



November 28, 2023

Tribal Council

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The Honorable Deb Haaland
Secretary of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Re: Proceedings on Remand in *Scotts Valley Band of Pomo Indians v. United States*
Department of the Interior

Dear Secretary Haaland:

I write on behalf of the Yocha Dehe Wintun Nation, whose Patwin people traditionally used and occupied lands now within the California counties of Solano, Yolo, Napa, Colusa, and Lake, to ask for your assistance in establishing a fair and transparent process for further proceedings in the above-referenced matter.

As you may be aware, the *Scotts Valley* litigation concerned a challenge by the Scotts Valley Band of Pomo Indians to a United States Department of the Interior ("DOI") Indian Lands Opinion ("ILO") addressing a proposed gaming project in Vallejo, California. The ILO concluded, on the basis of extensive evidence, that Scotts Valley lacks the "significant historical connection" required for the Vallejo site to qualify as "restored lands" under the Indian Gaming Regulatory Act.

The ILO was thorough, well-reasoned, and supported by thousands of pages of evidence submitted by tribal governments. Among other things, the evidentiary record showed the Vallejo site is more than 90 miles from Scotts Valley's rural Lake County homeland. There are no Pomo villages, burial sites or tribal lands located anywhere near Vallejo. Indeed, the southern boundary of Pomo linguistic territory is more than 70 miles to the north, with several other tribal groups traditionally located in between. There was – and remains – no evidence Scotts Valley or its ancestors ever used or occupied the Vallejo site.

In contrast, extensive historical evidence confirms Vallejo, and its surroundings, were used and occupied by Yocha Dehe's Patwin ancestors. Vallejo is the documented location of the Patwin village of *Aguasto*. The California Native American Heritage Commission has designated Yocha Dehe as the most likely descendant of Native American human remains found in the Vallejo and surrounding areas of Solano County. Indeed, Solano County itself is named for a Patwin leader. Moreover, Yocha Dehe (together with a sister Patwin tribe) holds an

Yocha Dehe Wintun Nation

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Secretary of the Interior

November 28, 2023

pg. 2

innovative cultural easement protecting tribal cultural resources in Vallejo parks and recognizing the area as Patwin ancestral territory. In fact, Patwin cultural resources are known to exist at Scotts Valley's proposed gaming site, and Yocha Dehe cultural monitors are engaged on the property next door.

Given its deep and longstanding connection to Vallejo, Yocha Dehe sought to intervene as a defendant alongside the United States in the litigation. The federal defendants took the position that intervention would be improper, arguing that Yocha Dehe would suffer no injury from the case and the federal government would adequately represent our interests.

We understand this was a general policy decision rather than a determination regarding Yocha Dehe's connection to Vallejo. Nevertheless, it left us in a position where we could not defend our own interests in court. And we were not consulted when the federal defendants later decided to abandon their defense of the ILO before the United States Court of Appeals for the District of Columbia Circuit, effectively remanding the proceedings back to DOI.

Given the controversy now attending this matter – including strong opposition to Scotts Valley's position from numerous California tribal governments who wish to be heard – we respectfully request that you direct relevant officials to establish a *fair, transparent, and fact-based* process governing proceedings on remand. At minimum, such a process must include (i) providing Yocha Dehe and other interested tribes with any materials on which Scotts Valley proposes to rely; and (ii) a reasonable opportunity to review and respond to such materials (including a reasonable opportunity to obtain review and comment by relevant experts). We understand similar principles have governed remand proceedings in comparable situations, including circumstances where (as here) there were tribal governments on both sides of the dispute.

Thank you for considering Yocha Dehe's position and request in this critically important matter.

Wile bo,



Anthony Roberts

Tribal Chairman

cc: Hon. Alex Padilla, United States Senator

Hon. Laphonza Butler, United States Senator

Hon. Mike Thompson, United States Representative

Hon. John Garamendi, United States Representative

Laura Daniel-Davis, Acting Deputy Secretary, Department of the Interior

Bryan Newland, Assistant Secretary-Indian Affairs, Department of the Interior

Robert Anderson, Solicitor, Department of the Interior