



July 9, 2024

Tribal Council

Anthony Roberts
Chairman

Yaminah Durham
Secretary

Leland Kinter
Treasurer

Yvonne Perkins
Member

Seth Lowell
Member

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. Department of the Interior*

Secretary Haaland:

On behalf of the Yocha Dehe Wintun Nation, we write to express deep concern and disappointment regarding the Bureau of Indian Affairs' recent decision to exclude our Tribe from the Environmental Assessment ("EA") and related decision-making in the proceedings on remand in *Scotts Valley Band of Pomo Indians v. Department of the Interior*.

This is not the first time we have written to you and your Department on this matter. On November 28, 2023, we wrote to request that you establish a fair and transparent process in which we could participate, explaining that the lands at stake are within the ancestral territory of our Patwin people and contain Patwin cultural sites. We never received a response.

On March 19, 2024, we wrote to renew our request for a fair process. We received no response to that letter either.

On June 11, 2024, we wrote a third time, reminding you of the Biden-Harris Administration's pledge to deal fairly and honestly with *all* federally recognized tribal governments, and calling on you to honor those principles by directing the Office of the Assistant Secretary-Indian Affairs to establish a fair, transparent, and fact-based process in which all affected tribes can meaningfully participate on equal footing. We also noted that, in the absence of any response to our prior letters, we had been forced to request relevant information through the Freedom of Information Act – which requests your Department has likewise refused to honor.

Finally, kept in the dark and fearing the worst, we submitted to the Bureau of Indian Affairs a formal request to consult on and participate in the preparation of any National Environmental Policy Act document the Bureau might undertake, pursuant to applicable regulations and procedures – including, not least, 516 DM 10.5, § 10.3, which provides, in relevant part, that "[w]hen BIA determines that Tribal governments could be affected by a proposed action, Tribal governments are to be consulted during preparation of environmental documents." Once again, we received no response.

Yocha Dehe Wintun Nation

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Ignoring all the above – and other, similar requests from other affected tribes – on July 5, 2024, a Friday night, during a four-day holiday weekend, and without any notice to tribal stakeholders, the Bureau of Indian Affairs summarily issued an EA purporting to find no significant environmental impacts of concern.

It is immediately clear the EA is deeply flawed, in part because it was prepared in haste, under cover of secrecy, and without the indigenous knowledge only our Patwin people can provide. It will not survive judicial review.

But a deeper question remains: Why would the Bureau of Indian Affairs go to such great lengths to exclude our Tribe from a process that so clearly and directly affects our lands, our cultural resources, and our people? After all, the Bureau and its leadership *claim* to be interested in protecting tribes in their homelands. And they have previously recognized that the lands at issue here are, in fact, Patwin homelands. Perhaps they know, deep down, that Scotts Valley's proposal to appropriate Patwin lands cannot withstand even minimal scrutiny.

Over the generations, our Patwin people have grown sadly used to secretive federal decision-making that seeks to undermine our lands, our culture, and our people. We just did not expect you would allow it to continue under your leadership.

Before Scotts Valley's secretive land grab advances any further, we respectfully ask you, once more, to direct the Office of the Assistant Secretary-Indian Affairs to establish a fair, transparent, fact-based decision-making process in which all affected tribes can participate.

Sincerely,



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
Wizipan Garriott, Principal Deputy Assistant Secretary, Indian Affairs, Department of the Interior
Robert Anderson, Solicitor, Department of the Interior