



## Legislation Text

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**File #:** 16-0419, **Version:** 2

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Chief Administrative Office recommending the Board:

- 1) Approve and authorize the Chair to sign the attached comprehensive response letter (Attachment 2A) that incorporates the assessed impacts if the Federal Government accepts the specified parcels "in trust" for the Shingle Springs Rancheria Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; and
- 2) Authorize transmittal of the letter, along with comments submitted by members of the public, to the U. S. Department of the Interior, Bureau of Indian Affairs to formally request consideration as outlined in the referenced letter.

### **Department Recommendation**

Chief Administrative Office (CAO) recommending the Board:

- 1) Approve and authorize the Board Chair to sign the attached comprehensive response letter (Attachment 2A) that incorporates the assessed impacts if the Federal Government accepts the specified parcels "in trust" for the Shingle Springs Rancheria Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California;
- 2) Authorize transmittal of the letter, along with comments submitted by members of the public, to the U. S. Department of the Interior, Bureau of Indian Affairs to formally request consideration as outlined in the referenced letter.

### **Discussion/Background**

The Shingle Springs Band of Miwok Indians "Tribe" has submitted two (2) Applications to the U.S. Department of the Interior, Bureau of Indian Affairs to have real property accepted into trust for the Shingle Springs Rancheria Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California, by the United States of America. The specific parcels submitted per these two (2) Applications are as follows:

Application #1 provides the legal land descriptions for the following five (5) parcels: APN's 319-100-29; 319-100-33; 319-100-39; 319-100-32; and 319-100-38. These five (5) parcels total approximately 25.00 acres and are defined as located contiguous to the boundaries of the Tribe's original Rancheria (Tract Number 546 T 5023) in Shingle Springs. Per the Notice of Application, the Project Description/Proposed Land Use provides that "All five parcels contain residences which the Tribe will continue to use as Indian housing for the Nation's tribal members. Trust acquisition of the subject parcels will facilitate the Nation's goal of self-determination and to provide Indian housing."

Application #2 provides the legal land description for three (3) areas that include APN's 319-100-020 and 319-100-021, and a non-exclusive easement for road and utility purposes. The areas defined in Application #2 total approximately 10.18 acres and are defined as located contiguous to the boundaries of the Shingle Springs Rancheria (Tract Number 546 T 5023). Per the Notice of Application, the Project Description/Proposed Land Use provides that "Currently, the subject parcels consist of vacant, undeveloped land. Due to a shortage of available housing for tribal members on the Shingle Springs Rancheria, the Tribe plans to build homes on the parcels consistent with Tribal land use guidelines and the Nation's agreement, if any, with El Dorado County. Trust acquisition of

the subject parcels will facilitate the Nation's goal of self-determination and to provide Indian housing."

Per the direction provided within the Notice, the determination whether to acquire this property in trust will be made in the exercise of discretionary authority, which is vested in the Secretary of the Interior, or his authorized representative, U.S. Department of the Interior. To assist the U.S. Department of the Interior in the exercise of that discretion, the County of El Dorado now has the opportunity to comment on the proposed acquisition.

On April 19, 2016 the Board provided direction for the CAO's office and County Counsel to coordinate a comprehensive response on behalf of the County that incorporates impacts of the referenced parcels being taken "into trust" and removing them from the County's tax roll (item 47). As such, the attached letter (Attachment 2A) has been prepared for Board Chair signature and submittal to the U.S. Department of the Interior, Bureau of Indian Affairs, to relay both concerns and projected impacts to the County if the subject parcels are approved to be taken "in trust".

### **Alternatives**

An alternative would be to not approve, authorize signature, or authorize transmittal of the letter. By moving forward with this alternative the County's comments would not be relayed to the U.S. Department of the Interior, Bureau of Indian Affairs for consideration for both applications to take subject lands "in trust".

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel, Community Development Agency, Assessor's office, Health and Human Services Agency, and the Air Quality Management District

### **FINANCIAL IMPACT**

There is no financial impact associated with the requested actions.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

Clerk to obtain the Board Chair's signature on one (1) original of the attached letter and forward to the CAO's office for transmittal.

### **STRATEGIC PLAN COMPONENT**

Good Governance

### **CONTACT**

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Chief Administrative Office