



October 30, 2024

Tribal Council

Anthony Roberts

Chairman

Yaminah Durham

Secretary

Leland Kinter

Treasurer

Yvonne Perkins

Member

Seth Lowell

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: Further Follow-up on Request for Government-to-Government Consultation

Dear Secretary Haaland and Assistant Secretary Newland:

I write on behalf of the Yocha Dehe Wintun Nation to *yet again* follow up on our formal request for government-to-government 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 submitted our formal request on August 6, 2024, following nine months of inquiries without any response from your offices. The August 6th request proposed 13 dates in September when our Tribal Council could travel to Washington, D.C. for an in-person consultation. We asked only that your team provide relevant material 21 days in advance to ensure the consultation would be meaningful for all parties.

In correspondence dated August 14th, Regional Director Dutschke informed us that Interior was "currently in the process of scheduling consultation opportunities with the Tribe in response to your request" and assured us that "appropriate consultation will be scheduled and a response to those inquiries will be received directly from the Assistant Secretary - Indian Affairs office." But we received no response to our August 6th request.

Concerned by the absence of a response, we sent further correspondence on September 11th offering an additional 12 dates for an in-person consultation in Washington, D.C. Your offices never responded to that letter either.

Yocha Dehe Wintun Nation

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

Despite having offered a total of *twenty-five* date options over two months, we have still received no response from either of your offices. As set forth in your own Departmental Manual, the Department:

must invite Indian Tribes early in the planning process to consult whenever a Departmental plan or action with Tribal Implications arises. Bureaus/Offices should operate under the assumption that all actions with land or resource use or resource impacts may have Tribal implications and should extend consultation invitations accordingly. Bureaus/Offices should also be aware that Tribes continue to have a connection and interest in their traditional homelands but may have been removed from those lands or may have reservations that are significantly reduced from their traditional homelands. Bureaus/Offices must consult with Tribes when Departmental Actions with Tribal Implications affect Tribe's traditional homelands.

(Emphasis added.) Interpreting and applying NEPA and IGRA for a trust application and restored lands determination for one tribe regarding property that is located squarely within the "traditional homelands" of another tribe, and to which the requesting tribe has no historical connection, clearly has "tribal implications." Yet, we continue to be ignored.

Not only have we not received any response to our multiple requests for a fair and open process and for government-to-government consultation, we have also not received the relevant material – including, most importantly, any documents on which the Scotts Valley Band of Pomo Indians has proposed to rely for its requested restored lands determination in Vallejo, California. Accordingly, we now update our availability for the months of November and December.

Nothing is more important to us than our Patwin ancestral homelands and the resources found there. Despite their end-of-year government obligations, members of our Tribal Council will make themselves available to travel to Washington, D.C. for a meeting on November 18, 19 20, 21, or 22 or December 4, 5, 6, 11, 12, 13, 17, 18, 19, or 20 for an in-person consultation session.

Consistent with the Department's repeated attempts to limit Yocha Dehe's ability to meaningfully engage in this process by implementing compressed and overlapping timelines, the Department has yet again made it impossible for the Tribe to have sufficient time to review relevant materials and still have a meeting in November. Therefore, we ask that your team provide relevant material as soon as possible – and in no event less than 10 days in advance of the meeting (clearly an insufficient amount of time to properly review what we assume must be robust documentation related to Scotts Valley's purported connection to this property).

Please contact Sarah Choi at (530) 796-8378 or schoi@yochadehe.gov to make specific arrangements.

Wile bo,



Anthony Roberts
Tribal Chairman

United States Department of the Interior

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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