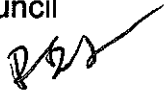


# City of Calistoga

## Staff Report

**TO:** Honorable Mayor and City Council  
**FROM:** Richard Spitler, City Manager   
**DATE:** February 1, 2011  
**SUBJECT:** Resolution authorizing the Mayor to send letters to Senators Diane Feinstein and Barbara Boxer and Congressman Mike Thompson requesting opposition to any federal government settlement with the Mishewal Wappo Indian Tribe in Napa County

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 2 **ISSUE:** Consideration to authorize the Mayor to send letters to Senators Diane  
 3 Feinstein and Barbara Boxer and Congressman Mike Thompson requesting  
 4 opposition to any federal government settlement with the Mishewal Wappo Indian  
 5 Tribe in Napa County.

6  
 7 **RECOMMENDATION:** Adopt resolution.  
 8

9 **BACKGROUND/DISCUSSION:**

10 It has come to staff's attention that the Mishewal Wappo Indian Tribe has entered  
 11 into litigation with the federal government to obtain recognition as a tribe. While  
 12 this tribe appears to be primarily based in Alexander Valley (Sonoma County),  
 13 they have sought recognition in Lake, Sonoma and Napa Counties.  
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15 Since they did not go through an administrative appeals process with the  
 16 Department of Interior (but went directly to federal court), the normal public  
 17 noticing requirements did not occur. Accordingly, Napa County and the cities  
 18 within the county have only recently become aware of this litigation. The concern  
 19 is that if the tribe is recognized that they will seek land. If land so acquired  
 20 obtains trust status with the Department of Interior, under California law, they can  
 21 seek to establish Indian gaming as well as other commercial ventures without  
 22 adherence to local general plans or zoning.  
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24 Napa County and most of the cities within the boundaries have entered into the  
 25 federal lawsuit as interveners. Calistoga has not, due to concerns about expense  
 26 and that the court hearing has been postponed to April 2011. The City has also  
 27 been assured that Napa County interests in this matter will likely encompass the  
 28 City's interests.  
 29

30 Napa County has requested that the city of Calistoga send letters to our  
31 congressional representatives opposing any federal settlement with the Mishewal  
32 Tribe that might result in trust land being established in Napa County and its  
33 cities. Attached is a draft of the letter to be sent to Senator Feinstein, with similar  
34 ones to be sent to Senator Barbara Boxer and Congressman Mike Thompson.

35

36 **FISCAL IMPACT:**

37 There is no fiscal impact to the City in sending this letter.

38

39 **ATTACHMENTS:**

40 Draft Resolution

41 Draft Letter to Diane Feinstein

**RESOLUTION 2011-XXX**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA,  
STATE OF CALIFORNIA AUTHORIZING THE MAYOR TO SEND LETTERS TO SENATORS  
DIANE FEINSTEIN AND BARBARA BOXER AND CONGRESSMAN MIKE THOMPSON  
REQUESTING OPPOSITION TO ANY FEDERAL GOVERNMENT SETTLEMENT WITH THE  
MISHEWAL WAPPO INDIAN TRIBE IN NAPA COUNTY**

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**WHEREAS**, the City Council has reviewed and considered the recommendations of the City Manager regarding the pending federal litigation regarding the Mishewal Wappo Indian Tribe's request to seek recognition as a tribe in Lake, Napa and Sonoma Counties; and

**WHEREAS**, due to concerns that recognition of the Mishewal Wappo Indian Tribe will lead to land acquisition that may achieve sovereign status, not subject to local general plan or zoning control or regulation; and

**WHEREAS**, there is concern that development on these lands, such as Indian Gaming, could have harmful effects on the City's and Napa Valley's open space and agricultural lands; and adversely impact the city of Calistoga's limited water and sewer supply.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Calistoga hereby directs the Mayor of the city of Calistoga to send a letter to Senators Diane Feinstein and Barbara Boxer and Congressman Mike Thompson requesting opposition to any federal government settlement with the Mishewal Wappo Indian Tribe in Napa County as generally set forth in Exhibit A to this resolution.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Calistoga at a regular meeting held this **1<sup>st</sup> day of February, 2011**, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN/ABSENT:**

**JACK GINGLES, Mayor**

**ATTEST:**

**SUSAN SNEDDON, City Clerk**