



United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

July 22, 2016

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Jewell:

I write to you deeply concerned about a potential off-reservation casino in California, proposed by the Scotts Valley Band of Pomo Indians for land that is 60 miles away from its reservation. As you know, I oppose off-reservation gaming, given the detrimental impacts and broad ramifications for the surrounding community. In light of the precedent this Department's forthcoming decision could set, I ask that you provide my staff with an update as soon as possible.

As I understand it, the Department of the Interior, through the Bureau of Indian Affairs, may grant Scotts Valley's request for "restored lands,"¹ paving the way for a casino 60 miles from the tribe's reservation. The Office of Indian Gaming, within the Bureau of Indian Affairs, recently sent a letter to the tribe that indicates the agency is currently working on an Indian Lands Determination for the Tribe. The property for which Scotts Valley has requested an Indian Lands Determination is located in Vallejo, California, an urbanized part of the northern Bay Area that is more than 60 miles from the Band's original reservation in distant, rural Lake County.

Most troubling is the lack of transparency. There has been no notice to the surrounding tribes with historic ties to the area. The affected cities and counties are similarly left in the dark. And the agency has failed to provide any notice to the State. That's a problem.

Transparency and a robust dialogue with the public are vital for decisions like this that have a profound impact on the health of the surrounding community. As these casinos move closer to urban centers, crime, gambling addiction, and other negative effects will be exacerbated in local communities. In particular, casino operators know full well that vulnerable populations — such as senior citizens and people on fixed incomes — are drawn in, and often lose their meager means to pay for these gambling activities.

These casinos can also cause conflicts with local communities since the Indian Gaming Regulatory Act does not require tribes or the Department of the Interior to mitigate the effects of

¹ As that term is used in the Indian Gaming Regulatory Act (25 U.S.C. § 2719(b)(1)(B)(iii)).

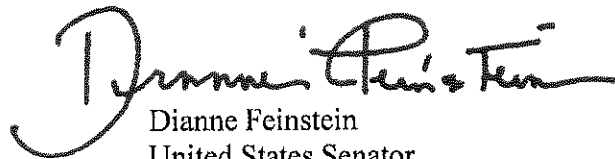
casino developments. That is true even if the casino is incompatible with the local communities' planned land uses for the area, is not welcomed by the local government, and creates increased burdens on local resources like police, fire, water, and traffic.

Equally problematic are the questions of fundamental fairness to other tribes, some who have ancestral ties to the area. The "restored lands" exception was never intended to give restored tribes an open-ended license to game on newly acquired lands. Its purpose, instead, was to promote parity between established tribes, which had substantial land holdings at the time of IGRA's passage, and restored tribes, which did not. But Congress also imposed limits on the Bureau's discretion: To benefit from the restored lands exception, a tribe must establish a "modern," "historical," and "temporal" connection to tribal land.² Yet given the void of information, it is unclear on what basis the Bureau intends to rest its decision.

It is of the utmost importance, then, that the surrounding community and the State be provided the opportunity to express their views, the importance of which cannot be understated. The input of the impacted community can provide vital information necessary to the decision making process. That's just good public policy.

Pending a staff briefing, I ask that you direct the Office of Indian Gaming to discontinue its efforts to develop or issue any decision with regard to Scotts Valley's request for an Indian Lands Determination until the public and impacted governments have a reasonable opportunity to review and provide their views on the Band's proposal.

Sincerely,

A handwritten signature in cursive script that reads "Dianne Feinstein". The signature is written in black ink and is positioned above the printed name and title.

Dianne Feinstein
United States Senator

² 25 C.F.R. § 292.12