



## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

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### Scotts Valley Band of Pomo Indians of California; Liquor Control Ordinance

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the Scotts Valley Band of Pomo Indians of California Liquor Control Ordinance, which regulates and controls the consumption, possession, sale, manufacture, and distribution of liquor within Tribal Trust Lands under the jurisdiction of the Scotts Valley Band of Pomo Indians of California, including its Trust Land located in Vallejo County, in order to permit alcohol sales by tribally owned and operated enterprises and private lessees, and at tribally approved special events. The Liquor Control Ordinance will provide a source of revenue for the continued operation of the tribal government, the delivery of governmental services, and the economic viability of tribal enterprises.

**DATES:** This Ordinance shall become effective [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**FOR FURTHER INFORMATION CONTACT:** Ms. Sarraye Forrest-Davis, Tribal Government Specialist, Bureau of Indian Affairs, Pacific Region, Division of Tribal Government Services, 2800 Cottage Way, Room W-2820, Sacramento, California 95825, Telephone (916) 206-9634, Fax: (916) 978-6099.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the *Federal Register* notice of adopted liquor control ordinances for the purpose of regulating liquor transactions in Indian country. On October 16, 2025, the Tribal Council of the Scotts

Valley Band of Pomo Indians of California adopted the Scotts Valley Band of Pomo Indians of California Liquor Control Ordinance by Resolution No. S.V. 29-25.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary–Indian Affairs. I certify that the Tribal Council of the Scotts Valley Band of Pomo Indians of California enacted the Liquor Control Ordinance on October 16, 2025.

The Scotts Valley Band of Pomo Indians of California Liquor Control Ordinance shall read as follows:

## **SCOTTS VALLEY BAND OF POMO INDIANS OF CALIFORNIA**

### **A LIQUOR CONTROL ORDINANCE OF THE SCOTTS VALLEY BAND OF POMO INDIANS OF CALIFORNIA ON THE SCOTTS VALLEY INDIAN RESERVATION AND TRIBAL LANDS**

#### **ARTICLE 1. INTRODUCTION**

##### *Section 1. Title; Short Title*

This Ordinance shall be known and cited as “A Liquor Control Ordinance of the Scotts Valley Band of Pomo Indians of California on the Scotts Valley Indian Reservation and Indian Lands” and may be cited as the “Scotts Valley Liquor Control Ordinance” or “Liquor Control Ordinance.”

##### *Section 2. Authority*

This Ordinance is enacted pursuant to the Act of August 15, 1953 (Pub. L. 83-277, 67 Stat. 586, 18 U.S.C. § 1161) and by powers vested in the Tribal Council of the Scotts Valley Band of Pomo Indians of California, the Tribe’s governing body, to promulgate, adopt, and enforce ordinances and resolutions as authorized under Article VI, Section 1 (d), of the Constitution of the Scotts Valley Band of Pomo Indians of the Sugar Bowl Reservation, adopted September 24, 1994.

##### *Section 3. Purpose; Findings*

The purpose of this Ordinance is to regulate and control the consumption, possession, sale, manufacture, and distribution of liquor within Tribal Trust Lands under the jurisdiction of the Scotts Valley Band of Pomo Indians of California, including its Trust Land located in Vallejo County, in order to permit alcohol sales by tribally owned and operated enterprises and private lessees, and at tribally approved special events. Enactment of a liquor control ordinance will help promote and provide a source of revenue for the continued operation of the tribal government, the delivery of governmental services, and the economic viability of tribal enterprises.

The Tribal Council of the Scotts Valley Band of Pomo Indians of California enacts this Ordinance based upon the following findings:

i. The distribution, manufacturing, possession, consumption, and sale of liquor on Tribal Trust Lands is a matter of special concern to the Scotts Valley Band of Pomo Indians of California.

ii. The Scotts Valley Band of Pomo Indians of California is the beneficial owner of Tribal Trust Lands.

iii. In the event the Scotts Valley Band of Pomo Indians of California seeks to operate gaming and related dining, entertainment, and lodging facilities, it shall be located on Tribal Trust Lands where by the Scotts Valley Band of Pomo Indians of California is the beneficial owner.

iv. In the event the Scotts Valley Band of Pomo Indians establishes and operates a gaming facility, it will serve as an integral and indispensable part of the Tribe's economy, providing revenue to the Scotts Valley Band of Pomo Indians of California's government and employment of its tribal citizens and others in the local community.

v. Federal law, as codified at 18 U.S.C. §§ 1154 and 1161, currently prohibits the introduction of liquor into Indian county, except in accordance with State law and the duly enacted laws of the Scotts Valley Band of Pomo Indians of California.

vi. The Scotts Valley Band of Pomo Indians of California recognizes the need for strict control and regulation of liquor transactions on lands under the Scotts Valley Band of Pomo Indians of California's jurisdiction because of the potential problems associated with the unregulated or inadequate regulation of sales, possession, manufacturing, distribution, and consumption of liquor.

vii. Regulating the possession, sale, distribution, consumption, and manufacture of liquor within lands under the Scotts Valley Band of Pomo Indians of California's jurisdiction is also consistent with the Scotts Valley Band of Pomo Indians of California's interests in ensuring the peace, safety, health, and general welfare of the Scotts Valley Band of Pomo Indians of California and its members.

viii. Tribal control and regulation of liquor on lands under the Scotts Valley Band of Pomo Indians of California's jurisdiction is consistent with the Scotts Valley Band of Pomo Indians of California's custom and tradition of controlling the possession and consumption of liquor on Tribal Lands, and at Tribal events.

ix. The purchase, distribution, manufacturing, consumption, possession, and sale of liquor on lands under the Scotts Valley Band of Pomo Indians of California's jurisdiction shall take place only at duly licensed (1) Tribally owned enterprises, (2) other enterprises operated pursuant to a lease with the Tribe, and (3) Tribally sanctioned events.

x. The sale, consumption, possession, or other commercial manufacture or distribution of liquor on lands under the Scotts Valley Band of Pomo Indians of California's jurisdiction, other than sales, consumption, possession, manufacture, and distributions made in strict compliance with this Ordinance, is detrimental to the health, safety, and general welfare of the member of the Tribe, and is prohibited.

xi. The Tribal Trust Land in the City of Vallejo, Solano County, California, accepted into trust for the benefit of the Scotts Valley Band of Pomo Indians on January 10, 2025, shall be subject to this Ordinance and to such site-specific licensing and regulatory provisions as the Tribal Council may adopt to ensure compliance with applicable federal and state law and any Tribal-State Gaming Compact.

#### Section 4. *Jurisdiction*

This Ordinance shall apply to all Lands now or in the future under the governmental control or authority of the Tribe, including Tribe's current Reservation, Tribal Trust Lands, as well as any Lands that may be taken into trust for the Tribe in the future.

#### Section 5. *Application of 18 U.S.C. § 1161*

By enacting this Ordinance, the Tribe hereby regulates the sale, manufacturing, distribution, possession, and consumption of liquor while ensuring that such activity conforms with all applicable laws of the State of California as required by 18 U.S.C. § 1161, other applicable Federal law, and any applicable Tribal-State Gaming Compact.

## **ARTICLE 2. DEFINITIONS**

### Section 1. *Definitions*

As used in this Ordinance, the terms below are defined as follows:

(a) “Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or other distilled spirits including spirit of wine, in any form, and regardless of source or the process used for its production.

(b) “Alcoholic beverage” means all alcohol, spirits, liquor, wine, beer and any liquid or solid containing alcohol, spirits, liquor, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and that is fit for human consumption, either alone or when diluted, mixed, or combined with any other substance(s).

(c) “Compact” means a Tribal-State Compact between the State and the Scotts Valley Band of Pomo Indians of California, as may be amended from time to time or procedures prescribed by the Secretary of the Interior pursuant to 25 U.S.C. 2710(d)(7), under which the Tribe may conduct Class III gaming on “Indian lands” as such term is defined in the Indian Gaming Regulatory Act, 25 U.S.C. 2701, *et seq.*.

(d) “Lands under the Tribe’s Jurisdiction” means and includes all Lands now or in the future under the governmental authority or control of the Scotts Valley Band of Pomo Indians of California.

(e) “License” means, unless otherwise stated, a license issued by the Tribe in accordance with this Ordinance.

(f) “Liquor” means any alcoholic beverage, as defined in this Section.

(g) “Person” means any individual or entity, whether Indian or non-Indian, receiver, assignee, trustee in bankruptcy, trust, estate, firm, corporation, partnership, joint corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise, and any other Indian tribe, band or group. The term shall also include the businesses of the Tribe.

(h) “Tribe” means the Scotts Valley Band of Pomo Indians of California, a federally recognized Indian Tribe that is listed in the Federal Register.

(i) “Tribal Trust Lands” or “Lands” means all real property currently held in trust by the United States for the Scotts Valley Band of Pomo Indians of California, including approximately one hundred sixty acres located in the City of Vallejo, Solano County, California, which was accepted into trust for the benefit of the Tribe on January 10, 2025; and as well as real property that may be taken into trust in the future for the benefit of the Scotts Valley Band of Pomo Indians of California.

(j) “Sale” and “sell” mean the transfer for consideration of any kind, including by exchange or barter.

(k) “State” means the State of California.

(l) “Reservation” means the Sugar Bowl Reservation.

### **ARTICLE 3. LIQUOR SALES, POSSESSION, CONSUMPTION, AND MANUFACTURE**

#### *Section 1. Possession of Alcohol*

The introduction, consumption, and possession of alcoholic beverages shall be lawful within and on Lands under the Tribe’s jurisdiction; provided that such introduction, consumption, or possession is in conformity with the laws of the State and this Ordinance.

#### *Section 2. Retail Sales of Alcohol*

The sale of alcoholic beverages shall be lawful within and on Lands under the Tribe’s jurisdiction; provided that such sales are in conformity with the laws of the State and are made pursuant to a license issued by the Tribe.

#### *Section 3. Manufacture of Alcohol*

The manufacture of beer, wine, and liquor shall be lawful within and on Lands under the Tribe’s jurisdiction; provided that such manufacture is in conformity with the laws of the State and pursuant to a license issued by the Tribe.

#### *Section 4. Age Limits*

The legal age for possession or consumption of alcohol on Tribal Trust Lands shall be the same as that of the State, which is currently 21 years. No person under the age of 21 years shall purchase, possess or consume any alcoholic beverage or be present in any area of the Tribe's gaming operation in which alcoholic beverages may be consumed, except to the extent permitted by State law. If there is any conflict between State law and the terms of the Compact regarding the age limits for alcohol possession or consumption, the age limits in the Compact shall govern for purposes of this Ordinance.

#### **ARTICLE 4. POWER OF THE TRIBAL COUNCIL TO LICENSE**

##### *Section 1. Licensing*

The Tribal Council shall have the authority to require and the power to issue a license under this Ordinance for the sale, manufacture, distribution, or possession (including, without limitation, retail, wholesale, manufacturer, special events licenses and any other type of liquor license recognized by State law) on its Lands; and shall have the power to establish and enforce procedures and standards for such Tribal licensing of liquor sales, manufacture, distribution, and possession within and on Tribal Trust Lands, including the setting of a license fee schedule, and shall have the power to publish and enforce such standards; provided that no Tribal license shall be issued except upon showing of satisfactory proof that the applicant is duly licensed by the State. The fact that an applicant for a Tribal license possesses a license issued by the State shall not provide the applicant with an entitlement to a Tribal license. The Tribal Council may, in its discretion, set standards that are more, but in no case less, stringent than those of the State.

#### **ARTICLE 5. POWER TO ENFORCE**

##### *Section 1. Enforcement*

(a) The Tribal Council shall have the power to develop, enact, promulgate, and enforce regulations as necessary for the enforcement of this Ordinance and to protect the public health, welfare, and safety of the Tribe and Lands under the Tribe's jurisdiction; provided that all such regulations shall conform to, and not be in conflict with, any applicable Tribal, Federal, or State law. Regulations enacted pursuant to this Ordinance may include provisions for suspension or revocation of a Tribal liquor license, reasonable search and seizure provisions, and civil and criminal penalties for the violation of this Ordinance to the full extent permitted by Federal law and consistent with due process.

(b) Tribal law enforcement personnel and security personnel duly authorized by the Tribal Council shall have the authority to enforce this Ordinance by confiscating any liquor sold, possessed, distributed, manufactured, or introduced within Tribal Trust Lands in violation of this Ordinance or of any regulations duly adopted or pursuant to this Ordinance to the full extent permitted by Tribal, Federal, and State law and consistent with due process.

(c) The Tribal Council shall have the exclusive jurisdiction to hold hearings on violations of this Ordinance and any procedures or regulations adopted under or pursuant to this Ordinance; to promulgate appropriate procedures governing such hearings; to determine and enforce penalties or damages for violations of this Ordinance; and to delegate to a subordinate hearing officer or panel the authority to take any or all of the foregoing actions on its behalf.

#### **ARTICLE 6. TAXES**

##### *Section 1. Taxation*

Nothing contained in this Ordinance is intended to, nor does it in any way, limit or restrict the Tribe's ability to impose any tax upon the sale or consumption of liquor or any alcoholic beverage. The Tribe retains the right to impose such taxes by an appropriate Ordinance to the fullest extent permitted by Federal law.

## **ARTICLE 7. MISCELLANEOUS PROVISIONS**

### *Section 1. Sovereign Immunity Preserved*

Nothing contained in this Ordinance shall be deemed or construed, in any way, as a waiver of the Tribe's sovereign immunity, nor shall it be intended to waive, limit, alter, waive, or restrict the sovereign immunity of the Tribe or any of its officers, entities, agencies, agents, and/or officials from unconsented suit or action of any kind. All inherent sovereign rights of the Tribe, its officers, entities, and/or agents are hereby expressly reserved, including the Tribe's sovereign immunity from uncontested suits or actions of any kind.

### *Section 2. Conformity with Applicable Laws*

All acts and transactions under this Ordinance shall be in conformity with the Compact and laws of the State to the extent required by 18 U.S.C. § 1161, and with all Federal laws regarding alcohol in Indian Country.

### *Section 3. Effective Date*

This Ordinance shall be effective as of the date on which the Secretary of the Interior certifies this Ordinance and publishes the same in the Federal Register.

### *Section 4. Repeal of Prior Acts*

All prior enactments of the Tribal Council, including Tribal laws, resolutions, policies, regulations, or ordinances pertaining to the subject matter set forth in this Ordinance are hereby repealed.

### *Section 5. Amendments*

This Ordinance may only be amended pursuant to an amendment duly enacted by the Tribal Council and, to the extent required by Federal law, certification by the Secretary of the Interior and publication in the Federal Register.

### *Section 6. Severability and Savings Clause*

If any section, part, or provision of this Ordinance is held invalid, void, or unenforceable by a court of competent jurisdiction, such adjudication shall not be held to render the remaining sections, parts, and provisions of this Ordinance inapplicable, invalid, void, or unenforceable and the remainder of this Ordinance shall not be affected and shall continue in full force and effect.

**William Henry Kirkland III,**

*Assistant Secretary – Indian Affairs.*