



August 6, 2024

Tribal Council

Anthony Roberts
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Member

Honorable Deb Haaland, Secretary of the Interior
Honorable Bryan Newland, Assistant Secretary-Indian Affairs
United States Department of the Interior
1849 C Street, NW
Washington, DC 20240

Re: Request for Government-to-Government Consultation

Dear Secretary Haaland and Assistant Secretary Newland:

I write on behalf of the Yocha Dehe Wintun Nation to formally request consultation, pursuant to Executive Order 13175, the Department of the Interior Policy on Consultation with Indian Tribes set forth at 512 DM 4 and 512 DM 5, and the trust relationship between our governments, regarding your Department's interpretation and proposed application of (a) Section 20 of the Indian Gaming Regulatory Act and its implementing regulations and (b) the National Environmental Policy Act and its implementing regulations.

We are deeply concerned that your Department appears willing to reverse settled interpretations of these authorities, ignore binding precedent, and abandon its trust responsibilities to impacted tribal governments in the process.

Our concerns arise from efforts by the Scotts Valley Band of Pomo Indians to obtain from your Department a "restored lands" determination for property in the San Francisco Bay Area city of Vallejo – more than 90 miles from Scotts Valley's rural homeland northwest of Clear Lake, but squarely within the ancestral lands of our Patwin people.

The California Native American Heritage Commission has designated Yocha Dehe as the mostly likely descendant of Native American remains found in Vallejo and surrounding areas of Solano County – itself named for a Patwin leader. Vallejo is the site of the Patwin village of *Aguasto*. Consistent with those deep historical ties, Yocha Dehe holds a cultural easement protecting tribal resources in Vallejo parks and formally recognizing the area as Patwin ancestral territory. In fact, Scotts Valley's proposed development site contains known (and documented) Patwin cultural resources, which Scotts Valley has now dismissively proposed to bulldoze.

Yocha Dehe Wintun Nation

PO Box 18 Brooks, California 95606 p) 530.796.3400 f) 530.796.2143 www.yochadehe.gov

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Our connection to these lands is a central part of Patwin culture and identity. If Scotts Valley's request is granted – that is, if the United States gives Patwin lands to a Pomo tribe, from another part of California, for commercial development – it would significantly impact our Tribe, our culture, and our ability to provide for our citizens.

This is not the first time we have written to you and your Department on this matter. On November 28 2023, we formally requested that you establish a fair and transparent process in which we and other tribal stakeholders could participate on equal footing. We renewed that request on March 19, 2024 and again on June 11, 2024. We received no response to any of those letters.

Kept in the dark and fearing the worst, in early June we formally requested that the Bureau of Indian Affairs allow us to consult on and participate in the preparation of any National Environmental Policy Act document addressing Scotts Valley's proposal, as required by applicable regulations and procedures – including, not least, your Department's own 516 DM 10.5, § 10.3, which requires that tribal governments be consulted during the preparation of environmental documents that could affect them. Once again, we received no response.

Instead, on the evening of July 5, 2024 (a Friday night during a four-day holiday weekend), without any advance notice to tribal stakeholders, the Bureau of Indian Affairs Pacific Regional Office summarily issued an Environmental Assessment purporting to find no significant environmental impacts of concern.

Seeking clarity, we have filed Freedom of Information Act requests with several offices within the Department. Although your offices have not yet substantively responded, we did receive from the Solicitor's Office a heavily redacted copy of what appears to be a draft "restored lands" opinion from April of this year. In other words, you and your Department ignored our reasonable requests to establish a fair, transparent decision-making process in which all tribes could participate *while at precisely the same time* secretly undertaking the very decision-making about which we inquired.

We are at a loss to understand how the Department of the Interior could reasonably believe this is an appropriate way to interact with federally recognized tribal governments. If another federal or state agency were to exclude tribal stakeholders in this way, we are quite sure you and your Indian Affairs team would express righteous (and justifiable) indignation. Perhaps your team will be able to enlighten us during the consultation.

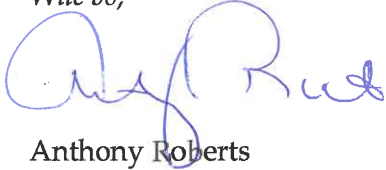
Members of our Tribal Council are prepared to travel to Washington, D.C. on September 9-12, 17-20, or 23-27, for an in-person consultation session.

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We ask only that your team provide relevant material – including, most importantly, any evidence on which Scotts Valley proposes to rely for its requested restored lands determination – no less than 21 days in advance, to ensure the consultation is meaningful for all parties.

We look forward to meeting with you. Please contact Sarah Choi at (530) 796-8378 or schoi@yochadehe.gov to make specific arrangements.

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
Robert Anderson, Solicitor, Department of the Interior
Laura Daniel-Davis, Acting Deputy Secretary, Department of the Interior
Wizipan Garriott, Principal Deputy Assistant Secretary, Indian Affairs
Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs