

**ASSISTANT SECRETARY—INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR**

BRIAN AND SUZANNE KRAMER;
COUNTY OF SANTA BARBARA,
CALIFORNIA; NO MORE SLOTS; LEWIS P.
GEYSER AND ROBERT B. CORLETT;
PRESERVATION OF LOS OLIVOS; SANTA
YNEZ VALLEY CONCERNED CITIZENS;
ANNE (NANCY) CRAWFORD-HALL;
SANTA YNEZ VALLEY ALLIANCE,

APPELLANTS,

vs.

PACIFIC REGIONAL DIRECTOR, BUREAU
OF INDIAN AFFAIRS,

APPELLEE.

Government's Office of Planning & Research

APR 08 2019

STATE CLEARINGHOUSE

Withdrawal of Decision

On January 19, 2017, Principal Deputy Assistant Secretary – Indian Affairs Lawrence Roberts issued a decision (“PDAS Decision”) in these consolidated appeals affirming the December 24, 2014 Notice of Decision by the Regional Director, Bureau of Indian Affairs Pacific Region (“BIA NOD”), to take certain off-reservation land in Santa Barbara County, California into trust for the benefit of the Santa Ynez Band of Chumash Mission Indians (“Tribe”). In accordance with that decision, the subject lands were later conveyed to the United States in trust for the Tribe. However on February 13, 2019, the United States District Court for the Central District of California vacated the PDAS Decision.¹ The court remanded these appeals for a final decision by the Assistant Secretary – Indian Affairs and vacated the United States’ acceptance of conveyance premised on the PDAS Decision. Upon my subsequent review of the record in these consolidated appeals, I issued a final decision (“AS-IA Decision”) to affirm the BIA NOD on February 25, 2019.

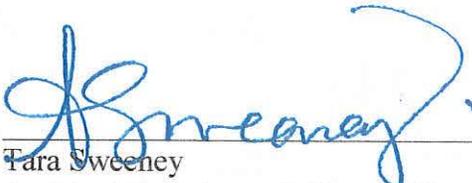
Upon issuance of my Decision, the BIA Pacific Regional Director took immediate steps to implement it in compliance with 25 C.F.R. § 151.12(c)(2)(iii) and the procedures set out in the BIA’s *Acquisition of Title to Land Held in Fee or Restricted Status (Fee-to-Trust Handbook)*. In doing so, the Regional Director determined that additional endangered or threatened species had been determined to exist within the geographic region of the subject property since 2014. As a

¹ Order, *Crawford-Hall et al. v. U.S. et al.*, Case No. 2:17-cv-1616 (C.D. Cal. 2018) (Feb. 13, 2019).

result, the BIA must determine whether such species may be affected by the agency decision. Based on that, the United States on March 13, 2019 moved the district court to stay the case to allow BIA to investigate this matter and determine what is necessary to bring it to a close, during which time the BIA would not re-accept title to the subject property.² The court did not respond to this request, and pursuant to the court's Order of March 18, 2019, the United States must now file its answer to Plaintiffs' amended complaint by April 2, 2019.

This limited timeframe does not afford the BIA the time needed to properly investigate these matters. Given these circumstances, I have determined that the most prudent course of action is to withdraw my February 25, 2019 Decision and vacate the Regional Director's December 24, 2014 Notice of Decision in order to remand the matter to allow the BIA to complete its review before issuance of a final decision in accordance with the procedures described in National Policy Memorandum NPM-TRUS-036, Off-Reservation Fee-to-Trust Decisions.

Dated: March 29, 2019



Tara Sweeney
Assistant Secretary – Indian Affairs

² Federal Defendants' Response to Order for Briefing, *Crawford-Hall et al. v. U.S. et al.*, Case No. 2:17-cv-1616 (C.D. Cal. 2018) at 1 (Mar. 13, 2019).

CERTIFICATE OF SERVICE

I certify that on the 29th day of March 2019, I delivered a true copy of the foregoing Withdrawal of Decision to each of the persons named below, either by depositing an appropriately addressed copy in the United States mail, by email, or both.

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