

# *Stand Up For California!*

## **“Citizens making a difference”**

[www.standupca.org](http://www.standupca.org)

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**JOE TEIXEIRA, PATTY JOHNSON, LYNN WHEAT AND  
STAND UP FOR CALIFORNIA,**

**v.**

**UNITED STATES DEPARTMENT OF INTERIOR, RYAN ZINKE  
IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS, MICHAEL BLACK IN HIS OFFICIAL  
CAPACITY AS SPECIAL ASSISTANT TO THE DIRECTOR**

Today, citizens of the City of Elk Grove and Stand Up For California filed an amended Federal complaint against the United States Department of Interior, the Bureau of Indian Affairs, and in their official capacity, Ryan Zinke Secretary of the Interior and Michael Black – Special Assistant to the Director.

Citizens and Stand Up for California are challenging the sudden flurry of decisions made to approve the taking of land into trust for the sole purpose of a casino within the city limits of Elk Grove. The taking of land into trust is an extraordinary assertion of Federal power. Statutes and regulations governing this activity are intentionally established by Congress and Federal agencies to limit and provide structural safeguards to curb abuses by decision-makers.

Principal Deputy Assistant Secretary of Indian Affairs, Lawrence Roberts rushed through the Wilton Rancheria’s application for a casino on new land purchased by the Tribe’s gaming investor, Boyd Gaming of Las Vegas. This land was acquired specifically for a casino<sup>1</sup>. The flurry of decisions made just after the November 8, 2016 election, during the evening of January 19<sup>th</sup>, and on February 10<sup>th</sup>, was made by Federal officials who lacked the authority to make final agency decisions under applicable Federal regulations and the 1998 Federal Vacancies Reform Act.

Off-reservation gaming creates enough controversy and contentious political activity in affected communities as well as between and with tribal governments. In this instance, we have the added frustration of Interior officials overstepping their authority, ignoring regulations, statutes and Department guidelines. Mr. Roberts and Mr. Black violated a number of Federal regulations and exceeded their authority Federal. The Federal Vacancies

<sup>1</sup> Boyd Gaming of Las Vegas paid \$35 million dollars and the Wilton Rancheria paid \$1 million dollars to Howard Hughes Corporation for approximately 36 acres of land at the proposed regional shopping mall in Elk Grove.

Reform Act does not allow Federal officials serving in a temporary capacity to take any action that is specifically reserved in a statute or a regulation for Presidential appointees.

Additionally, this rush to approve the casino application raises a plethora of irregularities in the Interior decision-making process:

- Federal officials denied the affected community proper notice and opportunity for public review and comment.
- Federal officials failed to require a supplemental Environmental Impact Statement when the preferred casino location was changed from the outskirts of the City of Galt to within the city limits of Elk Grove.
- Federal officials failed to consider significant new information relevant to their environmental review.
- Federal officials failed to consider the encumbrances on the casino site and their impact on the ability of a Tribe to be permitted to offer casino-style gaming.
- Federal officials failed to properly analyze the Secretary's authority under the Indian Reorganization Act, which is limited to tribes that were federally recognized and under federal jurisdiction as of June 18, 1934.

In filing this complaint, neither the citizens of Elk Grove nor Stand Up for California seek to harm the economic viability of any California tribe, or any shopping mall project. Instead we strive to ensure that State and Federal statutes, regulations and decision-making processes are adhered to properly. In doing so, all citizens can be assured that Federal officials cannot thrust a casino into any urban community, next to homes, schools, places of worship, and businesses that are not compatible with a casino environment.

Citizens are asking the Court to unwind all steps taken by the Federal officials and to change the status of the trust land in Elk Grove. These steps would include transferring the declared trust land back to the authority and jurisdiction of the City of Elk Grove and the State of California.

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