

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

YOCHA DEHE WINTUN NATION, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
THE INTERIOR, *et al.*,

Defendants.

Case No. 1:25-cv-00867-TNM

JOINT STATUS REPORT AND REQUEST FOR 60-DAY STAY

Pursuant to the Court’s November 20, 2025, Minute Order, Plaintiffs Yocha Dehe Wintun Nation and Kletsel Dehe Wintun Nation of the Cortina Rancheria and the Federal Defendants have conferred and hereby submit a joint status report stating Federal Defendants’ plans for reconsideration of the Gaming Eligibility Determination in light of the Court’s decision in the *Scotts Valley Band of Pomo Indians v. Burgum*, Case No. 1:25-cv-958 (TNM), and Plaintiffs’ position on those plans.

On December 3, 2025, the Department of the Interior (“the Department”) sent a letter to the Scotts Valley Band of Pomo Indians. *See* Decl. of Kennis Bellmard ¶ 6 & Ex. A. The letter states that the Department is “committed to reconsidering the Gaming Eligibility Determination in a way that comports with due process,” Ex. A at 1, and that “[i]n the meantime,” Scotts Valley “‘would be ill-served by placing undue reliance’ on the vacatur of the temporary rescission of the Gaming Eligibility Determination,” *id.* (quoting *Scotts Valley Band of Pomo Indians v. Burgum*, 2025 WL 3034885, at *16 (D.D.C. Oct. 30, 2025)). The letter also explains that evidence

submitted to the Department “raise[s] questions about the Tribe’s significant historical connection and temporal connections” to the land at issue. *Id.* at 2.

To that end, the Department’s December 3 letter invited Scotts Valley to meet, at Scotts Valley’s earliest convenience, to discuss the timeline for reconsideration. *Id.* at 2.

This invitation follows the Department’s March 27, 2025, reconsideration notice, which invited interested parties, including Scotts Valley, to submit (or resubmit) evidence and/or legal analysis regarding whether the Vallejo Site qualifies as restored lands under 25 U.S.C.

§ 2719(b)(1)(B)(iii) and 25 C.F.R. Part 292. *See* Ex. A at 2. The Department accepted submissions through June 13, 2025, and intends to share those submissions with Scotts Valley by December 10, 2025. Bellmard Decl. ¶ 6.b.

The Department has invited Scotts Valley to provide any further evidence or legal analysis it wishes the Department to consider on the questions of Scotts Valley’s significant historical connection and temporal connection to the Vallejo Site by January 30, 2026. *Id.* ¶ 6.c. That date is subject to change pending a conversation between the Department and Scotts Valley regarding the reconsideration timeline. If the Department decides to revise the January 30, 2026, deadline, it will inform all parties to this litigation in writing. *Id.* ¶ 7.

After the Department receives Scotts Valley’s submission, if any, it will thoughtfully consider that submission, along with the June 2025 submissions, in reaching a reconsidered decision. The Department understands the importance of this matter for all involved, so the Department intends to complete its reconsideration as quickly as possible while taking the time necessary for thorough and well-reasoned decisionmaking. *Id.* ¶ 8.

The Parties thus propose staying the above-captioned case, including Federal Defendants’ answer deadline, for an additional 60 days, or until February 3, 2026. At that time, the Parties

will file another joint status report advising this Court of the status of the reconsideration process.

Plaintiffs respectfully submit the following statement in response to the Court's request for their position: In light of the Federal Defendants' acknowledgment that their failure to take Plaintiffs' prior evidentiary submissions into account "could be deemed legal error," their confirmation that Plaintiffs' evidence "raise[s] questions about" Scotts Valley's gaming eligibility determination, and their stated commitment to completing the reconsideration process "as quickly as possible," Plaintiffs agree to a further stay of 60 days.¹ Ex. A. Plaintiffs reserve all rights to participate in or object to the reconsideration process itself.

Respectfully submitted this 5th day of December, 2025.

/s/ Samantha R. Caravello (per permission
given on 12/05/2025)

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¹ On December 3, 2025, counsel for non-party Scotts Valley Band of Pomo Indians sent counsel for the Parties to this case an e-mail requesting that the following language be included in this Joint Status Report: "Scotts Valley Band of Pomo Indians has not participated in the preparation of this Status Report. Counsel for Scotts Valley has informed the parties that their client intends to file a motion to intervene as a matter of right in this case for the limited purpose of moving to dismiss pursuant to Rules 12(b)(7) and 19 of the Federal Rules of Civil Procedure." Scotts Valley filed its motion to intervene for limited purpose on December 4, 2025. Dkt. No. 22. Plaintiffs intend to oppose the motion; Defendants do not take a position on the motion until they have had time to review the filings. *Id.*

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/s/ Brenda L. Tomaras (per permission given
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Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

YOCHA DEHE WINTUN NATION, <i>et al.</i> , Plaintiffs, v. UNITED STATES DEPARTMENT OF THE INTERIOR, <i>et al.</i> , Defendants.	CASE NO. 1:25-cv-00867-TNM
UNITED AUBURN INDIAN COMMUNITY OF THE AUBURN RANCHERIA, Plaintiff, v. UNITED STATES DEPARTMENT OF THE INTERIOR, <i>et al.</i> , Defendants.	CASE NO. 1:25-cv-00873-TNM
LYTTON RANCHERIA OF CALIFORNIA, Plaintiff, v. UNITED STATES DEPARTMENT OF THE INTERIOR, <i>et al.</i> , Defendants.	CASE NO. 1:25-cv-01088-TNM

DECLARATION REGARDING PLAN FOR RECONSIDERATION

1. I, Kennis Bellmard, am the Deputy Assistant Secretary – Policy and Economic Development (DAS-PED) within the United States Department of the Interior (Department). I

have been DAS-PED since February 2025. My office is located at the Department in Washington, D.C.

2. In my capacity as DAS-PED, I work with the Assistant Secretary – Indian Affairs on the management and operations of Indian gaming, Federal acknowledgment, self-governance, and initiatives designed to assist Tribes in developing stronger reservations and Tribal economies. *See* 110 DM 8.4.¹

3. On January 10, 2025, the Department issued a decision that included (1) a determination to take a 160.33-acre parcel in the City of Vallejo, California, in trust for the Scotts Valley Band of Pomo Indians (“Tribe”) for various purposes and (2) a determination that said parcel is eligible for gaming (“Gaming Eligibility Determination”).

4. On March 27, 2025, the Department sent the Tribe a letter announcing its intention to reconsider the Gaming Eligibility Determination. The Department invited interested parties to submit evidence and/or legal analysis on the parcel’s gaming eligibility to the Department by May 30, 2025. The deadline was later extended to June 13, 2025. The Department received submissions totaling thousands of pages (“June submissions”).

5. At a status conference held November 20, 2025, the Court ordered the Department to share its plans for moving forward with its reconsideration of the Gaming Eligibility Determination in a joint status report due by December 5, 2025. This declaration provides the Department’s plan for reconsideration.

¹ <https://www.doi.gov/document-library/departamental-manual/110-dm-8-organization-office-assistant-secretary-indian-0>

6. On December 3, 2025, the Department sent the Tribe a letter, attached as Exhibit A, that:

- a. Invited the Tribe to schedule and participate in an initial meeting to discuss the timeline for the reconsideration.
- b. Promised to provide the Tribe with the June submissions no later than December 10, 2025.
- c. Invited the Tribe to submit any further evidence or legal analysis that the Tribe wishes the Department to consider during its reconsideration by January 30, 2026.

7. The deadline of January 30, 2026, is tentative pending our initial conversation with the Tribe. If the Department decides to revise the deadline after the initial meeting, it will inform all the parties to this litigation in writing.

8. After the Department receives the Tribe's submission, if any, the Department will thoughtfully consider the Tribe's submission along with the June submissions in reaching a reconsidered decision. The Department understands the importance of this matter for all involved, so the Department intends to complete its reconsideration as quickly as possible while taking the time necessary for thorough and well-reasoned decisionmaking.

Dated: December 4, 2025



Kennis Bellmard
Deputy Assistant Secretary – Policy and Economic
Development
Office of the Assistant Secretary – Indian Affairs
Department of the Interior



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC - 3 2025

The Honorable Shawn Davis
Chairman, Scotts Valley Band of Pomo Indians
1005 Parallel Drive
Lakeport, California 95453

Dear Chairman Davis:

On October 30, 2025, the Federal District Court for the District of Columbia vacated the Department of the Interior's (Department) temporary rescission of the Gaming Eligibility Determination¹ for the Vallejo Site because the Department did not provide Scotts Valley notice or an opportunity to be heard before the rescission.² The Court also ruled that the Department's reconsideration of the Gaming Eligibility Determination may proceed.

The Department is committed to reconsidering the Gaming Eligibility Determination in a way that comports with due process. This letter is to provide notice of our continued reconsideration and to invite the Tribe to be heard on both the timeline and substance of the reconsideration.

The Department intends to complete its reconsideration as quickly as possible while affording the Tribe an opportunity to be heard. In the meantime, as the Court cautioned, the Tribe "would be ill-served by placing undue reliance" on the vacatur of the temporary rescission of the Gaming Eligibility Determination.³

Notice

The Department received numerous submissions on the question of the Vallejo Site's gaming eligibility during the approximate year and a half preceding the January 2025 Decision. The January 2025 Decision states that the Department did not consider these submissions in reaching the Gaming Eligibility Determination. The Department is concerned that not taking those submissions into consideration in this particular case could be deemed legal error.

¹ On January 10, 2025, the Department issued a decision to take a parcel in the City of Vallejo, California (Vallejo Site) in trust for gaming purposes for the Scotts Valley Band of Pomo Indians (Tribe). That decision included two determinations: (1) an Indian Lands determination that the Vallejo Site is eligible for gaming under the restored lands exception of the Indian Gaming Regulatory Act and the Department's 25 C.F.R. Part 292 regulations (Gaming Eligibility Determination) and (2) a determination that the Vallejo Site may be taken into trust pursuant to the Indian Reorganization Act and the Department's 25 C.F.R. Part 151 regulations (Trust Determination) (collectively, January 2025 Decision). On March 27, 2025, the Department sent the Tribe a letter temporarily rescinding, and announcing a reconsideration of, the Gaming Eligibility Determination.

² *Scotts Valley Band of Pomo Indians v. Burgum*, No. 25-958, 2025 U.S. Dist. LEXIS 214316 (D.D.C. Oct. 30, 2025).

³ *Id.* at *48.

Thus, on March 27, 2025, the Department invited interested parties to submit (or resubmit) evidence and/or legal analysis regarding whether the Vallejo Site qualifies as restored lands under 25 U.S.C. § 2719(b)(1)(B)(iii) and 25 C.F.R. Part 292.⁴ Those submissions were accepted by the Department through June 13, 2025. The June submissions raise questions about the Tribe's significant historical connection and temporal connection to the Vallejo Site.

The Department will share the June submissions with the Tribe by December 10, 2025, so that the Tribe has notice of the evidence and legal analysis being added to the record underlying our reconsideration.

Opportunity to be Heard

The Department invites the Tribe to meet at the Tribe's earliest convenience to discuss the timeline for reconsideration. The Department would also like to hear from the Tribe regarding the substance of the reconsideration. We invite the Tribe to provide any further evidence or legal analysis that it wishes the Department to consider on the questions of the Tribe's significant historical connection and temporal connection to the Vallejo Site by January 30, 2026.⁵ This input may be provided in person or in writing or both.

Sincerely,



William Henry Kirkland III
Assistant Secretary – Indian Affairs

cc: Chairman Anthony Roberts, Yocha Dehe Wintun Nation
Chairman Charlie Wright, Kletsel Dehe Wintun Nation of the Cortina Rancheria
Chairman John Williams, United Auburn Indian Community of the Auburn Rancheria
Chairperson Andy Mejia, Lytton Rancheria of California
Chairman Greg Sarris, Federated Indians of Graton Rancheria
Mayor Andrea Sorce, City of Vallejo
Chairman Mitch Mashburn, Solano County Board of Supervisors
Office of Governor Gavin Newsom, State of California
Acting Chair, National Indian Gaming Commission

⁴ Letter from Scott Davis, Senior Advisor to the Secretary exercising the delegated authority of the Assistant Secretary – Indian Affairs, to Shawn Davis, Chairman, Scotts Valley Band of Pomo Indians (Mar. 27, 2025).

⁵ This is a tentative date pending our conversation about the reconsideration timeline.