



December 3, 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

Principal Deputy Assistant Secretary Garriott:

I write, on behalf of the Yocha Dehe Wintun Nation, to confirm and follow up on a few items from the November 27, 2024, group video conference attended by members of your team, members of our Tribal Council, and leaders from the Kletsel Dehe Wintun Nation, the Federated Indians of Graton Rancheria, the Dry Creek Band of Pomo Indians, and the Cloverdale Rancheria of Pomo Indians.

To be clear, we have not attempted to capture the entirety of the video conference; rather, this letter focuses on some of the most immediate next steps discussed.

**1. Broad Opposition.** As you will recall, all tribes who were able to send representatives to the video conference – Patwin and Pomo, gaming and non-gaming, un-terminated and restored – strongly opposed Scotts Valley’s request for “restored” lands in Vallejo, California. You should also be aware that other tribes with concerns about Scotts Valley’s request appear to have been left off the invitation list or were unable to attend due to the extremely short notice provided. You may wish to consider outreach to those tribes as well.

**2. Consultation Requests.** The November 27 video conference was held with just three business days’ notice, on the day before Thanksgiving – a time when many offices, including ours, were closed for the holiday. As explained in our November 25 letter to you, nothing about the event could reasonably be characterized as a government-to-government consultation. And neither you nor your team has claimed (or reasonably could claim) that it qualifies as such.

During the November 27 video conference, however, you did claim to have invited Yocha Dehe to three other, prior consultation sessions. We explained that we were unaware of any such invitations. You then promised to review your records and forward the relevant invitations.

**Yocha Dehe Wintun Nation**

PO Box 18 Brooks, California 95606 p) 530.796.3400 f) 530.796.2143 [www.yochadehe.gov](http://www.yochadehe.gov)

This letter will confirm that we have no record of receiving a consultation request from you or the office of the Assistant Secretary-Indian Affairs. In fact, our records show the exact opposite: For more than a year, *our Tribe* has asked *you* for meaningful government-to-government consultation, *but you have never answered – or even acknowledged – any of our requests.*

We submitted four requests for a fair, transparent decision-making process in which our tribe could participate. We made three additional requests for a formal government-to-government consultation meeting. We proposed 39 different dates on which we could come to Washington, DC to meet with you. All the relevant dates and documents were compiled and re-submitted to you in our November 13, 2024, Part 292 materials. And the information was repeated – yet again – in our November 25, 2024, letter. Again, *we have received no response whatsoever from the office of the Assistant Secretary-Indian Affairs.* We are at a loss to understand how you or your office could be under the impression that we have refused to consult with you. There seems to be a very significant failure of communication here.

Please do review your records and provide copies of any consultation invitations or requests you believe were sent to Yocha Dehe. We look forward to hearing from you at your earliest convenience so that we may all embark on a better path forward.

In the meantime, we respectfully reiterate our request for a proper government-to-government consultation, as required by Executive Order 13175 and the Department of the Interior’s Policy on Consultation with Indian Tribes (among other authorities), face-to-face, and with relevant documents exchanged in advance. We have previously offered to identify early-January dates when we could meet at your office in Washington, DC; this will confirm that we remain willing to do so.

**3. Meeting in California.** On a related issue, several of the tribes participating in the November 27 video conference invited you to visit California so that you could see the relevant lands in person, understand the Patwin cultural resources and connections at issue, and better appreciate just how far-removed Scotts Valley’s requested “restored” lands are from any area to which that tribe has a genuine historical connection. You indicated that you would check your calendar and respond to the invitation by email this week (*i.e.*, the week of December 2). To confirm, we would welcome the opportunity to host you and your team for a portion of your visit and we look forward to receiving your email during the coming days.

**4. Timing of Decision Making Process.** During the November 27 video conference, you indicated that you “would like to make a decision” on Scotts Valley’s restored lands request “before the end of the administration” if at all possible. Given the large number of federally recognized tribal governments interested, the significance of the potential impacts involved, and the woeful record of communication (and absence of consultation) to date, we would respectfully submit that it is far more important to get this right than to do it fast, regardless of the political pressures that may be involved. Tribal voices must be heard and honored, and Indigenous Knowledge must be meaningfully incorporated into decision-making. We are concerned that the Office of the Assistant Secretary-Indian Affairs appears to be marginalizing

or ignoring tribal voices that it considers “inconvenient” in order to reach a predetermined outcome according to a political timeline.

**5. Status of “Restored Lands” Analysis.** During the November 27 video conference, members of our Tribal Council asked you about the status of the Department’s “restored lands” analysis. You confirmed that your office received our November 13 submission, but noted that you had not yet reviewed it. You also confirmed that any and all substantive submissions would be carefully reviewed and considered prior to any decision. At the same time, you also indicated that the Solicitor’s Office (which did not join the video conference) has already prepared a draft Indian Lands Opinion – though you suggested you had not yet reviewed that document either. Finally, Director Hart suggested that she does not believe Scotts Valley has submitted new evidence since this matter was remanded to the Department of the Interior. Please confirm that *if* any such submission occurs you will notify us and provide us with a reasonable opportunity to respond. Again, we stand ready to work with you on a transparent, fact-based process that gives all interested parties an opportunity to meaningfully participate.

**6. Status of Environmental Review Process.** Some of the video conference participants asked about the status of the environmental review process for Scotts Valley’s project. Director Hart stated that the environmental review process remains open, and the Environmental Assessment prepared for the project is “under review.” She also suggested the Environmental Assessment was “beyond” the time limits set forth in applicable regulations. In response to our request for clarification on that latter point, Director Hart promised that Phillip Bristol would be in touch with us to explain the Office of Indian Gaming’s understanding of relevant regulations – including, most importantly, the way it believes those regulations apply to the specific facts of Scotts Valley’s project.


We look forward to hearing from you on the items above. Please feel free to contact Sarah Choi, Director of Legal (schoi@yochadehe.gov or 530-796-8378) with any questions.

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Anthony Roberts  
Tribal Chairman

  
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Mia Durham  
Tribal Secretary

  
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Leland Kinter  
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Principal Deputy Assistant Secretary – Indian Affairs  
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cc: Kathryn Isom-Clause, Deputy Assistant Secretary Indian-Affairs  
Stephanie Sfridis, Senior Counselor to the Assistant Secretary-Indian Affairs  
Paula Hart, Director, Office of Indian Gaming  
Amy Dutschke, Pacific Regional Director