



June 24, 2012

Good Morning Members of Congress:

My name is Scott Gabaldon. I am Wappo and I am the elected Chairman of the Mishewal Wappo Tribe of Alexander Valley. At the onset, let me be crystal clear. Our goal is to restore our tribal status at any cost. We want the government to acknowledge its mistake in terminating our people and to restore our tribal status, benefits and land rights. With our people getting the help they deserve, we can try to start businesses that will help us, as a people, become self-sufficient.

Our history. The Napa Valley was inhabited solely by the Wappo Indians until 1823, with 10,000 years of ancestry, where we lived peacefully utilizing the resources from the abundant land, rivers and streams. The valley floor was covered wild oats, and large populations of deer and bear inhabited the surrounding mountains. Many explorers came through the area, but it was George Yount in 1831 who first permanently settled in the area. When he first saw the valley, he said, "In such a place, I would like to clear the land and make my home; in such a place, I would like to live and die."

Like George Yount who found land and wanted to develop it for his home, we the Mishewal Wappo Tribe want the opportunity to have lands which embody our culture and visions. We are seeking those lands, not foreign to us, but the lands of our roots. The name "Napa Valley" is derived from our language, meaning "land of plenty." Although the Napa Valley boasts of their cultural heritage in the Wappo Indians, there are those who do not want to include our real existence in the county.

Napa Valley has proven to be the land of plenty with a \$9.5 billion economy based on agriculture, specifically vineyards and the production of wine, with tourism as the top economic industry in the Napa Valley. Approximately five million visitors go to Napa Valley each year, making it the second most popular tourist destination in California after Disneyland.

The Wappo Tribe wants to complement the uses which exist, and offer a unique diversity to our land use and development. Those would include creating a destination, retail, recreation, and a sustainable community which reflect our identity as an American Indian Tribe.

The circumstances at Lake Berryessa offer the ideal environment to consider revitalized recreation and other uses. East Napa is bi-furcated from Napa Valley by the Vaca Mountain Range and Cedar Roughs Wilderness, with the Adam Ridge to the north, and Blue Ridge on the east and south, making the Lake Berryessa area a virtually isolated community.

There seems to be an epidemic which today is not killing people with a virus, such as small pox, but government abuse of power which is killing the livelihood, economies and opportunities for good people. There are three subdivisions in the Lake Berryessa area. Berryessa Estates, north of the lake, Berryessa Pines in the middle of the lake on the west side and Berryessa Highlands or "The Highlands" in the hills on the south end. The north and south subdivisions are county managed service districts which are failing, with substandard sewer and water systems, and fines for non-compliance and sewer spills into Lake Berryessa, the reservoir for Solano County. Those communities are virtually falling apart, which was all preventable had local government managed the areas properly.

Supervisor Diane Dillon has had east Napa and Lake Berryessa, as her sole district since 2003. Mike Thompson has represented California's 1st Congressional District since 1998, which includes all of Napa, Lake, Mendocino, Humboldt and Del Norte Counties, as well as portions of Yolo and Sonoma Counties.

Both Supervisor Dillon and Congressman Thompson, in the nine and fourteen years respectively, have had the opportunities to approve, stimulate and direct lands and communities in East Napa. There has been no support from Dillon or Thompson to generate an economy or improve the community. Both have repeatedly stated that the area drains coffers and offers them no benefit. They have given little or no consideration for the businesses and families in the area, making it nearly impossible to survive there.

Bureau of Reclamation took over management of Lake Berryessa in 1974, and as Congressman Thompson has brought up before Congress, is the subject of catastrophic mismanagement. A plan initiated in 2000 which was to result in a smooth transition to new contracts, has resulted in Reclamation's use of \$6 million in Stimulus Funds to destroy millions of dollars the assets and

utility infrastructures. The concessionaire contracted in 2010 failed in its obligations, with five of seven concessions at Lake Berryessa shut down or open in substandard conditions with no water, sewer or facilities. Congressman Thompson and Supervisor Dillon both were involved with how this disaster took place, allowing Reclamation to select an alternative which projected the loss of public use and by Reclamation's own study was not financially feasible.

Integrated with our goal of recognition is our deep connection with the land, to develop with cutting-edge environmental practices, provide opportunities for our people, preserve natural resources, and develop a destination which compliments other natural amenities.

When we went to the local and federal government agencies, we approached them with the idea that we could work together in a partnership. In our meetings it appeared that we could work together, but behind our backs both local government and congressional representatives engaged in activities designed to thwart our efforts seeking justice.

We are seeking justice. We hope that the powers that be will support the recognition of the Wappo people and their right to the lands and waters of our heritage.

I am here for another reason. One is to present to you some of the facts and hardships my Tribe has faced over the last 53 years.

**Fact one:** we were unlawfully terminated in 1959 by a non-Wappo Indian who received 2/3 of our tribal lands after many letters from my family members back then trying to get funds for housing, water, adequate sewer. They gave up because the property was unlivable except where Mr. Adams lived when he bullied his way into my Aunt Minnie's house.

**Fact two:** after many attempts at tribal restoration, we decided to sue the federal government.

Here are some of the attempts made:

- In 1983 we were part of the Tillie Hardwick case. Then in 1987 we were dropped from the case. It is still not clear to us why, but our guess is none of our tribal members owned the distributed land from 1959 and because Tillie Hardwick was a land based case we were dropped.
- From there in 1989 we reorganized and began to form a government and started the petition process for restoration as advised by the law firm we were using at the time,

California Indian Legal Services (CILS). After about ten years of working with them I realized according to 25 CFR 83.7 (g) which states neither the petitioner nor its members are the subjects of congressional legislation that has expressly terminated or forbidden the federal relationship. Therefore it makes us ineligible for the petition process.

- In 1998 we teamed up with Graton and Wilton and were part of a bill written by Greg Saris in 2000. The bill was passed, but again we were left off that bill also. I believe it was from lack of communication.
- After 2000 our leadership was working hard on a bill similar to Graton's, but there were challenges in the political realm, such as, we couldn't get anyone from congress to take the bill to the house. Partly because of the situation with Graton. Lynn Woolsey swore off tribes because she felt like she was double crossed. Mike Thompson stated to we need local support before he will take a bill to congress. And we can see with all the local opposition that would have never happened. And then we tried Senator Boxer. In the beginning, she supported our tribe getting a bill to congress then later changed her mind, which according to her office, was a misunderstanding. Thus, from experience in dealing with Senator Feinstein, we know that she won't support a bill with gaming and we also learned from Graton's experience that a bill with no gaming will get past the house but it won't get past the senate. We also tried to ask the BIA for an administrative restoration like the Ione Band received. Therefore, we are at an impasse.

To recap our story, we were dropped out of a class action law suit in 1983, the petition process is not an option. We were dropped from a bill in 2000, and we found it is impossible for my tribe to get congressional support and we were denied by the BIA for tribal restoration. Therefore, we had no other options to get restored. The only option left was to try a fair and neutral party, the courts, which were recommended by Mr. Larry Echo-Hawk in his letter dated June 22, 2009.

Since 2009 I personally have tried to build a relationship with all three counties meeting all of them in private before they intervened in our law suit with the federal government. At all of those meetings, all three counties expressed one common concern, land, but they have worked to prevent our very existence to prevent us from even becoming eligible to have land. Where are we going to have land? At that time and to this day, we still don't know.

With that said we agreed that their interest was land issues therefore when they motioned to intervene we were under the impression they were going to stick to land issues and that's why we didn't oppose the counties, but in reality, only Lake County was true to their word and took the offer we gave them. We even changed our complaint just to ease some of the counties' concerns, but now it seems they are more concerned with the power they won't have over us.

The Counties are more concerned with the region's economy disrupting their way of life than they are concerned with four generations of Natives being deprived of what they should rightfully have. The Counties are concerned with a casino, we are concerned with education. They are concerned about land use; we are concerned about housing for my elders. They are concerned about environmental impacts; we concerned about our Tribe's health care.

It seems since we have filed this law suit and appears we are winning everybody under the sun believes they have a say in our restoration process, including not only the counties, but a coalition of vintners. Even you Mr. Young, weighed in on a letter on their behalf. I am not here today to explain the laws of the land to you. I am here merely to explain our position. I feel it would be in the best interest of the United States of America to settle with my Tribe.

In conclusion, I truly hope this committee takes what I say here today to heart, and takes action setting policies that speed up the process for newly recognized tribes going through the petition process and tribes like mine that were unlawful terminated. Because as of now there is no such policy or time limit and it has been long enough that we have suffered injustice from this nation.

Thank you,

Scott Gabaldon  
Chairman of the Mishewal Wappo Tribe