
SHASTA INDIAN NATION



September 25, 2011

Honorable Larry Echohawk
Assistant Secretary Indian Affairs
U.S. Department of the Interior
MS-4141-MIB
1849 C Street, NW
Washington, DC 20240

The Honorable Assistant Secretary:

Re: Karuk proposed casino in Yreka

The Shasta Indian Nation is an Indian Tribe located in Northern California. Our ancestral territory includes the majority of Siskiyou County including the city of Yreka in Siskiyou County. Over the past several years two tribes (Karuk Tribe and Alturas Rancheria) have attempted to develop "off-reservation" casinos in Yreka because of the proximity to Interstate-5. Both Tribes have trust land within their aboriginal territories, although neither Tribe is indigenous to Yreka.

It has been brought to my attention that at least one of these tribes is actively seeking to have the original negative land determination reconsidered by the Department of Interior. The Shasta Indian Nation is in the process of reunifying our government to complete the process of Federal Acknowledgement. If either Tribe is permitted to develop an off-reservation facility in Yreka, it will cause irreparable damage to the Shasta.

KARUK PROJECT COMPONENTS

2.1 CASINO

The casino's proposed floor space will be between 50,000 and 60,000 square feet. The Tribe intends to develop a permanent casino at the outset, rather than operate an interim facility in a temporary building. The number of gaming positions will most likely start with 500 to 600 class III machines, although the Tribe intends to expand its gaming operations as the market dictates.

2.2 HOTEL

Chairman

Larry M. Doke 541-826-7813 imdoke@centurylink.net

P.O. Box 528 Etna, CA 96027

Candice Difuntorum 530-204-7283

Vice Chairwoman

candie5150@hotmail.com

The Tribe anticipates construction of a 75-100 room hotel, which would be located on the designated site adjacent to the casino facility, although this may not necessarily be part of the first phase of development.

2.3 PARKING FACILITY

A paved parking lot would be developed on the designated site adjacent to the casino

Yreka, California is over 70 miles away from the nearest point of the Karuk's aboriginal territory and near a Public Domain allotment which was set aside for Jim Bender-A Shasta Indian. The Jim Bender allotment is located on the Shasta Village site known as Che-poo'-sah-took and a little over 1 mile from the Shasta Indian Village Kwik'-noo. The village was the home of an old Shasta Chief known as "Shasta Jake" or "Moffett Creek Jake" (Merriam). Moffet Creek Jake was a Medicine man and instrumental in bringing the Ghost Dance to the Shasta Indian People. Kwik'-noo was also the Home of Indian Peggy, who along with her sister "Fatty" saved Yreka from an Indian Attack. She is buried in the Indian Cemetery adjacent to Kwik'-noo with a headstone donated by the grateful people of Yreka.

120. Kusta. At site of present Yreka, on W. side of Yreka Creek. Dixon (1907: map) and Kroeber (1925:286) refer to it as an Ahotiresitsu town. Merriam (ms.) notes that it is listed in the unratified treaty of 1851 as Ko-se-tah (a group in the Shasta Valley). Other spellings of the village name are Koostah and Kos'-tah (Merriam, iMs.).

121. 0-ko-ho'-i'-wah. Village on flat on Greenhorn Creek N. of schoolhouse at forks of road 1 to 1.5 miles SW of Yreka (Merriam, ms; the village is also called Ko'-ho-i'-wah).

122. Che-poo'-sah-took. Shasta village on small creek at Caldwell Ranch about 2.5 miles S. of Yreka on W. side of road (Merriam, Ms.).

123. Kwaht-te'-kwar. A small Shasta village or camp about 4 miles SW of Yreka on road to Ft. Jones (Merriam, ims.; he also refers to the village as Maht-te'-kwar).

124. Kwik'-noo. Old Shasta village about 3 miles S. of Yreka on the road to Gazelle (a part of the Thomas Ranch). In 1919, the village was the home of an old Shasta chief known as "Shasta Jake" or "Moffett Creek Jake" (Merriam, nMs.).

The Karuk Tribes effort to strategically relocate from 70 miles down the Klamath river to Yreka California smacks of greed, treads on the DOI acknowledged ancestral territory of the Shasta Indian Nation and is contrary to public policy. The DOI must prohibit the Karuk tribe's attempt to rewrite history. All traditional Karuk will confirm that Orleans is the "center of the world" for Karuk people, not Yreka; and traditional Karuk ceremonies do not occur in Yreka.

THE LAND DOES NOT QUALIFY FOR GAMING UNDER THE INDIAN GAMING REGULATION ACT

The Karuk Tribe acquired land in trust in 1979 via Gift Deed from the State of California to the United States for land located in Happy Camp, California. The Tribe also acquired several parcels

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of land in trust in Happy Camp, California in 1987. Additionally, the Tribe acquired a parcel of land located in Yreka, Siskiyou County ("1989 Trust Land"), that was then accepted in trust by the United States for the benefit of the Tribe on April 26, 1989. In addition to the properties detailed above, the Tribe, throughout the 1990's, acquired numerous other parcels of land in both Siskiyou and Humboldt Counties, that are now held in trust.

In 1997 the Tribe acquired additional land ("Yreka Property") contiguous to the Tribe's 1989 Trust Land. The Department of the Interior accepted the Yreka Property in trust in March 2001. It is this property on which the Tribe now wishes to conduct gaming. Because this parcel was taken into trust after October 17, 1988, for gaming to be legal under IGRA, it must fall within one of IGRA's exceptions to the prohibition on gaming on lands acquired into trust after October 17, 1988.

Lands Acquired in Trust by the Secretary After October 17, 1988

Under Section 2719(a) of IGRA, gaming is prohibited on lands acquired by the Secretary of the Interior into trust for the benefit of an Indian tribe after October 17, 1988, unless the land falls within certain exceptions listed in 25 U.S.C. 2719(b).

Accordingly, we must review the exceptions to determine whether a tribe can conduct gaming on after-acquired trust lands.

The Tribe contends that the proposed site meets the requirements of the exception set forth at 25 U.S.C. § 2719(b)(1)(B)(iii) - "restoration of lands for an Indian tribe that is restored to Federal recognition" - and therefore is outside the proscriptions on after acquired land. To determine whether the Tribe meets the restoration exception we must determine, first, whether the Tribe is a "restored" tribe and, second, whether the land was taken into trust as part of a "restoration" of lands to the Tribe.

The key terms, "restored" and "restoration" are not defined in the text of IGRA. Nor are they defined in the various federal regulations issued by the NIGC and the Department of the Interior to implement IGRA

In a letter to the tribe's attorney Bradley G. Bledsoe Downes, Esq. dated OCT. 12, 2004 the NIGC stated:

“ a close examination of the documentation submitted shows that the tribe does not have a sufficient “Temporal relationship” nor is there a sufficient “Historical Nexus” to fall within the restored lands exception to Section 2719.

Further, while not dispositive, the materials submitted by the tribe raise questions as to whether it was truly restored. **THE TRIBE MAY NOT THEREFORE CONDUCT GAMING ON ITS PROPOSED SITE.”**

California Indian tribes face many issues in meeting obligations under the Tribal-State compacts and in working to mitigate impacts from existing reservations, as well as addressing the legitimate issue of acquiring land for recognized tribes, some of which are currently landless. This is challenging enough without creating additional community outcry because of Nomadic, financial based relocation by the Karuk Tribe because the Klamath River does not accommodate the Karuk Tribe's financial designs.

Many other tribes are located far from ideal markets and have opened casinos on their reservations hoping to make gaming profitable, or have chosen to accept revenue sharing under the tribal state compact. Approval of the Karuk Tribe's quest to locate to a more favorable market ignores the reality of that tribe's ancestral territory and contradicts

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California voter's collective will that Indian gaming be limited to tribal lands-not more favorable urban areas.

In the Karuk Tribe's Proposal to the Governor they state:

3.4 THE KARUK TRIBE HAS NO VIABLE ALTERNATIVE FOR GAMING TO THE YREKA SITE

The Tribe has various lands along the Klamath River which were in trust status as of October 17, 1988, the date on which IGRA became law. These lands qualify for gaming without application of any of the exceptions found at IGRA Section 20(b)(1)(B) or the gubernatorial concurrence provision at Section 20(b)(1)(A). However, these parcels are located in the corridor between Happy Camp and Orleans, far from (a) the Interstate 5 corridor and (b) the resident and transient populations which are essential to any commercial venture and particularly critical for a casino resort activity. Simply put, there is no market for gaming at that section of the river.

IN THE PROPOSAL TO THE GOVERNOR-EXHIBIT A CLEARLY SHOWS THAT THERE WAS ONE KARUK INDIAN IN YREKA ON THE 1910 CENSUS.

3.5 HISTORIC KARUK CONNECTIONS TO YREKA

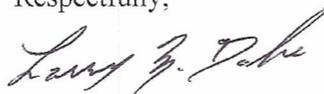
As noted above, Exhibit A to this Proposal is a report addressing this matter: "The Karuk Tribe: Indian Residency and Tribal Presence in Siskiyou County, California, 1910" by Stephen Dow Beckham, Pamplin Professor of History at Lewis & Clark College, Portland, Oregon.

The Karuk proposal is a clear example of an Indian tribe attempting to develop "off-reservation" gaming. The Shasta Indian Nation is the only tribe that can legitimately claim Yreka as aboriginal territory since time immemorial. Recent efforts to include Yreka as Karuk territory by amending their constitution is a clever attempt at rewriting history. However, it does not make it the truth.

We humbly and respectfully ask that you do the right thing and DO NOT render a favorable determination for the Karuk property in Yreka, California - the Heart of Shasta Indian ancestral lands; and DO NOT propagate the trend for large tribes to profit at the expense of smaller tribes. We are strongly opposed to ANY TRIBE opening a casino, hotel, and parking lot on a prehistoric village site.

Please do not hesitate to contact me if you have questions or need further information on the Shasta tribe at lmdoke@centurylink.net (541-826-7813).

Respectfully,



Larry Doke, Chairman
Shasta Indian Nation

Enclosures: 3

Cc: Senator Dianne Feinstein
Senator Barbara Boxer
Congressman Wally Herger
Governor Jerry Brown
Jim Cook, Siskiyou Board of Supervisors
Tracey Stevens, National Indian Gaming Commission
Senate Committee on Indian Affairs

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