



A Tradition of Stewardship
A Commitment to Service

Board of Supervisors

1195 Third St.
Suite 310
Napa, CA 94559
www.countyofnapa.org

Main: (707) 253-4421
Fax: (707) 253-4176

Alfredo Pedroza
Chairman

September 20, 2016

The Honorable Lawrence Roberts
Acting Assistant Secretary for Indian Affairs
United States Department of the Interior
MS-3642-MIB
1849 C Street, N.W.
Washington, D.C. 20240

Re: "Restored Lands" Exception Request from Scotts Valley Band of Pomo Indians:

Dear Assistant Secretary Roberts:

The Board of Supervisors voted unanimously today to oppose the Scotts Valley Band of Pomo Indians' application for a determination that certain real property acquired within the city limits of Vallejo is eligible for the establishment of gaming operations under the "restored lands" exception of the Indian Gaming Regulatory Act ("IGRA") at 25 U.S.C. 2719(b)(2)(B)(iii).

The Board opposes the application for the following reasons:

First, the lack of transparency concerning this particular application is alarming. The standard procedure calls for an Indian Lands Determination and a fee-to-trust application to be filed concurrently. This triggers a number of notification requirements, allowing local jurisdictions to offer input and comments early in the process. This was the case in the Scotts Valley Indians' prior effort to site a casino in Richmond, California, in 2012, but not for the current application. Further, the Scotts Valley Indians requested an *expedited* "restored lands" determination absent a fee-to-trust application. There are many local issues that necessitate local input. The proposed area already suffers from severe traffic problems and severe water issues. A casino would exacerbate these two problems and many others, not just for Vallejo and Solano County, but for other surrounding areas as well, including Napa County, whose boundary is less than a mile from the proposed casino site.

Second, the Scotts Valley Indians have no connection to the land in Vallejo where it seeks to site a casino. The Scotts Valley Indians' governmental headquarters is in Lakeport within Lake County, which is over 80 miles away from the City of Vallejo. Lake County is also the site of the tribe's original reservation. Further, there is no sizable membership of Scotts Valley Indians residing in or around Vallejo. Napa County has worked hard to maintain its agricultural heritage and stands opposed to what is commonly called "casino shopping" by Native Americans seeking to site a casino in lands that may be highly sensitive and critical to the population, its economy, and culture.

Brad Wagenknecht
District 1

Mark Luce
District 2

Diane Dillon
District 3

Alfredo Pedroza
District 4

Keith Caldwell
District 5

Napa County, California, oppose letter
"Restored Lands" Exception Request from Scotts Valley Band of Pomo Indians

Third, we believe the recent United States Supreme Court decision, *Carcieri v. Salazar*, No. 07-526 (2/24/09) disqualifies the Scotts Valley Indians from acquiring land for casino purposes, since they were not officially recognized by the federal government by 1934. The *Carcieri* decision held that the Secretary of Interior does not have the authority to take land into trust for tribes who were not "under federal jurisdiction" in 1934, when the Indian Reorganization Act was enacted.

For these reasons, we strongly request that you terminate the Scotts Valley Band of Pomo Indians' application for an Indian Lands Determination and follow the standard procedures discussed above for all such applications going forward.

Sincerely,



Alfredo Pedroza
Chairman, Napa County Board of Supervisors

cc:

U.S. Senator Dianne Feinstein
Congressman Mike Thompson
Senator Lois Wolk
Assembly Member Bill Dodd
Members, Napa County Board of Supervisors
Leanne Link, Napa County Executive Officer
Minh Tran, Napa County Counsel
Thane Young, Van Scoyoc Associates
Holly Fraumeni, Platinum Advisors
Paul Yoder, Karen Lange, Shaw, Yoder, Antwih
Rural County Representatives of California
California State Association of Counties