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Natural Resources Subcommittee on Indian, Insular, and Alaska Native Affairs (HR 1157)

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Chairman Young and Members of the Committee:

Good morning and thank you for the opportunity to speak before you today regarding HR 1157, the vehicle that would move 1,400 acres (Camp 4) into federal trust for the Santa Ynez Band of Chumash Indians (Tribe). In my opinion, I should not be needed here today and this piece of legislation should have never been necessary. But I believe the Santa Barbara County Board of Supervisors has failed to perform its responsibilities as the local jurisdiction and I am grateful that you have allowed me the opportunity to provide another perspective.

More than four years ago, Tribal Chairman Vincent Armenta requested that the County of Santa Barbara enter into government-to-government dialogue to discuss the Tribe's plans for Camp 4 as well as mitigation strategies for those impacts deemed significant enough to warrant mitigation. On August 20, 2013 our Board held a hearing during which Chairman Armenta once again reiterated his desires to begin negotiations and in order to show his good faith, he made an initial \$10 million offer for payments in lieu of property taxes as well as an offer to waive the Tribe's sovereign immunity, which would allow the County to legally enforce the agreement. Instead of responding to the offer, our Board decided that the Tribe was not equal to other governments we commonly negotiate with, including our local cities, Vandenberg Air Force Base and the University of California at Santa Barbara. On a 3-2 vote, the decision was made to reject the request for dialogue.

Some would consider Santa Barbara County a progressive region and it is a leader when it comes to protecting most human rights, but for some reason those same protections are not afforded to the Tribe. During our public hearings, seemingly educated people still regularly question the heritage of the tribal members and the validity of the Tribe's sovereign status. While you may expect such comments from the public, most alarming are shocking statements from current and former elected officials. The County Supervisor who formerly represented the area in which both Camp 4 and the Tribe's current reservation lie, said, "These are not real sophisticated people." She went on to question their work ethic by stating that they "get \$300,000 a year for sitting on the couch watching a Lakers game." One of our current Board members, whose district is home to more than 800 people employed by the Tribe, recently questioned whether or not the reservation system as a whole should be abolished. This is the environment in which the Tribe is asked to live and work.

I share my colleagues' concerns regarding loss of property tax revenue and loss of local land use control; however they have refused to even discuss these matters with the Tribe. I warned my colleagues that if we failed to acknowledge the Tribe as a federally recognized government entity it would lead to Congressional action such as HR 1157. That warning fell on deaf ears. But it wasn't just my advice – Governor Jerry Brown's expert on tribal relations indicated the best strategy in dealing with Fee-to-Trust applications is to “negotiate early in the process.”

Opponents will speak about density even though the Tribe's plans call for less density than the neighboring development, they will speak about a lack of water even though the Tribe has proposed a water neutral development and they will claim that CEQA will be ignored even though any development will fall under the regulations provided in NEPA. Although they will claim to be concerned about all of these potential impacts, one has to question what their true motivation is. Just last year, 6.9 acres of land directly adjacent to the existing reservation and slated for construction of a cultural center and park was finally taken into trust after more than 14 years of appeals by these same opponents.

Finally, the Tribe currently resides in substandard housing that lies directly in a flood plain. In case of a fire emergency, the ingress and egress for those living on the reservation is extremely limited. The Tribe has purchased Camp 4 specifically to remedy the housing situation and is willing to negotiate with the County to resolve the concerns that have been raised. Without negotiations, the County is destined to incur all of the impacts without any share of the revenue.

Unlike some in Santa Barbara County, I understand that the process of taking land into trust is wholly a Federal decision, whether it is through Congress or the Bureau of Indian Affairs. Given that fact, my goal is to work together with the Tribe to mitigate potential impacts through negotiation. Unfortunately, I believe the Tribe has thoroughly exhausted all avenues in search of reaching an agreement with their local government and thus I understand why congressional action is being taken.