

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

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

**Public Meeting  
October 9, 2017**

# Ad Hoc Subcommittee

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

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

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

# Summary

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

# Background

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

# External Factors

- The January 19 action by the Department of Interior that changed the status of Camp 4
- Litigation has been filed in federal district court
- Congress is poised to act on HR 1491
- Supreme Court will soon hear arguments about whether or not Congress has the right to dismiss FTT litigation.

# Guiding Points

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

# Discussions - Broad Range of Options

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

# Summary of Key Terms in Agreement

## September 25, 2017 Meeting:

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

# Questions Posed by the Community in Following Areas:

SEPTEMBER 25, 2017

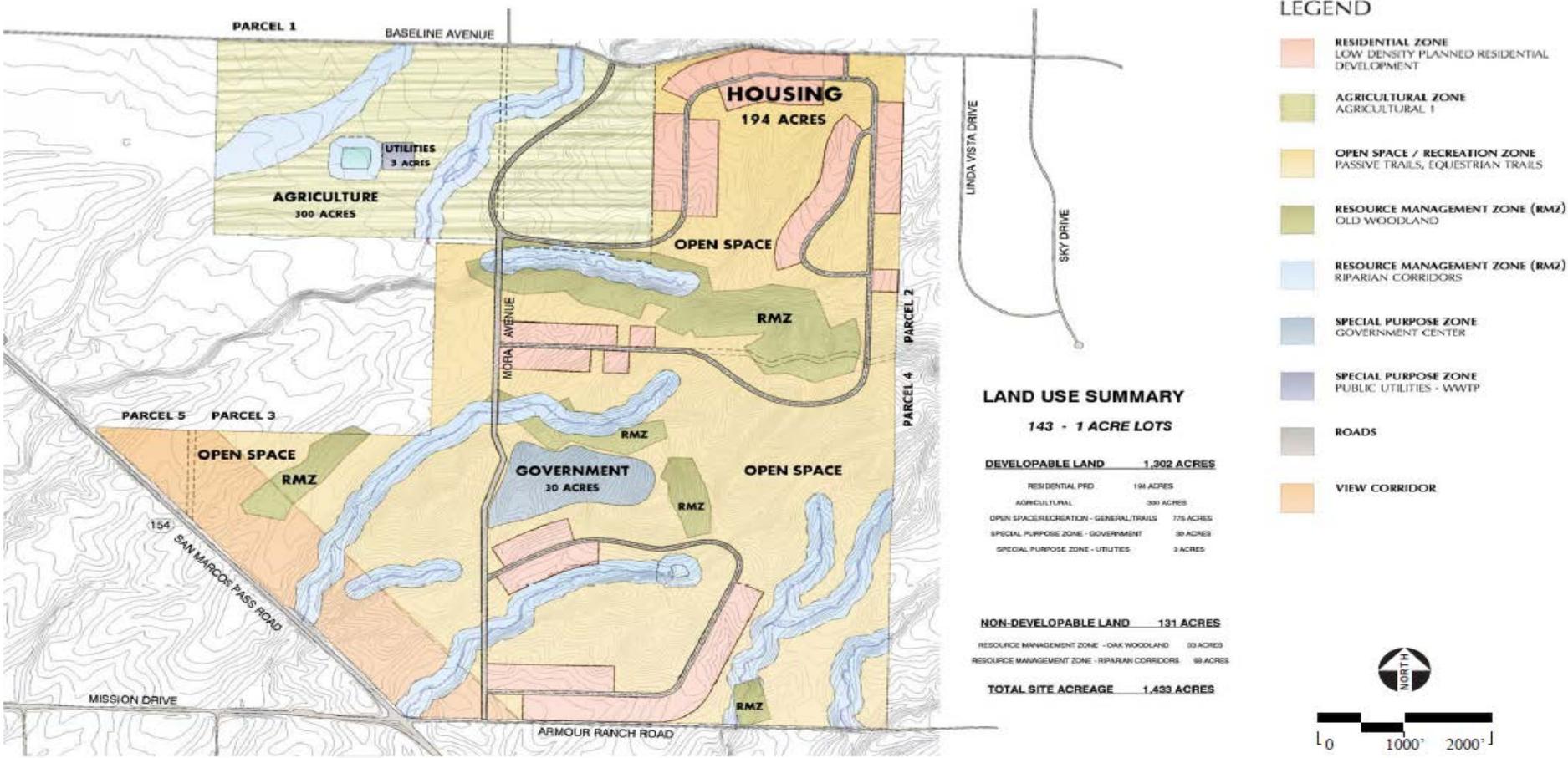
OCTOBER 5, 2017

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

## New Items:

- Tribal Land Consolidation Area
- Development Options– Views/ impacts from exiting residential (Baseline and Linda Vista)
- Natural Resources (Mitigation Monitoring & Enforcement Plan)
- Location of Tribal Hall
- Traffic
- Solid Waste Hauling

# Camp 4 Land Use Map



# Land Use

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

# Land Use - Mitigation Monitoring Plan -Water

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

# Land Use

- Limits on Commercial
  - No Commercial proposed (Ag commercial currently allowed)
  - 206 acres of Ag
  - Net decrease in commercial as no winery in approved project
- Provision of Open Space
  - 869 acres of open space recreational
  - 98 acres RMZ– Riparian
  - 33 acres RMZ- Oaks Woodland
- Tribal facilities
  - 30 acres special purpose – Tribal facilities
  - Tribal members and guests for tribal events functions and ceremonies – 250 parking spaces – 100 events (language, culture nights, AA meetings & 4H)
  - **No Liquor – Same rules as existing Tribal Hall**
  - **Location**

# Land Use

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

# Traffic Impact Study

- The Traffic Impact Study (TIS)
  - includes fair share of 154 roundabout at 246.
  - roundabout or signalization at 154 and Roblar with fair share of 2.6 percent.
  - Assessed impacts to the operations of Baseline Road east of Edison Street
- Armour Ranch Road –
  - one-third 1/3 of the lots on Armour Ranch Rd in Alternative B, have exact locations to be determined.
- Near-Term cumulative conditions were established by reviewing the cumulative project database maintained by the County for projects within the Santa Ynez Valley.

# Natural Resources (Mitigation Monitoring & Enforcement Plan)

- Tribe shall comply with Green Building Code
- Tribe shall recycle 75% of solid waste generated on site
- Vernal Pool Fairy Shrimp
  - Wetland habitat buffer zones to be established around seasonal wetlands
- Migratory Birds and other Birds of Prey
  - Detailed protections in Mitigations Measures to address nesting birds

# Development Options Analyzed

- EA lists 8 different layouts for one-acre lots (Exhibit N)
- Alternative B selected to spread one-acre lots into each buildable area to facilitate environmental analysis.
- EA does provide for setbacks but 985 feet only for Highway 154 as designated scenic highway.

# Development Options Analyzed

- One acre assignments in the northeastern corner of project site;
- --One acre assignments in the northeastern corner of project site with an expanded vineyard;
- --One acre assignments in three clusters in the northeastern, central, and south-central portions of the project site;
- --One acre assignments in three clusters in the northeastern, central, and south-central portions of the project site with a setback off Armour Ranch Road;
- --One acre assignments in the southeastern corner of the project site;
- --One acre assignments in the northwestern corner of the project site with the vineyard moved to the east of the existing vineyard;
- --One acre assignments in the northwestern corner of the project site with the vineyard moved to the southwestern portion of the project site; and
- --One acre assignments clustered in the central portion of the project site.

# Tribal Land Consolidation Area (TCA)

- TCA was voluntarily withdrawn by Tribe
- FTT application and EA were resubmitted without TCA
- Current project has no TCA; location of houses (Appendix N of Final EA)
- On October 11, 2013, the Tribe withdrew without prejudice the approved Plan and corresponding TCA via Resolution #926 Santa Ynez Band of Chumash Indians-Tribal Land Consolidation Area
- IBIA dismissed the appeals The Tribe prepared and submitted a revised trust acquisition application to the BIA excluding the withdrawn plan and TCA from the purpose and need.

# County Land Use Policies

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

# Term

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

# Enforceability - Waiver of Sovereign Immunity

- Enforceable Agreement protects and secures stated land uses for term of agreement.
- Without a local agreement with an enforceable WOSI by Tribe – no protections.
- August 2015 to March 2016 WOSI discussed at Ad Hoc Subcommittee
- August 30, 2016 Report to the Board of Supervisors on WOSI and separately approved agreement for law enforcement services with waiver.
- Consistent with County/Tribe law enforcement service contract.
  - County has 2 contracts for Law enforcement services with the Tribe
    - November 4, 2014 - Approved by Board of Supervisors– No waiver – Pre-payment to mitigate risk
    - August 30, 2016 - Approved by Board of Supervisors – Contains WOSI

# Enforceability - Waiver of Sovereign Immunity

*Tribe expressly and irrevocably waives for term of Agreement its right to assert its sovereign immunity from suit and enforcement and execution of any ensuing judgment or award and consents to be sued in the federal courts of the United States or the state courts of the State of California provided that the dispute is limited solely to issues arising under this Agreement.*

Limited WOSI by Tribe, consent to jurisdiction, and no exhaustion of tribal remedies.

# Enforceability - Waiver of Sovereign Immunity

- Tribe's General Council will vote on the proposed Memorandum of Agreement.
- If approved by vote:
  - the General Council will approve a Resolution authorizing the Tribal Chairman to sign the proposed Memorandum of Agreement and approve waiving sovereign immunity.
- The Resolution, once executed by the Tribal Chairman, will be attached as Exhibit D to the proposed Memorandum of Agreement.
- There are no third-party beneficiaries to the waiver.

# Fiscal

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

# Fiscal

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

# Fiscal – Transportation & Circulation

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

# Legislation

- Reference of Agreement in legislation
- Notice to Congress that there is an agreement and Tribe has waived sovereign immunity for enforceability
- An enforceable local agreement protects County interests and does not impair the rights of citizens to go forward with litigation.
- Federal courts hearing Camp 4 litigation, not the County, that will determine any issue related to community litigation proceeding.

# Scope of Agreement

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

# Public Process

- Public Meeting of September 25 - Agreement not complete
  - Provided summary of known terms
- Public meetings with full Agreement (October 5 & 9 )
- Board of Supervisors consideration of agreement  
October 17, 2017

# Next Steps & Closing Comments

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



**Thank you**

**Website – [www.countyofsb.org/tribal-matters.sbc](http://www.countyofsb.org/tribal-matters.sbc)**

# Camp 4 Vicinity Map

**LEGEND**

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

Miles

0 0.6 1.2

