



February 19, 2009

Scotts Valley Band of Pomo Indians

The Honorable Ken Salazar
Secretary of the Interior
United States Department of the Interior
1849 C Street, NW
Washington, DC 20240

Re: Meeting Request: Restoration of Scotts Valley Trust Land Base

Dear Secretary Salazar:

The Scotts Valley Band of Pomo congratulates you on your confirmation as Secretary of the United States Department of the Interior. Your strong commitment to tribal sovereignty and concern for our environment gives the Tribe great hope that under your leadership the Department will address with energy and enthusiasm often neglected issues of great concern to Native Americans.

The Scotts Valley Band of Pomo is one of the 38 California tribes which was unlawfully terminated and lost its Rancheria more than half a century ago during the "Termination and Relocation Era" of United States Indian policy. While nearly all of the unlawfully terminated California tribes have been restored to federal recognition through litigation, Scotts Valley remains one of the very few tribes which still lacks a trust land base or Rancheria. The lynch-pin of the government-to-government relationship between tribes and the United States is promoting strong, economically self-sufficient tribal governments capable of providing badly needed services to its members. A reservation or trust land is essential to reach this goal. The Tribe has carefully and diligently followed the very long, complicated and often changing path towards the United States taking the Tribe's property in the unincorporated area of North Richmond, California (Contra Costa County) into trust, as a home for our people and a place where jobs can be created.

The Tribe, however, cannot move forward with its economic self-sufficiency plans before first receiving a positive Indian Lands Determination from the BIA (ILD). The Tribe has worked closely with the Indian Gaming Management Staff and the Solicitor's office for more than three years, providing documentary evidence satisfying every requirement provided by law and regulation to successfully complete the process. The Tribe anticipates receiving a favorable Indian Lands Determination. In fact, we had good reason to expect that it would be issued before the change of Administration, but for some reason, it failed to materialize. The continued uncertainty surrounding the Indian Lands Determination is a serious concern to our people. The Tribal Council is worried that during the hectic and complex transition to new leadership at the Department of Interior, the subject lost in the shuffle and lose the place it previously had at the top of the stack of ILDs under review. This would further delay the

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Tribe's quest for economic self-sufficiency and its ability to meet the needs of our elders for quality housing in their retirement, our mothers for adequate health and child care for their children, and our young people for a brighter future that includes higher education and good-paying jobs.

It is somewhat ironic that I write to you at a time when President Obama signed the greatest economic stimulus legislation in our Nation's history. The unincorporated area of North Richmond, California (Contra Costa County), where our land is located, has not seen good economic days in many decades, and the current recession has affected the community harshly, particularly the area where the Tribe's land is located. The Tribe's economic self-sufficiency plans to develop this land in North Richmond will stimulate more growth and employment than North Richmond has seen in many years. The President's solution to the current economic situation is the creation of jobs, and the local community and our good friends in organized labor support the Tribe's program because it will create much needed well paying, union jobs, both for the construction trades (approximately 550 jobs) and the services industries (approximately 2,100 full time equivalent jobs).

Since this matter is so important both to the economic health and future of our tribe and the local community, **I am formally requesting the opportunity to meet with you in Washington, DC to discuss the current status of our project. We would like to personally convey to you the absolute critical importance of the Tribe obtaining approval of this ILD and the subsequent trust acquisition, answer any questions you may have, and explore with you what can be done through your good offices to encourage BIA officials to bring our ILD process to a close and issue their opinion in a timely manner and without further unnecessary delay.** To this end, the Tribal Council and I are available to travel at your convenience to meet with you at whatever time and location your schedule.

We have great hope and confidence that your personal energy and commitment to making the Department work for all Americans, including Native Americans, will be extremely effective in helping us move our economic development plans forward. We will be very grateful for the opportunity to meet with you as soon as practicable, for any assistance you may be able to give, and we stand ready to join with you and the Obama Administration to fulfill the President's commitment to help rebuild America.

Sincerely,



Donald Arnold
Chairman
Scotts Valley Band of Pomo Indians

Cc: Deputy Assistant Secretary George Skibine



Scotts Valley Band of Pomo Indians

May 20, 2009

The Honorable Larry Echo Hawk, Esq.
Assistant Secretary – Indian Affairs
United States Department of the Interior
1849 C Street, NW
Washington, DC 20240

Re: Scotts Valley Band of Pomo Indians

Dear Secretary Echo Hawk:

The Scotts Valley Band of Pomo Indians congratulates you on your confirmation as Assistant Secretary - Indian Affairs. I think it is fair to say that all of Indian Country looks forward to the direction that you and Secretary Salazar will take the Department of the Interior under President Obama.

As you probably already know from Mr. Skibine, Scotts Valley's status as a federally-recognized tribe was illegally terminated in 1965 and restored through a Stipulated Judgment of the U.S. District Court in 1992. While Scotts Valley remains a landless tribe 17 years after it was restored to Federal recognition, the Tribe has been diligently pursuing the restoration of a trust land base for most of the last decade. In 2005 the Tribe filed an application requesting the United States accept title to a 30 acre parcel of land near Richmond, California (the "Richmond Property") in trust for the Tribe, as well as a request that the Secretary determine that the Richmond Property would qualify as "restored lands" under the Indian Gaming Regulatory Act (the "IGRA")

The Tribe's efforts to restore its trust land base are supported by a series of ethnological reports which represent the culmination of a three (3) year genealogical and historical research project, the scope and depth which exceeded any similar project previously attempted by other researchers, and which provides documentary evidence that the Tribe's principal ancestors made consistent subsistence use of the lands of southern Napa and Sonoma Counties in close proximity to the Richmond Property in the years prior to California Statehood. Today, roughly half of the Tribe's population lives within 50 miles of the Richmond Property.

At the close of the previous Administration the Tribe believed that after considering the Tribe's submissions as well as material submitted by many others, the Acting Assistant Secretary, based upon advice from the Solicitor's Office, had prepared a Memorandum concluding that the Richmond Property would qualify as "restored lands" under the IGRA.

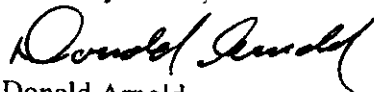
Secretary Echo Hawk
May 20, 2009
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While a "restored lands" decision is a purely legal, rather than political question, the Acting Assistant Secretary was uncomfortable issuing his Memorandum pending your confirmation.

The Tribe respectfully requests that you issue the Memorandum concluding that the Richmond Property would qualify as "restored lands" under the IGRA after the United States takes title to the Property in trust for the Tribe. The Tribe's intended use of the Richmond Property will permit the Tribal government to provide badly needed service to our Tribal members, and will also generate thousands of jobs for a particularly hard-pressed area of California.

The Tribe is certainly available at your convenience to meet and discuss any aspects of the Tribe's trust application, but, quite honestly, after all the material that has been provided by both the Tribe and the community at large, the Tribe doesn't see any additional information or material being necessary for the issuance of the Memorandum.

Sincerely Yours,



Donald Arnold
Tribal Chairman

cc: Scotts Valley Tribal Council Members
The Honorable Kenneth Salazar
Mr. George Skibine



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 21 2009

The Honorable Donald Arnold
Chairman, Scotts Valley Band of Pomo Indians
P.O. Box 2008
Richmond, California 94802

Dear Chairman Arnold:

Thank you for your May 20, 2009, letter requesting the Secretary to make a determination that the Richmond property qualifies as "restored lands" under Section 20 of the Indian Gaming Regulatory Act.

The Indian lands determination for the Scotts Valley Band of Pomo Indians is currently pending, and we anticipate that a final decision will be made in the near future.

Thank you for your interest in this matter. If you have any further questions, please contact the Office of Indian Gaming at (202) 219-4066.

Sincerely,

Larry Echo Hawk
Assistant Secretary - Indian Affairs



Scotts Valley Band of Pomo Indians

November 23, 2010

The Honorable Kenneth Salazar
Secretary of the Interior
U.S. Department of the Interior
Main Interior Building
1849 C Street, N.W.
Washington, D.C. 20006

Re: Scotts Valley Band of Pomo Indians' Request for Indian Lands Determination

Dear Secretary Salazar:

As you know, the Scotts Valley Band of Pomo Indians (the "Tribe") is a landless tribe, whose federal recognition was illegally terminated in 1965 under the California Rancheria Termination Act and subsequently restored by Federal Court Order in 1992.

Since 2004 the Tribe has followed the letter and the spirit of the Indian Reorganization Act and the Indian Gaming Regulatory Act, as well as the Department's regulations, in seeking a restored trust land base on the Tribe's property located near Richmond, California (the "Property").

On January 22, 2005 the Tribe petitioned the United States to acquire title to the Property in trust for the Tribe pursuant to the Indian Reorganization Act of 1934 (the "IRA"). On November 9, 2005 the Tribe requested that the Bureau of Indian Affairs (the "BIA") and/or the National Indian Gaming Commission (the "NIGC") make a determination that upon the United States acquiring the Property in trust, the Property would qualify as restored lands of a restored tribe within the meaning of Section 20(b)(1)(B)(iii) of the Indian Gaming Regulatory Act of 1988 (the "IGRA") (the "Indian Lands Determination" or the "ILD").

The Tribe respectfully withdraws, without prejudice, its Request for an Indian Lands Determination, and asks that you, the Office of the Assistant Secretary for Indian Affairs (the "AS-IA"), the Office of Indian Gaming (the "OIG") and the Office of the Solicitor (the "Solicitor") cease consideration of the Tribe's Request and take no further action on the Request at this time.

There are several reasons for the Tribe's decision to withdraw its Request. These are explained below.

It is clear that the ILD regulatory process remains in a state of flux and until there is clarity, it is not possible for the Tribe to know what is now being expected of it. In addition it appears that strong political forces could be putting the Department in a situation where it is difficult to act impartially on the Tribe's request. As we have been repeatedly informed by Department officials, our petition satisfies the legal requirements for a positive ILD. However, we fear politics will tilt the scales unfairly. We explain the facts and reasons for the withdrawal in greater detail below:

1. The Tribe spent six years amassing and submitting information supporting its Request. Prior to the promulgation of the 292 Regulations in May 2008, the AS-IA and a representative of the Solicitor advised the Tribe that the Solicitor had determined that the Tribe was entitled to a favorable ILD decision.
2. In August and September 2008, in response to the 292 Regulations promulgated in May 2008, the Tribe supplemented its ILD Request to demonstrate the Tribe qualified as a "restored tribe" and that the Property qualified as "restored lands." Again, during the Fall of 2008 the Acting AS-IA and a representative of the Solicitor advised the Tribe that the Tribe qualified as a "restored tribe" and that the Property qualified as "restored lands" within the meaning of both the IGRA and the 292 Regulations. These same statements have been repeated in various ways, including at two meetings at which the present AS-IA was in attendance.
4. The Tribe met with representatives of the AS-IA and the Solicitor on August 31, 2010. During this meeting, the representatives of the Solicitor requested the Tribe to provide an additional copy of the Tribe's 164 page August 25, 2008 submission, which once again demonstrated that the Tribe qualified as a "restored tribe" and that the Property qualified as "restored lands." The Tribe immediately did so. Further, because the Tribe wanted to facilitate review of its case, the Tribe provided a disk with the entire contents of the Tribe's submission with a table of contents.
5. During the August 31st meeting representatives of the Solicitor referred to one issue relating to the AS-IA consultations, namely, the "commutability" issue under the AS-IA's January 3, 2008 Guidance Memorandum. The Guidance Memorandum does not technically apply to the Tribe, because the Tribe is landless, and it was unclear to the Tribe how the "commutability" standard might relate to establishing the Tribe's required modern day connection to the

Property. Nor was there any indication of the ways, if any, that the Tribe's previous submission may have been deficient. The Tribe was therefore at a loss to understand what, if anything, the Tribe was being asked to provide.

6. As the result of the August 31st meeting, the Tribe submitted a letter on October 18, 2010 which addressed its understanding of the commutability question and outlining and explaining its previous submissions, which, of course it believed to be sufficient. In that letter, the Tribe requested a further meeting to address any issues that may remain. The Tribe has received no official response to that letter. The underlying substantive issue is ostensibly related to the significant historical connection requirement of 25 C.F.R. § 292.12(b). As this definition is another subject of the AS-IA consultation, the Tribe again asks how it can be expected to properly formulate its ILD Request not knowing exactly what the rules are or may be. On November 12, 2010, the Tribe again requested a meeting to define any open issues and inviting a visit to Richmond so the Solicitor's representative could better appreciate the geography that is so important to understanding the Tribe's historic connection to the Richmond Property. The Tribe has not received a response to that request and invitation.

7. The Department has been conducting a series of consultations regarding the possible revision of the Section 20 Regulations. Whether or not the motives for these possible revisions result from the pressures described below, it is not possible for the Tribe to formulate its ILD request not knowing what the rules are or may be.

8. There are widespread reports of potential legislation to amend the IRA to address the Supreme Court decision in Carcieri v. Salazar, as well as potential legislation that would amend the IGRA to effectively eliminate the ability of restored tribes to conduct gaming on lands acquired in trust after 1988. There are reports that California Senator Feinstein is extremely supportive of such restrictive legislation. As Chair of the Interior Subcommittee of the Appropriations Committee the Senator could have purse-string influence over the Department. The Department could not help being potentially affected by the views of such a powerful Senator. Scotts Valley's Richmond Property is in California and is therefore surely a focus of her attention, and thus of the Department.

9. The Tribe's perception is that the collaborative and cooperative relationship that existed between the Tribe and the Department in the period before the Tribe was informed that it had satisfied the requirements for an ILD has been replaced by an apparently more adversarial relationship outside of the normal process.

The Honorable Kenneth Salazar
Secretary of the Interior
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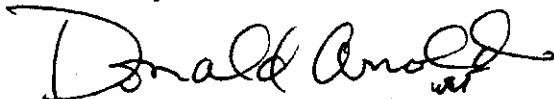
Scotts Valley has followed the process and has been informed by the Department's officials on repeated occasions that it meets the standard for a positive ILD. Politics, we fear, may be intruding into the decision-making process. We do not think it fair to place the Department and its officials in this dilemma.

It is unfortunate that the Tribe feels it needs to take this action. The Tribe intends to augment and resubmit its request when it becomes clear what will be required of it, when the proper collaborative relationship with the Department is re-established and when concerns of outside influence are resolved.

Because much of the determination regarding the ILD is geography based, this withdrawal will also offer the opportunity to have Assistant Secretary Echo Hawk and his delegation visit Scotts Valley and see for themselves the Richmond Property to better understand the geographic facts bona fides of this petition.

If you have any questions, please do not hesitate to call me at 510-681-5967 or our counsel, Ed Thomas, at 510-338-0774.

Sincerely,



Donald Arnold
Chairman of the Scotts Valley Band of Pomo Indians

cc: The Honorable Larry Echo-Hawk, Assistant Secretary - Indian Affairs,
Department of Interior

The Honorable Hilary Tompkins, Solicitor, Department of Interior

Paula Hart, Director, Office of Indian Gaming, Department of Interior

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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

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Honorable Donald Arnold
Chairman, Scotts Valley Band of Pomo Indians
P.O. Box 2008
Richmond, California 94802

Dear Chairman Arnold:

This is to acknowledge receipt of your November 24, 2010, letter requesting withdrawal of the Scotts Valley Band of Pomo Indians' November 9, 2005, request for a determination that the 29.87 acres of land located in Richmond, Contra Costa County, California would qualify as restored lands of a restored tribe within the meaning of Section 20(b)(1)(B)(iii) of the Indian Gaming Regulatory Act. We apologize for any perceived delays and accept the withdrawal of your request.

Sincerely,

For Larry Echo Hawk
Assistant Secretary - Indian Affairs

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Data Tracking System (DTS)

U.S. Department of the Interior

Application: DTS | Username: robert_howarth@ios.doi.gov | Office: OES-Howarth/202-208-4451 | Today's Date: 10/05/2011

Data Tracking Help



DTS-Search Results-7 Records



DCN	Orig. Office	To (Recipient)	From (Author)	Lead Action Office	Sig. Level	Subject	Input Date	Due Date
ESB-00370911	OES-Allen		Donald Arnold	BIA	Assistant Secretary's Signature	Re: Scotts Valley Band of Pomo Indians is the successor of a tribal community which was recognized as such by the United States as early as 1851.	06/13/2008	07/12/2008
ESB-00366981	OES-Allen		Carl Artman	BIA	Assistant Secretary's Signature	Federal Register Notice. Final Environmental Impact Statement for the Scotts Valley Band of Pomo Indians' proposed 29.87 Acre Fee-to-Trust Transfer and Gaming Development Project, Contra Coasta Count	02/07/2008	
ESB-00347354	OES-Carlson	James Cason	Greg Feere	BIA	Appropriate Action	Writes in support of the Scotts Valley Band of Pomo Indians Fee-to-Trust Application	03/09/2006	
ESB-00344475	OES- Ingersoll/202- 208-7612	James Cason	Cathy Christian	FOIA	Direct Response	Freedom of Information Act Request (FOIA) for information regarding the Scotts Valley Band of Pomo Indians of California request for "near reservation" designation.	11/16/2005	11/30/2005
ESB-00343910	OES- Ingersoll/202- 208-7612	Gale Norton	Cathy Christian	FOIA	Appropriate Action	Freedom of Information Act (FOIA) request addressed to Interior Board of Indian Appeals for documents on the Scotts Valley Band of Pomo Indians of California (note: forwarded to "OS FOIA" from the Dep	10/26/2005	
ESB-00339696	OES-Carlson	Gale Norton	Gayle Uilkema	BIA	Appropriate Action	Copy of letter to Clay Gregory, Re: Scotts Valley Band of Pomo Indians' Fee-to-Trust Acquisition Application	05/23/2005	
ESB-00339619	OES-Carlson	Gale Norton	Peter Siggins	BIA	Appropriate Action	Courtesy copy of letter sent to Mr Clay Gregory RE: Scotts Valley Band of Pomo Indians Land Acquisition Application.	05/19/2005	