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COUNTY OF SACRAMENTO, CALIFORNIA
& CITY OF ELK GROVE, CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILTON MIWOK RANCHERIA, *et al.*,

Plaintiffs,

vs.

KENNETH L. SALAZAR, *et al.*,

Defendants,

COUNTY OF SACRAMENTO,
CALIFORNIA and CITY OF ELK
GROVE, CALIFORNIA,

Proposed Intervenors.

Case No. C-07-02681-JF-PVT

**DECLARATION OF PAUL
HAHN IN SUPPORT OF
MOTION TO INTERVENE
AND MOTION TO VACATE
JUDGMENT/DISMISS**

HEARING DATE: Sept. 18, 2009
HEARING TIME: 9:00 a.m.
JUDGE: Hon. Jeremy Fogel
COURTROOM: 3

Case No. C-07-05706 (JF)

ME-WUK INDIAN COMMUNITY OF THE
WILTON RANCHERIA, *et al.*,

Plaintiffs,

vs.

KENNETH L. SALAZAR, *et al.*,

Defendants,

COUNTY OF SACRAMENTO,
CALIFORNIA and CITY OF ELK
GROVE, CALIFORNIA,

Proposed Intervenors

I, PAUL HAHN, hereby declare under penalty of perjury as follows:

1. I am the Administrator for the Municipal Services Agency for the County of Sacramento ("County"). I am responsible for overseeing nine different county service departments, including the Planning, Public Works, and Transportation departments. I have been designated by the County Executive Officer to assist County Counsel and special counsel retained by the County Counsel in coordinating the County's response to the Wilton Rancheria's federal claims to land located in the unincorporated area of the County adjacent to the City of Elk Grove.

2. Prior to the settlement of these cases, the County had no notice of the existence of these lawsuits. The County obtained a copy of the settlement on or about June 8, 2009. County Counsel and executive staff promptly began investigating the background and implications of these lawsuits and the settlement.

3. No County Board of Supervisors meetings were held during the four weeks between June 16 and July 14, 2009, due to the Board's pre-planned summer recess. As a result, it was not possible to consult with the Board during that period. Only the County Board of Supervisors may authorize initiate litigation on behalf of

1 the County, or intervention in litigation.

2 4. During this time, however, County Counsel and executive staff
3 continued working on this matter. On or about June 25, 2009, County staff was
4 advised by the City of Elk Grove ("City") that the City had adopted a resolution
5 expressing concern about the recently-entered Stipulation for Entry of Judgment
6 filed in *Wilton Miwok Rancheria v. Salazar*, Case No. 07-cv-02681-JF-PVT (N.D.
7 Cal.) and *Me-Wuk Indian Cmty. of the Wilton Rancheria v. Salazar*, Case No. 07-
8 cv-05706-JF (N.D. Cal.), and authorizing consultation with the Governor's office to
9 request that the State intervene in these actions, and requesting a meeting with the
10 Governor's legal affairs secretary to further discuss State intervention.

11 5. In order to protect the land use jurisdiction of the County, and
12 concerned about the impacts of any development project in this area of the County,
13 the County began consulting with the City to request intervention by the State of
14 California to set aside the settlement. On June 26, 2009, the City and the County
15 sent a joint letter to Governor Arnold Schwarzenegger requesting that the State of
16 California intervene in this matter. A true and correct copy is attached hereto.

17 6. On July 2, 2009, I accompanied representatives of the City and other
18 representatives of the County to meet with representatives of Governor Arnold
19 Schwarzenegger. The purpose of the meeting was to further inquire whether the
20 State of California intended to challenge the land use aspects of the Stipulation,
21 because it proposes to remove certain land from state and local jurisdiction. The
22 Governor's representatives indicated that they also only recently learned of the
23 Stipulation as well but were immersed in budget discussions and had few resources
24 to devote to this issue at that time. They indicated that they would get back to the
25 City and the County after further consideration. No subsequent communication
26 from the Governor's office has been received.

27 7. After more than a week without response from the Governor's office, I
28 was informed by representatives of the City of Elk Grove that it had requested an

1 opinion from special counsel regarding how it could protect its interests, including
2 the ability of the City to intervene in the litigation. Though the County Board of
3 Supervisors was then in recess, to protect the County's interests County Counsel
4 retained special counsel to also advise the County as to its legal options, including
5 intervention in this matter so as to set aside the judgment, pending Board
6 approval.

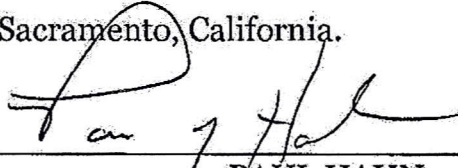
7 8. Special counsel provided intervention pleadings to the County for
8 review and approval on or about August 1, 2009.

9 9. On August 4, 2009, the Board of Supervisors authorized intervention in
10 this matter.

11 10. I understand that the federal government has agreed, in the settlement,
12 that, once the specified parcels in Sacramento County are taken into trust, the
13 tribes need to consult State and local governments and obtain approval from the
14 Governor to make those parcels eligible for casino-style gaming. As the County
15 executive officer overseeing the Planning, Public Works, and Transportation
16 departments, among others, I am very familiar with the impacts that large
17 commercial developments have on county interests. Such a project will inevitably
18 have significant impacts on the County's public services departments,
19 transportation system, natural resources, and environment.

20 I declare under penalty of perjury under the laws of the State of California
21 that the foregoing is true and correct of my own personal knowledge except for
22 those matters stated on information and belief and, as to those matters, I believe
23 them to be true. If called as a witness, I could competently testify thereto.

24 Executed on August 4, 2009, at Sacramento, California.

25 
26 _____
27 PAUL HAHN
28

1 I, Christopher E. Skinnell, the e-filer of this document, attest that
2 concurrence in the filing of this document has been obtained from the signatory.

3 Dated: August 4, 2009

By: /s/Christopher E. Skinnell
Christopher E. Skinnell

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Joint Letter, County of Sacramento/City of Elk Grove
Honorable Arnold Schwarzenegger, Governor of the State of California
June 26, 2009
Page 2 of 3

The United States Supreme Court has ruled in *Carcieri v. Salazar* (2009) ___ U.S. ___; 129 S. Ct. 1058 that the Secretary of the Interior has no authority to take land into trust for an Indian Tribe not under federal jurisdiction in 1934. Yet, the Wilton Rancheria did not organize until 1936.

By entering the stipulation granting such status, the Department of the Interior has usurped not only the congressional authority to recognize tribes, but also ignored the directives of the United States Supreme Court as to which tribes may place lands into trust.

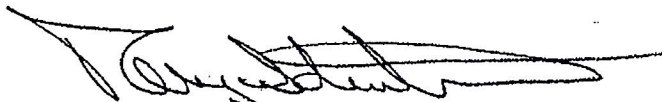
Obviously, Sacramento County and its residents face potential local impacts from this decision over time. Because of the proximity of the Wilton Rancheria lands to its city limits, services provided to residents within the City of Elk Grove may be affected as well. Regardless of the local impacts, the manner in which the Department of Interior has acted in this instance should cause grave concern to the State of California.

No longer will the United States Congress be the arbiter of tribal recognition. Further, the current limits on which recognized tribes may place lands into trust become no limits at all. There is a potential for wide-ranging impacts throughout the State if the Department of Interior is permitted to act in this fashion. It will also impact the relationship of the State with existing, legitimately recognized tribes.

For these reasons, we believe the State should intervene in this action and seek to overturn the stipulation. Therefore, we respectfully request a time to meet with your Legal Affairs Secretary, Andrea Hoch, as soon as possible.

Thank you for your attention to this matter.

Sincerely,



Terry Schutten
County Executive
County of Sacramento

Sincerely,



Laura S. Gill
City Manager
City of Elk Grove

Enclosure: Stipulation and [Proposed] Order for Entry of Judgment-
C-07-02681/C-07-05706 JF

c: Distribution

Joint Letter, County of Sacramento/City of Elk Grove
Honorable Arnold Schwarzenegger, Governor of the State of California
June 26, 2009
Page 3 of 3

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The Honorable James Cooper-Council Member, City of Elk Grove
The Honorable Gary Davis-Council Member, City of Elk Grove
The Honorable Steven M. Detrick-Council Member, City of Elk Grove
Andrea Hoch-Legal Affairs Secretary
Robert A. Ryan-County Counsel, County of Sacramento
Susan Cochran-City Attorney, City of Elk Grove
Christina V. Kazhe, Kazhe Law Group PC
Robert A. Rosette, Rosette & Associates, PC