



October 17, 2024

Tribal Council

Anthony Roberts
Chairman

Yaminah Durham
Secretary

Leland Kinter
Treasurer

Yvonne Perkins
Member

Seth Lowell
Member

Amy Dutschke
Director, Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way Room W-2820
Sacramento, CA 95825

Re: Section 106 Invitation

Regional Director Dutschke:

We have received your October 10, 2024, letter belatedly inviting the Yocha Dehe Wintun Nation to participate in a National Historic Preservation Section 106 process for the Scotts Valley Casino project in Vallejo, California (the "Project"). A formal acceptance (and scheduling information) from our Tribal Historic Preservation Officer will reach your office in the coming days. Regrettably, one aspect of your October 10 letter demands a more immediate response.

As you may recall, in late August your staff "invited" Yocha Dehe to "observe" the Project proponent's proposed excavation of a known and recorded site that is culturally affiliated with our Patwin people. Your staff suggested this "invitation to observe" was motivated by an interest in transparency. We noted that a genuine commitment to transparency would involve conducting meaningful, government-to-government consultation with culturally-affiliated Patwin tribes before committing to excavation of a known resource on their ancestral lands. We also pointed out that the excavation was improper because it was part of an acknowledged "undertaking" for which no Section 106 process had been initiated. And we further explained that because the project proponent's excavation plan was not the product of Section 106 consultation, it was incomplete, inadequate, and included several provisions that were fundamentally contrary to Patwin cultural beliefs and practices.

Ignoring these concerns – and without substantively responding to any of them – your staff informed us that the excavation would go forward on September 4. Alarmed, our Tribal Council, along with trained cultural monitors, came to the Project site at the appointed time. We again requested that the excavation not go forward until the Section 106 process could be initiated. Your staff appeared to agree, and we were informed that no excavation would take place that day. (See our August 31 correspondence enclosed.)

Yocha Dehe Wintun Nation

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

Any reasonable decision-maker would have initiated the Section 106 process before allowing any further on-site activity. Indeed, that is what your October 10 letter claims to do. But in reviewing the attachment to your letter we noticed that the excavation appears to have gone forward on September 25 – prior to your initiation of Section 106, and this time without notice to any of the culturally-affiliated Patwin tribes.

In short: In purported recognition of the Project site's sensitivity, your staff invited Yocha Dehe to "observe" the excavation proposed for September 4. But when Yocha Dehe cultural monitors arrived that day, your staff informed us that the excavation would not proceed. Instead, the excavation took place on September 25, under cover of secrecy and without notice to Yocha Dehe or other Patwin tribes. And only after the excavation was complete did you send us a letter "initiating" the Section 106 process.

We have worked with you for decades, and we know you personally understand the importance of transparency, respect, and fair dealing. Your staff's conduct reflects none of these basic values. In their haste to accommodate the Project proponent, they have blatantly violated the laws they are charged with implementing, intentionally misled our tribe and others, and made a mockery of the federal trust obligation.

We are sure you are as troubled by this as we are, and we look forward to hearing your proposal for addressing the problem.

Wile bo,

A handwritten signature in black ink that reads "Anthony Roberts". The signature is written in a cursive, somewhat stylized font.

Anthony Roberts
Tribal Chairman

Enclosure

cc: Hon. Charlie Wright, Chairman, Kletsel Dehe Wintun Nation
Hon. Wayne Mitchum, Chairman, Cachil Dehe Wintun Nation
Julianne Polanco, State Historic Preservation Officer
Dan Hall, Bureau of Indian Affairs
Chad Broussard, Bureau of Indian Affairs