



November 25, 2024

**Tribal Council**

**Anthony Roberts**  
*Chairman*

**Yaminah Durham**  
*Secretary*

**Leland Kinter**  
*Treasurer*

**Yvonne Perkins**  
*Member*

**Seth Lowell**  
*Member*

**Wizipan Garriott**  
Principal Deputy Assistant Secretary – Indian Affairs  
Department of the Interior  
1849 C Street, NW  
MS 4660-MIB  
Washington, DC 20240

Re: Scotts Valley Band of Pomo Indians Request for Restored Lands Determination in Vallejo, Solano County, California – November 22 Meeting Invitation

Dear Principal Deputy Assistant Secretary Garriott:

For more than a year, our Tribe has asked for a meaningful opportunity to consult with the Office of the Assistant Secretary-Indian Affairs on the above-referenced matter.

We filled out formal meeting requests. We sent four letters requesting a fair, transparent, fact-based review process in which all affected tribes, including ours, could meaningfully participate. We made three formal requests for government-to-government consultation pursuant to Executive Order 13175 and the Department of the Interior's Policy on Consultation with Indian Tribes, proposing 39 different dates on which our Tribal Council could come to your office in Washington, DC for a face-to-face consultation. You were consistently copied on this communication.

The Office of the Assistant Secretary-Indian Affairs never responded to – or even had the courtesy to acknowledge – any of our requests.

Then, on Friday, November 22, we received from Paula Hart, Office of Indian Gaming, a form letter inviting me to a Microsoft Teams meeting scheduled for the afternoon of Wednesday November 27 – the day before Thanksgiving, when our offices, like many others, are closed – to “discuss the Department of the Interior's application of Section 20 of the Indian Gaming Regulatory Act and its implementing regulations at 25 C.F.R. Part 292” to Scotts Valley.

The letter does not specify an invitee list, but several other Northern California tribes appear to have received the same invitation to the same videoconference.

**Yocha Dehe Wintun Nation**

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

To be clear: What we have repeatedly requested is the meaningful government-to-government consultation to which we are entitled by law, face-to-face, with appropriate notice and relevant documents exchanged in advance; what you have belatedly offered instead is an invitation to a group videoconference, with an unspecified number of other tribes, scheduled for the Wednesday afternoon before Thanksgiving, on just three business days' notice.

Surely, you must realize that the two are not the same. Nothing about the November 22 invitation is consistent with basic principles of tribal consultation.

Consider the Department's own consultation policy:

- 512 DM 5.5(A)(2) requires that notification of a consultation "include sufficient detail of the topic to be discussed to allow tribal leaders an opportunity to fully engage in the consultation." The request identifies "Interior's application of Section 20 of [IGRA] and its implementing regulations at 25 C.F.R. Part 292." This description does not provide sufficient detail to allow Yocha Dehe to fully prepare for or engage with the Department in this meeting. There are scores of unresolved IGRA issues relating to Scotts Valley's original restored lands request and you have repeatedly refused to answer any questions about whether that request has been supplemented. So which topics, specifically, do you intend to discuss?
- 512 DM 5.5(A)(2)(i) requires that "notice is given at least 30 days prior to a scheduled consultation" and "[i]f exceptional circumstances prevent notification within 30 days of the consultation, an explanation for the abbreviated notification will be provided in the invitation letter." The November 22 invitation provides just three working days' (five calendar days) notice and no explanation or justification for the abbreviated period.
- 512 DM 5.5(A)(3) provides that "[a] tribe may request that the DOI initiate consultation when the tribe believes that a bureau/office is considering a departmental action with tribal implications" and "[t]he appropriate bureau/office TGO or appropriate representative will treat an official request for consultation in an expedited fashion and respond in writing that DOI has received the request, using the most expedient methods to communicate to the tribe." Yocha Dehe has submitted more than 10 requests for consultation and meetings, over the course of a full year, but received no response.

Or consider President Biden's Memorandum on Uniform Standards for Tribal Consultation:

- Section 5(a)(i)(A) of the Memorandum requires sufficient information on the topic to be discussed, in an accessible language and format, and context for the consultation topic, to facilitate meaningful consultation. The November 22 invitation includes a single sentence about the topic to be discussed, which does not facilitate meaningful interaction.
- Section 5(a)(i)(D) of the Memorandum requires "an explanation of any time constraints known to the agency at that time, such as statutory deadlines." The Department has not shared any information on time constraints and does not even attempt to justify the absence of notice or the holiday timing of the proposed meeting.

- Section 5(a)(i)(E) of the Memorandum requires “deadlines for any written comments on the topic.” The request does not invite written comments. On the contrary, the Department has ignored all our prior requests to set a schedule for comments and briefing in this matter.
- Section 5(a)(iii) of the Memorandum requires the Office of the Assistant Secretary – Indian Affairs to “provide notice of at least 30 days to the Tribe or Tribes of any planned consultations, except as provided in subsection (c) of this section.” In turn, Section 5(c) says “[i]f there are time constraints such that 30 days’ notice of consultation is not possible, or that the post-consultation written comment period described in subsection (a)(v) of this section must be shorter than 30 days, the notice of consultation should include information as to why the standard notice or written comment period cannot be provided.” The November 22 invitation provides just three working days’ notice, with no explanation of why more time cannot be provided.

For the last four years, the Biden-Harris Administration has repeatedly emphasized the importance of ensuring *meaningful* and *respectful* tribal consultation in federal decision-making processes. The Office of the Assistant Secretary-Indian Affairs has played a leading role in that effort. And you, Principal Deputy Assistant Secretary Garriott, have a particular reputation as a champion for tribal government consultation rights. You know what meaningful, respectful tribal consultation involves. And you are well aware that Ms. Hart’s proposed meeting – a cynical “check-the-box” exercise of the sort we all have long fought to eliminate from federal decision-making – falls woefully short of the mark. Do not forsake your principles now.

We will accept Ms. Hart’s invitation, log into the Microsoft Team meeting with other tribes on November 27th, and hear you out in good faith, showing you and your team the respect you have not (yet) shown to us.

But we will also insist that you do your duty by promptly setting a meaningful and properly noticed government-to-government consultation with Yocha Dehe, with relevant documents exchanged in advance, consistent with Departmental Policy, White House directives, and the trust relationship between our governments.

We understand that, for political reasons, you may be rushing to reach a final decision on this matter before the end of the Biden-Harris Administration. What we cannot understand is why you would not want that decision to be informed by knowledge and perspective uniquely available from the federally recognized Patwin tribes who, since time immemorial, have used, occupied, and cared for the lands at issue.

We have previously given you 39 dates on which we can be available for a face-to-face consultation at your office in Washington, DC. Several of those – including December 17, 18, 19, and 20 – remain in front of us. Additional dates in early January can also be provided. We look forward to your prompt response.

Wizipan Garriott, Principal Deputy Assistant Secretary

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In the meantime, we request the following prior to the November 27 meeting:

1. Please provide a full list of all meeting invitees – federal, tribal, and otherwise. This is standard practice and common courtesy, particularly where (as here) participants may have differing viewpoints.
2. Please confirm that the meeting will be recorded and transcribed, with the transcription promptly distributed to all participants. Over the past year, local, state, tribal, and federal officials have all questioned the Department's candor and forthrightness on gaming issues. In particular, there have been significant and disturbing questions about whether the Department is providing accurate information to the White House and Members of Congress. Creating a clear written record would appear to be a necessary first step toward putting this process on a better path.

Please provide this information to Sarah Choi, Director of Legal (schoi@yochadehe.gov or 530.796.8378) without delay. Ms. Choi is also available to answer any questions you may have.

Wile bo,

A handwritten signature in black ink, appearing to read "Anthony Roberts". The signature is written in a cursive, flowing style.

Anthony Roberts

Tribal Chairman

cc: Paula Hart, Director, Office of Indian Gaming

Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs