



County of Sonoma

State of California

Date: April 5, 2022

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Opposing the Establishment of a Casino By The Koi Nation, a Non-Sonoma County Tribe,
Within the County**

Whereas, the Sonoma County Board of Supervisors has consistently opposed the establishment of Nevada-style casino gaming in Sonoma County;

Whereas, within the geographic boundaries of the County of Sonoma, lies the historic and ancestral territory of five federally recognized Southern and Southwestern Pomo tribes: the Cloverdale Rancheria of Pomo Indians; the Dry Creek Rancheria Band of Pomo Indians; the Federated Indians of the Graton Rancheria, the Kashia Band of Pomo Indians of the Stewarts Point Reservation; and the Lytton Rancheria Band of Pomo Indians;

Whereas, within the geographic boundaries of Lake County, lies the historic and ancestral territory of seven federally recognized Southeastern Pomo tribes: Elem Indian Colony; Habematolel Pomo of Upper Lake; Big Valley Band of Pomo Indians; Scotts Valley Band of Pomo Indians; Robinson Rancheria; Koi Nation of Northern California (Lower Lake Rancheria); and Middletown Rancheria of Pomo Indians of California;

Whereas, in the 1950s and 1960s the federal government passed a series of laws including the California Rancheria Termination Acts, which among other things ended the federal government's relationship with, recognition of, and benefits to numerous tribes in California, including the Cloverdale Rancheria, Graton Rancheria, and Lytton Rancheria in Sonoma County, and the Lower Lake Rancheria (Koi Nation) in Lake County;

Whereas, several tribes have been restored to federal recognition through legislation or litigation, including the Cloverdale Rancheria, Graton Rancheria, and Lytton Rancheria in Sonoma County, and most recently the Lower Lake Rancheria (Koi Nation) in Lake County;

Whereas, around 2005, after changing its name, the Koi Nation unsuccessfully sought to acquire a site for a Las Vegas-style casino outside of Lake County, near the Oakland International Airport; and in 2014 the Koi Nation unsuccessfully sought to establish a reservation and casino on Mare Island in the City of Vallejo;

Whereas, in 2019, the United States District Court for the District of Columbia, issued a decision declaring that the Koi Nation, as a reaffirmed tribe, was an Indian tribe restored to federal recognition; see *The Koi Nation of Northern California v. United States Dept. of the Interior* (D.C. Dist. Ct, Jan. 2019) 361 F. Supp. 3d 14;

Whereas, in September 2021, the Koi Nation, through its LLC, Sonoma Rose, purchased a ± 68.60 acre parcel (Subject Land), located at 222 E. Shiloh Road, on the southeast corner of the intersection of Shiloh Road and Old Redwood Highway, in the unincorporated area of the County;

Whereas, Shiloh Ranch Regional Park is to the east, residential development is north and south, the Town of Windsor is to the north and northwest, and the Sonoma County Airport is to the southwest of the Subject Land which is largely agricultural;

Whereas, in September 2021, the Koi Nation submitted an application to the federal government requesting that the United States Department of the Interior accept the Subject Land into trust for casino gaming and resort purposes under Part 151 of Title 25 of the Federal Code of Regulations;

Whereas, Federal law requires that a tribe restored to federal recognition have a “significant historical connection” to the land on which it proposes to game, 25 C.F.R. 292.12(b);

Whereas, the Koi Nation intends to operate its own gaming facility on the Subject Lands

to the exclusion of Sonoma County tribes;

Whereas, the Board of Supervisors strongly opposes tribes from outside Sonoma County attempting to use their tribal status to place lands within the County in trust and/or to otherwise establish gaming operations within the County;

Whereas, the Board of Supervisors strongly opposes tribes that do not have a clear significant historical connection to a specific property, or do not have authority to exercise jurisdiction in Sonoma County, from taking such property into trust or using such trust property for gaming purposes;

Whereas, the Board of Supervisors continues to encourage Sonoma County tribes to establish boundaries to assist in the determination of trust applications and other tribal issues;

Whereas, the five federally recognized Sonoma County based tribes (Cloverdale Rancheria, Dry Creek Rancheria, Lytton Rancheria, Stewart's Point Rancheria, and the Federated Indians of the Graton Rancheria) each sent the Board of Supervisors a letter or tribal resolution expressing unanimous opposition to the Koi Nation's proposal that the Department of the Interior to accept the Subject Land into trust for gaming purposes due to the Koi Nation's lack of significant historical connection to the Subject Land;

Whereas, gaming projects have significant environmental impacts and other effects on a community, particularly in an area that is predominantly agricultural and residential; and the County's infrastructure may not be able to adequately accommodate the proposed facility and its accompanying traffic, water, wastewater or other impacts;

Whereas, the Board of Supervisors respects tribal sovereignty and takes seriously its government-to-government relationship with tribes, and has worked in good faith with Sonoma County tribes towards a variety of shared goals, including the mitigation of off-reservation impacts stemming from on-reservation development;

Whereas, the Board of Supervisors supports and joins with Sonoma County tribes in opposing the Koi Nation's efforts at obtaining trust lands and establishing a resort

casino in Sonoma County; and

Whereas, allowing a tribe without a significant historical connection to the Subject Land, the area in the vicinity of the Subject Land, or the County of Sonoma generally, sets a significant negative regional precedent:

Now, Therefore, Be It Resolved, that the Board of Supervisors opposes any tribe attempting to establish trust property, exercise jurisdiction, or establish a gaming facility within the historical territory of other tribes without those tribes' explicit permission and partnership and supports an interpretation by the Governor of California, National Indian Gaming Commission, Bureau of Indian Affairs, and Department of the Interior of existing compacts and federal law to that effect; and

Be It Further Resolved, that the Board of Supervisors opposes efforts by any tribe to take land into trust or operate a casino unless it can demonstrate, to the satisfaction of the County of Sonoma, the State of California, and the Department of the Interior, compelling and significant historical ties to the specific designated property at issue and the right to exercise jurisdiction over that land.

Supervisors:

Gorin:

Rabbitt:

Coursey:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.