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11 August 2016

Larry Roberts
Acting Assistant Secretary–Indian Affairs
U.S. Indian Affairs Bureau
MS-3642–MIB
1849 C Street, NW #4160
Washington, D.C. 20240

Dear Mr. Roberts:

I write in opposition to the initiative of the Scotts Valley Band of Pomo to secure reservation (trust) status for lands it seeks to acquire in Vallejo, Solano County, California. This is the second effort of this tribe with a financial backer to engage in overt "reservation shopping."

The Scotts Valley Band of Pomo is a federally-recognized tribe of the Sugar Bowl Rancheria, located on the west side of Clear Lake in Lake County, California. Although terminated in 1958, the Scotts Valley Pomo were restored in 1991 to a federal relationship. The Tribe's headquarters are located at 301 Industrial Avenue, Lakeport, California, 95453-5643.

In 2007 the Scotts Valley Band, financed by a Florida developer (Richmond Gaming), announced plans for the \$200 million, 225,000 square foot facility, Sugar Bowl Casino, to be constructed on 29.87 acres on Richmond Parkway, an unincorporated portion of Contra Costa County, California, near the city of Richmond. The project hinged on the tribe meeting the legal requirements of "restored lands" as defined in the Indian Gaming Regulatory Act of 1988 (IGRA). To qualify for gaming the tribe had to document its significant historic connections to the proposed reservation site.

On May 25, 2012, Donald E. Laverdure, Acting Assistant Secretary, Indian Affairs, issued the decision of the Department of the Interior on whether the Contra Costa County land would qualify as "restored lands" under IGRA. Laverdure's decision was a closely argued and rigorously documented report of 19 pages. The findings confirmed that the Scotts Valley Band failed to demonstrate a "significant historical connection" to the lands near Richmond. Among the several findings were the following:

- 1) The lands were not located within the boundaries of the Band's last reservation under a ratified or unratified treaty.
- 2) The Band did not provide adequate historical documentation demonstrating the existence of its villages, burial grounds, occupancy, or subsistence use in the vicinity of the Richmond parcels.
- 3) The Band had not established a sufficient nexus within Suisun Patwin's historical use and occupancy, and so may not rely on those connections northeast of San Pablo Bay.
- 4) The Band's citizens' relocation to the San Francisco Bay area between the 1920s and the 1960s did not constitute the Band's significant historical use or occupancy.

The efforts of the Scotts Valley Band of Pomo to secure a gaming site in Contra Costa County were "reservation shopping." The findings of the Department of Interior accorded with the documentation researched and provided by the lawyers and expert witness engaged by Contra Costa County to oppose the trust lands application of the tribe.

By August, 2016, the Scotts Valley Band of Pomo had secured the financial backing of a new investor, Paul Steelman's Resort Development, LLC, of Las Vegas, and began a new reservation shopping initiative in Vallejo, Solano County, California, to the northeast of San Pablo Bay. Similar to the issues in selecting a casino site in Contra Costa County, the Vallejo location poses the same problems:

- 1) The Vallejo site is nearly 90 miles south (more than 2 hours driving time in the best of traffic conditions) from the tribe's Sugar Bowl Rancheria.
- 2) The Vallejo site is the aboriginal homeland of the Patwin language of the Wintun language stock, altogether different from Pomo.
- 3) Between the Sugar Bowl Rancheria at Lakeport and Vallejo lies the aboriginal homeland of the Wappo tribe. Its language is of the Yuki-Wappo language family, altogether different from Pomo.
- 4) Between the Sugar Bowl Rancheria at Lakeport and Vallejo lies the aboriginal homeland of the Lake Miwok tribe. Its language is of the Yok-Utian language family, altogether different from Pomo.

In its effort to find a casino gaming site, the Scotts Valley Band has selected a location separated from its ancestral homeland by the speakers of three

different languages. It is attempting to rewrite the history of aboriginal use and occupancy and language distribution in California for the purposes of getting lands for a casino. The same objections raised in its reach to the south shore of San Pablo Bay in Contra Costa County pertain in Vallejo on the north side of San Pablo Bay.

The Scotts Valley Band also ignores the trade relations its ancestors had on an east-west route between Clear Lake and the Pacific Ocean through Pomo lands where its people could communicate readily with the Indians occupying the upper Russian River Valley and the nearby coast. There is no documentation for a north-south trade connection through Lake Miwok, Wappo, and Patwin lands to San Pablo Bay. Indeed, the relations between the tribelets, bands, and villages in this region were often unfriendly and resulted in tensions, conflicts, and the insularity of people living in and occupying a specific area over long periods of time.

I served as expert witness for Contra Costa County in its opposition to the projected Sugar Bowl Casino near Richmond, California. I have a deep familiarity with the history of the Indians of California that spans fifty years of research and writing dating to my graduate study at the University of California in 1964-69. Voluminous scholarly literature and manuscript documentary materials confirm the lack of credibility in this latest effort of the Scotts Valley Band of Pomo to assert the lands it has purchased at Vallejo are "restored lands" under the tests of IGRA.

Sincerely,



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