



## SCOTTS VALLEY BAND OF POMO INDIANS

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January 10, 2017

The Honorable Lawrence S. Roberts  
Acting Assistant Secretary- Indian Affairs  
United States Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Re: Restored Lands Opinion Request to Inactive Status

Dear Assistant Secretary Roberts:

On behalf of the Scotts Valley Band of Pomo Indians, we hereby request that the Department of the Interior take no action on the Tribe's January 29, 2016, request for an Indian Lands Opinion with respect to property in Vallejo, California. The Tribe asks that the Department classify the Tribe's Indian Lands request as inactive, effective as of the date of this letter.

The basis for the request is that the administrative record is not in a position to close before the end of the current Administration. First, we are aware that since we last spoke, the Department received an extensive analysis from Solano County, dated December 23, 2016, opposing the Tribe's request. Neither the Department nor Solano County have yet to provide the Tribe a copy of that submission. Of course, the Tribe must be allowed to respond to that analysis before the administrative record closes, but the Tribe cannot reasonably do so before the end of the current Administration. Second, both you and the Office of the Solicitor, Division of Indian Affairs, have recently alerted the Tribe that the Department requires more evidence of the Tribe's historical connections to the Vallejo parcel, and specifically a certain type of evidence, characterized as "more direct evidence," before it can determine that the Tribe satisfies that requirement. Under the circumstances, the Tribe must also be allowed a reasonable period of time to develop and present that additional evidence.

The Tribe greatly appreciates the efforts you and the Department have made trying to meet the commitment you made to us to issue a decision prior the end of the current Administration. However, as it stands, there has been nothing issued on our request by the Department, and under

Honorable Lawrence S. Roberts  
January 10, 2017  
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the circumstances we formally request the administrative record be left open and our request be placed on "inactive" status pending the Tribe responding to these recent developments.

Sincerely,



Shawn Davis, Chairman  
Scotts Valley Band of Pomo Indians

cc: Paula Hart, Director, Office of Indian Gaming  
Eric Shepard, Associate Solicitor, Office of the Solicitor



## SCOTTS VALLEY BAND OF POMO INDIANS

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January 13, 2017

Honorable Lawrence S. Roberts  
Acting Assistant Secretary- Indian Affairs  
United States Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

**RE: WITHDRAWAL OF RESTORED LANDS OPINION REQUEST**

Dear Assistant Secretary Roberts:

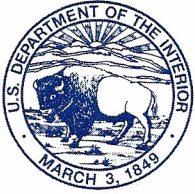
By letter dated January 10, 2017, we requested the Department of the Interior to take no action on Scotts Valley Band of Pomo Indian's January 29, 2016 request for an Indian Lands Opinion with respect to property in Vallejo, California pending the Tribe being able to respond to the most recent third party submission, as well as the Department's recent expression of its need for more direct evidence. We also asked the Department to classify the Indian Lands request as inactive, effective the date of that letter.

We have received no response from the Department on our request. We note that President Barrack Obama's administration will conclude in less than one week and appreciate the significant end-of-administration tasks and duties that must be before you. Nevertheless, under these circumstances and after much consideration, we believe we have no other choice but to hereby formally withdraw the request in its entirety from your consideration. **Please consider this letter as our withdrawal of the request for an Indian Lands Opinion.**

Sincerely

Shawn Davis, Chairman  
Scotts Valley Band of Pomo Indians

cc: Paula Hart, Director, Office of Indian Gaming  
Eric Shepard, Associate Solicitor, Office of the Solicitor



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

SEP 18 2017

Ms. Cheryl Schmit  
Stand Up for California  
P.O. Box 355  
Penryn, California 95663

**BIA-2017-01757**

Dear Ms. Schmit:

This is a final response to your Freedom of Information Act (FOIA), 5 U.S.C. § 552, request dated July 28, 2017, in which you requested:

We are advised that The Scotts Valley Band requested suspension of a determination for restored lands in letters to your department on January 10, 2017 and again on January 13, 2017. Stand Up for California requests copies of these letters.

On July 28, 2017, your request was received in the Office of Indian Gaming and assigned request number **BIA-2017-01757**. Please reference this number in any future communications with our office regarding your request.

We have classified your request as a "commercial-use" request. As a "commercial use requester", you are expected to pay for the cost of searching for responsive records, the cost of reviewing responsive records found for a release determination, and the cost of duplication of responsive records released. As a matter of policy, however, the Department of the Interior (Department) does not bill requesters for FOIA fees incurred in processing requests when their fees do not exceed \$50.00 because the cost of collection would be greater than the fee collected. (See 43 C.F.R. § 2.49). The fee incurred with your request has been waived.

This letter also serves as a final response to your request. We have searched our files and located 3 pages of responsive documents to your request.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See* 5 U.S.C. 552(c). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this letter. Appeals arriving or delivered after 5 p.m. EST, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing and addressed to:

Freedom of Information Act Appeals Officer  
Department of the Interior  
Office of the Solicitor  
1849 C Street, N.W.  
MS-6556 MIB  
Washington, DC 20240  
Attn: FOIA/Privacy Act Appeals Office  
Telephone: (202) 208-5339  
Fax: (202) 208-6677  
Email: [FOIA.Appeals@sol.doi.gov](mailto:FOIA.Appeals@sol.doi.gov)

You must also include with your appeal copies of all correspondence between you and the Office of Indian Gaming concerning your FOIA request, including your original FOIA request and this denial letter. Failure to include with your appeal all correspondence may result in the Department's rejection of your appeal. All communications concerning your appeal should be clearly marked, both on the envelope and the face of the letter, with the words: "FREEDOM OF INFORMATION APPEAL." Your letter should include in as much detail as possible any reason(s) why you believe the Office of Indian Gaming's response is in error.

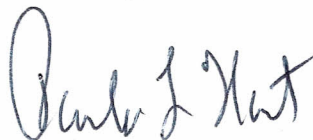
The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road – OGIS  
College Park, MD 20740-6001  
Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <https://ogis.archives.gov>  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer. If you have any other questions about our response you may contact Debra Deleon at (202) 219-4066, by fax at (202) 273-3153, by email at [debra.deleon@bia.gov](mailto:debra.deleon@bia.gov), or by mail at 1849 C St. NW, MS-3657-MIB, Washington, D.C 20240.

You may also seek dispute resolution services from our FOIA Public Liaison, Jessica Rogers, at (202) 208-3135.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paula L. Hart".

Paula L. Hart  
Director, Office of Indian Gaming