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Patwin Tribes File Amicus Brief Opposing Scotts Valley Legal Action; Reinforce Support of Federal Rejection of Vallejo Casino

Yocha Dehe Wintun Nation and Kletsel Dehe Wintun Nation join other tribal governments and the Governor of California in opposing the Scotts Valley Band's request for an injunction blocking the Department of the Interior's finding that the Band's proposed Vallejo casino site is not eligible for gaming

Vallejo, CA – The Yocha Dehe Wintun Nation and Kletsel Dehe Wintun Nation have filed an amicus brief in *Scotts Valley Band of Pomo Indians v. Burgum* (D.D.C. 26-cv-02814-TNM), urging the court to deny Scotts Valley's attempts to enjoin the Department's recent Indian Lands Opinion finding that the Indian Gaming Regulatory Act bars Scotts Valley from gaming in Vallejo, California.

The tribes advise the court of the long history of Scotts Valley's attempt to game outside its ancestral homelands – and demonstrate why Scotts Valley is unlikely to prevail in its challenge to the Department's 2026 Indian Lands Opinion.

The 2026 Opinion corrected several legal errors in a prior 2025 determination – chief among them, the 2025's improper exclusion of evidence submitted by Yocha Dehe, Kletsel Dehe, and other concerned tribes. These corrections were not only reasonable, they were necessary. Recognizing that its exclusion of evidence would be considered legal error, the Department properly and reasonably took another look. Now, having reviewed that evidence - evidence that clearly and unequivocally refutes the key findings supporting the 2025 decision - the Department properly concluded that Scotts Valley has failed to meet the Indian Gaming Regulatory Act requirement to demonstrate a significant historical connection to its proposed Vallejo gaming site.

Scotts Valley claims that it will be unfairly and irreparably harmed absent an injunction. But there was nothing unfair about this result. Scotts Valley had been warned by the Department and the United States District Court for the District of Columbia not to rely on the erroneous 2025 decision. It knew that any development at the Vallejo property would be at Scotts Valley's own risk. In fact, it publicly admitted as much at an April 14, 2026, Vallejo City Council meeting.

The Lytton Rancheria, the United Auburn Indian Community, and the Governor of California also filed briefs in support of the Department, urging the court to deny Scotts Valley's attempts

to enjoin the Department's 2026 determination. Together, the filings reflect broad support for the 2026 ILO and unified opposition to Scotts Valley's gamesmanship.

"We are filing this brief because the historical record deserves to be defended," **said Yocha Dehe Chairman Anthony Roberts.** "The Department conducted the fair, transparent, fact-based review that we have long advocated for. It considered the evidence from all parties, examined the full record, and reached a conclusion grounded in law and the facts – Scotts Valley has no claim to our Patwin ancestral lands. That work should stand. This land is Patwin ancestral territory. It always has been, and it always will be."

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The Department has now determined on four separate occasions that Scotts Valley does not meet the federal requirement of a "significant historical connection" to the San Francisco Bay Area. The *single* departure from that consistent record was the rushed, last-minute approval issued in the closing days of the Biden administration in January 2025 which, by its own terms, improperly excluded critical evidence.

Once it recognized the error, the Department reconsidered that decision. Following a 16-month review of the full record, the Department determined on July 31 that Scotts Valley had not established the historical connection necessary for gaming eligibility at the Vallejo site.

At the time of the Department's July 31 decision, construction had not begun on Scotts Valley's proposed $700 million casino project. Scotts Valley had operated a small, temporary facility – located in a pair of modular trailers – for seven days, but this "preview facility" had not opened to the public. There is no evidence the preview casino ever generated governmental revenue for Scotts Valley.

Yocha Dehe and Kletsel Dehe's opposition to the project has consistently centered on the protection of its Patwin ancestral territory. Vallejo and the surrounding region are within the ancestral homelands of the Patwin people. Scotts Valley is a Pomo tribe whose historical homelands lie near Clear Lake, approximately 100 miles away from the proposed casino site, which the Department confirmed in its recent decision.

"For generations, our people have worked to protect the lands, waters, and cultural resources in Vallejo and throughout Patwin ancestral territory, and we will continue that work for generations to come," **Chairman Roberts continued.** "Our fight has never been about holding another tribe down. It was about protecting Patwin ancestral territory and ensuring that decisions on tribal lands are made fairly, lawfully, and based on true historical ties. We remain committed to supporting tribes pursuing gaming within their own homelands."

"Our Tribe has consistently stood firm in defense of Patwin ancestral lands and the integrity of the restored-lands process," **said Charlie Wright, Chairman of the Kletsel Dehe Wintun Nation**, a non-gaming Patwin tribe that opposed the proposed development in ancestral Patwin territory. "Scotts Valley has not demonstrated the significant historical connection to Vallejo required under federal law. We support tribes securing trust lands and pursuing economic development through the legal pathway supported by the historical record. Today's decision

upholds the integrity of the restored-lands gaming-eligibility process and ensures decisions are based on the documented historical ties required by federal law."

The Department's previous approval of the casino project, in the final days of the prior administration, was met with mass opposition from sovereign tribes, government officials, and concerned citizens. The Department's recent determination restores that long-standing record and reaffirms the standards that protect tribal homelands across the country. Through their brief, Yocha Dehe and Kletsel Dehe are asking the court to ensure that decision remains in place while the court considers Scotts Valley's opposition.

For more information on the project, visit www.protecttribalhomelands.com.

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