



A Tradition of Stewardship  
A Commitment to Service

**Board of Supervisors**

1195 Third St.  
Suite 310  
Napa, CA 94559  
www.countyofnapa.org

Main: (707) 253-4421  
Fax: (707) 253-4176

**Alfredo Pedroza**  
Chairman

September 20, 2016

The Honorable Lawrence Roberts  
Acting Assistant Secretary for Indian Affairs  
United States Department of the Interior  
MS-3642-MIB  
1849 C Street, N.W.  
Washington, D.C. 20240

**Re: "Restored Lands" Exception Request from Scotts Valley Band of Pomo Indians:**

Dear Assistant Secretary Roberts:

The Board of Supervisors voted unanimously today to oppose the Scotts Valley Band of Pomo Indians' application for a determination that certain real property acquired within the city limits of Vallejo is eligible for the establishment of gaming operations under the "restored lands" exception of the Indian Gaming Regulatory Act ("IGRA") at 25 U.S.C. 2719(b)(2)(B)(iii).

The Board opposes the application for the following reasons:

First, the lack of transparency concerning this particular application is alarming. The standard procedure calls for an Indian Lands Determination and a fee-to-trust application to be filed concurrently. This triggers a number of notification requirements, allowing local jurisdictions to offer input and comments early in the process. This was the case in the Scotts Valley Indians' prior effort to site a casino in Richmond, California, in 2012, but not for the current application. Further, the Scotts Valley Indians requested an *expedited* "restored lands" determination absent a fee-to-trust application. There are many local issues that necessitate local input. The proposed area already suffers from severe traffic problems and severe water issues. A casino would exacerbate these two problems and many others, not just for Vallejo and Solano County, but for other surrounding areas as well, including Napa County, whose boundary is less than a mile from the proposed casino site.

Second, the Scotts Valley Indians have no connection to the land in Vallejo where it seeks to site a casino. The Scotts Valley Indians' governmental headquarters is in Lakeport within Lake County, which is over 80 miles away from the City of Vallejo. Lake County is also the site of the tribe's original reservation. Further, there is no sizable membership of Scotts Valley Indians residing in or around Vallejo. Napa County has worked hard to maintain its agricultural heritage and stands opposed to what is commonly called "casino shopping" by Native Americans seeking to site a casino in lands that may be highly sensitive and critical to the population, its economy, and culture.

**Brad Wagenknecht**  
District 1

**Mark Luce**  
District 2

**Diane Dillon**  
District 3

**Alfredo Pedroza**  
District 4

**Keith Caldwell**  
District 5

**Napa County, California, oppose letter  
"Restored Lands" Exception Request from Scotts Valley Band of Pomo Indians**

Third, we believe the recent United States Supreme Court decision, *Carcieri v. Salazar*, No. 07-526 (2/24/09) disqualifies the Scotts Valley Indians from acquiring land for casino purposes, since they were not officially recognized by the federal government by 1934. The *Carcieri* decision held that the Secretary of Interior does not have the authority to take land into trust for tribes who were not "under federal jurisdiction" in 1934, when the Indian Reorganization Act was enacted.

For these reasons, we strongly request that you terminate the Scotts Valley Band of Pomo Indians' application for an Indian Lands Determination and follow the standard procedures discussed above for all such applications going forward.

Sincerely,



Alfredo Pedroza  
Chairman, Napa County Board of Supervisors

cc:

- U.S. Senator Dianne Feinstein
- Congressman Mike Thompson
- Senator Lois Wolk
- Assembly Member Bill Dodd
- Members, Napa County Board of Supervisors
- Leanne Link, Napa County Executive Officer
- Minh Tran, Napa County Counsel
- Thane Young, Van Scoyoc Associates
- Holly Fraumeni, Platinum Advisors
- Paul Yoder, Karen Lange, Shaw, Yoder, Antwih
- Rural County Representatives of California
- California State Association of Counties