

***Stand Up For California!***  
**“Citizens making a difference”**

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Feb 2, 2010

Paula Hart, Acting Director  
Office of Indian Gaming  
U. S. Department of the Interior  
1849 C Street  
Washington D.C.  
Fax. 202-273-3153

**RE: Guidiville Indian Lands Determination**

Dear Ms. Hart:

This letter is to follow-up on our phone conversation of Friday January 26, 2010.

As we discussed, it has been published in a newspaper of general circulation in the Bay Area that the Department of the Interior has an internal memo granting a positive Indian lands determination for the Guidiville Band of Pomo Indians of Talmage, Mendocino County. The site of the restored lands is 120 miles from its existing Rancheria outside of its aboriginal territory in the City of Richmond, Contra Costa County.

As we discussed, I have requested a copy of the internal memo. However, since this memo is not a final agency action and is subject to change, I am advised, that there is **NO** Indian lands determination. Yet, as we discussed on Friday, we both know the memo exists.

This creates significant confusion in the eyes of the public. Further it creates a lack of confidence in the integrity of the process for making a determination of Indian lands at the Bureau of Indian Affairs. Where is the evidence that the Guidiville Band of Pomo as a matter of historical fact have resided continuously in the specific site of the casino project? Where is the evidence of Indian title to the land? Is this evidence strong and compelling and the claim on the land continuous and current? Or...is it nothing more than an option with the real estate developer or gaming investors for a casino.

I recognize, that the new administration is making a thorough effort to perform a top to bottom review of the off reservation gaming policy. I recognized that their efforts are now further complicated by the U. S. Supreme Court ruling of *Carcieri v Salazar* as well as the unique Rancheria issues here in California. Nevertheless, I am hoping at the very least a written response to the following questions is possible.

1. Which agency (Solicitor of the DOI or the NIGC) will make or has made the Indian Lands Determination for the Guidiville Band of Pomo?
2. What is the date of the current internal Indian lands determination memo?
3. Will the BIA or NIGC consult with the State of California over the determination of Indian lands as Chairman Phil Hogan did in 2006 on three controversial off reservation gaming applications?
4. Is there a legal opinion or other documents regarding the effect of the Carcieri decision on the Guidiville fee to trust acquisition proposed by a tribal resolution?

IGRA, as a law is not tribal property; it is intended to create a balance between tribal rights to conduct gaming and rights of the state and the community not to have gaming established over their strong objections. Creating new or re-classifying Indian lands for the sole purpose of the establishment of a casino was not the intent or spirit in which IGRA was written, debated or enacted.

Stand Up for California would sincerely appreciate a timely response.

Sincerely

A handwritten signature in black ink, appearing to read "Cheryl A. Schmit". The signature is fluid and cursive, with a large loop at the end.

Cheryl A. Schmit – Director

916-663-3207

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