



Legislation Details (With Text)

File #: 19-347 **Version:** 1 **Name:**
Type: Action Item **Status:** Approved
File created: 4/9/2019 **In control:** BOARD OF SUPERVISORS
On agenda: 4/16/2019 **Final action:** 4/16/2019
Title: 10:00 A.M. - (Continued from April 9, 2019) - Consideration of Responses to the Bureau of Indian Affairs Invitation to Provide Comment on the Big Valley Band of Pomo Indians' Land Acquisition Applications
Sponsors: Administrative Office
Indexes:
Code sections:
Attachments: 1. Big Valley - Comments on Application #1 (04-10-2019) Accepted Revised DR..., 2. Big Valley - Comments on Application #2 (04-10-2019) Accepted Revised DR...

Date	Ver.	Action By	Action	Result
4/16/2019	1	BOARD OF SUPERVISORS	approved as amended	Pass

MEMORANDUM

TO: Board of Supervisors
FROM: Carol J. Huchingson, County Administrative Officer
DATE: April 16, 2019

SUBJECT: Consideration of Responses to the Bureau of Indian Affairs Invitation to Provide Comment on the Big Valley Band of Pomo Indians' Land Acquisition Applications

EXECUTIVE SUMMARY:

On March 4, 2019, the County received a Notice from the Bureau of Indian Affairs (Bureau) inviting comment on the Big Valley Band of Pomo Indians' (Tribe) application to move seven parcels into trust. As staff began its due diligence researching this matter, new information was learned regarding the Tribe's recently opened cannabis dispensary along with an expansion of cultivation and manufacturing programs. The Bureau requested information on property taxes, assessments, government services provided, and potential zoning consistency. The accompanying information indicates that the Secretary of the Interior will consider factors such as the purpose for which the land will be used; the impacts on local government of removing said properties from the tax rolls; and jurisdictional problems and potential conflicts of land use that may arise. Staff's comments are intended to ensure that any potential demands on infrastructure and services will continue to be met for constituents throughout the area. The Bureau's recent invitation to comment represents the first, and possibly only, opportunity for the County to address potential concerns.

On March 20, 2019, the Bureau responded to County staff's request for a 30 day extension from the March 26th deadline and granted it in part, with a new deadline of April 18, 2019. On March 22, 2019, the County received another notice for fourteen parcels to be moved into trust, also with an April 18th deadline to respond to Bureau's request for comment. During staff's continued research, it became clear that beyond the expansion of the Tribe's cannabis industries, there are other potential inconsistencies in land use, both present and possibly future.

On April 9, 2019, the Tribal Administrator, Mr. Ben Ray III, expressed concern that the proposed comments were incorrectly addressing land already in trust as being the parcels specified in these pending applications. Some of the lands already moved into trust are discussed in the comments to provide context, as these parcels are being repurposed to cannabis cultivation and a potential commercial center, including a small casino. Those parcels specified as being included in the applications were addressed separately with examples of use patterns the County was previously unaware of, such as cannabis cultivation or additional casino related parking facilities. The reasoning behind discussing them in tandem stems from the need to consider cumulative effects in the area, since moving them into trust makes them similarly available for repurposing to the aforementioned uses in the future, even if there are no plans to do so presently. These discussions have been further delineated to alleviate any potential confusion.

During the Board's discussion with Mr. Ray it was learned that he could provide several hundred pages of documents the County has not viewed as part of this process. As of your deadline to publish the agenda those documents have not yet been received. These documents may help guide further inquiry into whether, for example, County funds would be required to improve Soda Bay Road to accommodate increased traffic.

Due to these recent developments, these proposed comments clarify for the Bureau that staff is unable to fully and informatively respond to the Bureau's requests for information on these short timelines. Staff has highlighted the areas of concern and noted that further time would be necessary to investigate the proper tax valuations and evaluate the infrastructure of the surrounding area. Staff can then determine any steps or costs that might be necessary to accommodate potential development by the Tribe. The proposed comments give greater background detail and suggest the Bureau provide County staff the opportunity to identify topics requiring attention and work with the Tribe and other local partners to gather the necessary information. The County would then look forward working in good faith with the Tribe on reaching a mutually satisfactory agreement to address any concerns. If these items are not acted upon today your Board will miss the opportunity to provide comments, as the Bureau's deadline to receive the response is April 18, 2019.

A number of County departments came together to assist in the preparation of these responses and staff is extremely grateful to all who contributed.

FISCAL IMPACT: ☒ None ☐ Budgeted ☐ Non-Budgeted

Estimated Cost:
Amount Budgeted:
Additional Requested:
Annual Cost (if planned for future years):

FISCAL IMPACT (Narrative): None

STAFFING IMPACT (if applicable): None

RECOMMENDED ACTION:

Staff recommends that your Board approve the two proposed responses to the Bureau's invitation to provide comments, authorizing the Chair to sign.