



**Vincent Armenta
Tribal Chairman
Santa Ynez Band of Chumash Indians**

**Written Testimony 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

Good afternoon Chairman Young, Ranking Member Lujan and members of the Subcommittee. I am Vincent Armenta, Tribal Chairman of the Santa Ynez Band of Chumash Indians in California. On behalf of our tribe, thank you for the opportunity to testify today about our experiences with disputes concerning tribal land use and development.

I'd like to make it clear this is not about gaming. We are proud of the economic opportunities our tribal gaming has provided to our entire region. However, our efforts to add land to our reservation are about tribal self-determination and providing our members with housing opportunities.

Located on the Santa Ynez Reservation in Santa Barbara County, California, the Santa Ynez Band of Chumash Indians was federally recognized in 1901 and remains the only federally-recognized Chumash tribe in the nation. The Chumash original territory lies along the coast of California, between Malibu and Paso Robles – a 200 mile stretch of California coastline. The area was first settled about 13,000 years ago and at one time, the Chumash had a total population of about 18,000 people.

The Santa Ynez Band of Chumash Indians was eventually relegated to 99-acres which lies entirely in a flood plain, 40 percent of which is within a flood zone. For many years, few tribal members lived on the reservation since running water and electricity was not made available to our residents.

In 1967 when I was three-years-old, our tribe held a variety of events in the community to raise funds to bring running water to our reservation. They held fashion shows, car washes and even had war dance contests.

Our source of water had been declared unfit for human consumption. Tribal members living on the reservation at that time had to walk to the creek to fill buckets of water for

use in their homes. Toilets were open pits that sometimes overflowed into the creek, the very creek that supplied our members with drinking water. While it took us a few years, in 1969 our reservation finally secured running water. It is hard to imagine, but that was only 43 years ago.

Edward Olivas, the tribe's Chairman at that time, laid out the future goals for our modest reservation. He said: "We will go after better roads, better housing and try to motivate our young people to attend school and college. We see a great future for the reservation. We're not trying to improve the reservation for just the Indians, but for the entire community."

In spite of the hardships we have endured, our tribal government has always done its best to provide for the basic needs of tribal membership. My responsibility, along with the four other members of our tribal leadership team known as the Business Committee, is to continue to provide services for our membership. But we have found that difficult to accomplish when it comes tribal land issues.

We are currently facing significant challenges on two fee-to-trust projects: One is an effort to bring land into trust for tribal housing. The other is an effort to build a museum.

Unfortunately, some members of local government have become involved in tribal issues in a way that could have a serious impact on tribal sovereignty. Their actions reveal an attitude of, "We respect tribal sovereignty, up until the point you actually seek to exercise it."

A perfect example of this mentality is our experience with our local government and a small segment of the community involving our project to build a museum and cultural center on land we hope to place into trust. I should note the local anti-tribal groups are comprised of no more than 100 people, which represents less than 1% of the total population of the Santa Ynez Valley.

Twelve years ago we petitioned the Bureau of Indian Affairs to accept our 6.9 acres across the street from our reservation into trust. It has always been a dream of our tribal members to build a Chumash Museum and Cultural Center to showcase our tribe's rich cultural heritage. We hope that we can build our museum soon so the current generation of Santa Ynez Chumash can participate in such an important milestone in our tribe's history. But that scenario does not look promising.

In 2005 the BIA approved our application and a month later local anti-tribal groups filed an administrative appeal of the BIA's decision. The anti-tribal groups' lawsuit started a seven-year process of remands, dismissals and appeals. To date, the anti-tribal groups have spent more than \$2 million trying to prevent us from taking this land into federal trust and delaying our plans to build a museum.

In October of 2007, a member of one of the anti-tribal groups was quoted in a local newspaper regarding the 6.9 appeal. He said, "*We'll hold it off forever. It's not going to*

happen.” That statement accurately presents the mind-set of these individuals who seem to make it their life’s work to stop any progress our tribe’s attempts.

At the core of the anti-tribal groups’ lawsuit against the BIA was the *Carcieri* argument which required the BIA to determine whether our tribe was under federal jurisdiction in 1934. We felt that questioning the validity of our tribe when substantial historical documentation exists was not only ridiculous, it was insulting. Our tribe is federally recognized and is listed in the Federal Register of the U.S. Department of the Interior. There’s no arguing that fact, and that should have been the end of it. But for the tribal opponents in the Santa Ynez Valley, facts have never gotten in the way of creating their own version of the truth.

In June of this year, the BIA ruled for a second time in our favor and approved our application to place our 6.9 acres into federal trust. The anti-tribal groups approached the Santa Barbara County Board of Supervisors and asked them to join them in their appeal of the BIA’s most recent decision.

The Board of Supervisors held a public meeting on the issue of appealing the BIA’s decision. By holding this discussion and playing to those anti-tribal groups, we believe that some members of the Board were questioning the existence of our tribe. Because there is such a wealth of well-researched historical documentation about the Santa Ynez Band of Chumash Indians and about the Santa Ynez Reservation, we were surprised that the anti-tribal groups were able to convince the Board that it should even hold this hearing. Especially since their appeal against the BIA was based on the flawed premise of questioning the validity of our tribe.

Nearly 500 employees, tribal members and their families and residents attended the Board of Supervisors meeting to show their support for the tribe, some holding signs saying, “Educate Not Discriminate” and “Respect the Tribe.”

After an emotionally-charged two hours of public comment, which included remarks from tribal leaders, tribal members and community members in favor of the tribe’s plans to build a Chumash Museum and Cultural Center on the land, the Board voted 3-2 to not appeal the BIA’s decision. Two days after the Santa Barbara County Board of Supervisors meeting, the anti-tribal groups filed yet another appeal, further delaying our plans to build a museum.

The County’s vote against appealing the BIA’s recent decision was encouraging, but the issues we have experienced appear deeply rooted in our local government’s misunderstanding of the meaning of sovereignty and the purpose of fee-to-trust. The actions of some local elected officials have demonstrated that don’t even understand some of the basic principles of tribal governments, let alone more complex issues concerning fee-to-trust.

Given the experience we have had with the administrative process, we felt we have no other alternative but to explore the legislative route for our other fee-to-trust project, which would return 1,400 acres of ancestral land back to our tribe.

Today the Santa Ynez Indian Reservation comprises about 138 acres. This area includes unusable lands such as a streambed and an easement for a state highway that cuts through the reservation. Most of our small reservation is made up of a creek bed and its banks — the area where our ancestors took refuge after Mexico secularized the missions in the early 1800s.

Our reservation is simply too small for the development of housing to accommodate our tribe's 140 members and their families. Because much of our reservation contains environmentally sensitive wetlands and a creek bed, building new homes on these areas is not an option.

Housing is not a new issue for our tribe. For years, a few tribal members lived on our reservation in substandard housing with no running water and no indoor plumbing. Ten years after our tribe finally got running water on our reservation, the first of the Housing and Urban Development (HUD) homes were built through low income grant programs and more tribal members were able to move on to the reservation. My parents still live in the home they moved into in 1979. I moved into one of the homes when I was 18 and still live in that same house today with my own family. Additional HUD housing was developed several years later on the upper part of our reservation and more tribal members and their families moved to the reservation.

In recent years, housing has become a critical concern for us. Providing adequate housing for our tribal membership and their families is one of the greatest challenges facing our tribe. There simply is no room left on our reservation to build additional housing. Multiple families are sharing homes and residing in crowded conditions because the need and desire to live in a tribal community is so strong. Other families live off the reservation, away from their tribal community.

The success of our self-determination programs means we now have the ability to address this problem. It is our obligation to future generations and to our ancestors. Our plan to provide more housing for our tribal membership is exactly the kind of progress that the federal government envisioned when it began to support tribal economic development opportunities.

In 2010 we purchased 1,400 acres of ancestral land from the Fess Parker estate to meet our tribe's need for housing. Known as "Camp 4," the parcel is located just two miles from our reservation. Having our aboriginal land restored to our tribe is important to us because we can develop homes on the land and build a stronger community. Our people would be able to live together as tribal families under our own tribal government. As custodians of the land, we will ensure that the land is taken care of for generations to come.

The Chumash have long-standing cultural and spiritual ties to the Camp 4 property and surrounding territory. The legal record – involving actions by the U.S. government, Mexican government, and the Spanish through their Mission outposts – also demonstrates the land tenure history of Santa Ynez Chumash in this territory.

There is an urgency to build homes for our elders and our children. Currently, the majority of our tribal membership consists of elders whose current homes on our reservation are not adequate to meet their needs. In addition, we want to ensure that our children and grandchildren are taken care of. Our Camp 4 land is key to both current and future generations.

We took our original 99-acre parcel and did the best we could with it. We have developed and nurtured successful business enterprises that have not only helped our tribe, but have contributed to the overall economic stability of the entire region. People make automatic assumptions about our tribe's financial situation, but it has taken decades to get to where we are today. Our success has only been very recent and it is just the beginning as we build a solid foundation for the future generations of our tribe.

Our success is also the community's success. Between job creation, millions spent annually on local vendors that supply our business enterprises, \$16 million donated to charitable organizations and tribal membership revenue being reinvested in the community, the Chumash economic engine keeps going strong, contributing to the entire Santa Barbara County.

The success of tribal gaming has provided many tribes – including ours – with the economic strength that we could only dream about previously. Revenue from tribal business enterprises has allowed tribal governments to fund a variety of education, health and cultural related programs for their membership, which all point to a brighter future for Native Americans throughout the nation. That's the good news.

The bad news is that the success has brought with it significant attention from tribal opponents. We've all heard the many complaints from individuals in our communities who are at odds with virtually everything we do. But the constant protests that truly exasperate me are the ones that always surface when we discuss ways to further strengthen our economic position for future generations. The question that continually emerges is: "How much is enough for economic self-sufficiency for tribes?"

One of the best series of answers to that question came from Carl J. Artman, who served as the United States Assistant Secretary of the Interior for Indian Affairs from 2007 to 2008 and served as the Associate Solicitor for Indian Affairs at the Department of the Interior from 2005 to 2007. At a Chumash community meeting last year on the topic of our Camp 4 land, Mr. Artman answered a question posed by a tribal opponent in an op ed entitled, "Enough is enough is enough" in which the opponent essentially asked when the Chumash would think they have achieved financial independence. Mr. Artman answered the question in four parts:

"First, when their members have the same access to health care, education, living standards, infrastructure and opportunities that the rest of our nation has.

"Second, this is America, we don't ask those questions, neither does Russia or China anymore.

"Third, ask your non-tribal neighbors that work here when they're tired of getting their salaries, when they're tired of getting their benefits such as health care, ask the surrounding cities when they're tired of receiving financial benefits from the tribe or ask the state, ask the governor when he no longer wants the money from the compact.

"And fourth, and probably most important for tonight, it's absolutely irrelevant to the question at hand."

On the surface, the answer to such a question is that economic diversification is necessary to ensure the cultural survival for future generations of our tribe. But to question, "How much is enough?" implies an argument riddled with hidden and ill-conceived premises. The fact is, economic strength does not necessarily equal future economic self-sufficiency. Ironically, local tribal opponents – even some local elected officials – have accused our tribe of being "too wealthy" to benefit from the fee-to-trust process.

Chairman Young, a letter from one of our local elected officials was sent directly to you in which the individual states that the fee-to-trust process was established solely for economic benefit. A passage in the letter reads:

"The fee to trust process, whether handled through the Bureau of Indian Affairs or through direct Congressional action, was established to assist tribal governments that have demonstrated that the trust acquisition was necessary to achieve economic success and to provide long term fiscal stability for their members. This is not the case here. The Santa Ynez Band of Chumash Indians has achieved great financial success through the establishment of a casino and hotel on their reservation property. The revenues from the hotel and the casino have been substantial enough to not only well provide for the needs of their members but also to purchase other income producing properties in the Santa Ynez Valley such as another hotel and restaurant as well as the 1,400 acre ranch presently zoned for agriculture."

According to that definition, when tribes experience some level of economic success, they no longer need to pursue fee-to-trust and instead should follow the local land use planning process.

The idea that our tribe's ability to exercise sovereignty should somehow be linked to our bank statement is not only insulting, but it goes against everything that Congress has done to provide a pathway for tribes to reach self-determination.

As a tribe we were forced on the reservation and told to abide by the rules of the federal government. Now that we built a successful economic model on our reservation and

are experiencing some financial success, we are told that we need to get off the reservation and abide by county rules.

Mr. Chairman, housing is a basic need, not an economic investment for profit. We have many investment properties that are not in federal trust, but we strongly believe that our tribal homes need to be part of our reservation.

A recent report from the U.S. Senate Committee on Indian Affairs restated that the purpose of the Secretary of the Interior's land-into-trust authority is to restore Indian land bases, to rehabilitate Indian economic life and to foster recovery from centuries of oppression. The report restated that the trust acquisition process is not limited to only landless or destitute tribes. Just as the relative wealth of Santa Barbara is not a factor when annexing unincorporated lands, the reestablishment of reservation lands has never been subject to tribal means testing.

Every time we try to get a small part of our ancestral land back, certain local elected officials and others use scare tactics. They basically suggest that the county will suffer dire, untold harm. But state agencies, the federal government, the military have removed land from the county's jurisdiction, with little outcry. Our tribal government has become used to the hypocrisy.

Additionally, anti-tribal groups argue that we don't have "to play by the same rules." They ignore that we have spent 12 years trying to get just 6.9 acres across the street from our reservation into trust – yet cities in the county can go through a relatively easy annexation process through a local agency.

These same anti-tribal groups are not just attacking our tribe, but also attacking all tribes and reservations. In an April 30, 2012 letter to you, Chairman Young, they write about Native American tribes: "They are disrupting communities all over the United States."

Last year they held a community meeting and claimed that it was a meeting concerning the expansion of gaming and was not a cultural discussion. But this year they followed up their "non-cultural discussion" with an attack on Maria Solares, one of our beloved ancestors.

If, generations ago, those making same arguments of the anti-tribal groups and local officials were successful, there would be no Chumash Reservation. For that matter, there would be no Indian reservations governed by tribes anywhere. The people making those arguments back then – and those making them today – are on the wrong side of history. Essentially, theirs is just a version of the discredited termination and assimilation eras, and allotment.

For 78 years, the fee-to-trust process has been essential for tribal governments to add land to their reservations. Affirming the process means keeping tribal communities together and encouraging future generations to live on the reservation.

For our tribe, it's about building a stronger community so we can build a future together...a legacy.

Thank you for the opportunity to testify today. I welcome any questions.

ATTACHMENT
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The Chumash original territory lies along the coast of California, between Malibu and Paso Robles – a 200 mile stretch of California coastline.



The caption of this 1959 photo read, in part: "Joaquin Pina and his wife stand at the front door of their small home . . . Pina, who was born on the reservation 65 years ago, recently retired as a longshoreman."



The caption of this 1959 photo said: "This old building was erected in 1902 as a school operated by the Bureau of Indian Affairs . . . Now unoccupied but previously used as a dwelling, the building served as a school for only one year."



Chumash 6.9 Acres Feasibility Study Environmental Assessment - 201211
Source: 223/2006/2012/ARL/2012 **Figure 4**
 Proposed Site Plan

Proposed Site Plan for the Chumash Museum and Cultural Center on 6.9 acres.



One of many baskets in our growing museum collection.



Some 500 employees, tribal members and their families and community residents showed up to support the tribe at the Santa Barbara County Board of Supervisors meeting on July 10, 2012 where the Board voted 3-2 not to appeal the BIA's decision to place 6.9 acres of our land into trust.



The Santa Ynez Reservation today with 138 acres.



The caption of this 1967 photo read: "This is the home of Frank Flores, 85, an Indian at the Santa Ynez Reservation. The adobe house is unheated, without water and is over 100 years old."



The Chumash have long-standing cultural and spiritual ties to the Camp 4 property and surrounding territory.



The Santa Ynez Reservation is too small to add more housing.