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Supervisors reject Chumash plea for dialog : Board urges tribe to approach Planning Department

By NORA K. WALLACE news-press staff writer
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After hours of discussion and impassioned pleas from more than three dozen speakers Tuesday, a split Santa Barbara County Board of Supervisors rejected a request from the Santa Ynez Band of Chumash Indians to begin a "government to government" dialogue on what is said to be one of the most critical and wide-ranging land development issues in the history of the region.

As the Chumash move forward with an effort to place 1,400 acres of land into its reservation boundaries, with announced plans to build 143 tribal houses and facilities, its leaders sought to engage the county in a discussion on equal terms as a respective government.

It was a request that three of the five supervisors would not support, with the board majority instead suggesting tribal leaders approach the county Planning Department as would any other major land developer, to seek approval for its plans via county regulations.

Almost an hour before the meeting began, the Santa Barbara hearing room was packed to capacity, with two overflow rooms opened nearby to accommodate the estimated

300 people attending the hearing.

After almost 40 speakers addressed the board - with a significant majority urging rejection of the Chumash request - Supervisors Doreen Farr, Janet Wolf and Peter Adam voted to turn down the Chumash request, while Supervisors Salud Carbajal and Steve Lavagnino voted to accept it.

Ms. Farr, who represents the 3rd District that includes the reservation and the 1,400-acre property known as Camp 4, at the junction of State Routes 246 and 154, called the matter the "single biggest land use" matter to come before the county.

Adding that she has always recognized the tribe's sovereign status, she said the 1,400 acres is not yet in the Chumash reservation, and thus the tribe should be treated as a private property owner.

In particular, she said, she shares the concerns of residents that if the land is put into federal trust and added to the reservation, the county would lose control over how the land is used, as well as "significant" revenues from property taxes and any other taxes associated with development.

"The valley community is united on this issue in a way I have not seen on any other and the opposition continues to strengthen and grow," Ms. Farr said. "It is not a few people; it is a lot of people."

She said the tribe has not been transparent in its application to annex the land, a process known as fee-to-trust, nor in the recent revelation that the Bureau of Indian Affairs approved a Tribal Consolidation Area earlier this summer that could potentially put



An overflow crowd greeted the Santa Barbara County Board of Supervisors on Tuesday for a hearing on a government-to-government dialogue request by the Santa Ynez Band of Chumash Indians
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consolidation area earlier this summer that could potentially put thousands of acres into Chumash control.

"Communication is a two-way street," Ms. Farr said.

By making the motion that the tribe should go through the standard county land use process, Ms. Farr said the two entities would be able to work together, with reports back to the board for direction as needed.

Mr. Carbajal, the board chairman, said he could not support his colleague's motion.

"It's not a dialogue to try to get back on track to address the type of relationship and broad issues that we need to discuss," he said. "We're going back to that one issue. I won't be supporting the motion."

Fourth District Supervisor Peter Adam supported Ms. Farr, explaining that he felt it was "important to have a government-to-property owner dialogue. I'm not sure it's appropriate to have a government-to-government dialogue."

Chumash chairman Vincent Armenta told the board that some

800 days ago, his leadership presented the county with a proposed agreement for the land, which would provide a decade of cash payments to the county in lieu of lost property taxes, while giving up sovereignty on the land.

"I believe it's time for Santa Barbara County to step up to the plate and recognize the tribe as a government," Mr. Armenta said, adding it would eliminate "all the confusion" going on.

"We do not have an open dialogue. That is necessary for the success of the tribe and the county as we move forward."

As with most issues regarding land development issues related to the Chumash, the hearing drew a dedicated corps of Santa Ynez Valley residents who, for more than a decade, have sought to hold the tribe to local land-use regulations or to stop development altogether.

The supervisors had been flooded with requests in recent days to cancel the hearing outright.

"It is a great day for our government," said Gerry Shepherd, of the Valley Leadership Group, after the hearing. "We're very pleased with the outcome. It shows what the community can do when we all get together on an effort on behalf of all groups."

Following the board's vote, Mr. Armenta said that after almost

15 years of discussions and hearings, nothing shocks him.

"I'm a little bit surprised," he conceded, but said he wasn't disappointed and that the tribe will continue its efforts federally.

In terms of where the tribe goes from here in its relationship with Santa Barbara County, Mr. Armenta said he would have to speak to the tribe's leadership to get a sense of how its members want to proceed.

He said he was glad people voiced their opinions on the issue, but said he doesn't believe the speakers understood all the intricacies involved.

"When we have Planning and Development issues, we speak to Planning and Development," Mr. Armenta said. "It's very clear. We've done it before, when we built our gas station (adjacent to the casino). We didn't have a problem with doing that. That wasn't the issue on the table today. Unfortunately it was turned to that."

Mr. Armenta again rejected claims by those in the audience that the Chumash have large-scale plans, perhaps even for more gaming, for Camp 4.

"There are no other plans," he said. "It's for the survival of the tribe."

Some supervisors, and a number of public speakers, also expressed concerns about impact of the Chumash Tribal Consolidation and Acquisition Plan, approved in June by the Bureau of Indian Affairs.

The plan includes approximately 11,500 acres that could be considered akin to both on-reservation and adjacent lands with respect to acquisition for trust.

According to the BIA approval, the plan is to assist the tribe in acquiring additional lands to increase its land base and provide land for housing, economic development and government purposes.

Before the meeting began, the board met in closed session to discuss the consolidation action. County Counsel Dennis Marshall said the supervisors chose not to start legal action, but to continue research into the issue to "determine the board's remedies."

Susan Jordan, a Santa Barbara resident and director of the California Coastal Protection Network, was among those worried about the consolidation.

"This is the first time it's ever been done in California and it was done without any notice to the county, the public or the affected land owners," Ms. Jordan said to the board. "I think it's extremely serious and I want the board to explore whatever remedies you have and it may require litigation."

After the meeting, Mr. Armenta said the TCA was "just the bureau recognizing that the tribe at one time had aboriginal ties to that land. That's all it is. They're blowing it up into something it's not."

For much of the discussion Tuesday, the debate centered on whether a group of people - even those recognized as sovereign by the federal government - should be treated differently than any other developer hoping to build on open land.

First District Supervisor Salud Carbajal was in the board minority on a vote to establish a government-to-government relationship with the Chumash.



Chumash Chairman Vincent Armenta asked the board to consider entering into a dialog about the tribe's planned development on 1,400 acres in the Santa Ynez Valley.

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Speakers told the board about worries involving water rights, traffic and the potential for unchecked development on the land that many consider the "gateway" to the valley. A number recited portions of the Pledge of Allegiance.

"Why would we ever consider any action that allows any property to bypass our zoning and planning regulations, avoid any and all environmental regulations and remove it from our tax rolls?" asked Jim Westby, of the Neighborhood Defense League.

If the Chumash want to build houses, Mr. Westby suggested, "fine, submit your plan, meet the zoning and environmental regulations and pay your taxes like we all have to do."

Ballard resident Andi Culbertson impressed upon the board that it had a responsibility to represent its constituents to ensure the "continued vitality of the county."

"You must ensure through your land use regulations that Santa Barbara County remains the desirable place it is and not a collection of urban sprawl," she said.

Cathie McHenry, president of We-Watch, said that while dialogue is acceptable, "It's the form that dialogue takes that I urge you to consider. We do have a Planning Department. We can work it out that way. We encourage all people to participate in that process."

The creation of any government-to-government relationship is a "slippery slope" that longtime tribal development opponent Doug Herthel warned against, saying the tribe represented an "unelected government in control of our county."

Solvang City Councilman Hans Duus was one of the few speakers who urged the establishment of a relationship with the Chumash.

"It is about the dialogue," he said. "I encourage the supervisors to enter into that. You have no control over the laws, the policies. ... It's all federal.

"If the chairman wants to talk to the other chairman, please do it."

Mr. Adam said he favors people having control over their own land, within limits.

But, he added, he would not endorse the tribe's application and the "problematic" Tribal Consolidation Area, calling them "hostile and aggressive" acts.

"It's little wonder people are up in arms," he said. "The precedent of that document being out there is disturbing to me."

Ms. Wolf said she would not want to ignore the long-discussed community plan for the valley.

"This proposal is so outside the community plan that we have to be so careful in the words and the actions that we take," Ms. Wolf said. "The implications are far reaching."

Not opening up a dialogue, particularly on the application for the

1,400 acres, sends a "green light" message to Congress to move forward, suggested Mr. Lavagnino.

"If I were a tribal member, I'd be hoping for a no vote," Mr. Lavagnino said. "Basically what that does, it opens up to Congress to step in when we're falling short."

Mr. Lavagnino said he doesn't support the process that would place Camp 4 in the reservation, but doesn't believe he has a lot of say in its outcome.

He does not support, he said, "unmitigated expansion in the Santa Ynez Valley."

But, he added, despite the "imperfect process," he has "never seen an instance where it was better to turn our back on somebody. We need to be in an open dialogue."

News also surfaced Tuesday that the Bureau of Indian Affairs issued an environmental assessment for the Camp 4 land, which is now available for review. Public comment on the document will be taken through Sept. 19.

After the close of the hearing period, the BIA will either issue a finding of no significant impact, ask for more work on the assessment, or begin work on an environmental impact statement.

The document is available at www.chumashea.com. Written comments may be mailed to Amy Dutschke, regional director, 2800 Cottage Way, Sacramento, CA 95825.

Copies of the document are also available at the Chumash tribal office in Santa Ynez, the Solvang Public Library and the Santa Ynez branch library.

email: nwallace@newspress.com

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