifth Street. It's one of the most little humble streets in all of Solvang. I have looked around, there's been a lot of players and some lobbyists maybe who have been here who have been controlling the media dialog and some of the decisions about to be made. But if you look in terms of the local sentiment in the Santa Ynez Valley in terms of numbers, an overwhelmingly number of the citizens and residents of the Valley oppose annexation or any sort of Fee to Trust approval process. And I think everything has been said, we are against one country with disparate laws, we are against the destruction of nature and scenery, we are against the increase in crime and drugs. But I think now is your guys opportunity to actually listen to the Valley residents and with that I would like to just give a reminder with all due respect that you guys took up a career in public service and not necessarily in politics and with that you have been sworn to protect the Constitution which entails equality, one nation, a system of government with checks and balances and no new states to be formed within the jurisdiction of any other state. And politics in contrast to that, is allowing money or government revenue to sway a decision, climbing the ladder of power into Washington positions,

cutting off speakers from public discussion or ignoring their concerns. In contrast to public service, which would be serving and listening to the constituents, treating your constituents with respect and implementing the will of the people in government with consent of the people versus the imposition of any grand vision. **And with that I would like to urge you to please vote against a two government, two system in our valley and nation, vote against annexation and/or a Fee to Trust process, act as a noble public representative and act the will of Valley residents. Refer Chumash expansion to go through the County zoning and planning process, ignore the urges of money, lobbying and a career propelling decision based on personal gain and set a precedent of true equality for all Americans right here in Santa Barbara County and do the right thing. Thank you.**

Mr. Allen: Mark Herthel to be followed Dale Francisco to be followed by Carrie Kendall.

Mark Herthel: Good morning, thank you for having us here today. Today we have gathered here in the Santa Barbara County, California in the halls of our local elected officials. **What has brought us here today is a result of a flawed Federal Government process. A Federal Government that's dysfunction has led to its own shutdown and a Federal Government agency that has allowed one unelected bureaucrat to rubberstamp or devalue 11,000 acres with a stroke of a pen.** Today's headlines sadden me that China calls for a new world currency, its state of affairs in our Federal Government and we are feeling those effects here today. **Today I ask you, our local elected representatives to take a strong and resolute approach and action and send a message to Washington. We have a process going on of a corporate and hostile takeover of our county, a shakedown of our resources, our revenue, our private property and our civil liberties.** I remember standing in this room a number of years ago when our Tribal annexation was before you, many of you were not on the Board at that time, and it was painful to watch our County give away the opportunity to appeal annexation. The talks of government to government agreement and a revenue share ultimately resulted in failure. Today we are hopeful that history will not repeat itself and that this County will not give up the opportunity to appeal annexation. **For we do not want the gambling chip to be the new currency of Santa Barbara County. An outcome that is surely expected if this County were to enter into a government to government agreement with this Tribal Corporation. The cost of this annexation go much further and are much more obvious, much further than the obvious. Lost resources, lost revenue, and so on. Today we are hopeful, we ask you, today you play to win. We ask you not only to take a position against annexation, but to take strategic actions to stop annexation in this flawed Federal process. We ask you to join our community residents in opposing annexation and please demand that other officials do so. Thank you very much.**

Mr. Allen: Dale Francisco to be followed by Carrie Kendall and Mark Preston.

Dale Francisco: Chairman Carbahol, Board Members, good afternoon. And I speak today as a private citizen, the laws under which this Fee to Trust application are going forward, these Federal laws date back to the 30's. They were originally formulated to deal with the problem of impoverished Plains Indian Tribes who had lost some of their reservation land through land sales. This obviously is not the situation in the Santa Ynez Valley. What we are faced with in the Santa Ynez Valley is a very powerful and wealthy development corporation. We would allow no other similar developer the kind of liberties that the Chumash are demanding in this

case. **So I hope that you will resolutely oppose the idea of Fee to Trust because you are our policy makers.** Clearly this is something that has to change at the Federal level. These laws are outmoded and are totally inapplicable in this situation. But that is going to have to start at the local level with a strong statement from the Board of Supervisors. Thank you.

Chair: Thank you Mr. Francisco, I hope you stick around we are going to hear that plastic bag ban that you voted unanimously on at City, at your City so please come back.

Mr. Allen: Carrie Kendall, Mark Preston, Lee Weir.

Carrie Kendall: Good afternoon, my name is Carrie Kendall, I am a local real estate broker in the Valley and there's nothing I can add to what has already been said other than the thought that I had of this concept of unintended consequences. And as we look generational, I mean I am not even looking 50 years, I am looking 100 years because that land has been there for so long and many of us that live in the Valley are there because of the beauty and the lifestyle of that land. We don't want it to change. But I am also in the trenches day to day trying to make liquid this real estate that many of the Valley residents live in and I will tell you I did a study from Friday, as of Friday. **Over the last 50 days there's only been one sale over \$1 million that has gone into escrow. That's, from a relative point of view, that's unheard of. Now whether it was the TCA, the Fee to Trust, other factors, it's just coincidental, and I bring it to mind that this is part of this unintended consequence of perception of value, people have just turned off wanting to be in the Valley until this thing has settled. So I urge you to put this to rest. Thank you.**

Mr. Allen: Mark Preston, Lee Weir to be followed by Christine Burtness.

Mark Preston: Thank you very much Mark Preston, Buellton, California, five copies of the broader context what I am speaking to. I would like to take a tact her, I would like to speak to the Valley Blueprint. The Valley Blueprint was the backbone of what eventually became the Santa Ynez Valley General Plan over a ten year period. This blueprint was published in 2000, it was a result of two years of work from an extremely diverse group of citizens. It was a painstaking effort to develop a document of land use and social goals that we could all agree upon. The blueprint repeatedly refers to the desire to maintain rural character of the value as goal one is that we discourage the rezoning of agriculturally zoned property. I speak to goal two, I speak to goal three, which is maintaining and contain our six separate communities. This is part of it, Ballard, Buellton, The Chumash, Los Olivos, Santa Ynez and Solvang and then given the highest priority to agriculture. **It's really important to note that this document was signed by the most diverse group of people you could imagine. It was signed by CJ Jackson and John Buttney. It was signed by Willy Chamberlain and Gail Marshall. It was an extremely diverse group of people that came together with this document that became the Santa Ynez Valley General Plan and most importantly one of the people signing that document was Reginald Pegaling who is a respected Tribal Elder of the Chumash Tribe. So it was not that they were out of it. I counted, that document, which is available on the internet, the ___ copies are no longer available, but that represented the Chumash and also I counted there was like 30 or 40 representations of the Chumash in this document.**

Mr. Allen: Thank you. Lee Weir, Christine Burtness and Jerry Pounds, Rounds, pardon me.

Lee Weir: Hello as a 36 year resident of the Santa Ynez Valley I oppose the annexation of Camp 4 to the, on Fee to Trust and I want to thank Mr. Jackson for mentioning the fact that none of them stayed to hear what we have to say. Because they don't need to, they have got money behind them, we don't. Why do they need to stay here and hear what we have to say, they don't care. They also are, want to isolate their families from the community, they want to have their own little group rather than to join all of us in a community. I really hope that you will not, that you will sign a policy opposing Fee to Trust. **Thank you.**

Mr. Allen: Christine Burtness, Jerry Rounds and Tammy Boulet.

Christine Burtness: Good afternoon, my name is Christine Burtness. I am a retired Santa Ynez High School teacher and I am currently sitting on the Board of Education at the High School. I am speaking for myself. In our, my expertise is in education. We have two schools in the Santa Ynez Township and they are both basic aid students, basic aid schools. Santa Ynez High School and the upper and lower campus of the Santa Ynez Elementary School, upper college campus. **Property tax revenue funds our schools, being basic aid our revenues come directly from Santa Barbara County, it does not come from Sacramento. The removal of any property from the tax rolls is detrimental to our public education, our schools.** Both schools are in need of serious updating. These updates come through the passage of bonds, bonds that are attached to property taxes. They come through developer fees, fees that if you have ever had to build, you walk right into the business offices in the school district and hand them the money, we would be losing that. If Camp 4 is taken off of the property tax rolls we lose that money forever, if the developer fees are not paid be it commercial or residential that is a huge loss. I am pleased to hear that the TCA may be removed from the table because the patchwork annexation puts a horrible cloud of disaster over funding of public schools. I would ask please listen to the **vast majority of the Valley residents and continue to repeal Fee to Trust.** As a side note, as I left Santa Ynez today to come to this meeting a college school bus was leaving the reservation.

Mr. Allen: Jerry Rounds to be followed by Tammy Boulet to be followed by Julia DeSerio.

Jerry Rounds: Hi I am Jerry Rounds and I am here as an individual I have lived in the Valley for 20 years and I think everybody before me has spoke very well. I just kinda wanted to add my two cents worth. I think simply there is no reason why the Chumash cannot achieve any of the stated goals that they have made. They have the money and the power to do so under existing rules. **I think this is about granting special privileges to a group of people,** whether a small group of people or a large group of people, I think that's wrong just in general. And this is also about losing local control of land use, it's about losing vast sums of money in the form of tax revenue in the next coming decades and I am just really, maybe I am surprised somewhat that you guys aren't pounding the table in opposition to this. And just one other comment is I read that briefly the environmental assessment and it referred to 16 species of birds that they saw three and I am a terrible birder and I have seen dozens and dozens. Thank you.

Mr. Allen: Tammy Boulet to be followed by Julia DeSerio, and I am sorry if I got that name wrong, and Sharon Merit.

Tammy Boulet: Supervisor Carbahol, could I have a minute for two housekeeping questions to Supervisor Farr please?

Chair: No, only the two minutes allotted, I am sorry.

Tammy Boulet: Okay, well I will be calling her later then. Thank you for your time and for filing the appeal against the Tribal Land Consolidation and Acquisition Plan. **As American Citizens bound by our Constitution, Bill of Rights and the State of California's Constitution I urge you to vote against the 1400 Fee to Trust application submitted by the Santa Ynez Band of Indians. The intent of Proposition 1A was never to grant a monopoly to American Indians against the State or their citizens. The current individuals have lived under California State Laws up through 1964 and never formed a legitimate government until them. Secondly the Federal Government's intent and all of the Supreme Court cases regarding Fee to Trust was that it be true to the Federal Reservation with the Federally Recognized Tribe and that the property be contiguous to the reservation. Since we do not have a true group of ethnically Chumash descendants based on legal findings and the land was never designated as a reservation under Federal Law until 1940 and no government was established until after 1964 and Camp 4 is 1.7 miles from the current reservation it would be a violation of the original intent to Fee to Trust under _____ v. Salazar. Furthermore the TCA in Camp 4 is an attempt to overstep the authority of the State's sovereign right under Hawaii v. Office of Hawaiian Affairs 2009 and the right to property owners under the Bill of Rights and the Constitution. This is a step to take private land under the Williamson Act and avoid tax revenue due to the State and County of Santa Barbara. It is also an attempt to create a contiguous line of privately held properties to create a pseudo-Federal land grant. This will give them the right to take Camp 4 into an illegitimate Indian Reservation and no longer have to abide by the laws of our nation. Any elected official who votes for Camp 4 is voting for fraud. They use unregulated electronic slot machines to bilk millions of dollars from people who mostly cannot afford to be gambling. They funnel their monies and profits from other businesses outside the reservation through the casino and they make underhanded bribes to our elected officials and Sheriff's Department in the forms of cars and vehicles. We have asked, thank you.**

Mr. Allen: Julia. I will leave the last name to you, Sharon Merit and Debbie Earl.

Julia Desueno: Hello, good afternoon Board and Mr. ____ Carbahol. Thank you for this moment today. My name is Julia Deciano, I am the cofounder and executive director of the Animal Rescue Team, Inc located in Solvang, California. **We are a 501c3 that owns a little slice of heaven in the Valley. We operate with permits from the California Department of Fish and Game, which is now Fish and Wildlife. Each year we rescue close to 400 native injured, orphaned and displaced wildlife. Our organization is deeply concerned with the Valley's future, especially that of Camp 4's 1400 acres. How does the BIA skirt our County's strict environmental and land use planning regulations? Who and what environmental agency will provide an unbiased actual, factual transparent native wildlife impact assessment. Having rehabilitated and released thousands of native wildlife for over 30 years I assure you that our native wildlife is rapidly declining in an alarming rate. Mostly due to heavy use of pesticide, anticoagulant _____, urban and vineyard sprawl, drought, as well as heavy traffic and local crime. Researchers at UC Davis and the University of California found these toxins in 70%**

of our native wildlife in the Valley. 68% of those are bird of prey. Other species impacted include protected species under the endangered species act. If our county loses control of this land I can already feel the tears of the Eagle as they circle what was one green and promised land. When is enough enough of this malignant assault to our Valley. Thank you.

Mr. Allen: Sharon Merit to be followed by Debbie Earl and Judith Eschanian.

Sharon Merit: Supervisor Carbahol and Supervisors thank you for allowing us to speak. I do urge you to oppose the application for annexation. I will make three very quick points. The first is that we count on you to support and enforce land use policies and to provide a tax base for services and supply services. The second is any evaluation of the plan, the environmental impacts of the annexation plan has to include the most developed scenarios, not merely how many houses. This is not to suggest that in the application the Tribe is being duplicitous it just notes that things change and people's opinions change and they can want housing now and a generation from now decide that they do in fact want infinitely more development. Finally I want to thank Supervisor Farr for the leadership that she has taken for the meeting that she held and I want to say that I am personally offended, having read all of the materials, having listened to everything she said, I am offended that she would be accused of lying at that meeting. She was very honorable, she was very honest and I thank her.

Mr. Allen: Debbie Earl to be followed by Judith Ischanian and then Mike Miguel.

Debbie Earl: Debbie Earl, Supervisor Carbahol, Board of Supervisors, I urge you to oppose the application of Camp 4 Fee to Trust application. My understanding of the application, the Fee to Trust process as well, is that it go to those Tribes most in need. I don't believe that applies to the Santa Ynez Chumash Band. In addition, I would like to hear a unified opposition to this Fee to Trust application, not only to the County of Santa Barbara to the State of California and to the rest of the United States where these applications will be filed in the future. Please a unified opposition to this application. Thank you.

Mr. Allen: Judith Ischanian, Mike Miguel to be followed by Sally Jordan.

Judith Ischanian: Hello Board of Supervisors and this is a star studded community outreach and I can't top that. I am President of the Neighborhood Defense League but I am going to speak as an individual for a minute or so and simply say I don't live in Santa Ynez Valley. I do live in Santa Barbara County in the First District and I, any citizen, property owner in Santa Barbara County should take notice of a Fee to Trust application that is noncontiguous to the current reservation because that is a precedent setting move and it must be rejected and I appreciate the forthrightness with which you have addressed that, particularly Supervisor Wolfe and Farr, you have made cogent comments to that regard. In terms of government to government I would like to address Mr. Cauldwell again bringing up government to government negotiations. I am looking with my glasses I finally wear in my old age and I see an American Flag, a California Flag and a Bear Flag, a flag of Santa Barbara right there. I don't see a Chumash Flag up there. Until I do, I don't know maybe we will, but I pray that you will be forthright and recognize that they want to be an Our Sovereign Nation and it's a very different

thing to compare that to dealing with the, the Board of Supervisors dealing with the California or the Federal Government. That's our government and I urge you to reject this out of hand and make it 5 to 0. Thank you.

Mr. Allen: Mike Miguel, Sally Jordan and then Tim Elwel.

Mike McGill: Hello, good afternoon, thank you for hearing us out. Thank you for serving as well. I would like to talk from a personal standpoint, when I moved to the Santa Ynez Valley I built my very first home and it was an interesting process. I had no idea what it took to build a house so when I was presented with you know a fee for this and a fee for that and a tax for this and a tax for that, I was really shocked but I soon kind of figured out that it was really a good thing and that my neighbors could know exactly what I was going to build on a property next door to their property and I see a lot of my neighbors here today and I didn't know that it really had such a purpose but now I do. It maintained the integrity of our area. Unlike, on the other side of that coin, if things, if we turn this property into Fee to Trust those rules don't apply. I don't know what my neighbor is going to build, it's what they are not saying that bothers me. It could end up being an apartment building, it could be an oil well, it could be a casino. I like the comfort of the rules that we have in place in Santa Barbara County that the taxes will be paid by the people that are building these homes and owning these properties. **On a last note, I think if we open this Fee to Trust up we very well could turn into something like Riverside County, Palm Springs where you have a checkerboard reservation and I don't think it would set very good to end up with a casino in Downtown Santa Barbara or Downtown Montecito that doesn't pay their taxes. So I am all for making money, I think that's the American way but I also am all for being fair and equitable with everybody. Thank you for your time.**

Mr. Allen: Sally Jordan, to be followed by Tim Elwel, to be followed by Kendra Duncan O'Connor.

Sally Jordan: Mr. Chairman, Supervisors, I am with the Neighborhood Defense League of California. That's a Statewide organization that was founded and is based here in Santa Barbara County. I do not live in the Santa Ynez Valley. Our great fear is that this Fee to Trust application concept will spread throughout the County and then throughout the State and that's where our apprehension is and that's why we are urging your unanimous opposition to Fee to Trust. It is also of interest that the Tribes legitimacy is still very much in question. And finally as a member of the public here represented, I would like to express my dismay, perhaps our dismay that our usual three minutes have been cut back to two minutes to speak and Mr. Armenta was given five minutes. Thank you.

Mr. Allen: Tim Elwel, Kendra Duncan O'Connor, Mary Jackson.

Tim Elwel: Chairman, I have no prepared remarks, I am just a local guy from the Valley and I just wanted to impress upon you one thing that kind of occurred to me while I watching all these proceedings and that is that you know, it's easy to get caught up in a lot of the weeds and what's going on, but the bottom line is negotiations really don't mean anything and agreements don't mean anything if no one has to abide by them. So they could sit down and meet with you

guys and you would have a wonderful time and everything would be great, and you could have all kinds of paperwork and everything else but if they are not bound to adhere to those then what good is it. So you must assume the worst because you know Vince is a great guy, I mean I have thrown back a number of beers with Vince in my days and I actually like Vince, but when Vince is gone, let's say Vince is being, 50 years from now what's going to happen you know. The fact is you can't control it, you can't hand it off and I will say that I think that Vince didn't do himself any favors and he did let maybe his true intentions show a little bit when he took the posture of I don't really care what you do, I am going to do what I want to do regardless of you. That's the kind of attitude that really doesn't sit well with the citizens of the Santa Ynez Valley.

Mr. Allen: Kendra Duncan O'Connor to be followed by Mary Jackson and our final speaker Richard Crutchfield.

Kendra Duncan O'Connor: Good afternoon, my name is Kendra Duncan O'Connor and I am with the Neighborhood Defense League of California. I don't live in the Santa Ynez Valley I live on Highway 154 though, on the other side of the hill and as you know stuff rolls downhill. **What happens in the Valley is going to affect the entire County from Montecito to Santa Maria. It will start a precedence. We have to oppose this, you have to. For the sake of all residents. Earlier today a different issue, we saw a woman who lives in her car, we saw people that had had their homes taken by real estate fraud, those people need a leg up, the Chumash had their legs up, in fact both their legs are up and running, don't let them run over you please. Thank you.**

Mr. Allen: Mary Jackson and Richard Crutchfield is our final speaker.

Mary Jackson: My name is Mary _____ Jackson and I am a 19 year resident of the Santa Ynez Valley and I am representing myself. Most of everything that I was going to say today has already been said but I want to reiterate to acknowledge and thank Supervisor Farr for her outstanding leadership in responding to the Tribal consolidation and the Fee to Trust application and I want to again appreciate how transparent and public the meeting that she held on September 25th that had an overflow crowd of over 700 of her district constituents where she held a very informative data informational factual meeting and I would urge you to take her lead and vote unanimously and support her position on opposing the Fee to Trust. Thank you and thank you for your leadership Supervisor Farr.

Mr. Allen: Richard Crutchfield.

Richard Crutchfield: Good afternoon Chairman and Members of the Board. I cochaired the Santa Ynez Valley Blueprint along with Suzy Polls and was proud of that document and the consensus that it achieved. I came here because of the open space and because of the friendliness in the Valley. On this particular issue lately I don't think the friendliness is prevailing. I think the reality is the Tribe is not going anywhere, nor should they. When the European explorers arrived I think they were greeted by Chumash that came from the shore in the 1500's. And the settlers are not going to go anywhere, nor should they. They have worked

in these chambers for a long time to keep the Valley as rural as it is and as we all enjoy. But I think we have to stop treating this issue as a zero sum game. I think that would cloud the future in the Valley for the foreseeable future and **I don't think it should be exported to Washington, DC for a solution either. I think that should occur right here.** So on the proper environment I believe the Chumash Tribe and the County should sit down and pursue an agreement between them according to the provisions of 6.1. I believe that's why it's there. Thank you.

Chair: Thank you, that concludes our public hearing part of this hearing item and I will bring it back to the Board. Supervisor Farr.

Supervisor Farr: Thank you Mr. Chair. Well first of all my very sincerest thanks to everybody who came today, everybody who has written, called, emailed. I know that I and the rest of the supervisors have really been overwhelmed with all of the comments that we have received from everybody so thank you so much for making your views known to us. I would also like to thank all of the County Staff that has worked so hard on this issue. A Fee to Trust application process as we know is very complicated and it has taken many hours of County Staff time to work on it, to provide very good comments on the environmental assessment, to prepare for today's meeting and also I want to give a special thanks to my Third District Staff who has been fielding an awful lot of calls and requests for information over the past few weeks. I am sorry that the members of the Tribe left and Chairman Armenta I do want to respond to a couple of things that he said. First of all I don't do pep rallies, thank you for some of you making those comments, unlike Supervisor Wolfe I was never a cheerleader so I don't do pep rallies. I do do informational meetings. I think that while I am sure that the Tribe did not intend to do any damage to property values when they asked for and where give approval for a TCA it did do damage anyway. It has been an unintended consequence and I think that until we hear from the BIA about the resolution of that we should assume that that approval is still there. I think it's important to note that the chairman also reiterated that the Tribe is seeking approval of this Fee to Trust not only through the regular formal application process, which we are discussing now but also through a piece of legislation or part of another part of piece of legislation in Washington, DC that would be carried by a member of Congress or two. And the Tribe has actually been trying to do this, my understanding for at least the last three years. They have approached several members of Congress and starting with Congressman Galaglie when they first approached him, my understanding is that any potential sponsor has asked that there be some sign that the community, that the County supported this action. And so this speaks to the idea of government to government discussion and dialog about mitigations because it's very clear to me that if the County would initiate that that that would be seen as a very strong sign that this County supports the Fee to Trust application and that would be conveyed to a potential Congressional sponsor. And if a piece of legislation to take Camp 4 into trust directly would happen there would be no mitigation unless it was written into it, no process as we have now. So I think that that's very important for this Board and all of us to remember.

In my job as your County Supervisor I feel it's my first responsibility to listen to all of you and then maximize as much as possible the public benefit for any decisions that I make and so what's in the best interest of the most number of people who live in this County is what's always in the forefront of my mind when I sit up here. And no matter what angle I look at it from I cannot find any public benefit in this Fee to Trust application. I certainly see a lot of benefit for the

Chumash Tribe, certainly understand why they would want the Federal Government to add this beautiful piece of property to the reservation. But I see no additional benefit for the rest of the people who live here. If I look at the application through the lens of public process it has already failed several tests. The County and the public weren't notified when the application was first filed, nor were we notified when the Tribal Consolidation and Acquisition plan was filed and approved. And finally and most recently the BIA sent a letter of notification to the County that they had deemed this Fee to Trust application complete even before the deadline for comments on the environmental assessment had passed and certainly much before any BIA staff would have had the opportunity to read the comments that the County submitted and that anybody else had submitted. If I look at the application through the lens of land use it also fails in several respects. It's incompatible with the County's General Plan, it's incompatible with the County's land use regulations and it's incompatible with the Santa Ynez Community Plan and since that has come up and was passed out to us the goals, policies and actions, because they have been referenced before I just wanted to read that the goal in this section, at the very top, which all of the policies and the action items are supposed to conform to is that we maintain the Santa Ynez Valley's rural character and agricultural tradition while accommodating some well planned growth within township boundaries that is compatible with surrounding uses. So that is what that is all about and everything underneath that is to feed that particular goal.

I think it's also important to remember that this application puts into nonrenewal 1400 acres of prime agricultural land in perpetuity that has long been in a Williamson Act Contract and in the County's comments on the land use chapter of the environmental assessment we characterize that section as "fatally flawed". If I look at the application through the lens of environmental concerns there are multiple problems that the County commented on in detail for the environmental assessment. The first page of those comments sums it up by saying that "there are substantial questions that Camp 4 cause a significant impact to land use, agriculture, public services, water resources, biology, air quality, traffic and visual resources. And therefore an environmental impact statement is required." If I look at the application through the lens of fiscal impacts to the County the costs are enormous and we have just seen the numbers a little while ago. So no matter what alternative is chosen, the loss of taxes at the ten year mark, somewhere between \$34 and \$42 million and those amounts more than double in the following ten years. And that assumes that nothing else is built on the property that might also generate property tax, sales tax and transient occupancy tax. Those are funds that this County would really need to pay for the increase in services that this project would demand, as well as be used to provide services for people throughout our County. Our schools would suffer, our roads would deteriorate and public safety services would be lessened at a time when they should be increased. In addition, we are already seeing negative impacts to the real estate market in the Valley due to the uncertainties brought down upon us by the approval of the TCA and the application for the Fee to Trust which will have a corresponding negative impact on our current property tax base in the Valley for the foreseeable future. So I will end as I began. The desires of 143 members of the Chumash Tribe no matter how well intentioned for the future of their Tribe should not and cannot outweigh the very real needs of County government and the 420,000 other County residents which we are pledged to represent and serve. So the County must oppose the decision by the BIA to find this Fee to Trust application complete and pursue all possible areas of opposition to it. That we are doing this because we have already requested that the BIA stay the processing of this application pending the outcome of the litigation because the

environmental impact statement must be completed and deemed adequate prior to any notice of completion, and last but not least because of the overwhelming evidence and public testimony due to the fiscal impacts and loss of jurisdictional authority that are not in the best interest of our County. So Mr. Chair I am going to go ahead and move Staff's recommended actions A, B and D and when it comes to C as to the direction that we direct the CEO to provide written comments to the Bureau of Indian Affairs by November 7th in accordance with 25 code of Federal Regulation part 151 that oppose the Fee to Trust application and acquisition and describe in detail the negative potential impacts on the County of Santa Barbara from jurisdictional problems and potential conflicts of land use, which may arise and financial impacts if the property is removed from the County's tax rolls from both lost real property taxes and any special assessment. Thank you Mr. Chair.

Chair: Motion has been made, is there a second.

Female: Mr. Chair I will second.

Chair: Seconded. Could you repeat that last part, Supervisor Farr about C, it deviates from what was up on screen, I just want to make sure I.

Supervisor Farr: C just says provide direction so that was the direction that I was given. That the CEO provide written comments to the Bureau of Indian Affairs by November 7th in accordance with the Federal Regulation part 151 that oppose the Fee to Trust application and acquisition and then describe in detail the negative potential impacts from land use and fiscal.

Chair: Thank you, motion has been made and seconded. Further discussion, Supervisor Wolfe.

Supervisor Wolfe: Thank you Mr. Chair. I see that Mr. Geiss is here and this may be ProForma now but I would like to hear about the basic aid school districts that might be affected. We did hear from one of the teachers from Santa Ynez so if you could just add to that.

Mr. Geiss: Chair Carbahol, Members of the Board, maybe I can just tell you out of that tax rate area where those parcels are located the recipients of the taxes are the County General Fund, the Santa Barbara County Fire Protection District, the Flood Control District, the Santa Ynez Flood Zone, Santa Barbara County Water Agency, Oak Hill Cemetery and then we have College Elementary School District and Santa Ynez Valley School District, along with Allen Hancock Community College. The County School Service Fund, which goes to the education department and then the educational revenue augmentation fund, which gets spread amongst many school districts. The school districts receive about 60% of the total taxes or funding for education and both of those are what they call basic aid school districts, meaning that the property taxes generated in the Valley are sufficient to fund schools and they don't receive any, they receive some money from the State, but not the ADA amount.

Supervisor Wolfe: Perfect, it definitely helped and I think the implications are even greater than, to just County services and to the schools. I just want to, before we vote on this, I know everyone is tired, but I just can't let this day go by without thanking Supervisor Farr. A lot

of you folks have said that. Her leadership has been exemplary and she really has taken the lead on this and I for one appreciate it. I, you know, I think all of our communities have communities like we are seeing here, where they care about land use issues, they want to maintain their agricultural areas, they want to make sure that land use policies are fair and I think that this issue, someone was saying why aren't we pounding on the table, you know sometimes it does feel like that. It's just so, this is such a big issue that effects your community and while we may have smaller issues say in the Second District there is still as much passion. So I appreciate that you folks have come out, this is indeed a, this is big and so again I thank you Supervisor Farr, I am also not happy that every time we come to the Board there's new information that's provided to us. It was the TCA I think last time, it was the environmental assessment report, everything was coming to us last minute and then we get this letter today. So I think for a lot of those reasons that can be responded to in the letter. I think that the letter needs to be as firm and as straightforward as possible, our letter to the BIA, as it relates to the opposition to this Fee to Trust. Thank you Mr. Chair.

Chair: Supervisor Lavanino or _____.

Supervisor Adams: Well first of all I did not appreciate the BIA giving us 15 day extension instead of the 60 that was requested. You know I just think that's a sign of bad faith given the size and scope of this action and I think it's custom and practice at least in my experience in the legal field that almost every request for an extension is granted, it's not done. And it's just a sign of bad faith. I have heard a lot of people talk about the community plan and you know, as a supervisor I am not intending to be slave to community plans. You know everything changes and I think that there's somethings in my experience with the _____ community plan that I think were just inappropriate, even at the time but at this point you either are going to go with it or find that there's an overriding concern. That said, you know the Tribe can't just bowl over the top of everybody either and I have had that conversation with Mr. Armenta. And I do believe that Mr. Armenta is of good faith, problem being he is not going to live forever, so something happens and you start dealing with somebody else who is not or has other ideas about what might be best for his family and himself, you know all bets are off if this thing goes through, so you know as everybody has said and I think it's right, there will be no putting the, as one of my friends like to say once a pickle never a cucumber again. So the Tribe needs to plan for their future and we need to plan for ours and I think that we should pursue all avenues to oppose the Fee to Trust.

Chair: Supervisor Lavanino.

Supervisor Lavanino. Ey yi yi. Well first off I want to thank everybody for coming out. I wish I had this kind of response in my District when critical issues came up, the Santa Ynez Valley can always be counted on to have their voice heard and I do commend Supervisor Farr for you know the way she has worked with her constituents. I voted to appeal the TCA and the reason why I did was I just thought it was a complete overreach and we didn't understand exactly what all the implications were and we couldn't get firm direction from County Counsel on what exactly it meant. But I thought what was interesting today is that when we removed, when Chairman Armenta came and said he was withdrawing the TCA out of all the testimony we heard the time before where you know it was Armageddon, the TCA was the devil, one person out of all of our

speakers said it was appealing that maybe that the TCA was leaving. I didn't hear one person come up and say man this sounds great, this is good news. Now I know a lot of you don't trust Chairman Armenta, but it was a positive move in the right direction I thought. A lot of people also were very upset I heard the words enraged, outraged, distrustful, and then we went to the old things that I am very tired of, quasi government, not truly Chumash, their legitimacy is in question, those things get really old. I respect, there's people I respect on both sides of this issue. When Supervisor Firestone comes up here I listen and there are a number of people that truly have passionate beliefs about this that are a little bit different than mine. What I am really depressed about really, is the contentious, long contentious history and it's both sides, but I have been around long enough to be around for the 6.9 acre fight, that's still going on, so when I hear somebody say well it's the size, this thing is huge and that's why we should be involved in this. Yeah 1400 acres is huge, but even if it was 6 acres, if it was 1 acre, if it was 100 yards I believe we would still have this room full of people that said that just didn't want it. I was here for the 6.9 acres, I was here over the alcohol license battle. Folks were upset with the naming of the Chumash Highway, where the State came in and made a ceremonial naming of a highway and now people are upset because Chairman Armenta got five minutes and everybody else got two. It's peace week this week in the Santa Maria Valley and I just want to try and change this meeting just a tad and I learned, I went to Catholic School, don't hold that against me, but there was a little prayer that St. Francis of Assisi. It's just going to take a second, it said Lord make me an instrument of your peace, where there's hatred let there be love, where there's injury pardon, where there's doubt faith, where there's despair hope, where there's darkness light and where there's sadness joy. I know I am not going to bring a lot of joy to this room today but I am calling for us once again to come together to reconsider opening dialog with the Tribe to discuss ways to mitigate the impacts. I have concerns about the impacts, absolutely. Number one for me is loss of tax revenue. This year was \$83,000 and I know it's going to progress up from there. It's interesting though when we talk to people we went from \$83,000 which it is right now to I think Mr. Field had it up to a billion dollars over 50 years. Okay. But I am very concerned about, not only the property tax that we would be losing right now, but future property tax, future sales tax, future TOT tax. How are we going to recoup those dollars? Without dialog we have no idea how that's going to happen. San Diego just went through this identical situation, they found out through the long run that the best interest of the County was to seek an agreement. Now I also understand you know I am trying to, I don't see the Tribe in the same light that you do and I understand that this is right in your backyard and I get that and I used to tell people you know that would come in and they would say well why isn't the Fifth District more supportive or realize the impacts more of what the casino is all about. And I used to say well it's almost like where there's an earthquake and it's concentric circles around it and as you get farther away you have to realize what my constituents view the Chumash as. In Santa Maria, number one they are one of the most, they are one of the largest employers. Number two, I was at this weekend and fund raiser for the United Way, United for Literacy getting poor kids to be able to read at grade level. Who was the number one major sponsor, it was the Tribe. North County Athletic Round Table on Monday lunch for kids that are going through athletic programs, the Tribe is always there. Stand down for homeless veterans this weekend, number one sponsor are the Chumash, we see things differently. I think whether we vote to appeal this or not appeal it it's in our best interest to negotiate. I am not a fan of the Fee to Trust process, there's obviously major holes in it. The ability for the Tribe to change what the plan is after the fact is a major concern and reform needs to happen, it's not going to happen at the Board of

Supervisors that's for Congress to deal with. But I think, and when the Chairman came forward and said look I took it as almost a threat, I think he was, he was laying down the law that it doesn't matter what you do I am going to go through the legislative process. Well I would like to remind you that that's exactly what I said was going to happen. If you shut off communications you are sending the message to Congress that the local government will not work with the Tribe and it's going to grease the skids for them to go through the legislative process and we are going to end up here with the all the impacts and a goose egg for mitigation. So I heard somebody say today no compromise is satisfactory. Any maybe that's where you are at, I can understand that, I have been there before, I went through a divorce I understand. No compromise sometimes is satisfactory but I hope you can understand my position. And when somebody got forward and said it's career propelling, you are being a politician it's career propelling, the career propelling thing for me to do today was to support it. To support you appeal and make all of you happy. The thing that I have learned is, and I think everybody up here can respect this is that it's doing what you think is right even when no one is agreeing with you. I think it's the right thing to do to get into negotiations, I think five, ten years down the road from now unfortunately I probably won't be here, maybe Chairman Armenta won't be here, who knows who is going to be here, but I think ten years from now we are all going to think we probably should have negotiated with the Tribe because the legislation is going to go through, we are going to end up with zero mitigation and we are going to have all of the impacts. So that's where I am at.

Chair: Supervisor Adam and then Supervisor Wolfe.

Supervisor Adam: Well yeah I do respect your position on that Supervisor Lavanino but you know I am just going to disagree with it because you know the Tribe is going to act like a bunch of humans you know, we can expect all humans to act in their own self-interest. And I have told Vincent Armenta myself I would do the exact same thing you are doing. I get it. You know when somebody wants to make a better set of situation or circumstances for their, themselves and their family I get it, god bless them. I would do the exact same thing. However, you know I gotta do the same thing for myself and my family and all of you out there that agree with me, that you know we can't have people taking 1400 acres out of, a big chunk out of the County and especially with the fact that we have got that TCA, even with the fact that it's withdrawn, question for Mr. Marshall, what's without prejudice mean.

Mr. Marshall: Without prejudice means that it can be refiled again.

Supervisor Adam: Okay I knew the answer to that, thank you. So that was good theater wasn't it. So you can't expect anybody not to do the best thing that they can and you know if we enter into a dialog, which you know as a sidebar I have been asked to have a dialog with these guys and I keep asking them well can you give me something. Cause he says well I know that we can arrive at a deal and I say well send me something so I can see what you are thinking and he has promised me at least three times that he would and I get nothing. So you know, I just, I can't, I can't sit here and concede through the dialog that there will be a Fee to Trust. I just, I think maybe they have overplayed their hand a little bit and you know I think this is probably recognition of that they have withdrawn the TCA and I am not sure that they can get that Fee to Trust. I think that it's doubtful that they can get that Fee to Trust through the Federal process. I

think they are trying to buffalo everybody a little bit, that's my feeling, maybe I am wrong and maybe in ten years I will be sorry, but for right now the best thing that I can do even if somebody disagrees is to pursue all avenues of opposition.

Chair: Supervisor Wolfe.

Supervisor Wolfe: Thank you Mr. Chair. You know as we sit up here we are supposed to be people who maybe are above some of the comments that we hear, this is an emotional issue. I don't necessarily agree with Supervisor Lavanino on the tenor of the discussions today. I actually thought they were quite civil, you know with maybe a couple of exceptions, but regardless of that the issues, the issue that is before us is this application and whether or not we should oppose it. And I can't in good conscience say yes this is a fine application and we are going to go ahead and talk. I can't do that. This is not a good application. We need to oppose this application because now there's some confusion about the TCA, we heard from our CEO about the environmental impacts, the, over and over in this application it talks about that there are no significant environmental impacts. Well because of statements like that we need to oppose it because our Staff has done such a good job in looking at those environmental impacts. There is something else in this application that was very striking to me, and that was there's a statement in here that the County would not have the burden or responsibility or maintaining jurisdiction over the Tribal property. Well I think that's making quite an assumption. I think that what has been said in the audience and what I feel is that we as a Board of Supervisors, we as a County want jurisdiction. So the notion that they are going to take that responsibility away from us is almost laughable. We want that responsibility don't take it away from us. Again there's a notation in here about the Tribe does not anticipate any adverse effects of land use. In section C and section 9 and then also in section 10 there are statements in here about the BIA impacts and contemplated services. It is correct Supervisor Lavanino that they have provided and have been very good to the community in their donations, but there is an issue in here about, it's an exhibit K4 where they talk about the amount of Sheriff grants, money that they have given to the Sheriff's Department and they have noted \$675,000 (estimated). When the exact amount, which is noted in here is actually \$83,000. So the number, so there's things in this application that are not correct. So again without any of the other, any of the other stuff we can easily say that we are opposed, I believe we can easily say we are opposed to this application because it is either incorrect or it's inaccurate. Thank you Mr. Chair.

Chair: Thank you, Supervisor Farr.

Supervisor Farr: Thank you Mr. Chair. You know I think it's important to remember that this is the third Fee to Trust application that has come before the County. The 6.9 acres, the 5.8 that went away and now that we hear is back and I guess I might have a little more confidence Supervisor Lavanino that the County could sit down and negotiate something at an appropriate time, you know, or if the Tribe wanted us to give that more credence that they would have sat down with us on those applications and negotiated the mitigations for that and yes they are not as many acres as this and so this impact is far greater and that much more important that we do, are able to mitigate it if it is going to happen. But we have not been successful in the past, there is no successful past history between the County and the Tribe in sitting down and coming to a resolution of issues and a signed mitigation agreement, even for very small parcels like that. So

you know I stand by my motion 100% of it, this must be opposed, there are so many serious issues here, I don't even know you know if wanted to sit down or talk with them that we have any kind of information to go forward on. I mean how do you come up with a mitigation agreement when you don't even know what you are mitigating. So Mr. Chair I am ready to move forward here when you are ready to go.

Chair: Well I guess I am the wrap up before we vote. This has been a good discussion and I always appreciate even when I disagree with people the process and I for one agree with 100% of what Supervisor Lavanino said. I am willing to support Supervisor Farr's direction and motion today to perhaps make a point. But I will tell you that my biggest underlying guiding principal is that communication is always best, to get beyond contention, to find common ground, it's so important no matter what we do in life, no matter what government process it is, and I am just dumbfounded how that is something that's so, such of a bugaboo. To me that's so fundamental to any process, to any community spirit and for me I will always push for that issue. I am going to support Supervisor Farr today but you need to know that I am not going to lose sight of that issue of communication. There's gotta be some give here, it can't always be I want everything, every single issue that has come here on the Chumash, same faces. There's never been any give, never. There's gotta be some give and to make my point I am going to support Supervisor Farr. But I am looking for that dialog. I cannot continue to support Supervisor Farr or to try to compromise my values if I don't see movement in that area. But today I am going to make my point, I am compromising and I am going to support Supervisor Farr, but communication, since when has it become the evil of all evils. It's ridiculous. So I will be supporting today Supervisor Farr but that is my guiding principal and that is something I am going to continue to look for in the very near future. I may bring an item to this Board, others may bring an item to this Board but I just want to show that I am willing to compromise but I expect others to be willing to compromise as well and for me that's ultimately extremely important for me. But I understand there's impacts, that's never been the issue. That's why I am willing to support Supervisor Farr today. Roll call.

Mr. Allen: Ms. Wolfe.

Supervisor Wolfe: Aye.

Mr. Allen: Ms. Farr.

Supervisor Farr: Aye.

Mr. Allen: Mr. Adam.

Supervisor Adam: Aye.

Mr. Allen: Mr. Lavanino.

Mr. Lavanino: No.

Mr. Allen: Mr. Carbahol.

Mr. Carbahol: Aye.

Mr. Allen: Passes 4-1.