



KLETSEL DEHE WINTUN NATION

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April 1, 2024

The Honorable Deb Haaland
Secretary of the Interior
1849 C. Street, N.W.
Washington, DC 20240

*Re: Scotts Valley Band of Pomo Indians v. United States Department of the Interior
Proceedings on Remand*

Dear Secretary Haaland:

We write this letter on behalf of the Kletsel Dehe Wintun Nation (“Nation”) who descend from the Patwin people of California. The Patwin tribes occupied lands which ranged across the modern counties of Colusa, Lake, Yolo, Solano and Napa in Central California. This territory, and the Patwin’s occupation of it, is well documented. (See, e.g., Handbook of North American Indians, v. 8 California). This letter concerns the attempts by the Scott’s Valley Band of Pomo Indians to obtain trust lands in the City of Vallejo, which is squarely within Patwin territory, and have them declared restored lands for the purposes of gaming on them.

As a non-gaming tribe, we are certainly sympathetic to the economic drivers for the Scott’s Valley Tribe wishing to find the best available location for a profitable casino; however, what they are trying to do is circumvent current law by alleging a connection where there is none. Congress, in enacting the Indian Gaming Regulatory Act (“IGRA”), acknowledged that not all tribes were similarly situated with regard to lands, and thus it created exceptions to the rule that all lands must have been in trust on October 17, 1988 in order to conduct gaming on them. DOI has issued detailed regulations addressing these exceptions. (See, 25 C.F.R. §292). It is imperative that the laws and regulations be followed so as not to create a perception of “lawlessness” in approving Indian gaming. Here, Scott’s Valley simply does not qualify for a restored lands exception in Vallejo.

The Nation has written other letters in the past expressing our concern with a tribe which is not traditionally associated with the lands or the Patwin people asserting cultural ties to our ancestral territory. (See letters of January 17, 2017 and July 28, 2023). We were pleased to see that the Indian Lands Opinion (“Lands Opinion”) found that there was a lack of significant historical connection to the area. Unfortunately, Scott’s Valley tribe took the DOI’s denial to court and a federal court recently remanded the Lands Opinion back to the Department of Interior (“DOI”). This decision was contrary to both the facts and law in our opinion. The fact that the court got it wrong, however, does not mean that after careful reconsideration the DOI must do the same. This

is a precedent setting situation which would open the door to a very broad interpretation of “significant historical connection” while at the same time create discord for those tribes having received decisions in the past which were determined strictly according to the law and regulations. The notion of “favored tribe(s)” still exists.

In addition to reiterating the concerns expressed in our earlier letters, we want to urge DOI to use an open and transparent process in re-reviewing and evaluating Scott’s Valley’s evidence for “significant historical connections” with the area. The Nation and our sister tribes should have the opportunity to review “evidence” submitted by Scott’s Valley and provide responses of our own to these materials.

In closing, we do not oppose tribes seeking off-reservation gaming, but it must be done according to the law. The Scott’s Valley request seeking cultural ties to an area traditionally connected to another tribal group flies in the face of that law.

Sincerely,



Charlie Wright,
Tribal Chairman