

## Fear of stealth casino plan stalks California wine country

Written by Administrator

Friday, 06 September 2013 23:10 -

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Northwest of Santa Barbara, Calif., the Santa Ynez Band of Chumash Indians runs a popular casino and resort on its reservation. Tribal leaders, however, say much of the rest of the 138-acre site sits on a floodplain or is too hilly to build on, which means only a fraction of the tribe can live there.

So three years ago the Chumash bought nearly 1,400 acres of land from Fess Parker, the actor of "Davy Crockett" fame who in his later years operated a winery in the area. The tribe says it wants to build 143 houses for its members on the plot, known as Camp 4, but opponents say by trying to invoke an obscure conveyance method involving the federal government, it has tipped its hand about its real motive – building yet another casino.

Those same opponents say another gambling mecca would be a blight on an area that is a haven for art galleries and vineyards (the wine-connoisseur movie "Sideways" was filmed here), a picturesque tourist magnet perched on the Pacific coastline some 100 miles north of Los Angeles.

"When the tribe says they don't intend to build a casino now, it doesn't necessarily mean they can't or won't in the future."

- Doreen Farr, member of the Santa Barbara County Board of Supervisors

Supporters of the Chumash say the casino and resort have provided an enormous economic boost to the area, and that the tribe has every right to build housing on the vacant Camp 4 plot. Opponents say the casino has brought crime and other problems with it and that the tribe is trying to evade local regulations in order to fast-track its development plans.

The dispute has left bad blood on both sides.

Andy Caldwell, a local radio host who supports the tribe, said he tells people "they don't have to like the casino or the building of the homes, but they have to deal with the reality of it, vs. living in this poisonous atmosphere that's tearing the community apart."

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At issue is not just the proposed development but the approval process itself. The tribe wants to take Camp 4 into a so-called fee-to-trust, in which the property would be deeded to the federal government, under the aegis of the Bureau of Indian Affairs, then reserved for the tribe's exclusive use. Fee-to-trust grew out of the Indian Reorganization Act of 1934, which was enacted to improve living conditions on reservations and to ameliorate the loss of millions of acres of tribal lands during the late-19th and early-20th centuries.

Doreen Farr, a member of the Santa Barbara County Board of Supervisors whose district includes the Camp 4 parcel, opposes the fee-to-trust move because it would mean a loss of local control and property tax revenues for the county. She and other board members also recently rejected the tribe's request that it be treated as a government entity - as opposed to a private landowner - in its negotiations with the county.

"When the tribe says they don't intend to build a casino now, it doesn't necessarily mean they can't or won't in the future," Farr said. "There's a big unknown out there as to what might happen."

In California, Native American gaming dates back to 1998, when then-Gov. Pete Wilson signed into law a measure that allowed 11 tribes to open the first state-sanctioned tribal casinos.

But Wilson now says that under the fee-to-trust process and the Indian Gaming Regulatory Act, a federal law passed in 1988, it's simply become too easy for tribes to open casinos.

"There is really nothing to stop them if they get the approval from the Bureau of Indian Affairs. The BIA has so far been a rubber stamp not just for this tribe but for all who have come before them," Wilson said in a phone interview.

Wilson cited a study by a Pepperdine University law student of rulings by the Pacific Region Bureau of Indian Affairs on proposed trust acquisitions from 2001 through 2011. It found a 100 percent approval rate.

"We've got a federal government that's run rampant here with a process that's so stacked

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against homeowners. They're hell-bent on getting as many casinos up and running as possible," he said.

No one disputes that the Chumash casino has brought millions in revenues to the area. A report commissioned by the Santa Barbara County Taxpayers Association, a watchdog group, found that the tribe's casino and hotel had a positive economic impact of \$350 to \$400 million annually.

The tribe has also rejuvenated several other local businesses, and gives millions more to local charities. And while locals say there has been a bit of an uptick in crime related to the casino, others point out that the Chumash employ a private security force to keep problems to a minimum.

Joe Armendariz, executive director of the Taxpayers Association, notes that the tribe offered the county \$1 million a year for the next 10 years if the Camp 4 parcel became fee-to-trust land. He says that's far more than the county would have gotten in property taxes.

But he says opposition to the Chumash proposal comes primarily from a vocal minority of wealthy residents - including celebrities like singer David Crosby - who don't want the additional traffic and noise new construction might bring. This group, he says, opposes virtually every development proposed in the county.

"This has become a place where it's virtually impossible to build anything," Armendariz says.

Frances Snyder, a spokeswoman for the tribe, says the Chumash have no interest in erecting a second casino on the Camp 4 site, since it's just two miles from the existing casino. "It simply would not make economic sense to build another one," she says.

As for the opponents of the Camp 4 plans, Snyder thinks some are simply jealous of the tribe's newfound economic success.

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"When we were maids and farmhands people were okay with us," Snyder says. "When suddenly we're driving cars that are as good as theirs they have a problem."

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