

**FACT SHEET: GUIDIVILLE BAND OF POMO INDIANS NEGATIVE RESTORED LANDS
DETERMINATION**

Decision

- The Assistant Secretary – Indian Affairs and the Solicitor of the Department of the Interior have reviewed the Guidiville Band’s “restored lands” gaming application under the Indian Gaming Regulatory Act (IGRA) and determined that:
 - The Band does not have a modern connection to the proposed gaming site in Richmond, California; and,
 - The Band does not have a significant historical connection to the proposed gaming site in Richmond, California.
- The Assistant Secretary has disapproved the Tribe’s request for a positive Indian Lands Determination for a proposed gaming site in Richmond, California. The Tribe could amend its fee-to-trust application for a different purpose, or submit a new gaming application for other lands.

Background

- The Tribe is located in Ukiah, California (Mendocino County), and has approximately 113 members. The Tribe currently has land in trust in Ukiah, California, which is used for housing purposes.
- The Tribe is proposing to develop a class III gaming facility on 425 acres in Richmond, California at the former Point Molate Naval Fuel Depot. The proposed gaming site is located approximately 108 miles south of the Tribe’s headquarters.
- The Tribe was restored to recognition by a court approved settlement with the United States in *Scotts Valley Band of Pomo v. U.S.* in 1991. In 2008, the Office of the Solicitor issued a determination that the Tribe was a “restored tribe” for purposes of IGRA’s “restored lands” exception.
- The Tribe submitted its initial fee-to-trust application for the Point Molate site in 2004.

Overview of Analysis – No Modern Connection

- The Department’s Regulations allow a tribe to establish a “modern connection” through one of several ways: 1) the site is within a “reasonable commuting distance” from the tribe’s reservation; 2) the site is within 25 miles of the Tribe’s headquarters, which have existed for 2 years prior to the fee-to-trust application; and, 3) “other factors”
- The Tribe did not submit sufficient evidence that its site was within a reasonable commuting distance from its lands 108 miles away, in Ukiah.

- The Tribe's headquarters within 25 miles of the site were not in existence for two years prior to its fee-to-trust application.
- The Tribe did not sufficiently demonstrate that other factors put the local community on prior notice of its presence in the area.

Overview of Analysis – No Significant Historical Connection

- The Department's Regulations allow a tribe to establish a significant historical connection through two ways: 1) the site is within the Tribe's former reservation under a ratified or unratified treaty; or 2) the Tribe submits historical documentation that it engaged in subsistence use or occupancy in the vicinity of the Site.
- In this case, the proposed gaming site is not located within the Tribe's former reservation. The evidence in the Record also shows that the site is not even within the territory ceded in unratified treaties by the Tribe's ancestors.
- The Tribe's historical documentation falls far short of demonstrating continuous use and/or occupancy of lands in the vicinity of the proposed gaming site.
- The Tribe relies upon anecdotal evidence and presumptions relating to the larger Pomo cultural group, rather than historical evidence relating to its own predecessors, to support its claim of a "significant historical connection" to the site.