

**Testimony of  
Darryl LaCounte  
Acting Deputy Bureau Director-Trust Services  
United States Department of the Interior  
Before the  
Senate Committee on Indian Affairs  
On  
H.R. 1491, “The Santa Ynez Band of Chumash Indians Land Affirmation Act of 2017”  
  
April 25, 2018**

Chairman Hoeven, Vice Chairman Udall, and Members of the Committee, my name is Darryl LaCounte and I am the Acting Deputy Bureau Director-Trust Services at the Department of the Interior (Department). Thank you for the opportunity to present testimony on H.R. 1491, the Santa Ynez Band of Chumash Indians Land Affirmation Act of 2017. This bill would reaffirm the action of the Secretary of the Interior to take land into trust for the benefit of the Santa Ynez Band of Chumash Mission Indians (Tribe). The Department supports the Tribe’s efforts to voluntarily proscribe the activities that may legally be conducted on its lands through H.R. 1491.

**Background**

By decision dated January 19, 2017, the Principal Deputy Assistant Secretary – Indian Affairs, Lawrence S. Roberts affirmed the December 24, 2014, decision of the Bureau of Indian Affairs (BIA) Pacific Regional Director to take approximately 1427 acres of land in Santa Barbara County, California, into trust for the benefit of the Tribe. On January 20, 2017, the Regional Director accepted the land into trust.

Since that time the Santa Ynez Band of Chumash has worked with Santa Barbara County on a Memorandum of Agreement between the two parties regarding the lands taken into trust. On October 31, 2017, the Board of Supervisors for the County approved the MOA and the Department approved the MOA pursuant to section 2103 of the Revised Statutes (25 U.S.C. 81). The Tribe has further agreed that gaming will not be conducted on the identified lands taken into trust for the Tribe.

The Department agrees that certainty of title is important, as it provides tribes, the United States, and state and local governments with the clarity needed to carry out each sovereign’s respective obligations. Such certainty is pivotal to the tribe’s ability to provide essential government services to its citizens, such as housing, education, health care, and promote tribal economies.

Once the trust acquisition is finalized and title transferred in the name of the United States, tribes and the United States should be able to depend on the status of the land and the scope of the authority over the land. H.R. 1491, with amendments, would provide such certainty regarding the ownership status of this land.

**H.R. 1491**

Section 3 of H.R. 1491 provides that the action taken by the Department on January 20, 2017, to place approximately 1,427 acres of land located in Santa Barbara County, California, into trust

for the benefit of the Santa Ynez Band of Chumash Indians, is hereby ratified and confirmed as if that action had been taken under a Federal law specifically authorizing or directing that action.

H.R. 1491 also provides that nothing in the legislation shall enlarge, impair, or otherwise affect any right or claim of the Tribe to any land or interest in land in existence before the date of the enactment of H.R. 1491; affect any water right of the Tribe in existence before the date of the enactment; or terminate or limit any access in any way to any right-of-way or right-of-use issued, granted, or permitted before the date of the enactment of H.R. 1491. The legislation would also restrict lands already taken into trust to preclude the Tribe from conducting gaming activities on the land, as a matter of claimed inherent authority or under any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq) and regulations promulgated by the Secretary or the National Indian Gaming Commission under that Act.

### **Conclusion**

Administering trust lands is an important responsibility that the United States undertakes on behalf of Indian tribes. The Secretary's authority to acquire lands in trust for tribes and the certainty concerning the status of and jurisdiction over Indian lands after such acquisitions are at the core of federal trust responsibility. This concludes my statement and I would be happy to answer questions.