



INTERIOR BOARD OF INDIAN APPEALS

County of Santa Barbara, California v. Pacific Regional Director, Bureau of Indian Affairs

60 IBIA 24 (02/12/2015)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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SUITE 300
ARLINGTON, VA 22203

COUNTY OF SANTA BARBARA,)	Order Docketing and Dismissing
CALIFORNIA,)	Appeal
Appellant,)	
)	
v.)	Docket No. IBIA 15-036
)	
PACIFIC REGIONAL DIRECTOR,)	
BUREAU OF INDIAN AFFAIRS,)	
Appellee.)	February 12, 2015

The County of Santa Barbara, California (County), appealed to the Board of Indian Appeals (Board) from a Finding of No Significant Impact for the Proposed Santa Ynez Band of Chumash Indians Camp 4 Fee-To-Trust Project (FONSI), issued on October 17, 2014, by the Pacific Regional Director (Regional Director), Bureau of Indian Affairs (BIA). At the time the Regional Director issued the FONSI, BIA had pending before it a request from the Santa Ynez Band of Chumash Mission Indians (Tribe) for BIA to accept into trust for the Tribe approximately 1433 acres of land, known as the “Camp 4 Property,” located in Santa Barbara County, California. The Notice of Availability for the FONSI states that it is “a finding on environmental effects, not a decision to proceed with an action.” Notice of Appeal, Nov. 6, 2014, Ex. B. Upon receipt of the appeal, and in the absence of a decision by BIA on the Tribe’s request, the Board ordered briefing on (1) whether the County has standing to appeal the FONSI; (2) whether the FONSI constitutes “a final administrative action or decision” by BIA, within the meaning of 43 C.F.R. § 4.331; and (3) whether the appeal from the FONSI is ripe.

On December 24, 2014, subsequent to the filing of this appeal, the Regional Director issued a decision (Decision) to approve the Tribe’s request for the fee-to-trust acquisition for the Camp 4 Property. The County appealed to the Board from the Decision.¹

In response to the Board’s order, while disagreeing on whether this appeal should be dismissed for lack of standing, lack of final BIA action, or lack of ripeness, the parties agree

¹ On January 30, 2015, the Assistant Secretary – Indian Affairs assumed jurisdiction over the County’s appeal from the Decision, pursuant to 25 C.F.R. § 2.20(c).

that the County may raise its challenges to the FONSI or other environmental review process as part of its appeal from the Decision. The parties also agree that this appeal may be dismissed without prejudice to the County, and without a need to address the issues raised by the Board.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board docketed and dismisses this appeal.

I concur:

 // original signed
Steven K. Linscheid
Chief Administrative Judge

 //original signed
Thomas A. Blaser
Administrative Judge