

1 MICHAEL C. GHIZZONI, COUNTY COUNSEL
2 RACHEL VAN MULLEM, CHIEF ASST.
3 COUNTY COUNSEL (SBN 209837)
4 AMBER HOLDERNESS, DEPUTY
5 COUNTY COUNSEL (SBN 252363)
6 COUNTY OF SANTA BARBARA
7 105 E. Anapamu St., Suite 201
8 Santa Barbara, CA 93101
9 (805) 568-2950 / FAX: (805) 568-2982
10 aholderness@co.santa-barbara.ca.us

11 Attorneys for Plaintiff
12 COUNTY OF SANTA BARBARA

13 UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 COUNTY OF SANTA BARBARA,

Case No: 2:17-cv-703

16 Plaintiff,

**DECLARATION OF AMBER
HOLDERNESS IN SUPPORT OF
PLAINTIFF’S *EX PARTE*
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE WHY PRELIMINARY
INJUNCTION SHOULD NOT
ISSUE**

17 v.

18 KEVIN HAUGRUD, in his official
19 capacity as Acting Secretary of the
20 Interior; LAWRENCE ROBERTS, in
21 his official capacity as Principal Deputy
22 Assistant Secretary – Indian Affairs;
23 AMY DUTSCHKE, in her official
24 capacity as Director, Pacific Region,
25 Bureau of Indian Affairs; THE
26 DEPARTMENT OF THE INTERIOR,
27 an agency of the United States of
28 America; THE BUREAU OF INDIAN
AFFAIRS, a division of the United
States Department of Interior; and
DOES 1 through 100,

DATE: TBD
TIME: TBD
JUDGE:
COURTROOM:

Defendants.

COUNTY COUNSEL
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101
(805) 568-2950

1 I, Amber Holderness, declare as follows:

2 1. I am a Deputy County Counsel for the County of Santa Barbara
3 (“County”) and attorney of record for Plaintiff. I am admitted to practice before
4 all courts of the State of California and the United States District Court for the
5 Central District of California. I have personal knowledge of the facts stated in
6 this declaration and if sworn as a witness could and would competently testify
7 thereto.

8 2. On January 27, 2017, I spoke with Rebecca Ross, counsel for
9 Defendants and notified her of the County’s intention to seek a temporary
10 restraining order to take the property at issue in this suit out of trust and/or to
11 prohibit any pre-development or development activities on the property. Ms.
12 Ross has not made an appearance in this matter but her contact information is as
13 follows: Rebecca M. Ross, Indian Resources Section, Environment & Natural
14 Resources Division, United States Department of Justice, P.O. Box 7611,
15 Washington, D.C. 20044, telephone: (202) 616-3148, fax: (202) 305-0275,
16 email: rebecca.ross@usdoj.gov.

17 3. I advised Ms. Ross that the County intended to file papers
18 supporting an application for temporary restraining order and order to show
19 cause why a preliminary injunction should not issue on January 28, 2017. I
20 further advised Ms. Ross that a date and time had not yet been set for a hearing
21 on the application for the temporary restraining order.

22 4. I asked Ms. Ross whether Defendants would agree to take the
23 property out of trust and/or refrain from any development activities. Ms. Ross
24 indicated that the Department typically does not agree to take properties out of
25 trust and that their position is that the Department does not have any authority
26 over or role in development activities. Ms. Ross could not consent to any
27 injunctive relief at this time.

28 //

1 5. On January 28, 2017, prior to filing, I emailed a copy of the
2 County’s complaint and ex parte application to Ms. Ross.

3 6. Attached hereto as Exhibit A is a true and correct copy of the
4 November 2013 amended Fee-to-Trust Application of the Santa Ynez Band of
5 Chumash Mission Indians (the “Tribe”) from the administrative record in the
6 underlying administrative appeal.

7 7. Attached hereto as Exhibit B is a true and correct copy of section
8 1.0 of the May 2014 Final Environmental Analysis for the Santa Ynez Band of
9 Chumash Indians Camp 4 Fee-to-Trust from the administrative record in the
10 underlying administrative appeal.

11 8. Attached hereto as Exhibit C is a true and correct copy of section
12 2.0 of the May 2014 Final Environmental Analysis for the Santa Ynez Band of
13 Chumash Indians Camp 4 Fee-to-Trust from the administrative record in the
14 underlying administrative appeal.

15 9. Attached hereto as Exhibit D is a true and correct copy of section
16 4.0 of the May 2014 Final Environmental Analysis for the Santa Ynez Band of
17 Chumash Indians Camp 4 Fee-to-Trust from the administrative record in the
18 underlying administrative appeal.

19 10. Attached hereto as Exhibit E is a true and correct copy of the
20 October 17, 2014 Finding of No Significant Impact from the administrative
21 record in the underlying administrative appeal.

22 11. Attached hereto as Exhibit F is a true and correct copy of the
23 December 24, 2014 Notice of Decision from the administrative record in the
24 underlying administrative appeal.

25 12. Attached hereto as Exhibit G is a true and correct copy of the
26 Decision of Principal Deputy Assistant Secretary – Indian Affairs Lawrence
27 Roberts dated January 19, 2017.

28 /////

1 13. Attached hereto as Exhibit H is a true and correct copy of section
2 3.0 of the May 2014 Final Environmental Analysis for the Santa Ynez Band of
3 Chumash Indians Camp 4 Fee-to-Trust from the administrative record in the
4 underlying appeal.

5 14. Attached hereto as Exhibit I is a true and correct copy of excerpts
6 of the BIA's response to comments in the May 2014 Final Environmental
7 Analysis for the Santa Ynez Band of Chumash Indians Camp 4 Fee-to-Trust
8 from the administrative record in the underlying appeal.

9 15. Attached hereto as Exhibit J is a true and correct copy of the July
10 11, 2014 comments submitted by the County on the May 2014 Final
11 Environmental Assessment for the Santa Ynez Band of Chumash Indians Camp
12 4 Fee-to-Trust from the administrative record in the underlying appeal.

13 16. Attached hereto as Exhibit K is a true and correct copy of a
14 comment letter from Biologist Lawrence Hunt, dated July 10, 2014, from the
15 administrative record in the underlying appeal.

16 17. Attached hereto as Exhibit L is a true and correct copy of a
17 comment letter from the Audubon Society, dated July 14, 2014, from the
18 administrative record in the underlying appeal.

19 18. Attached hereto as Exhibit M is a true and correct copy of a
20 comment letter from the California Department of Fish and Wildlife, dated
21 October 4, 2013, from the administrative record in the underlying appeal.

22 19. Attached hereto as Exhibit N is a true and correct copy of a
23 comment letter from the Santa Ynez Rancho Estates Mutual Water Company,
24 dated June 26, 2014, from the administrative record in the underlying appeal.

25 20. Attached hereto as Exhibit O is a true and correct copy of a
26 comment letter from the Santa Ynez River Water Conservation District,
27 Improvement District No. 1, dated October 7, 2013, from the administrative
28 record in the underlying appeal.

