



## Legislation Text

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**File #:** 2022-0336, **Version:** 2

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**To:** Board of Supervisors

**Department or Agency Name(s):** County Counsel

**Staff Name and Phone Number:** Jennifer Klein x 2421

**Vote Requirement:** Majority

**Supervisorial District(s):** N/A

**Title:**

Resolution Opposing the Establishment of a Casino by The Koi Nation, a Non-Sonoma County Tribe, Within the County

**Recommended Action:**

Adopt a Resolution Opposing the Establishment of a Casino By The Koi Nation, a Non-Sonoma County Tribe, Within the County.

**Executive Summary:**

The Koi Nation, formerly known as the Lower Lake Tribe, has requested that the federal government accept an approximately  $\pm$  68 acre parcel located at 222 E. Shiloh Road, in unincorporated Sonoma County. The County is home to five federally recognized tribes, which unanimously oppose the Koi Nation's attempt to establish a reservation and resort casino in Sonoma County because the Koi Nation's ancestral roots and historic geographic and cultural ties are to territory in Lake County not Sonoma County. The County of Sonoma has consistently opposed 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. The County of Sonoma has also consistently advocated for an interpretation and application of federal law that (1) respects the voice of Sonoma County and its citizens; (2) recognizes the territorial integrity of Sonoma County tribes, and (3) requires tribes seeking to establish reservation land in Sonoma County to demonstrate compelling and significant historical ties to the land and the right to exercise jurisdiction over it.

**Discussion:**

Within the geographic boundaries of the County of Sonoma five federally recognized Southern and Southwestern Pomo tribes have ancestral territory and presently recognized trust (reservation) lands: 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.

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. The Cloverdale Rancheria, Graton Rancheria, and Lytton Rancheria in Sonoma County have been restored to federal recognition status, and most recently, in 2019, the Federal District Court for the District of Columbia,

found that the Koi Nation quailed as a restored tribe as well. As a landless tribe, the Koi Nation seeks to establish a reservation over which it can exercise governmental authority and on which it can build a resort casino and conduct Las Vegas-style (Class III) gaming.

Restored tribes seeking a determination from the federal government that certain land qualifies as “restored lands,” must demonstrate a significant historical connection to lands. If such lands are found to be “restored lands” a restored tribe may utilize a less onerous process for having the land taken into trust for gaming purposes, under Part 151, Title 25 of the Code of Federal Regulations. If land does not qualify as restored land, then the tribe must obtain a two-part determination before it may pursue gaming on a parcel. The two-part determination requires: (1) after consultation with affected tribes and state and local officials, the Secretary of the U.S. Department of the Interior determines that the establishment of gaming on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community; and (2) the Governor concurs in the Secretary’s determination.

The proposed plans at the Shiloh Road property represent the Koi Nation (formerly Lower Lake) Tribe’s third attempt at acquiring land for a casino. The tribe was unsuccessful in its first two attempts, first, near the Oakland Airport in 2005, and second on Mare Island near Vallejo in 2014.

The County has received communications from every federally recognized tribe in Sonoma County unanimously opposing the Koi Nation’s plans and application to the federal government requesting the ± 68 acre parcel located on Shiloh Road be taken into trust for a resort casino, due to a lack of demonstrated significant historical connection between the Koi Nation and the parcel. Sonoma County tribes are Southern and Southwestern Pomo tribes, while the Koi Nation is a Southeastern Pomo tribe. As reflected in their correspondence to the County, Sonoma County tribes would each support the Koi Tribe’s efforts to establish a reservation in Lake County, within its ancestral homeland. A citizen group has also opposed the proposal in correspondence to the U.S. Department of the Interior. These communications are provided at Attachments 2 through 7.

The County has previously opposed efforts to establish tribal casinos, particularly by those tribes without compelling and significant demonstrated historical connects to land in Sonoma County, and particularly when an effort by a non-Sonoma County tribe would conflict with the interest of tribes with ancestral homelands in Sonoma County, and when such casino development would deeply conflict with the interests of the County by creating negative impacts to the surrounding area.

**Strategic Plan:**

N/A

**Prior Board Actions:**

N/A

**FISCAL SUMMARY**

**Narrative Explanation of Fiscal Impacts:**

N/A

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

Attachment 1: Proposed Resolution

Attachment 2: Cloverdale Letter

Attachment 3: Dry Creek Letter

Attachment 4: Graton Letter

Attachment 5: Kashia Resolution

Attachment 6: Lytton Letter

Attachment 7: Stand Up for California Opposition Ltr to Dept. of the Interior

**Related Items “On File” with the Clerk of the Board:**

N/A