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11
 12 IN THE UNITED STATES DISTRICT COURT
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 14
 15

16 **THE STATE OF CALIFORNIA, a State of**
 17 **the United States; and GAVIN NEWSOM,**
 18 **Governor of California,**

Case No.:

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

19 v.
 20 Plaintiffs,

21 **UNITED STATES DEPARTMENT OF**
 22 **THE INTERIOR; DOUGLAS BURGUM,**
 23 **Secretary of the United States Department**
 24 **of the Interior; SCOTT DAVIS, Acting**
 25 **Assistant Secretary for Indian Affairs,**
 26 **United States Department of the Interior;**
 27 **TONY DEARMAN, Director of Indian**
 28 **Education, United States Department of the**
Interior; AMY DUTSCHKE, Regional
Director, Pacific Region, United States
Bureau of Indian Affairs, and DOES 1
through 25,

Defendants.

INTRODUCTION

2 1. This case is about respecting the history of tribal sovereigns, protecting communities
3 from unchecked casino-style gaming, and preventing federal administrative overreach. The
4 Indian Gaming Regulatory Act (“IGRA”), 25 U.S.C. §§ 2701-2721, 18 U.S.C. §§ 1166-1167,
5 carefully limits the acquisition of new land for casino-style tribal gaming. When such gaming is
6 proposed in new contexts (away from existing tribal reservations), the statute contains safeguards
7 that typically protect state and local interests, including the interests of local tribes. Here,
8 however, the United States Department of the Interior (“Interior”) sought to circumvent those
9 safeguards, invoking a narrow statutory exception aimed at restoring a tribe’s lost homeland.
10 This invocation of that exception is unsupported by the record, dismissive of state sovereignty,
11 and contrary to federal law.

12 2. Specifically, this case challenges a final decision by Interior to take a parcel of land
13 (the “Shiloh Site”) into trust for gaming on behalf of the Koi Nation of Northern California (the
14 “Koi Nation” or the “Tribe”). Interior’s decision will allow the Koi Nation to build a casino on
15 the Shiloh Site, despite California’s longstanding state interest (reflecting a promise made to the
16 California voters who legalized tribal gaming) in limiting casino-style gaming. Interior’s decision
17 will also require Governor Gavin Newsom to negotiate, on the State’s behalf, for a tribal-state
18 gaming compact with the Koi Nation regulating casino-style gaming. If such negotiations are
19 unsuccessful, the State may forfeit any regulatory control over casino-style gaming on the Shiloh
20 Site.

21 3. Impacts to the Governor and the State are common in the tribal-gaming context, and
22 Congress has enacted statutory safeguards that protect state sovereignty and local communities.
23 When Interior takes land into trust for gaming, it often does so via a “two-part determination.”
24 This process requires the Secretary of the Interior to consult with relevant tribal, state, and local
25 officials, and to determine that gaming on the relevant land “would not be detrimental to the
26 surrounding community.” 25 U.S.C. § 2719(b)(1)(A). But the Secretary is not the sole
27 decisionmaker on the matter: if the relevant state’s Governor does not concur in that
28 determination, the land will remain ineligible for gaming. 25 U.S.C. § 2719(b)(1)(A).

1 4. The Interior circumvented this process and its safeguards. It did not undertake a
2 two-part determination, or participate in the required intergovernmental consultation, instead the
3 Interior unilaterally took the Shiloh Site into trust under a different provision of federal law—the
4 “restored lands” exception.”

5 5. As its name implies, the “restored lands” exception is narrowly cabined: it applies
6 only to “the restoration of lands for an Indian tribe that is restored to Federal recognition.” 25
7 U.S.C. § 2719(b)(1)(B)(iii). The record on which Interior relied in its decision is insufficient to
8 show that the acquisition of the Shiloh Site constitutes a “restoration” of the Koi Nation’s tribal
9 lands. Interior’s decision is therefore contrary to law, and otherwise arbitrary and capricious.

PARTIES

11 6. Plaintiff the State of California (the “State” or “California”) is a state of the United
12 States. The Attorney General of California is authorized to act in federal court on behalf of the
13 State on matters of public concern to protect the public rights and interests. Cal. Const. art. V, §
14 13; Cal. Gov’t Code § 12511.

15 7. Plaintiff Gavin Newsom is the Governor of California and serves as the chief
16 executive of the State.

17 8. Collectively, the State and Governor Newsom are referred to in this Complaint as
18 “Plaintiffs.”

19 9. Defendant the United States Department of the Interior (“Interior”) is an executive
20 department of the government of the United States of America and an agency for purposes of the
21 Administrative Procedure Act.

22 10. Defendant Douglas Burgum is the Secretary of the Interior (“Secretary”). He is sued
23 in his official capacity.

24 11. Plaintiffs are informed and believe, and on that basis allege, that Defendant Scott
25 Davis is Interior’s Acting Assistant Secretary - Indian Affairs (“Assistant Secretary”). He is sued
26 in his official capacity.

27 12. Defendant Tony Dearman is Interior's Director of the Bureau of Indian Education
28 ("Education Director"). He is sued in his official capacity.

13. Defendant Amy Dutschke is the Regional Director of the Pacific Region of the Bureau of Indian Affairs (“Regional Director”). She is sued in her official capacity.

14. Collectively, Interior, the Secretary, the Assistant Secretary, the Education Director, and the Regional Director are referred to in this Complaint as “Defendants.”

15. The true names and capacities, whether individual, governmental, corporate, associate, or otherwise, of defendants Does 1 through 25, inclusive, are unknown to Plaintiffs, who therefore sue said defendants by such fictitious names. Plaintiffs will seek leave of court to amend this Complaint to show the true names and capacities of each such defendants when the same have been ascertained. Plaintiffs are informed and believe, and thereon allege, that each of the fictitiously named defendants was a legal cause of the injuries suffered and alleged herein, or subject to the jurisdiction of the court herein as necessary parties for the relief requested.

JURISDICTION AND VENUE

16. This Court has jurisdiction over this action under 28 U.S.C. § 1331 (action arising under the laws of the United States), 28 U.S.C. § 1346 (United States as defendant), and 5 U.S.C. §§ 701–706 (Administrative Procedure Act). Defendants' actions are subject to review under the Administrative Procedure Act as final agency action for which no other adequate remedy exists. 5 U.S.C. § 704.

17. The Court may grant injunctive relief and other relief pursuant to 5 U.S.C. §§ 705–706. An actual controversy exists between the parties within the meaning of 28 U.S.C. § 2201(a), and this Court may grant declaratory relief pursuant to 28 U.S.C. §§ 2201–2202.

18. Venue is proper in this Court under 28 U.S.C. § 1331(e)(1)(C) because this action seeks relief against federal agencies and officials acting in their official capacities, and the State of California is a plaintiff and (for purposes of venue) resides within every federal judicial district within its borders. *California v. Azar*, 911 F.3d 558, 570 (9th Cir. 2018).

STANDING

19. Interior's decision injures the Governor and the State in at least two respects.

20. First, Interior's decision has deprived the Governor and the State of important procedural rights. By concluding that the Shiloh Site was eligible for gaming under the "restored

1 lands” exception, Interior was able to take the Shiloh Site into trust for gaming without engaging
 2 in a two-part determination. Had Interior instead engaged in a two-part determination, it would
 3 have been required to consult with “appropriate State and local officials,” to determine “that a
 4 gaming establishment on newly acquired lands . . . would not be detrimental to the surrounding
 5 community,” and to obtain the Governor’s concurrence in that determination. 25 U.S.C.
 6 § 2719(b)(1)(A). By circumventing the two-part determination process, Interior has deprived the
 7 Governor and the State of their rights to engage in consultation, to be protected by the Secretary’s
 8 determination that gaming would not be detrimental to surrounding communities within the
 9 State’s jurisdiction, and for the Governor to further protect those communities by deciding
 10 whether he concurs in the Secretary’s determination.

11 21. Second, Interior’s decision has imposed a new substantive duty on the Governor and
 12 the State. Federal law requires the State to “negotiate with [an] Indian tribe in good faith,” upon
 13 that tribe’s request, “to enter into a [tribal-state gaming] compact” regulating casino-style gaming.
 14 25 U.S.C. § 2710(d)(3)(A). In California, this duty to negotiate falls upon the Governor. Cal.
 15 Const. art. IV, § 19(f). Because Interior has taken land into trust for gaming on behalf of the Koi
 16 Nation, the Governor (on behalf of the State) is now obliged to conduct these negotiations upon
 17 request. And if a court later concludes that the State has not negotiated in good faith, the State
 18 may be deprived of any regulatory control over—and any ability to limit the scale of—casino-
 19 style gaming at the site. *See* 25 U.S.C. § 2710(d)(7)(B).

20 22. These injuries are heightened by strong public interests at stake for the State and the
 21 Governor. For example, California has a longstanding interest in limiting and regulating gaming.
 22 *See Hotel Emps. & Rest. Int’l Union v. Davis*, 981 P.2d 990, 996–98 (Cal. 1999). Indeed, the
 23 California Constitution long prohibited *all* casino-style gaming. *See* Cal. Const. art. IV, § 19(e).
 24 California voters carved out an exception to this prohibition by enacting Proposition 1A in 2000,
 25 thereby legalizing tribal gaming. *See id.*, § 19(f).¹ When they did so, however, California voters
 26 were promised that tribes’ casino-style gaming would remain carefully limited geographically.

27 1 Federal law provides that casino-style tribal gaming is legal only if, as relevant here, it
 28 is “located in a State that permits such gaming for any purpose by any person, organization, or
 entity.” 25 U.S.C. § 2710(d)(1)(B).

1 See *United Auburn Indian Cnty. of Auburn Rancheria v. Newsom*, 472 P.3d 1064, 1090 (Cal.
2 2020) (Cantil-Sakauye, C.J., dissenting) (collecting statements from materials submitted to
3 California voters). The State and the Governor therefore have important interests in striving to
4 ensure that casino-style gaming is carefully regulated, and that any expansion in the geographic
5 footprint of casino-style gaming occurs in a limited and careful manner that accounts for the
6 interests of the State and its communities.

7 23. These injuries would be redressed if the court grants the relief prayed in this
8 Complaint.

LEGAL FRAMEWORK

10 24. Federal law authorizes the Secretary to take land into trust for tribal governments.
11 25 U.S.C. § 5108. But federal law imposes special restrictions when the Secretary seeks to take
12 land into trust for gaming purposes, specifically.

13 25. The IGRA generally prohibits gaming on lands taken into trust after October 17,
14 1988. 25 U.S.C. § 2719(a).

15 26. There are limited exceptions to this general prohibition. One often-used exception—
16 which can apply to *any* land-into-trust acquisition, anywhere—applies when the Secretary makes
17 a “two-part determination.” This means that “the Secretary, after consultation with the Indian
18 tribe and appropriate State and local officials, including officials of other nearby Indian tribes,
19 determines” two things to be true. First: “that a gaming establishment on newly acquired lands
20 would be in the best interest of the Indian tribe and its members.” Second, more relevant here:
21 that such a gaming establishment “would not be detrimental to the surrounding community.” 25
22 U.S.C. § 2719(b)(1)(A).

23 27. Importantly, the Secretary does not have sole authority over this two-part
24 determination: the relevant state's governor also has a role to play. Specifically, the two-part
25 determination allows gaming on the land in question "only if the Governor of the State in which
26 the gaming activity is to be conducted concurs in the Secretary's determination." 25 U.S.C.
27 § 2719(b)(1)(A).

1 28. The Secretary did not make this two-part determination here, and did not seek or
 2 receive the Governor's concurrence.

3 29. Instead, Interior purported to rely on a different exception that allows gaming on
 4 lands taken into trust if—and only if—the lands are taken into trust as part of “the restoration of
 5 lands for an Indian tribe that is restored to Federal recognition.” 25 U.S.C. § 2719(b)(1)(B)(iii).
 6 This is called the ““restored lands’ exception.”

7 30. Interior has interpreted the “restored lands” exception to require, among other
 8 things, that the tribe “demonstrate a significant historical connection to the land.” 25 C.F.R.
 9 § 292.12(b). Interior has interpreted “significant historical connection” to mean that “the land is
 10 located within the boundaries of the tribe’s last reservation under a ratified or unratified treaty,”
 11 or that the tribe “can demonstrate by historical documentation the existence of the tribe’s villages,
 12 burial grounds, occupancy or subsistence use in the vicinity of the land.” 25 C.F.R. § 292.2.
 13 Interior has in the past clarified that, in its view, this “require[s] something more than evidence
 14 that a tribe merely passed through a particular area.” 73 Fed. Reg. 29,366 (May 20, 2008). On
 15 the contrary, Interior has confirmed—consistent with a straightforward understanding of what it
 16 means to restore a tribe’s lost lands—that “documentation of the tribe’s villages and burial
 17 grounds, occupancy or subsistence use in the vicinity of the land” should be understood to
 18 demonstrate something “akin to the aboriginal use and occupancy of a tribe.”²

19 **FACTS**

20 **The Shiloh Site and Casino Project**

21 31. The Shiloh Site is located immediately adjacent to the Town of Windsor in Sonoma
 22 County, California, at the intersection of Shiloh Road and Old Redwood Highway. Consisting of
 23 approximately 68.6 acres, it is bound by Shiloh Road to the north, by Old Redwood Highway to
 24 the west, and by other properties to the south and east.

25 32. The Koi Nation intends to build a casino-style gaming facility on the Shiloh Site.
 26 Public plans for this facility describe a large casino with 2,750 slot machines, 105 table games,

27 ² Letter from Larry Echo Hawk, Assistant Sec’y – Indian Affairs, U.S. Dep’t of the
 28 Interior, to Merlene Sanchez, Chairperson, Guidiville Band of Pomo Indians (Sept. 1, 2011), at
 10, available at <https://www.bia.gov/sites/default/files/dup/assets/public/pdf/idc015051.pdf>.

1 and a capacity of over 10,000 people. They also describe additional buildings associated with the
2 casino, such as a 400-room hotel, a ballroom/meeting space, an event center, and other
3 infrastructure.

4 33. By a direct line, it is approximately 30 miles from the Shiloh Site to the southern
5 shores of Clear Lake. In practical terms, it is farther: there are large mountains between Clear
6 Lake and the Shiloh Site, and the journey between them covers approximately fifty miles over
7 winding mountain roads.

The Koi Nation and its Clear Lake Homeland

9 34. The Koi Nation is a federally recognized tribe.³ According to the Koi Nation, “the
10 Koi Nation’s ancestors had villages and sacred sites along the shores of Clearlake since time
11 immemorial.” Koi Nation’s Opening Br. at 11, *Koi Nation of Northern California v. City of*
12 *Clearlake*, No. A169438 (Cal. Ct. App. Apr. 30, 2024). The Koi Nation was formerly known as
13 the Lower Lake Rancheria; the Tribe changed its name in 2012. The name “Koi” refers to a
14 village located on an island in Clear Lake.

15 35. The Koi Nation has asserted strong connections to its Clear Lake homeland. The
16 Tribe has recently engaged in successful litigation against the City of Clearlake, identifying ways
17 in which “the City’s projects have damaged the Koi Nation.” *Id.* As part of that litigation, the
18 Koi Nation has identified extensive evidence of its enduring, collective presence in the Clear
19 Lake region—including evidence of “dense historic Indigenous habitation” (*id.* at 12), the
20 locations of ancestral villages (*id.* at 52), burial sites and human remains (*id.* at 18, 20, 52, 57),
21 and the location of the Koi Nation Rancheria itself (*id.* at 20). The Koi Nation links these Clear
22 Lake sites with ‘significant historical events,’ including “the original indigenous community
23 structure and the Rancheria era of California history.” *Id.* at 20.

³ “Starting in approximately 1956, the United States improperly ignored and mistakenly treated as terminated the Koi Nation’s status as a federally recognized tribe.” *Koi Nation of Northern California v. U.S. Dep’t of the Interior*, 361 F. Supp. 3d 14, 21 (D.D.C. 2019). Interior reaffirmed in 2000 that the Koi Nation is a federally recognized tribe. A federal court has held “that the Koi Nation is a tribe ‘restored to Federal recognition’ within the meaning of IGRA’s . . . restored lands exception.” *Id.* at 48. Plaintiffs do not contend otherwise.

The Koi Nation's Third Attempt at a Bay Area Casino

36. The proposed casino on the Shiloh Site is not the first time the Koi Nation has pursued a casino in the Bay Area. The Koi Nation has previously pursued two other casino projects in the region.

37. In 2005, the Koi Nation announced plans to open a casino near Oakland International Airport—approximately 120 miles from the City of Clearlake.

38. In 2014, the Koi Nation sought to move forward with a casino in Vallejo—more than 70 miles from the City of Clearlake.

39. The Koi Nation was ultimately unable to build a casino in Oakland or Vallejo.

40. In 2021, the Koi Nation applied to Interior for a “fee-to-trust transfer” of the Shiloh Site—that is, an application for Interior to take the Shiloh Site into trust on behalf of the Koi Nation. The Koi Nation simultaneously submitted a “Request for Restored Land Opinion,” asking Interior to determine that the Shiloh Site would be “Indian lands” eligible for gaming under the “restored lands” exception pursuant to IGRA.

Interior's Decision, and Insufficiency of the Record

41. On January 13, 2025, in the last week of the Biden Administration, Interior granted the Koi Nation’s requests. Specifically, Interior issued (1) a Record of Decision, analyzing and approving the proposed project under the National Environmental Policy Act and in other respects, and (2) an accompanying Decision Letter. The Decision Letter, signed by the Education Director, concluded that the “restored lands” exception applied: “the Shiloh Site will be acquired in trust for the Tribe as a restoration of land for a restored tribe.” Decision Letter at 29.

42. The Decision Letter spends just over two pages discussing the Koi Nation's historical connection to the Shiloh Site for purposes of the "restored lands" exception. Decision Letter at 18–20.

43. The Decision Letter states that “perceived gaps or inconsistencies” in the historical record “must, “where possible,” “be . . . resolved in favor of the applicant tribe.” Decision Letter at 19. Without citation to authority, the Decision Letter asserts that “[t]his is consistent with

1 caselaw, the Indian canons of statutory interpretation, and Congress's intent." Decision Letter at
2 19.

3 44. The specific facts in the record on which the Decision Letter relies for its
4 "significant historical connection" analysis (i.e., to assess the Koi Nation's historical connection
5 to the Shiloh Site) can be summarized as follows:

- 6 a. The Koi Nation had "extensive trade routes and trade networks
7 throughout the California coastal region including the area of the
8 Shiloh Site." Decision Letter at 20. Specifically, the Koi Nation
9 "sourced, manufactured, and traded clamshell beads and magnesite
10 that were geographically specific to the region of the Shiloh Site." *Id.*
- 11 b. "[M]ultiple census reports indicate the presence of tribal ancestors
12 near the Shiloh Site." *Id.* In particular, "Captain Tom Johnson, a
13 tribal ancestor, occupied the area of the Shiloh Site with his family
14 and established tribal political headquarters there." *Id.* According to
15 the Decision Letter, Tom Johnson and his family moved to
16 Sebastopol—apparently from the Clear Lake region—in 1918. *Id.* at
17 8. Thereafter, according to the Decision Letter, "[b]oth Santa Rosa
18 and Sebastopol served as the Tribe's political headquarters from the
19 1920s to the 1940s." *Id.*
- 20 c. "The Tribe's history reflects both forced labor and, later, voluntary
21 labor and occupancy in what became Sonoma County." *Id.* at 20. In
22 support, the Decision Letter points to Captain Johnson: "Captain
23 Johnson's documented presence along with documented presence of
24 other Tribal ancestors, many of whom acted as farm laborers, and the
25 establishment of orchards establishes a pattern of occupancy and
26 subsistence-like migratory and seasonal labor in and around the
27 Shiloh Site." *Id.*

28

d. “[T]he Koi Nation has used the area around the Shiloh Site as burial grounds for over a century.” *Id.* By this, the Decision Letter appears to mean that individual members of the Koi Nation were buried in public cemeteries across Lake, Napa, and Sonoma Counties: “Sonoma Coast/Goat Rock in Sonoma County; Shiloh Cemetery in Windsor, Sonoma County; St. Mary's Cemetery, Lakeport, Lake County; Calvary Cemetery, Santa Rosa, Sonoma County; Rural Cemetery, Santa Rosa, Sonoma County; Pioneer Cemetery, Calistoga, Napa County.” *Id.* These public cemeteries were in addition to “the traditional cemetery near Lower Lake.” *Id.*

11 45. The record is insufficient to demonstrate that acquisition of the Shiloh Site
12 represents a “restoration” of the Koi Nation’s lands within the meaning of the statute. The record
13 is also insufficient to demonstrate the “significant historical connection” between the Koi Nation
14 and the Shiloh Site that Interior, through its regulations, has historically understood the statute to
15 require. For instance,

16 a. “[T]rade routes and trade networks throughout the California coastal
17 region” do not represent the kind of enduring tribal presence that
18 would be necessary for acquisition of the Shiloh Site to represent
19 “restoration” of that land to the Tribe. Trade is a transitory activity
20 that necessarily involves other communities; it does not imply an
21 enduring tribal presence comparable to the exercise of tribal
22 sovereignty or control (as necessary to support the view that
23 extending tribal sovereignty and control over the Shiloh Site
24 represents a “restoration”). Indeed, evidence that a tribe engaged in
25 trade throughout an area may amount to nothing more than “evidence
26 that a tribe merely passed through [that] particular area”—which
27 Interior has historically correctly rejected as insufficient to justify the
28 “restored lands” exception. *See* 73 Fed. Reg. 29,366 (May 20, 2008).

- b. The presence of individual tribal ancestors, during the twentieth century, is not the same thing as the collective presence of the Tribe itself. Moreover, it does not establish that the Tribe exercised sovereignty or control over its land—as necessary to support the view that extending tribal sovereignty and control over the Shiloh Site represents a “restoration.” The presence of individual tribe members during the twentieth century cannot be sufficient to justify the “restored lands” exception: otherwise, that “exception” could swallow the rule.
- c. “[S]ubsistence-like migratory and seasonal labor,” like trade, is an inherently transitory activity: it does not imply a tribal presence comparable to the exercise of tribal sovereignty. And to the extent the Decision Letter invokes “occupancy” as something distinct from migratory and seasonal labor (which the Decision Letter itself does not make clear), the Decision Letter appears to mean the twentieth-century presence of individual tribal ancestors like Captain Johnson and his family—which, as just discussed, is insufficient to justify the “restored lands” exception.
- d. Likewise, the presence of individual tribal members in public cemeteries across Lake, Napa, and Sonoma Counties is insufficient to demonstrate that acquisition of the Shiloh Site represents a “restoration” of that site to the Koi Nation. Indeed, it appears that Interior may have determined that any cemetery where a Koi Nation member is buried is a tribal burial ground for purposes of establishing a significant historical connection—even if those individuals died in the twentieth or twenty-first centuries.

27 46. The lack of evidence in the record for the Koi Nation's enduring, collective presence
28 on the Shiloh Site stands in contrast to the extensive evidence that the Koi Nation itself has

1 articulated its enduring, collective presence in its Clear Lake homeland. In its litigation against
 2 the City of Clearlake, the Koi Nation has put forth evidence of “dense historic Indigenous
 3 habitation” in the Clear Lake region, including ancestral villages; a multitude of burial sites and
 4 human remains; and the location of the Koi Nation Rancheria itself. *See* Koi Nation’s Opening
 5 Br. at 11-12, 18, 20, 52, 57, *Koi Nation of Northern California v. City of Clearlake*, No. A169438
 6 (Cal. Ct. App. Apr. 30, 2024). The Koi Nation has asserted that its ancestral homeland lies in the
 7 Clear Lake region: “Settlers occupied and established the City [of Clearlake] where the Koi
 8 Nation’s ancestors had villages and sacred sites along the shores of Clearlake since time
 9 immemorial.” *Id.* at 11. The record before Interior evidenced that the Koi Nation’s relationship
 10 to the Shiloh Site is qualitatively different from its relationship to its homeland around Clear
 11 Lake.

12 47. It was legal error for Interior to conclude that it should fill evidentiary gaps or
 13 resolve factual inconsistencies in the Koi Nation’s favor. *See* Decision Letter at 19. Even if the
 14 so-called “Indian canon” (a canon of statutory construction) could somehow bear on the
 15 resolution of disputed facts, that canon has no application where “all tribal interests are not
 16 aligned.” *Redding Rancheria v. Jewell*, 776 F.3d 706, 713 (9th Cir. 2015). Such is the case here,
 17 where other local tribes—including the Federated Indians of Graton Rancheria, the Lytton
 18 Rancheria of California, the Dry Creek Rancheria Band of Pomo Indians, and the Cloverdale
 19 Rancheria of Pomo Indians—are aligned with the Governor and the State in their opposition to
 20 the Koi Nation’s casino project.

21 48. The “restored lands” exception must not be construed so broadly as to “give
 22 restored tribes an open-ended license to game on newly acquired lands.” *Redding Rancheria*, 776
 23 F.3d at 711. On the contrary: “In administering the restored lands exception, the Secretary needs
 24 to ensure that tribes do not take advantage of the exception to expand gaming operations unduly
 25 and to the detriment of other tribes’ gaming operations.” *Id.* By applying the “restored lands”
 26 exception to the record before it, outside of where the Koi Nation has previously asserted to be its
 27 ancestral homeland, Interior has departed from that mandate here.

FIRST CLAIM FOR RELIEF
(Administrative Procedure Act (5 U.S.C. §§ 701-706))
(Against All Defendants)

49. Plaintiffs reallege and incorporate each and every allegation in paragraph 1 through 48 inclusive of their Complaint with the same force and effect as though fully set forth herein.

50. Defendants' invocation of IGRA's "restored lands" exception in the context of the Shiloh Site is contrary to the statute.

51. Defendants' invocation of IGRA's "restored lands" exception in the context of the Shiloh Site is contrary to Interior's own prior understanding of the statute, including Interior's own regulations, and is therefore arbitrary and capricious.

52. Defendants' decision to take the Shiloh Site into trust for gaming under IGRA's "restored lands" exception is not in accordance with law, and is arbitrary, capricious and an abuse of discretion, unsupported by substantial evidence, and exceeds the jurisdiction and authority of Defendants.

53. No adequate remedy other than those sought by this Complaint are afforded by law.

SECOND CLAIM FOR RELIEF
(Declaratory Judgment (28 U.S.C. § 2201(a))
(Against All Defendants)

54. Plaintiffs reallege and incorporate each and every allegation in paragraphs 1 through 53 inclusive of their Complaint with the same force and effect as though fully set forth herein.

55. An actual controversy between Plaintiffs and Defendants exists within the jurisdiction of this Court upon the matters stated herein.

56. Plaintiffs assert that the Shiloh Site is not eligible for gaming under IGRA's "restored lands" exception.

57. Defendants have determined that the Shiloh Site *is* eligible for gaming under IGRA's "restored lands" exception.

58. The controversy between Plaintiffs and Defendants is ripe and justiciable and Plaintiffs are entitled to declaratory judgment under 28 U.S.C. §§ 2201 and 2202.

59. Accordingly, relief is prayed as hereafter set forth.

PRAYER

Plaintiffs respectfully pray:

1. That the Court enter an order vacating and setting aside Defendants' decision to take the Shiloh Site into trust for gaming, under IGRA's "restored lands" exception, as arbitrary, capricious, unsupported by substantial evidence, an abuse of discretion, or otherwise not in accordance with law, or in excess of the statutory jurisdiction and authority of Defendants.

2. That the Court issue injunctive relief and any other orders necessary to reverse the Defendants' decision to take the Shiloh Site into trust for gaming under IGRA's "restored lands" exception.

3. That the Court enter a declaratory judgment declaring that the Shiloh Site is not eligible for gaming under IGRA's "restored lands" exception.

4. For such further other relief as the Court may deem proper, just and appropriate, including but not limited to recovery of Plaintiffs' costs of suit herein.

Dated: May 2, 2025

Respectfully submitted,

ROB BONTA

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Acting Senior Assistant

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/s/ Jeremy Stevens

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Deputy Attorney General

*Attorneys for Plaintiffs State of California and
Gavin Newsom, Governor of California*

CIVIL COVER SHEET

This civil cover sheet does not replace or supplement the filing and service of pleadings or other papers. The information on this form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket. Instructions are on the reverse of this form.

I. PLAINTIFF(S)

THE STATE OF CALIFORNIA, a State of the United States; and GAVIN NEWSOM, Governor of California

County of Residence of First Listed Plaintiff: **Sacramento**
 Leave blank in cases where United States is plaintiff.

Attorney or Pro Se Litigant Information (Firm Name, Address, and Telephone Number)

Jeremy Stevens and Lisa L. Freund, Deputy Attorneys General, California Office of the Attorney General, 1300 I Street, Sacramento, CA 95814 / Telephone: (916) 210-6527

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

U.S. Government Plaintiff Federal Question (U.S. Government Not a Party)
 U.S. Government Defendant Diversity

DEFENDANT(S)

UNITED STATES DEPARTMENT OF THE INTERIOR: DOUGLAS BURGUM, Secretary of the United States Department of the Interior; SCOTT DAVIS, Acting Assistant Secretary for Indian Affairs, United States Department of the Interior; TONY DEARMAN, Director of Indian Education, United States Department of the Interior

County of Residence of First Listed Defendant:
 Use ONLY in cases where United States is plaintiff.

Defendant's Attorney's Name and Contact Information (if known)

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC § 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury – Product Liability	<input type="checkbox"/> 422 Appeal 28 USC § 158	<input type="checkbox"/> 376 Qui Tam (31 USC § 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC § 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability		LABOR	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle		<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury -Medical Malpractice		<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	IMMIGRATION	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	HABEAS CORPUS	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities- Employment	<input type="checkbox"/> 535 Death Penalty		<input checked="" type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities-Other	OTHER		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee- Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

Original Proceeding Removed from State Court Remanded from Appellate Court Reinstated or Reopened Transferred from Another District

Multidistrict Litigation-Transfer

Multidistrict Litigation-Direct File

**VI. FOR DIVERSITY CASES ONLY:
CITIZENSHIP OF PRINCIPAL PARTIES**

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

Plaintiff Defendant

Citizen of California
 Citizen of Another State
 Citizen or Subject of a Foreign Country
 Incorporated or Principal Place of Business In California
 Incorporated and Principal Place of Business In Another State
 Foreign Nation

VII. REQUESTED IN COMPLAINT

Check if the complaint contains a **jury demand**.
 Check if the complaint contains a **monetary demand**. Amount: **_____**
 Check if the complaint seeks **class action** status under Fed. R. Civ. P. 23.
 Check if the complaint seeks a **nationwide injunction** or Administrative Procedure Act vacatur.

VIII. RELATED CASE(S) OR MDL CASE

Provide case name(s), number(s), and presiding judge(s).

Federated Indians of Graton Rancheria v. Burgum, et al.; ## 24-cv-08582 (25-cv-01640); The Hon. Rita F. Lin

IX. DIVISIONAL ASSIGNMENT pursuant to Civil Local Rule 3-2

(Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND

SAN JOSE

EUREKA-MCKINLEYVILLE

DATE 05/02/2025

SIGNATURE OF ATTORNEY OR PRO SE LITIGANT /s/ Jeremy Stevens