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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

FEB 28 2019

The Honorable Dianne Feinstein
United States Senator
Washington, DC 20510

Dear Senator Feinstein:

Thank you for your letter dated January 11, 2018, expressing concerns about the Redding Rancheria's (Tribe) application to move its casino to a nearby trust parcel, and requesting that the Department of the Interior (Department) rescind the Memorandum of Agreement (MOA) entered into by the Department and the Tribe. You also noted your concern that the MOA with the Tribe would set a precedent that any of the 23 other tribes with restored lands in California could use to acquire land for new and larger casinos in more urban areas.

The Department is unable to agree to that request because we entered into the agreement with the Tribe and the National Indian Gaming Commission in response to the Ninth Circuit Court of Appeals' remand order. In litigation filed by the Tribe, the U.S. Court of Appeals for the Ninth Circuit vacated, in part, the Department's determination that the Redding Rancheria did not qualify for the Restored Lands exception. *Redding Rancheria v. Jewell*, 776 F.3d 706 (9th Cir. 2015).

The Court ruled that the Department impermissibly failed to consider the effect of the Tribe's offer to move its existing casino. The Court opined that instead of simply denying the Tribe's request to move its casino, the Department should have considered the Tribe's alternative offer to move all gaming to the new casino. On remand from the district court, the Department addressed the issue and determined that if the Tribe permanently closes its Win River Casino prior to operating a casino on the Strawberry Fields parcel, the Strawberry Fields parcel would qualify as restored lands. The Department and the Tribe entered into the MOA to ensure that the Tribe would permanently close the Win River Casino prior to engaging in gaming activities on the Strawberry Fields parcel.

It is unlikely that the MOA will serve as a precedent for other restored tribes. In order for a Tribe to conduct gaming under the Indian Gaming Regulatory Act's (IGRA) "restored lands" exception, a Tribe must submit its request for a trust land acquisition and a restored lands determination within 25 years of restoration. The Redding Rancheria was restored on June 11, 1984, and applied for the Restored Lands exception on March 10, 2009, a few months before its eligibility under our regulations expired on June 11, 2009. Most other terminated and restored tribes in California are now ineligible for the restored lands exception because of the passage of time since they were restored.

The Department began the process of complying with the terms of the MOA by taking initial steps to place the Strawberry Fields parcel into trust, including compliance with the requirements in the Indian Reorganization Act, the National Environmental Policy Act, and the regulations published at 25 C.F.R. Part 151.

Thank you again for writing. If you have further questions, please contact the Office of Indian Gaming, at (202) 219-4066.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Tahsuda".

John Tahsuda
Principal Deputy Assistant Secretary –
Indian Affairs