

House Subcommittee on Indian, Insular, and Alaska Native Affairs
Don Young, Chairman
Hearing Memo

June 15, 2015

To: Natural Resources Committee Members

From: Majority Staff, Subcommittee on Indian, Insular, and Alaska Native Affairs

Subject: Legislative hearing on H.R. 1157 (Rep. Doug LaMalfa), the “*Santa Ynez Band of Chumash Mission Indians Land Transfer Act of 2015*”

The Subcommittee will hold a Legislative Hearing on **Wednesday, June 17, 2015, at 11:00 a.m., in room 1324 Longworth HOB** on H.R. 1157.

Summary of the Bill

H.R. 1157 provides for the transfer of title to an approximately 1,400-acre tract of land known as “Camp 4” to the United States to be held in trust for the benefit of the Santa Ynez Band of Chumash Mission Indians (“Chumash” or “tribe”). In 2014, the Bureau of Indian Affairs approved an application filed by the tribe to place Camp 4 in trust but the title has not transferred to the United States pending the resolution of an administrative appeal filed by Santa Barbara County. Under the bill, gaming under the Indian Gaming Regulatory Act of 1988 shall be prohibited on Camp 4 after it is placed in trust.

Cosponsors

Cosponsors of H.R. 1157 include Cardenas (D-CA), Cole (R-OK), Cook (R-CA), Denham (R-CA), McClintock (R-CA), McCollum (D-MN), Nunes (R-CA), Torres (D-CA), Valadao (R-CA), and Vargas (D-CA).

Background

In the late 18th century, five Spanish missions were established in the territory of Chumash Indians, an area which covered coastal California from San Luis Obispo to Malibu, and inland to the western edge of the San Joaquin Valley to Paso Robles.¹ The Santa Ynez Reservation was established in 1901 under the authority of the Act of January 12, 1891, for members of the Chumash Tribe. European diseases took a large toll on the original population of the Chumash people.² Today the reservation is located in Santa Ynez (Santa Barbara County)

¹ *Tiller's Guide to Indian Country*, compiled by Veronica E. Valarde Tiller, 2005.

² *Ibid.*

and comprises about 138 acres and the tribe's enrollment is about 140 members.³ The tribe constructed a casino and hotel resort on its reservation pursuant to the Indian Gaming Regulatory Act of 1988 (IGRA), which facility has lifted the tribe from historic poverty to economic success. With other private investments in the region, the tribe has become one of the largest employers in Santa Barbara County.⁴

The current reservation also hosts dense tribal housing that was originally built through Department of Housing and Urban Development low income grant programs (grants obtained prior to the tribe's successful operation of gaming under IGRA). The tribe reports that relatively few of its members are able to live on the reservation.

In 2010, the tribe purchased a 1,400-acre tract of land known as Camp 4, located about two miles from the reservation in an unincorporated area of Santa Barbara County,⁵ from the Fess Parker estate. The tribe has testified it intends to use Camp 4 for suitable tribal housing for its current and future members. At present, Camp 4 is mainly agricultural in character. Under California state law and Santa Barbara County zoning rules – particularly the Williamson Act – the property may not be easily converted to a more developed status, including the type of housing the tribe plans to construct. Accordingly, the Chumash applied with the Bureau of Indian Affairs (BIA) to divest the State and County of its zoning, regulatory, and tax jurisdiction over the property by placing it in trust.

In December 2014, the Pacific Region Director for the BIA approved an application by the tribe to accept title to the Camp 4 property in trust after a Finding of No Significant Impact made under an Environmental Assessment.⁶ The Environmental Assessment describes the reasonably foreseeable consequence of the trust acquisition as being for “tribal housing on five or one-acre lots and associated facilities. The housing project would include up to 143 residential units, as well as supporting infrastructure including on-site wastewater treatment and reuse of recycled water and development of groundwater to meet potable water demands.”⁷

Following the BIA's approval of the trust acquisition, Santa Barbara County voted 3-2 to appeal it.⁸ In addition, a family who owns property adjacent to Camp 4 filed an appeal of the trust acquisition. Under rules and policies developed by the Secretary of the Interior, a decision

³ Written statement of Vincent Armenta, Chairman, Santa Ynez Band of Chumash Indians, Subcommittee on Indian and Alaska Native Affairs oversight hearing on “Indian lands: Exploring resolutions to disputes concerning Indian tribes, state, and local governments, and private landowners over land use and development,” August 2, 2012.

⁴ *Tiller's Guide to Indian Country*, compiled by Veronica E. Valarde Tiller, 2005.

⁵ <http://www.chumashea.com/wp-content/uploads/2013/08/site-and-vicinity.pdf>

⁶ <http://www.chumashea.com/>

⁷ <http://www.chumashea.com/wp-content/uploads/2014/10/FONSI.pdf> at 5.

⁸ <http://www.independent.com/news/2015/jan/26/county-appeals-federal-camp-4-approval/>

by a Regional Director of the BIA (as in this case) to acquire land in trust (for non-gaming purposes) may be appealed administratively to the Interior Board of Indian Appeals (IBIA). It is unlikely that title to Camp 4 will transfer in federal trust until the appeals are resolved. A timeframe for the exhaustion of appeals in this case is uncertain.

A number of individual property owners in the county and an organization known as Preservation of Los Olivos (POLO) also oppose the transfer of Camp 4 in trust for the Chumash.

Analysis of H.R. 1157

H.R. 1157 provides that if the Chumash Tribe transfers title to the Camp 4 property to the Secretary of the Interior, the Secretary shall accept and hold the title on behalf of the United States in trust for the tribe. (Legislative acquisition of Camp 4 in trust would render the pending IBIA appeal filed by the County and private landowners moot). Except for a prohibition on gaming, H.R. 1157 imposes no restrictions on the tribe's use of Camp 4, and the bill clarifies that certain California state laws including the Williamson Act (California Land Conservation Act of 1965, Government Code Section 51200, et seq.) shall no longer apply to Camp 4. The Williamson Act provides certain property tax relief for a California landowner who agrees to maintain his property as open space or for agricultural uses.⁹

H.R. 1157 describes specifically the land to be placed in trust for the Chumash, and provides that nothing affects any water right of the tribe or terminates any right-of-way or right-of-use in existence before the date of enactment of the Act.

Witnesses

Mr. Mike Black, Director
Bureau of Indian Affairs
U.S. Department of the Interior
Washington, D.C.

Mr. Vincent Armenta, Chairman
Santa Ynez Band of Chumash Mission Indians
Santa Ynez, California

Ms. Mona Miyasato, County Executive Officer
Santa Barbara County, California

Mr. Steve Lavagnino, County Supervisor (Fifth District)
Santa Barbara County
Santa Maria, California

⁹ <http://www.conservation.ca.gov/dlrp/lca/Pages/Index.aspx>