

# Congress of the United States

Washington, DC 20515

November 29, 2016

The Honorable Sally Jewell  
Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Secretary Jewell:

We write to ask you to delay issuing a determination under the Indian Gaming Regulatory Act regarding the Scotts Valley casino proposal until the Department of the Interior conducts a full and robust public comment period.

As you know, we have serious concerns about this potential off-reservation casino proposed by the Scotts Valley Band of Pomo Indians. As we understand it, the Department of the Interior, through the Bureau of Indian Affairs, may grant Scotts Valley's request for "restored lands."<sup>1</sup> Interior's decision would pave the way for a vast hotel and casino operation, to be developed on land that is 70 miles away from its tribal headquarters in Lake County, without the Tribe clearly providing evidence of their historical connection to the area to the public.

We are concerned with the manner in which the Department of the Interior is conducting its evaluation of the casino development—a process that has entirely failed to take into account the opposition and concerns of surrounding counties and cities, not to mention tribes in the area that consider the area their aboriginal territory. By bifurcating the process—that is, isolating Interior's consideration of gaming from the broader land-into-trust process—Interior has short-circuited an important agency precedent that previously allowed for the public, local, State, and tribal interests to offer their input and comments at the outset.

Soliciting input early in the process matters. Public input must serve as an important contribution to the decision making process. But the manner in which

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<sup>1</sup> As that term is used in the Indian Gaming Regulatory Act (25 U.S.C. § 2719(b)(1)(B)(iii)).

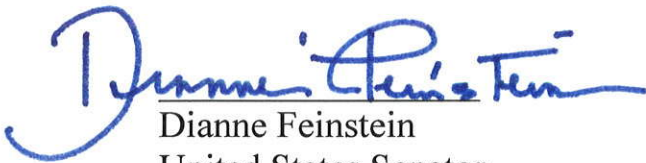
Interior is conducting the process suggests that any public input that may occur will serve only to rationalize or justify a decision already made. We expect much more of Interior.

Decisions of this nature are of vital interest to Californians, as well as the tribal, county and local governments that may be affected. Cities and counties bear the brunt of reduced tax revenues, they often must make up for drain on public services, and they suffer the consequences of any other detrimental impacts from the project, whether environmental or otherwise.

Equally problematic are the questions of fundamental fairness to other tribes, some who have ancestral ties to the area. With more than one hundred sovereign tribal nations within California, we understand the challenges of furthering the interests of every tribal government in ways that respect the rights of other tribes and all Californians. But sound public policy requires a process that is inclusive and transparent.

We ask, therefore, that the Department of the Interior refrain from issuing its Indian Lands Determination until the public has had the opportunity to provide input on the ongoing fee-to-trust application.

Sincerely,




Dianne Feinstein  
United States Senator



Mike Thompson  
Member of Congress



Doug LaMalfa  
Member of Congress



John Garamendi  
Member of Congress