United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

APR 0 9 2003

The Honorable Mike Thompson
House of Representatives
Washington, D.C. 20515

2003 APR 15

Dear Mr. Thompson:

Thank you for your letter of December 10, 2002, regarding the status of land on which the Dry Creek Rancheria Band of Pomo Indians operates a Class III gaming establishment known as the River Rock Casino. We apologize for our failure to respond to your earlier letters of last summer. We also regret any misunderstanding your office may have experienced with the Bureau of Indian Affairs Congressional Affairs staff.

The Dry Creek Rancheria lands, consisting of 75 acres in Sonoma County, California, are owned in fee by the United States for the Band's beneficial use. Enclosed is a letter dated March 29, 2002, from The Superintendent, Central California Agency, to the Chairperson, Dry Creek Rancheria, regarding the status of the Rancheria lands. We concur with the Superintendent's determination. Our views regarding this matter recently have been upheld by the U.S. District court for the Northern District of California in Proschold v. United States, No. C 01-2390 SBA (August 13, 2002).

In addition, we believe that the Dry Creek Rancheria lands are within the definition of the term "Indian lands" as defined in 25 U.S.C. 2703(4) because they are both within the limits of the Band's reservation and are held in trust for the benefit of the Band. Finally, the Band has negotiated a Class III gaming compact with the State of California, and this compact has been approved by the Secretary of the Interior, and notice of its approval published in the FEDERAL REGISTER on May 16, 2000, as required by 25 U.S.C. 2710(d)(3)(B).

It is within the Bureau of Indian Affairs authority to determine the status of lands within its jurisdiction and to determine whether any such lands are within the boundaries of an Indian reservation. If you have any additional questions regarding this matter, please call me at (202) 208-7163.

Thank you for your interest in Indian gaming matters.

Sincerely,

/sgd/ Aurene M. Martin

Assistant Secretary - Indian Affairs

Enclosure

cc: Regional Director, Pacific Region
Superintendent, Central California Agency
Acting General Counsel, National Indian Gaming Commission