1. **<u>The prime cosponsor of HR 1491 represents a Congressional District is hundreds of miles from the Santa Ynez Valley</u>**
   Why does Rep. Doug LaMalfa, author of HR 1491 and its predecessors, intervene in local matter hundreds of miles south of his district?

2. **<u>A Broken BIA Fee to Trust Process</u>**
   Western Regional Office of BIA, Director Amy Dutschke, has approved 100% of Fee to Trust applications during 2001-2011, as documented in Pepperdine Law Review article by Kelsey Waples, attached in book. Since then the Fee to Trust Applications (FTT) have accelerated, and again, none have been denied by BIA. Tribes can pay to select their own hearing officers and expedite the Fee to Trust review process. They rotate into positions where they approve FFT applications in one role and then apply themselves for approval in subsequent cases in blatant conflict of interest. (Tab 5- Letter to Acting Deputy Secretary Cason July 21, 2017 p.2)

   In 2008, then Assistant Secretary of DOI Artman said in a memo from 2008 to all BIA Regional Directors that there is no reason a tribe needs to put land from fee into trust UNLESS it intends to use it for gaming. Artman also said that if a tribe switches from a housing use to gaming on trust land, the BIA <u>cannot do anything</u> because only an Act of Congress can remove that land from trust. This policy remains in effect. (Id. p.3)

   Therefore, the Chumash position is that the Camp 4, 1400 acres is already in Fee to Trust, as of January 19, 2017, so according to several lawyers we have consulted, the agreement with Santa Barbara County just agreed on Oct 31, 2017 is overridden by that fact and unenforceable.

3. **<u>Fee to Trust transactions essentially avoid full NEPA review, as well as other federal and state statutes.</u> Thus the Chumash claim that only an Environmental Assessment (EA) and Finding of NO Significant Impact (FONSI) was necessary, despite sweeping plans the Chumash have for the Valley and 2200 acres of other properties and businesses it owns. (see Statements made by Tribal representatives and outcomes, Tab 9). As required by the NEPA statute itself and accumulated case law, there was no "hard look" at the projects impacts, no analysis of the cumulative impacts, and an attempt to "piecemeal" the project in direct contradiction of NEPA.**

Consulting firms are advertising that they can find Indian partners for non-Indian investors to avoid lengthy and costly regulatory compliance, and circumvent environmental and fiscal analysis, required by Federal Statutes such as NEPA, Clean Air and Clean Water Acts, traffic impacts, and State Statutes such as the Coastal Commission Act and Williamson Agricultural Act. (Tab 10).

This sets a terrible precedent, a roadmap, in effect, of how to avoid these regulations established by Congress and the State Legislatures. And it creates an equal protection problem for non-tribal entities that must comply regulations, pay the minimum wage, pay for law enforcement, fire protection and schools.

(In fact there are special funds available only to Tribes that offset these costs so that often even if a tribe voluntarily pays a locality for some of these costs, they are reimbursed).

4. **<u>Fiscal Impacts are hidden or ignored under Fee to Trust.</u>**
   A subset of issue in #3 is that full fiscal review does not take place under an Environmental Assessment as compared to an Environmental Impact Statement (EIS). The existing Casino has added 6-9,000 new visitors per day to the town of Santa Ynez, itself a small town of 4400 residents. The entire Santa Ynez Valley, including Solvang, Santa Ynez, Buellton and Ballard have 20,000 residents combined.
   Because the EA is full of boilerplate and vague words, the true impacts of the Camp 4 development cannot be analyzed, nor proposed mitigation adequately reviewed.

   Also, while purportedly negotiating in good faith, The Chumash Tribe "sponsored" AB 253, a CA state bill that would have eliminated all property taxes on tribal holdings, merely upon APPLICATION to BIA for Fee to Trust. If the tribe filed a fee-to-trust application, this would have taken 2 hotels, three restaurants and other businesses (2200 acres in all) owned by the Tribe off the rolls in the SYV, causing a huge loss in revenue, even before they were approved for FTT. If other Tribes followed suit across the country, the impacts would be profound on local tax rolls. Our Coalition worked to get this bill tabled, but it was introduced in a stealthy way, as a benign bill with no major monetary impacts! The Assessors of Sonoma and Napa Counties wrote letters in opposition, as did Stand Up California and others. (Tab 6).

5. **Chairman Hartmann and the 3 other Supervisors that voted for the agreement, said repeatedly in the Public meeting that the vote was under duress, their hands were tied due to the pending threat of HR 1491 and the current state of the FTT law. They felt that SOME agreement was preferable to NO agreement. The Supervisor who voted against the agreement, Peter Adams, said it was a fiscal disaster for the SY Valley – a "blank check were his exact words."**

In order to approve the agreement, in a stunning contradiction, the Supervisors completely reversed themselves from the earlier lawsuit that they filed against the Tribe which contended that the Environmental Assessment (EA) was completely inadequate. (Tab 8, letter Sept 25, 2017 from Brian Kramer). The Chairman stated to us she thought she had to do this because the County's fiscal crisis made it impossible to litigate the lawsuit, especially under the threat of HR 1491. There are at least two pending cases in federal court, one brought by Nancy Crawford, a multiple generation landowner in the SYV, and another brought by the Coalition challenging the agreement, lack of proper environmental reviews, and on other grounds.

The agreement also specifically bars legal challenges from "Third Parties" such as citizens to enforcement the provisions of the agreement if the County is unwilling or unable to do so.

The Coalition believes that the agreement is too vague to be enforceable, is limited in time, does not tie down a development plan for the land (so that housing may "morph" into a second Casino or major commercial development that will ruin the heart of the Valley), thus hurting local tourism and small businesses); may be overridden by FFT status of the land, and has numerous gaps in coverage that extinguish any meaningful benefit the agreement may provide. (Tab 9- list of questions/concerns).

6. **Pending *Patchak v. Zinke* case before US Supreme Court. The SCOTUS may rule that Congress may not constitutionally limit the right of citizens to seek legal redress in Fee to Trust actions. This may render HR 1491 unconstitutional. Congress should refrain from passing HR 1491 until this is resolved.**