



Manchester-Point Arena Band of Pomo Indians

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Dear Fellow Tribal Leaders:

Tribal Council

Nelson Pinola
Chairman

Rick Laiwa
Vice-Chairman

Eloisa Oropeza
Secretary

Deanna Farley
Treasurer

Administrator
Christine Dukatz

I am writing to alert you to a pending BIA action that I believe poses a very serious and immediate threat to tribal government gaming and, even more importantly, to tribal sovereignty itself: *misuse of the "restored lands exception" in IGRA to authorize gaming on land to which a tribe has no significant historical connection.*

The BIA apparently has, in an internal memorandum, formally recommended to the Assistant Secretary of the Interior for Indian Affairs that he approve the "restored lands exception" to allow a Mendocino County tribe, the Guidiville Band of Pomo Indians, to obtain land in trust for gaming at Point Molate, Contra Costa County, in the heart of the urban San Francisco Bay Area. That site is 120 miles away from the Tribe's ancestral homelands, their former rancheria, and their *existing tribal trust lands in Mendocino County.*

The Indian Gaming Regulatory Act prohibits gaming on land taken into trust after 1988 unless the tribe meets one of the exceptions to that rule. In this case, it's the "restored lands exception" that the Tribe is trying to use. That exception allows gaming on land taken into trust after 1988 if taking that land into trust that would constitute "the restoration of lands for an Indian tribe that is restored to Federal recognition." Federal regulations say that in order for a tribe to take advantage of that exception, it must have a "significant historical connection" to the land it wants as a casino site. 25 CFR Sec. 292.12.

In every previous case, the NIGC and Interior Department have applied that to mean that the tribe must prove that the land in question is, in essence, within its ancestral homelands. It is well known to Pomos, however, that Contra Costa County is not within the ancestral homelands of Pomo people. It is the homelands of Miwok, Ohlone and other native peoples, while our Pomo people have always been in the areas now called Sonoma, Mendocino, and Lake Counties.

If one tribe with no historical connection to its proposed casino site is given the restored lands exception, others are sure to follow – to Sacramento, San Francisco, Oakland, Los Angeles, and San Diego. Why would urban customers continue to make the effort to visit the on-reservation casinos of tribes like mine which are located far from urban areas? Why would they continue to travel an hour or more to your casino, no matter how much you've invested in keeping it state-of-the-art and highly appealing, no matter how many jobs are at stake, and no matter how much you count on its revenue to meet the governmental and other needs of your members?

I believe that if we allow the strong clear, historical, governmental and cultural connection between our land and our sovereignty to be broken we are playing into the hands of the enemies of

Restored Land Exception
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tribal sovereignty. Their arguments will be strengthened by a BIA decision to simply create sovereign authority over any land that looks good for business.

Please help preserve everything we've fought so hard for by letting the BIA know that your Tribe opposes this application because granting this restored lands exception undermines everything we have struggled to keep and enhance. The tribal consultations to be held next week in Palm Springs by Larry Echohawk, Assistant Secretary of the Interior, Indian Affairs, and George Skibine, Principal Deputy Assistant Secretary, Indian Affairs, will be an ideal opportunity for you to make your concerns known.

Please feel free to contact me if you'd like to talk about this or other steps we can take to prevent this very serious mistake from happening. I look forward to hearing from you soon on this very important issue.

Sincerely



Nelson Pinola
Tribal Chairman

cc: California Federally Recognized Tribes