

Committee on Resources

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Testimony
Before the Committee on Resources
United States House of Representatives

Oversight Hearing on
“ Gaming on Off-reservation, Restored and Newly Acquired Lands”
July 13, 2004

Statement of Leslie Lohse
Paskenta Band of Nomlaki Indians of California
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Chairman Pombo and members of the Committee, I would like to thank you for the opportunity to testify on the subject of Gaming on Off-Reservation, Restored and Newly-acquired Lands. As Treasurer of the Paskenta Band of Nomlaki Indians of California, I am very involved with the issues of gaming, including but not limited to the economic development opportunity, tribal-state compacting, land into trust, and governmental jurisdiction. I am here today with full authority and direction from the Paskenta Band of Nomlaki Indians of California Tribal Council. We are very pleased to see the Committee has taken the time to address this very important issue, even though we know that your committee has numerous important tribal and non-tribal issues to address on a daily basis.

As the National Congress of American Indians (NCAI) Pacific Region Area Vice-President and U.S. Bureau of Indian Affairs Central California Agency Policy Committee Chairperson, I have become increasingly aware and knowledgeable of the many struggles of Tribal Governments dealing with the issues related to gaming on off-reservation, restored and newly-acquired lands. Although, for the record, I am here to represent only my Tribe, my statements will reflect my experience and acquired knowledge from being a representative of the above-mentioned organizations. Because of the precedents that could be set for Indian Country, I feel it is very important to deliver pertinent information that will assist the Committee with its findings.

Many examples of the issues arising from off-reservation gaming are taking place throughout the United States, in California and within our own county of Tehama. As you may know, the 87-adult member Greenville Maidu Indians of Plumas County, California (their ancestral territory) is seeking to relocate to Tehama County, California (the aboriginal territory of the Paskenta Band) for the sole purpose of conducting gaming. This quest by the Greenville Maidu follows prior efforts to engage in commercial gaming on other off-reservation locations in Oxnard, California and the Bay Area (San Francisco-Oakland, California).

For a second time, the Greenville Maidu have approached the Tehama County Supervisors with their proposal to develop a casino and ancillary facilities. Previously, the Tehama County Supervisors rejected the Greenville Maidu proposal, but were approached again by the Tribe with a new agreement. The Minutes of the Meeting of the Board of Supervisors of the County of Tehama, Tuesday, May 18, 2004, (Attachment A, see Pages 14 & 15) reflect the following statements made by Legal Counsel for the Greenville Tribe, Judith Albiez: Ms. Albiez, when asked why the tribe does not have land in Greenville and if a site-search was conducted and how this location was chosen, emphasized that “the developer approached the Tribe with this project.” Also, Ms. Albiez emphasized that “the developer of the project, the Wilmots, will be a good partner with Tehama County.” She further advised that “there are very clear rules relative to this proposal, that there will be a seven-year management agreement, and that the facility will be run by the Wilmots.”

The Greenville Maidu proposal presents a disturbing and exploitive picture of Tribal Governments throughout this great nation.

To begin with, the Greenville Rancheria settlement is found in the Hardwick case. The stipulation and judgment in that matter provides that the exterior boundaries of the plaintiff tribes' individual reservations (rancherias) would be restored to pre-termination status. Therefore, the Greenville Rancheria's "275 acres, is located approximately three miles east of Greenville, Plumas County, California." This indicates clearly that the United States and Greenville Rancheria recognize that the Greenville Maidu's proper land request should be limited to Plumas County, California, not Tehama County, California. But, the Wilmots have purchased property in Tehama County along Interstate 5. Therefore, the Wilmots want to relocate the Greenville Maidu to this new location. Such relocation will satisfy this out-of-state investor's appetite for profit. No consideration is being given to the Maidu's true ancestral territory or the land recognition indicated in the Hardwick case.

Also, no consideration is being given to the fact that the proposed site is well within the ancestral territory of the Paskenta Band of Nomlaki Indians. As evidenced by Attachments B and C, the Paskenta people, classified as Nomlaki, also referred to as Wintun, Central Wintun, or Hill and River Wintun, resided "in the Sacramento River Valley in present Tehama County, Cottonwood Creek forming the northern boundary, Stoney Creek forming the southern boundary, the foothill land to the west, extending to the summit of the Coast Range." We understand that the Wilmots have hired the services of an out-of-state genealogist to re-write the history of the Native Americans in California. Now, the Greenville Maidu claim that the "Tribe's people have occupied areas along the Sacramento River," yet the "Tribe's people" is not defined and it is understood that the tie to Tehama County is through the marriage of a Greenville Maidu to a Wintun Indian. Therefore, the tie to the lands of Tehama is through the Wintun/Nomlaki, yet the revisionist historian would have history read that it is the Greenville Maidu Tribe which is culturally tied to our area.

This disturbing stretch and re-write of our history by an out-of-state revisionist historian and out-of-state profiteer undermines the core of every sovereign Indian nation. Such liberal re-writes bring questions from the non-Indian population about the validity of "who we (Native Americans) are and where we are from" and ensuing accusations of "reservation shopping." We have many un-recognized Tribes waiting to be re-recognized, but such revisionist historical re-writes all but seal the fate of the many Indian nations that have true claims. As Chairperson of the Central Cal Agency Policy Committee and NCAI Area Vice-President, I have been approached by some of the unrecognized Tribes expressing their frustration and concern with the recognized Tribes taking such actions in order to pursue gaming.

"Reservation shopping" has become the catch phrase in California as Tribes seek off-reservation land acquisitions to satisfy the gaming developers' wishes to garner larger profits from Indian gaming. We know that the Bureau of Indian Affairs struggles with the political and legal realities of this issue. We have read conflicting reports about whether the Indian Gaming Regulatory Act (IGRA) "limits, not expands, the right to game" by "disallow[ing] gaming on newly acquired lands far from the current prior reservation." Clearly, IGRA provides language that allows Tribes to game where "such lands are located within or contiguous to the boundaries of the reservation of the Indian Tribe on October 1, 1988..." 25 U.S.C. § 2719 (a) (1), but the Greenville Maidu's improper claim that gaming on their currently proposed site is consistent with IGRA only further fuels negative issues arising from far-fetched pursuits to do off-reservation gaming.

Such negative issues include, but are not limited to, virtual state taxation, state and local jurisdiction over tribal lands, negative economic impacts to other Tribal Governments and the cumulative loss of Indian Tribes' sovereign status. As with other Tribes across the nation that seek off-reservation gaming, the Greenville Maidu have offered up a substantial amount of money to the local community in order to buy their support. Also, they have offered up substantial local and state jurisdiction in order to buy support. The Greenville Maidu are currently without a Tribal-State Compact and will undoubtedly offer up even more money that will go into the State of California's general fund to address the State's current budget deficit. The backlash of such offerings is that the local and State governments begin to look upon us that are currently doing gaming in the same light. Thereby, we are pressured into making the same sort of deals in order to continue our gaming operation. Such undue pressure and Greenville's attempt to do off-reservation gaming in the Nomlaki homelands erodes our Tribe's economic stability. We do not believe the above-noted scenario was the intent of IGRA.

Rather, we believe IGRA was written to support Tribal sovereignty, self-determination and growth. Instead, it is being used to degrade and detract from our Tribal Governments. As deals are cut, revisionist historians re-write our history, and profit-driven investors lure our Tribal Governments, our Tribal Nations we will

continue to lose our identity. The next time we want to protect a sacred site or our cultural resources, greater scrutiny will be imposed upon us because of relocation(s) to off-reservation lands. Tribes are willingly signing and attesting to documents that will forever change our history and perhaps cause great damage to the future of Native Americans, all for the "projected profits" put before us by outside developers and investors.

We understand that gaming provides an opportunity to gain revenue that may assist with the needs of Tribal Governments. But, as noted earlier in the statements by Greenville's legal counsel, Ms. Albeitz, the Wilmots will run the operation and the Wilmots will be a good partner with the County. Based upon those statements we ask: Where is the Tribal Government? Where is the Tribal jurisdiction? Where is the protection of Tribal sovereignty? Concessions to the extent being offered up and the need to re-write history would not be necessary if the Greenville Maidu Tribe would stay within their own historical area. We know there is a viable market within Greenville's historical area, but the Wilmots have purchased property in the Paskenta territory. And, the concessions made will not affect the Wilmots down the line, because they will have made their profits from Indian gaming and move on. But, we as Indian Tribes will remain and suffer the backlash received due to the re-written history and the agreements drawn up that satisfy the developers' economic margins and needs.

Mr. Chairman, I will be very clear that the Paskenta Band of Nomlaki Indians of California's primary concern is the erosion and degradation of our sovereign status as a Tribal Nation and our special relationship with the United States Government. Some will charge that our only concern is with competition, but we emphasize that competition from a Tribe having a legitimate land claim would be respected by our Tribe. Yet, what we see here is an attempt to do off-reservation gaming by a Tribe clearly driven by an out-of-state investor, and concessions and deals offered that will surely be disastrous to our Tribe's economy and sovereign status.

We support the reasonable efforts of other Tribes to improve their economic situation, and will be similarly open to the Greenville Maidu in any attempt made within their own ancestral territory to do gaming. However, as the Greenville Maidu proceed today, we will stand firm along with the Tehama County Supervisors against this type of off-reservation gaming acquisition. This type of acquisition only further perpetuates the term "reservation shopping," the questions about "who we (Native Americans) are and where we are from," and the notion that we are merely "special interest groups" given an unfair opportunity to do gaming upon our tribal lands. Again, overall, IGRA has worked over the years when applied properly, and when state, local and federal concurrence and support is included. We support your continued efforts to address IGRA and to ensure local community and local tribal involvement.

In closing, Mr. Chairman, I again would like to thank you and members of the Committee for the opportunity to testify on the subject of Gaming on Off-Reservation, Restored and Newly-acquired Lands. The Paskenta Band of Nomlaki Indians of California are very appreciative of you and your committee colleagues' time taken to review this issue, given the growing concerns and protection needs of this great United States of America. Thank you for your time, and I look forward to any questions you may have for me regarding this issue.