

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

COUNTY OF SANTA BARBARA,

Plaintiffs,

vs.

THE UNITED STATES DEPT. OF
THE INTERIOR, et al.,

Defendants.

Case No.: 2:17-CV-00703

**DECLARATION OF KENNETH
KAHN IN SUPPORT OF THE
DEPARTMENT OF THE
INTERIOR'S OPPOSITION TO
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE**

Judge: Hon. Stephen Wilson

Hearing Date: TBD

Time: TBD

1 I, Kenneth Kahn, do declare and say:

2 1. I am now and have been the Tribal Chairman of the Santa Ynez Band of
3 Mission Indians (the "Tribe") since I was first elected in April 2016. I have been
4 involved in the governance of the Chumash Tribe since 2003, when I was elected
5 to serve on the Business Committee. I later served as the Tribe's
6 Secretary/Treasurer, as well as its Vice Chairman. The Santa Ynez Band of
7 Mission Indians was federally recognized in 1901. The Tribe is the only federally
8 recognized Chumash Tribe in the nation.

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10 2. As Tribal Chairman, I have the authority to speak on behalf of the Tribe.

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12 3. I am aware of the recently filed lawsuit by the County of Santa Barbara (the
13 "County") in the above-referenced case, *County of Santa Barbara v. Department of*
14 *the Interior, et al.*, 2:17-cv-00703. I also understand that the County's filings
15 include an Ex Parte Application for Temporary Restraining Order and Order to
16 Show Cause Why Preliminary Injunction Should Not Issue (the "Application"). I
17 am submitting this Declaration in support of the Department of the Interior's
18 Opposition to that Application.

19
20 4. At present, the Tribe has no plans for any construction on the approximately
21 1,400 acres of land referred to as "Camp 4" in the immediate future. No
22 construction will occur for at least the next nine (9) months.

23
24 5. While the Tribe intends to "begin the process" of building homes on the Camp 4
25 property, as I said in the Tribe's Press Release issued on January 23, 2017, we
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1 have no intention of actually starting physical construction for at least nine (9)
2 months as I affirm herein.
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4 6. On January 30, 2017, after receiving word of the County's pending Application,
5 Sam Cohen, Government and Legal Specialist for the Tribe, emailed counsel for
6 the County, Mr. Ghizzoni, to inform him that the Tribe had no plans for
7 construction on Camp 4 in the immediate future. Mr. Cohen also informed Mr.
8 Ghizzoni that no construction would occur for at least the next nine (9) months. A
9 true and correct copy of that email correspondence is attached as Exhibit A to this
10 declaration.
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12 I declare under penalty of perjury of the laws of the State of California and the
13 United States that the foregoing is true and correct.

14 Executed on January 31, 2017
15


KENNETH KAHN, Chairman
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Jeffries, Andrea

From: Sam Cohen <scohen@santaynezchumash.org>
Sent: Monday, January 30, 2017 5:41 PM
To: Ghizzoni, Michael
Cc: Holderness, Amber; Van Mullem, Rachel; Jeffries, Andrea; Sam Cohen
Subject: RE: COUNTY FILED "CAMP 4" LITIGATION, IN U.S. DISTRICT COURT, ON SATURDAY

Dear Mr. Ghizzoni (Mike):

The Santa Ynez Band of Chumash Indians has no plans for any construction on the approximately 1,400 acres of land referred to as Camp 4 in the immediate future. No construction will occur for at least the next nine (9) months.

Sincerely,

Sam Cohen
Government and Legal Specialist
Santa Ynez Band of Chumash Indians
P.O. Box 517
Santa Ynez, CA 93460

From: Ghizzoni, Michael [mailto:Mghizzoni@co.santa-barbara.ca.us]
Sent: Sunday, January 29, 2017 12:08 PM
To: Sam Cohen <scohen@santaynezchumash.org>
Cc: Holderness, Amber <aholderness@co.santa-barbara.ca.us>; Van Mullem, Rachel <Rvanmull@co.santa-barbara.ca.us>
Subject: COUNTY FILED "CAMP 4" LITIGATION, IN U.S. DISTRICT COURT, ON SATURDAY

Sam,

As you know, on January 19, 2017, the Assistant Secretary – Indian Affairs for the Bureau of Indian Affairs ("BIA") affirmed the Pacific Regional Director's decision to take the "Camp 4" parcels into trust for the Santa Ynez Band of Chumash Indians.

We believe that in making their decisions about Camp 4, that BIA did not comply with either their own regulations or the National Environmental Policy Act.

In Closed Session in January 10, 2017, the Board of Supervisors by a 3-2 vote (Supervisors Williams and Lavagnino voting no) renewed its direction to County Counsel, to file further litigation in U.S. District Court in the event of an adverse ruling from the Interior Board of Indian Appeals concerning "Camp 4."

Therefore -- after completing our "meet and confer" obligations last week with the U.S. Department of Justice -- on Saturday January 28th Office of County Counsel filed in U.S. District Court:

- A Complaint for Violation of the Administrative Procedure Act and National Environmental Policy Act and for Declaratory and Injunctive Relief against the Department of Interior, Bureau of Indian Affairs, and the officials involved with BIA's decision to take Camp 4 into trust for the Santa Ynez Band of Chumash Indians;
- An Ex Parte Application for Temporary Restraining Order and Order to Show Cause Why Preliminary Injunction Should Not Issue; and
- Other required supporting documents.

Shown below my signature block is an excerpt from the U.S. District Court's electronic docket for this case. Attached to this e-mail are copies of these documents that we filed on Saturday: 1) the Complaint; and 2) the Memorandum of Points and Authorities.

It is likely that the Department of Justice has already spoken with you about this litigation. If not, I want you to know that:

- We expect to have further discussions with the Department of Justice next week about maintaining the "status quo" while this litigation proceeds; and
- We welcome the Tribe's thoughts about maintaining the status quo.

Deputy County Counsel Amber Holderness is the County's primary attorney for this litigation and can be reached directly at 568-2969. My direct number is 568-3377. Chief Assistant County Counsel Rachel Van Mullem's direct number is 568-2973.

Mike

Michael C. Ghizzoni
County Counsel
Office of County Counsel
County of Santa Barbara
(805) 568-3377

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF
CALIFORNIA (Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:17-cv-00703**

County of Santa Barbara v. Haugrud et al
Assigned to:
Cause: 05:551 Administrative Procedure Act

Date Filed: 01/28/2017
Jury Demand: None
Nature of Suit: 893 Environmental

Matters
Jurisdiction: Federal Question

Movant

County of Santa Barbara

represented by **Amber R Holderness**
County of Santa Barbara
Office of County Counsel
105 East Anapamu St., Ste 201
Santa Barbara, CA 93101
United Sta
805-568-2950
Fax: 805-568-2982
Email: aholderness@co.santa-barbara.ca.us
ATTORNEY TO BE NOTICED

V.

Defendant

Kevin Haugrud

Defendant

Lawrence Roberts

Defendant

Amy Dutschke

Defendant

Department of the Interior

Defendant

Bureau of Indian Affairs

Date Filed	#	Docket Text
01/28/2017	<u>1</u>	COMPLAINT Receipt No: 0973-19268544 - Fee: \$400, filed by Plaintiff County of Santa Barbara. (Attorney Amber R Holderness added to party

		County of Santa Barbara(pty:bkmov))(Holderness, Amber) (Entered: 01/28/2017)
01/28/2017	2	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening) 1 filed by Plaintiff County of Santa Barbara. (Holderness, Amber) (Entered: 01/28/2017)
01/28/2017	3	CIVIL COVER SHEET filed by Movant County of Santa Barbara. (Holderness, Amber) (Entered: 01/28/2017)
01/28/2017	4	EX PARTE APPLICATION for Temporary Restraining Order as to Removing Property from Trust and/or Prohibiting Development Activity filed by Plaintiff County of Santa Barbara. (Attachments: # 1 Memorandum, # 2 Declaration, # 3 Exhibit Exh. A to Holderness Dec., # 4 Exhibit Exh. B to Holderness Dec., # 5 Exhibit Exh. C to Holderness Dec., # 6 Exhibit Exh. D to Holderness Dec., # 7 Exhibit Exh. E to Holderness Dec., # 8 Exhibit Exh. F to Holderness Dec., # 9 Exhibit Exh. G to Holderness Dec., # 10 Exhibit Exh. H1 to Holderness Dec., # 11 Exhibit Exh. H2 to Holderness Dec., # 12 Exhibit Exh. I to Holderness Dec., # 13 Exhibit Exh. J1 to Holderness Dec., # 14 Exhibit Exh. J2 to Holderness Dec., # 15 Exhibit Exh. K to Holderness Dec., # 16 Exhibit Exh. L to Holderness Dec., # 17 Exhibit Exh. M to Holderness Dec., # 18 Exhibit Exh. N to Holderness Dec., # 19 Exhibit Exh. O to Holderness Dec., # 20 Exhibit Exh. P to Holderness Dec., # 21 Exhibit Exh. Q to Holderness Dec., # 22 Exhibit Exh. R to Holderness Dec., # 23 Exhibit Exh. S to Holderness Dec., # 24 Proposed Order TRO, # 25 Proposed Order OSC) (Holderness, Amber) (Entered: 01/28/2017)
01/28/2017	5	REQUEST FOR JUDICIAL NOTICE re EX PARTE APPLICATION for Temporary Restraining Order as to Removing Property from Trust and/or Prohibiting Development Activity 4 filed by Movant County of Santa Barbara. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit, # 8 Exhibit, # 9 Exhibit)(Holderness, Amber) (Entered: 01/28/2017)