

Federal Judge Overturns Decision to Place Chumash Camp 4 Property Into Trust

By Janene Scully, Noozhawk North County Editor | [@JaneneScully](#) | February 13, 2019 | 9:56 p.m.

A federal judge has sided with a local landowner in a ruling declaring as unlawful the decision to take 1,400 acres of property in the Santa Ynez Valley known as Camp 4 into federal trust for the [Santa Ynez Band of Chumash Indians](#). (<https://www.santaynezchumash.org>)

U.S. District Judge Stephen Wilson issued his 36-page ruling Wednesday in the case of Anne (Nancy) Crawford-Hall, San Lucas Ranch, LLC, and Holy Cow Performance Horses, LLC vs United States of America, et al.

The judge granted a summary judgement for the plaintiffs' challenge to the [Bureau of Indian Affairs](#) (<https://www.santaynezchumash.org>) decision in 2017 to allow the Camp 4 property to be put into trust for the tribe, essentially declaring that act null and void and sending the matter back to the federal agency to handle properly.

Putting the land in trust means it would be part of the reservation for the Chumash, considered a sovereign nation, and not subject to state and local planning and land-use rules or taxes.

Shortly after purchasing the agriculture property along Highway 246 from Fess Parker's estate in 2010, the tribe began the process to put the land into trust, intending it for 143 homes and a tribal hall.

In the lawsuit filed in early 2017, attorneys Barry Cappello and Wendy D. Welkom of [Cappello & Noël LLP](#) (<http://cappellonoel.com>) contended Lawrence Roberts, then principal deputy assistant secretary of indian affairs, improperly affirmed a 2014 decision to take the land into trust and deemed his ruling as final.

However, the lawsuit filed weeks later challenged several aspects of the approval, including contending the BIA official lacked authority to issue the final decision.

"Based on the decision, BIA has executed an acceptance of conveyance and Camp 4 has been transferred into trust. Plaintiffs now face the purportedly-authorized development of Camp 4, although the decision purporting to authorize that development is unlawful," the original lawsuit said.

The lawsuit also had challenged whether the federal government conducted a suitable assessment

of potential environmental impacts.

“Plaintiffs will suffer immediate and irreparable harm to the environment, and to their ability to manage their horse facilities, cattle, pasture, and crop operations, if Camp 4 is developed in a manner that is inconsistent with local regulation,” the lawsuit said.

In Wednesday’s opinion, the judge said it would be premature to rule on those aspects of the case until the BIA considered the appeals that initially had been filed regarding whether the environmental analysis was adequate.

However, the judge left open the possibility of ruling on the matter in the future if the plaintiffs return “to challenge the unchanged environmental and regulatory analysis conducted by the agency.”

Chumash leaders said they will continue efforts to create housing for members of the tribe.

“Today’s ruling on Camp 4’s trust status was unfortunate, and we firmly believe, as does the Bureau of Indian Affairs, that Deputy Roberts was within his authority to issue a final decision on our fee-to-trust application in 2017,” said Tribal Chairman Kenneth Kahn. “The tribe purchased the Camp 4 property in 2010 with the intention to build homes for our tribal members, and nine years later, we are still working on making that dream a reality.

“Camp 4 has always been historic tribal land, and the tribe will continue to fight to ensure adequate housing for its members,” Kahn added.

Federal attorneys did not respond to a request for comment on whether they plan to appeal the judge’s ruling or send the matter back to the BIA.

Attorneys made their oral arguments in the case several months ago, but the judge issued the ruling Wednesday.

Cappello hailed the judge’s ruling and his client’s diligence in pursuing the case.

“Nancy Crawford-Hall was the last spartan at the bridge,” Cappello said of his client. “She fought this and has been fighting it for the Santa Ynez Valley and the community plan that everybody ultimately agreed upon for a decade.”

— *Noozhawk* (<https://www.noozhawk.com>) North County editor Janene Scully can be reached at jscully@noozhawk.com (<mailto:jscully@noozhawk.com>). Follow Noozhawk on Twitter: [@noozhawk](https://twitter.com/noozhawk) (<http://twitter.com/noozhawk>), [@NoozhawkNews](https://twitter.com/noozhawkNews) (<http://twitter.com/noozhawkNews>) and [@NoozhawkBiz](https://twitter.com/noozhawkBiz) (<http://twitter.com/noozhawkBiz>). Connect with *Noozhawk on Facebook* (<http://www.facebook.com/noozhawk>).

https://www.noozhawk.com/article/federal_judges_calls_bureau_of_indian_affairs_camp_4_trust_decision_illegal