

Stand Up For California!

"Citizens making a difference"

www.standupca.org

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July 28, 2009

Honorable Ken Salazar
Secretary of the Interior
1849 C. Street
Washington, D. C.
FX: 202-208-6956

Honorable Larry Echo Hawk
Asst. Secretary - Bureau of Indian Affairs
1849 C Street
Washington, D.C.
FX: 202-208-5320

**RE: Request to withdraw the 2005 land determination for the
Buena Vista Band of Me-wuk Indians by the National Indian Gaming Commission**

Dear Secretary Salazar and Asst. Secretary Echo Hawk:

Stand Up For California is a statewide organization with a focus on gambling issues affecting California, including tribal gaming, card clubs, horseracing, charitable gaming and the state lottery. We have been involved in the ongoing debate of issues raised by tribal gaming and its impacts for more than a decade. Since 1996, we have assisted individuals, community groups, elected officials, and members of law enforcement, local public entities and the State of California as respects to gaming impacts. We are recognized and act as a resource of information to local, state and federal policy makers.

Both of you have taken on a job with major challenges which present far-reaching consequences which necessitate development of complex solutions both legal and political. We applaud your willingness to accept this heavy burden and wish both of you success in resolving significant issues. It is Secretary Echo Hawk's quote that has motivated this letter of request as our organization is very concerned about the unintended consequences of land determinations and after-acquired land processes for tribal gaming in California. These are big issues that have significant impacts on the tribal and non-tribal public of our state.

"Sometimes I'm a bit frustrated because we have meetings, in conference rooms, and there's like 10 lawyers in the room, and we're talking about big issues," Echo Hawk told the Idaho Statesman (July 20, 2009). "But I yearn to be able to see what the impact is, where the people are out in these isolated communities. So that's what I really care about."

Thus, because of Secretary Echo Hawk's concern over impacts on communities we write today regarding the 2005 lands determination issued for the Buena Vista Band of Me-wuk Indians ("Tribe") by the National Indian Gaming Commission, ("NIGC"). We believe in light of the recent *Carcieri v. Salazar* ruling and the many pending gaming applications associated with

California Rancheria Tribes¹ that it is in the best interests of the Secretary of the Interior and the Assistant Secretary to withdraw this land determination.

Without doubt, California more than any other State in the Union, is significantly affected by the Carcieri ruling and requires a planned approach with regards to all Rancheria Tribes. Thus, withdrawal of the Buena Vista lands determination of 2005 is reasonable and necessary to prevent further complications to the development of a programmatic policy for California.

You will note in the attached list of gaming applications, many are Rancheria Tribes seeking an exception as restore lands 2719(b)(1)(iii) under the Indian Gaming Regulatory Act ("IGRA"). While the Tribe is not seeking an exception under section 20 of IGRA it is making an equally unfounded claim to promote gaming on land as a matter of right 2703(4) (A). The Tribe is asserting that the proposed subject land for the casino project is a "reservation". Further that the Tribe is a restored tribe under the Tillie Hardwick stipulated judgment. The Carcieri ruling raises a number of questions that directly affect the 2005 lands determination by the NIGC.

As the new decision makers at the Department of the Interior your final agency actions will set policy for the nation. Foresight, planning and consistency are of great importance to the integrity of your decision process. Stand Up For California wishes to submit comment that focuses on the importance of broader policy issues connected to why a withdrawal of the land determination is a necessary policy action.

Discussion

Indian Commissioners, Agents and Special Investigators have recognized over the years that California Indian issues are unique to the nation. Hopefully, our comments will be helpful and useful in providing perspective to you in your decision making process. Our comments will address a much larger perspective:

- The history of the creation of California Rancherias
- The establishment of the Buena Vista Rancheria
- Restoration and the 1994 List Act
- Unintended consequences
- The big question for the Department of the Interior: Under what delegation of Congressional authority is the Secretary authorized to develop stipulated agreements for the restoration of California Rancheria Bands?
- Is a "Carcieri fix" affected by the Buena Vista Land Determination in California?

¹ Attached is a list of the Pending California Applications, proposed off reservation locations, exception under IGRA, gaming investors, lobbyists and attorneys.

I. The history of the creation of California Rancherias

What is a “Rancheria”? While the term is frequently used interchangeably with the term “Reservation”, the two terms describe significantly different types of land holdings. A Rancheria is a generally small, parcel of land which has been purchased by the United States from third parties. The title to which is held by the United States in fee, and which has been allocated to the use and benefit of designated Indians or groups of Indians or a collection of individuals of similar ancestry. The holding of title by the United States may or may not be in trust.²

“Reservations” on the other hand, are ancestral tribal lands held or occupied by Indian groups prior to contact with non-Indians, which have been “reserved” to those groups from the lands given over by them to the United States and placed by the United States in the public domain. As a general proposition, when the United States entered into treaties with Indian tribes prior to 1871, Tribes “reserved” some of their lands for their own use.

A “Rancheria” however, is not “reserved” land as to which a tribe had aboriginal ownership when it fell under the control of the United States. To the contrary, Rancherias are lands purchased or otherwise acquired by the United States for the benefit of Indians or a collection of Indian groups which may or may not be organized as tribes, but not necessarily held in trust for them. Indeed, the process of transferring fee land into trust did not begin until 1934 and most Rancheria lands were purchased prior to 1934.

For these reasons the legal status of a Rancheria is qualitatively different from that of a Reservation, although both types of holdings may qualify for jurisdictional purposes, under the broader term of “Indian Country”. (18 USC 1151) But the definition of eligible lands for gaming found in (25 USC 2703 (A) and (B)) is much more specific and restrictive than the definition of Indian County.

Beginning in 1905 Congress passed legislation that assigned a special investigator to secure complete and accurate data and make recommendations to improve the conditions of California Indians. The chosen special investigator was no slouch when it came to Indian Affairs. Charles E. Kelsey was appointed by Congress in 1906 as a Special Indian Agent for California working for the Bureau of Indian Affairs. He was a San Jose attorney. He graduated from Amherst College in 1884. He was an advocate of Indian rights, specializing in documenting bands and tribes without reservation lands.

The 1905-1906 censuses were part of the effort to determine how many Indians had no land. One result of this effort was the purchase of small parcels of land, called “Rancherias” for landless Indians. His report details the conditions of homeless landless Indians of California and makes the recommendation that became a model in the development of Indian policy in California. Mr. Kelsey’s recommendation for Northern California homeless landless Indians follows:

² Trust land creates specific rights in the Indian group’s occupant even against the United States itself, as opposed to being held merely permissively by the group, with no rights. For compensation in the event of a taking of the land for public purposes, see *Federal Power Commission v. Tuscarora Indian Nation* (1960362 U.S. 99)

“The day has gone by in California when it is wise to herd the Indians away from civilization, or to subject them to the stinging influences of reservation life. Some of the past reservation experiences in California have been so harrowing that the Indians fear reservations above all things. Moreover, the expense of establishing reservations, and more especially maintaining them, would be enormous. Reservations, therefore, seem out of the question.” (Emphasis added)

Mr. Kelsey goes on to recommend:

“It should, however, be feasible and comparatively inexpensive to give these Indians allotments, and there would be no expense connected with the allotment after they are once made.”

Thus, a series of Appropriation Acts followed providing funding for the purchase of small tracks of land developed as formal and informal allotments for Indians of no specific tribal affiliation.

II. The establishment of the Buena Vista Rancheria

The 1923 records of the Reno Indian Agency³ (“Agency”) indicate approximately 260 Indians comprising six groups were actually residing in Amador County, California. One of the six groups the Buena Vista band consisted of four families; totaling 6 adults and 14 minors. Previously in 1917, when 160 acres of land in El Dorado County, was being discussed for the purchase for the *use and occupancy* of the Sacramento-Verona Band it was anticipated by Indian Agent John Terrell at that time, that all Indians residing in Sacramento, Yolo, El Dorado and Amador County would reside on that property. That proposal was repeated many times in correspondence with Washington, D. C.

The Buena Vista Rancheria was purchased for the Oliver Family in 1926. However, by August 19, 1933, C. H. Lippe, Superintendent writes to the Commission of Indian Affairs, he states:

“About five years ago the Department approved the purchase of 70 acres of land in Amador County from Louse Alpers, at a cost of \$3000.00. This land is located a few miles from the town of Lone and there is only one old Indian living on it.”

On January 5, 1956, Mr. Lewey Oliver and Mr. Enos Oliver, the two assignees on the rancheria, requested that they be given fee patents to the Rancheria. The request is completed pursuant to the authority of the Rancheria Termination Act of 1958.

The point here *is not* that the present occupants occupy the Rancheria as allottees. The point is that, when the United States acquired the Rancheria property, it did so at a time when allotments to individuals Indians rather than encouragement of tribal organizations through trust status were existing policy. There is no evidence to indicate that, subsequently when that policy changed,

³ Annual Report 1923 Reno Indian Agency; RG 75 Reno Indian Annual narrative and Statistical Reports 1912-1924 Box 6; Folder (Annual Narrative Reports 1923 Reno Ind. Ag.) pages 1-31

any further action was taken with regard to the Buena Vista Rancheria to convert or otherwise put the land into trust status under the governance of a federally recognized Tribe.

III. Restoration and the 1994 List Act

In 1983, the Tribe was restored to Federal recognition under a class action suit. The court entered without making its own finding a stipulated judgment strictly restoring Rancheria lands to their status prior to the termination. Rancherias are land bases not Tribal governments. The parties to the Stipulation were individuals residing on Rancheria land. There are stipulated judgments for some 40+ tribes in California all having the potential to apply for restored lands.⁴ **How can these stipulations be binding on the State if the State was never a party to the judgment?**

No tribal party was ever involved in any litigation or any of the stipulations. If there is a Stipulation, the court does not render a decision. Nonetheless, the Pacific Regional Office of the BIA misapplied and later treated these stipulated judgments as "restoration of federal status of tribal governance" and placed the land based Rancheria groups of California on the 1994 List of federally recognized tribes. Buena Vista is one such tribe.⁵

We have neither a court nor administrative finding based on evidence to support restoration of tribal governance. Therefore, the misapplication of the stipulation lacks any basis and does not satisfy Congressional statutes. (See PL No. 103-454, Section 103(3) requiring recognition by act of Congress)

Placing the California Rancheria Tribes on the 1994 List of Federally recognized tribes while laudable and intended to guarantee federal services and benefits also has a down-side which raises significant legal concerns.

It appears the intent and spirit of this federal legislation was to prevent Tribes from being treated differently by federal offices and agencies. There are "historic tribes" and then there are "created tribes". For the most part, California Rancheria Tribes fall into the category of "created tribes". Obviously, this language was intended to promote consistency in federal Indian policy. Instead, it created an unintended consequence continuing through present time that far out-weighs the benefit of this charitable action.

⁴ Tillie Hardwick v. United States C-70-1910SW; Scotts Valley v. United States, US District Court for the Northern District of California No. C-86-3660; Daniels v. Andres; Table Mountain vs. Watt. And the Wilton Rancheria, the Stipulation that was given to Sec. Echo Hawk to sign on his 4th day in office.

⁵ Appendixes 1 through 3 in an amici curiae brief that a group of law professors filed with the U. S. supreme Court in Carciari states that: 55 "federally recognized tribes", in California, some that operate gambling casinos most of which gained that ersatz legal status in settlement agreements in lawsuits brought by California Indian Legal Services and to which the Secretary of the Interior and the Assistant Secretary of the Interior for Indian Affairs were party.

IV: Unintended Consequences

The unintended consequence of Senator John McCain's "List Act"⁶ in California relates to Rancheria Bands. Many Rancheria Bands began to organize in order to promote casinos both on and off reservation in 1994. In essence, the 1994 amendments to the Indian Reorganization Act of 1934 had the practical effect of a "class-action recognition" to tribal groups, and set the stage for gaming investors to promote off-reservation gaming in California.

The new provisions added to Public Law 103-263, i.e. subsections (f) and (g) to 25 USC Section 476, were designed to abolish the government's ability to distinguish between "created" and "historical" tribes for services and benefits. **However, it did not abolish the authority of the Courts to make such distinctions in determining whether a particular tribe is entitled to the benefit of the doctrine of tribal sovereign immunity.**

The use of the "List" of federally recognized tribes for purposes of determining that existence or non-existence of tribal sovereign immunity, particularly in the historical context of the Indians of California, is inappropriate.

There is considerable reason to conclude that many of the California Rancheria Bands are not entitled to the benefits of the doctrine of tribal sovereign immunity. A history of that doctrine shows (1) that it is a judicial doctrine, rather than a congressional enactment, which "developed almost by accident" as "an assumption rather than a reasoned statement of doctrine", and (2) that it extends beyond what is needed to safeguard tribal self-governance. *Kiowa Tribe of Oklahoma v. Manufacturing Technologies, Inc.* (1998) 163 U.S. 376, 384.

Sovereign immunity has been made available by the judiciary to tribal governments as "separate sovereigns pre-existing the Constitution." *Santa Clara Pueblo v. Martinez* (1978) 436 U.S. 49, 56. As such, it is a component of inherent rather than delegated, sovereignty. For that reason, concepts of equal protection do not apply; there is a rational basis for treating groups of individuals which have formed themselves into governments differently from non-governmental groups and arguably for refusing to apply the Bill of Rights to Indian tribes. *Martinez, supra, and Talton v. Mayes* (1896) 163-U.S. 376, 384.

All that may be well and good for "historic tribes" which "pre-existed the Constitution, but it has no relevance to tribes which were created, either administratively or directly by Congress, much less to groups or collections of individuals of similar ancestry.

⁶ **1994 Technical Correction – By Senator John McCain states created tribes must be treated like historic tribes. – The List Act** The amendment is intended to prohibit the Secretary or any other Federal official from distinguishing between Indian tribes or classifying them not only on the basis of the IRA but also on the basis of any other Federal law. Other agencies of the Federal Government may have developed distinctions or classifications between federally recognized Indian tribes based on information provided to those agencies by the Department of the Interior. The amendment to section 16 of the IRA is intended to address all instances where such categories or classifications of Indian tribes have been applied and any statutory basis which may have been used to establish, ratify or implement the categories or classifications. There was never a debate over Californian Indian lands and yet this affected over 60 Rancheria tribal groups allowing tribal groups to re-organize and promote off reservation casinos.

Neither Congress or the Secretary of the Interior can or should create an entity out of one group of its citizens, call it a tribal government, and thereby immunize it from the consequences of its actions, while leaving the rest of the nations citizens subject to judicial redress for their actions.

That however is the unintended consequence of Senator John McCain's 1994 List Act amendment and the Bureau of Indian Affairs Pacific Regional Office's misapplication of that Act to land based Rancheria Tribal groups in California.

V. **The big question for the Department of the Interior: Under what delegation of Congressional authority is the Secretary authorized to develop a stipulated agreement for the "restoration" of California Rancheria Bands?**

It is well settled that Congress' authority pursuant to the Indian Commerce Clause is "broad," "plenary and exclusive." *United States v. Lara*, 124 S. Ct. 1628, 1633 (2004). Among other things, under this authority Congress may "recognize," "restore" and "terminate" the federally recognized status of Indian tribes. *Id.* at 1635. Congress' authority over Indian tribes includes the power to legislate for tribes even if the federal relationship has not been continuous.

Congress has not delegated the authority to recognize Tribes to the Department of the Interior. Nevertheless, the Department of the Interior on its own, in 1978 developed regulations (25 C.F.R. part 83) for just that purpose. The Department of the Interior has asserted that 5 USC 301 and 25 USC 2 and 9 have delegated to the Secretary of the Interior the authority to recognize tribes. Nonetheless, the plain language of the statutes contains no delegation of authority to recognize new tribal governments.

The most recent action of a Stipulated Judgment signed by Secretary Echo Hawk for the Wilton Rancheria, on his 3rd or 4th day in office has come under fire. The County of Sacramento, California requested of Governor Schwarzenegger to intervene, stating in a letter quoted in the Sacramento Bee, July 9, 2009 by Loretta Kalb:

"In their letter Schutten and Gill challenged the Interior Department's role in the settlement arguing that it had "usurped...congressional authority" and saying that the agreement should be overturned."⁷

Even in the 101st Congress, Congressman George Miller, Congresswoman Pelosi, Congressman Duncan Hunter and Senator Barbara Boxer all of California recognized the need to establish administrative procedures and guidelines to clarify the status of certain Indian tribes in California. The Secretary of the Interior acknowledged that in reviewing and evaluating particular Indian group's status there were significant questions for various reasons. Further complicating these issues the status of other California Indian groups had been acknowledged, restored or defined by legislative or judicial action, thus creating inconsistent standards.

"The U.S. Constitution contemplates that the extension or termination of recognition by the United States to any Indian tribe is a political question and matter with the sole

⁷ Letter dated June 26, 2009 to Governor Arnold Schwarzenegger from County of Sacramento Terry Schutten, Count Executive and Laura S. Gill, city Manager of the City of Elk Grove.

authority of the Congress and NOT with the powers vested in the judicial branch, but delegable to the executive branch of the Federal Government.”⁸

That delegation has not yet occurred. This affects not only the regulations developed for 25 CFR Part 83, and all the tribes recognized since 1934 but also the new IGRA section 20 rules which include language defining restored lands allowing for *stipulated judgments* blessed by a federal court of which the Buena Vista Rancheria is one.

The BIA asserted authority beyond its legitimate powers violating the separation-of-powers. That is a serious breach of authority.

VI. How is any proposed “Carcieri fix” affected by the Buena Vista Land Determination in California?

Withdrawing the Buena Vista land determination is important to ensure consistency in applying Congressional statutes and regulations to California Rancheria Tribes. The Rancheria issues in California have never been properly addressed. California requires a programmatic policy addressing restorations and land acquisitions.

Your attention to the history of the establishment of Rancherias for “homeless landless California Indians” will help to rectify the sad bureaucratic inattention and lack of planning that has created detrimental impacts and effects which have been ignored both by the officials and governmental entities responsible for those failures. Knowledge of California issues which are unique in the nation will help assist the Department of the Interior/Bureau of Indian Affairs and Congress.

Please withdraw the NIGC land determination and give these questions your fair-minded consideration.

1. Should Congress delegate to the Secretary of the Interior the authority to recognize and create new Indian Tribes possessing sovereign immunity or governmental authority? What objective criteria must be considered? Are there casino investors in the shadows?
2. Should Congress delegate to the Secretary of the Interior the ability to transfer fee land to tribes by a standardless delegation of power providing authority to determine who writes the law and thus indirectly what the law will be on particular plots of land?

Conclusion:

Withdrawing the Buena Vista land determination is important to ensure consistency in applying Congressional statutes and regulations to California Rancheria Tribes. The Rancheria issues in California have never been properly addressed. California requires a programmatic policy addressing restorations and land acquisitions.

⁸ 101st Congress 2d Session H. R. 5436 August 2, 1990, Page 2 at (2).

Considering the number of Rancheria Tribes with pending applications for trust land specific for gaming, the current protracted and adversarial litigation over Rancheria land acquisitions and the need to come up with a well thought out "Carcieri fix" are all judicious reasons to withdraw the 2005 NIGC lands determination for the Buena Vista Tribe.

The negative consequences created by past and present paste, amend, cut n'gut policies cannot be ignored. The impacts have been imposed upon persons both tribal and non-tribal who have had no role in the events, actions and inactions. We look forward to your thoughtful response.

Sincerely,



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916-663-3207
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www.standupca.org

CC: Honorable Eric H. Holder, Jr. United States Attorney General
United States Senator Dianne Feinstein
United States Senator Barbara Boxer
Congressman Dan Lungren
Honorable Arnold Schwarzenegger, Governor of California
Honorable Jerry Brown, Attorney General of California
County Board of Supervisors of Amador County, California
Friends of Amador County

Attachment: List of Pending Gaming Applications for California

CALIFORNIA PENDING GAMING AND CONTROVERSIAL FEE TO TRUST APPLICATIONS

Governing Body	Tribe	Acres & Location	Section 20 Exception	Investors, Attorney, Lobbyist
<p>Participated in IRA elections June 12, 1935</p> <p>Chairwoman Rhonda Morningstar Pope.</p> <p>Negotiated agreement with Ms. Potts.</p>	<p>Buena Vista Rancheria of Me-Wuk Indians</p> <p>Amador County v Secretary of the Interior <i>et. Al.</i> Pending in US District Court of Columbia challenging whether or not the land is in reservation status. Appropriate land status is a requirement of the Tribal State Compact.</p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/buena-vista-rancheria-of-miwuk/</p>	<p>There are no tribal lands; lands owned by individuals in "fee" status 67.5 acres.</p> <p>Amador County</p> <p>1 Population</p>	<p>Restored to Federal recognition under class action suit Tillie Hardwick v USA c-79-1810SW. Judgment filed Dec. 22, 1983.¹</p> <p>Gaming on land as a matter of right. 2703 (4) (A) Claiming lands are a reservation.</p> <p><u>This is not a section 20 application</u> but it is controversial litigation important to local government in California.</p>	<p>Thomas Tom Wilmot – investor from Rodchester New York, noted developer of Shopping Centers attempting to expanding into tribal gaming.</p> <p>Financing is unknown and maybe an issue.</p> <p>Lobbyist: 2006 Michael Anderson</p>
<p>Post 1934 Tribe</p>	<p>Chemehuevi</p> <p>Not listed as a gaming application, this is an administrative process – State of California never contacted.</p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/chemehuevi/</p>	<p>30,000 acres potentially permits the tribe to open a second casino on the California shore line of Lake Havasu.</p> <p>630 population² 30,654.0 gross acreage</p>	<p>"Administrative Action" to issue a 'trust patent' on Public Doman lands³</p> <p>Not listed anywhere as a gaming acquisition yet a trust patent will permit gaming on these lands.</p>	<p>Arizona BIA and Bureau of Land Management Action</p> <p>BLM: Contact - Duane Marty 978-4675</p>

¹ Tillie Hardwick – Stipulation for Entry of Judgment: http://www.standupca.org/court-rulings/california-indian-issues/Hardwick_Stip%20for%20Entry%20of%20Judgment%201983.pdf

² Population, Gross Acreage totals are from 1999 Tribal Information and Directory BIA

³ Alert Letter: <http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/chemehuevi/tr%20Cheme%20alert.pdf>

CALIFORNIA PENDING GAMING AND CONTROVERSIAL FEE TO TRUST APPLICATIONS

Governing Body	Tribe	Acres & Location	Section 20 Exception	Investors, Attorneys, Lobbyist
<p>Participated in IRA elections⁴ 6-11-1935</p> <p>Non IRA Consitution – currently on APPEAL <i>Not organized?</i></p>	<p>Cloverdale Rancheria of California</p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-inprocess/cloverdale-rancheria/</p>	<p>79 Acres – Sonoma County, California</p> <p>___ Population</p> <p>___ Gross Acreage</p>	<p>Restored Tribe 2719(b)(1)(iii) Application Received 12/10/07</p> <p>Restored to Federal recognition under class action suit Tillie Hardwick v USA c-79-1810SW. Judgment filed Dec. 22, 1983.</p> <p>BIA Lands Determination⁵ <i>Awaiting DEIS for Public Review</i></p>	<p>Golf resort developer Tyris Corp</p> <p>Attorney:</p> <p>Lobbyist: Pace, LLP – Jim Wise and Scott Docey</p>
<p>Participated in IRA elections 6-12-1935</p> <p>1999 - Interim Articles of Association adopted by heirs of Enterprise on 7-3-83</p> <p>Non IRA tribed does not require BIA approval</p>	<p>Enterprise Rancheria of Maidu Indians of California (Butte County)</p> <p><i>36 miles from Tribal Office, more than 50 miles from Rancheria</i></p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/enterprise-rancheria/</p>	<p>40 Acres – Yuba County, California</p> <p>One 40 ac. parcel sold under the Act of 1964. Parcels originally purchased under the Acts of 1906 and 1908. August 1, 1914(38 Stat. 58 – 59)</p>	<p>Off-Reservation 2719 (b)(1)(A) Application dated 08/13/02</p> <p>Governor's letter – no concurrence⁶</p> <p><i>Awaiting Federal Agency Action from Secretary Federal Register Notice being prepared.</i></p>	<p>Yuba County entertainment LLC backed by Gerald Forsythe from Chicago</p> <p>A variety of lobbyist and attorneys over the years.</p>
<p>H.R. 5528 Omnibus Indian Advancement Act Title XIV Graton Rancheria Restoration Act</p> <p>IRA Tribe Consituitions</p>	<p>Federated Indians of the Graton Rancheria</p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/federated-indians-of-the-graton-rancheria/</p>	<p>254 ac. parcel located adjacent to the City of Rohnert Park, Sonoma County.</p> <p>Approved for trust April 18, 2008</p>	<p>Restored Tribe 2719(b)(1)(iii) Application received March 2006.</p> <p>___ Population</p> <p>Landless</p> <p><i>Fee to trust on hold due to litigation.</i></p>	<p>Station Casinos, Las Vegas Nevada</p>

⁴ Ten Years of Tribal Government under IRA, Theodore H. Haas, Chief Counsel United States Indian Service. Date listed is the date of the election. Publication 1947 <http://www.standupca.org/gaming-law/Ten%20Years%20-%20IRA.pdf>

⁵ <http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/cloverdale-rancheria/restored%20determination.pdf>

⁶ <http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/enterprise-rancheria/Govs%20-%20Enterprise.pdf>

**CALIFORNIA PENDING GAMING AND CONTROVERSIAL
FEE TO TRUST APPLICATIONS**

Governing Body	Tribe	Acres & Location	Section 20 Exception	Investors, Attorneys, Lobbyist
IRA Consitution	<p>Greenville Rancheria of Maidu Indians of California</p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/greenville-rancheria-of-maidu/</p>	<p>Tehema County, California</p> <p>175 Population</p> <p>1.80 gross acreage</p>	<p>Restored Tribe 2719(b)(1)(iii) Application Received 07/31/08</p> <p>Restored to Federal recognition under class action suit Tillie Hardwick v USA c-79-1810SW. Judgment filed Dec. 22, 1983.</p> <p><i>No environmental document at this time.</i></p>	
<p>Participated in IRA elections 6-10-1935</p> <p>IRA Draft Constitution(1999) <i>Still a draft</i> – Tribe will default to a general council form if government, if that is their pre-constitutional form of government, unless and until the feds recognize another governing body under a constitution.</p> <p>General Council</p>	<p>Guidiville Band of Pomo Indians of California</p> <p><i>115 miles from Rancheria</i></p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/guidiville-band-of-pomo-indians-of-california/</p>	<p>375 Acres - Richmond, Contra Costa County, California</p> <p>126 Population</p> <p>2.25 Gross Acreage</p>	<p>Restored Tribe 2719(b)(1)(iii) Application Received/</p> <p><i>DEIS Released July 2009</i></p> <p>Rancheria – restored by stipulated judgment effective September 6, 1991. Federal Register/Vol 57.No. 29 Wednesday, February 12, 1992 Notices.</p>	<p>Rumsey Band of Wintu Indians of Yolo County Ca. and San Fransico Developer Jerry Levine</p> <p>Attorney: Paul Filzer of Filzer Strickland, Inc.</p> <p>Lobbyist: Hogan & Hartson LLP – Andrew L. Speilman and Douglas P. Wheeler</p> <p>William Cohen, Cohen Group</p>

CALIFORNIA PENDING GAMING AND CONTROVERSIAL FEE TO TRUST APPLICATIONS

Governing Body	Tribe	Acres & Location	Section 20 Exception	Investors, Attorneys, Lobbyist
Non IRA Tribe Formally organized	<p>Ione Band of Miwok Indians of California</p> <p><i>16 to 17 miles, 20 minutes from established lands</i></p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/ione-band-of-miwok-indians-of-california/</p>	<p>224 Acres - Plymouth, Amador County, California</p> <p>536 Population</p> <p>The Ione group has title to 40 acres through an Amador Superior Court quiet title action on October 31, 1972 - title is held in the names of 12 individuals in fee.</p>	<p>Restored Tribe 2719(b)(1)(iii) Application Received 11/29/05</p> <p>Recognition by the Assistant Secretary, Ada Deer, on March 22, 1994, published in the Federal Register Vol.60.No.32/Thurs</p> <p><i>FEIS is being reviewed by Solicitors Office</i></p>	<p>1st investor IKON out of Mississippi now, Valley View Packing aka Bonus Gaming run by one Salvatore Rubino</p> <p>Attorneys: from Holland and Knight/ Philip Baker-Shenk</p> <p>Lobbyist: ANDERSONTUELL, LLP-</p> <p>Philip Baker-Shenk</p> <p>I am advised - Tom Brierton is trying to get Ione as a client. He has done consulting – no lobbying.</p>
<p>IRA Constitution approved by Historical Authority, April 17, 1985</p> <p>Federal Recognition published in the Federal Register, Vol 44.No. 26, Feb.6, 1979</p>	<p>Karuk Tribe of California</p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/karuk/</p>	<p>34 Acres – Yreka, Siskiyou County, California</p> <p>Land is in Trust acquired 1989 for housing.</p> <p>3684 Population</p> <p>291.24 Gross Acreage</p>	<p>Off-Reservation 2719 (b)(1)(A) Application dated 04/13/06</p>	<p>Lobbyist: Bell Ross for Karuk Tribal Housing Authority.</p>
<p>Participated in IRA elections 12-18-1934</p> <p>NON IRA Tribe</p> <p>General Council</p>	<p>Los Coyotes Band of California</p> <p><i>115 miles from Reservation</i></p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/ione-band-of-miwok-indians-of-california/</p>	<p>20 Acres – Barstow, San Bernardino, California</p> <p>Reservation established under the authority of the Act of Jan. 12 1891 (26 Stat. 712-714 c.65)</p>	<p>Off-Reservation 2719 (b)(1)(A) Application dated 03/29/06 2nd try.</p> <p>274 Population</p> <p>25,049.63 gross acreage</p> <p><i>DEIS is being prepared by the Pacific Regional Office</i></p>	<p>Marian Ilitch from Detroit, MI. BarWest Gaming LLC, Tom Shields, spokesman Another BarWest investor is Michael Malik, a local real estate developer and former MotorCity, Detroit, MI. investor</p> <p>Lobbyist: Patton Boggs – Heather Sibbison</p>

**CALIFORNIA PENDING GAMING AND CONTROVERSIAL
FEE TO TRUST APPLICATIONS**

Governing Body	Tribe	Acres & Location	Section 20 Exception	Investors, Attorney, Lobbyist
<p>Participated in IRA elections 12-18-1934</p> <p>IRA Constitution and bylaws approved 1-9-1976</p> <p>General Council</p>	<p>Manzanita Band of Mission Indians of California</p> <p><i>60 miles from Reservation</i></p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/manzanita-band-of-mission-indians-of-california/</p>	<p>60 Acres – Calexico, Imperial County, California</p> <p>91 Population</p> <p>3,579.38 gross acreage</p>	<p>Off-Reservation 2719 (b)(1)(A) Application dated 04/14/06</p> <p>DEIS closed.</p> <p>Reservation established Feb. 10, 1983 under the authority of the Act of January 11, 1891 (26 Stat. 712-714 c.65)</p> <p><i>Administrative DEIS has not been released from the BIA. .</i></p>	<p>Viejas Band of Mission Indians. Former Viejas Chairman Anthony Pico is said to be related to the Chairman of Manzanita.</p> <p>Lobbyist: John Kennedy work phone 619-296-0300</p>
<p>not listed as participating in IRA elections.</p> <p>IRA Constitution approved 2-13-1998</p> <p>7 member Tribal council</p>	<p>Mechoopda Maidu</p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/mechoopda/</p> <p>Rancheria – restored by stipulated judgment effective September 6, 1991. Federal Register/Vol 57.No. 29 Wednesday, February 12, 1992 Notices</p>	<p>659 Acres, Butte County</p> <p>314 Population</p> <p>Landless</p>	<p>Restored Tribe 2719(b)(1)(iii) Application</p> <p>Land Acquisition was approved by the Secretary however the <i>current litigation has the fee to trust transfer on hold.</i></p>	<p>Station Casinos, Las Vegas Nevada</p> <p>Lobbyist: Hobbs Straus Dean & Walker LLP last quarter 2007 Geoffrey Strommer</p> <p>AndersonTuell, led by Mike Anderson and Loretta Tuell.(Present at Court hearings-<i>potential consultant</i>)</p> <p>Additional tribal attorney is Christine Kahze (sole practice lawyer)</p>

CALIFORNIA PENDING GAMING AND CONTROVERSIAL FEE TO TRUST APPLICATIONS

Governing Body	Tribe	Acres & Location	Section 20 Exception	Investors, Attorney, Lobbyist
<p>Participated in IRA election 6-10-1935</p> <p>Non IRA Consitution</p> <p>Tribe has a Tribal State Compact signed by the Governor but not ratified by the State Legislature</p>	<p>North Fork Rancheria of Mono Indians of California</p> <p><i>36 miles from Rancheria</i></p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/north-fork-rancheria-of-mono-indians-of-california/</p>	<p>305 Acres - Madera County, California, next to highway 99.⁷</p> <p>430 Population (2009)</p> <p><u>145.79</u> Gross Acreage⁸ combination fee and trust</p>	<p>Off-Reservation 2719 (b)(1)(A) Application dated 03/01/05</p> <p>DEIS closed</p> <p>Governor letter –no negative impacts due to off reservation casino. March 2009</p> <p><i>FEIS under review by Washington DC Solicitor</i></p>	<p>Station Casinos, Las Vegas Nevada</p> <p>Law/Lobbyist: DBR (Drinker Biddle and Reath acquired Gardner Carton and Douglas and inherited its Indian Law Shop)</p>
<p>Participated in IRA election 6-14-1935</p> <p>Constitution approved June 15, 1939.</p>	<p>Quartz Valley Indian Community of California</p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/quartz-valley-indian-community-of-california/</p>	<p>74 Acres – Siskiyou County, California</p> <p>Approved NIGC gaming ordinance. 10-17-2008⁹</p> <p>___ Population</p> <p>___ Gross Acreage</p>	<p>Restored Tribe 2719(b)(1)(iii) Application Received 04/14/06</p>	

⁷ Accessor Map and current ownership – Stations Casino <http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/north-fork-rancheria-of-mono-indians-of-california/scummins%20-%2007-06-09%20-%20HKXESBZ.pdf>

⁸ North Fork Lands in trust and in fee, within and without the Rancheria <http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-proecess/north-fork-rancheria-of-mono-indians-of-california/North%20Fork%20Tribal%20Land.pdf>

⁹ NIGC Letter Oct. 17, 2008 <http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/quartz-valley-indian-community-of-california/Oct.%202008%20Quartz%20Valley%20Gaming%20Ordinance%20approval.pdf>

CALIFORNIA PENDING GAMING AND CONTROVERSIAL FEE TO TRUST APPLICATIONS

Governing Body	Tribe	Acres & Location	Section 20 Exception	Investors, Attorney, Lobbyist
<p>Participated in IRA election 6-8-1935.</p> <p>Non-IRA Constitution approved by tribe 8-29-92.</p> <p>General Council Governing body.</p>	<p>Scotts Valley Band of Pomo Indians of California</p> <p><i>Tribe is 117 miles from former</i></p> <p>Rancheria – restored by stipulated judgment effective September 6, 1991. Federal Register/Vol 57.No. 29 Wednesday, February 12, 1992 Notices.</p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/scotts-valley-band-of-pomo-indians/</p>	<p>29.87 Acres - Richmond, Contra Costa County, California</p> <p>140 Population</p> <p>79 gross acres</p>	<p>Restored Tribe 2719(b)(1)(iii) Application Received 11/09/06</p> <p>FEIS closed on April 28, 2008</p> <p><i>Awaiting Secretarial final action.</i></p>	<p>Attorney: Paul Filzer of Filzert Strickland, Inc.</p> <p>Potential investor: NORAM-North American Sports Management investors is also a client of Filzer-Strickland and are involved in tribal gaming elsewhere.</p> <p>Lobbyist: Tom Brierton</p>
<p>Participated in IRA election on 12-15-1934.</p> <p>General Council governing body.</p>	<p>Soboba Band of Luiseno Indians of California</p> <p>There exist serious issues over law enforcement and the acquisitions creates islands of non tribal communities within the Reservation.</p> <p>Letter by Riverside County Sheriff¹⁰ Suspend Casino- a Culture of Crime.</p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/soboba-band-of-mission-indians/</p>	<p>539 Acres – Riverside County, California potential for 2nd casino</p> <p>Existing Reservation is 5,915.68 gross acreage.</p> <p>Tribal population approximately 700, with half living off reservation.</p>	<p>On/Contiguous to Reservation 2719 (a)(1) Application dated</p> <p><i>DEIS noticed posted in federal register July 2, 2009.</i></p>	<p>Attorney George Foreman</p> <p>Lobbyist: AndersonTuell, led by Mike Anderson and Loretta Tuell.</p>

¹⁰ Riverside County Sheriff letter requesting closure of Casino due to a "culture of crime". http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/soboba-band-of-mission-indians/soboba_uly_29_letter.pdf

CALIFORNIA PENDING GAMING AND CONTROVERSIAL FEE TO TRUST APPLICATIONS

Governing Body	Tribe	Acres & Location	Section 20 Exception	Investors, Attorney, Lobbyist ¹¹
<p>Participated in IRA election 12-15-1934</p> <p>Articles of Association approved 8-18-1972</p> <p>Sycuan Business Committee is the governing body.</p>	<p>Sycuan Band of Mission Indians</p> <p>Application is currently submitted as NON Gaming.¹²</p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/sycuan/</p>	<p>2000 Acres – Dehesa Valley, San Diego County</p> <p>Potential for 2nd casino, parcels previously listed in tribal state compact with Governor Schwarzenegger for 2nd casino location.</p>	<p>On/Contiguous to Reservation 2719 (a)(1) Link to Application: http://www.sycuan.com/pdf/1-EA_complete_050509.pdf</p> <p>140 Population</p> <p>640.0 Gross Acreage</p> <p><i>EA has not been certified by the BIA for public review as yet.</i></p>	<p>Attorney George Foreman</p> <p>Lobbyist: Venable LLP – Jeffrey Kurzweil And Sense, Inc. – Juliet Pittman</p>
<p>Participated in IRA elections 11-17-1934</p> <p>IRA Constitution approved 1-15-36</p> <p>Tribal Council 6 member quorum</p>	<p>Tule River Indian Tribe</p> <p>An Act of April 8, 1964 authorized the establishment of the Indian Reservations in California (13 Stat. 39-41 c.48)</p> <p>NIGC has issues several negative lands opinions for restored lands for gaming.</p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/tule-river-indian-tribe-1/</p>	<p>Off Reservation casino near airport lands held in fee by tribe in the City of Porterville, Tulare County</p>	<p>40 ac. application received July 8, 2003</p> <p><u>Listed as non gaming</u>, however – current activity in state legislation and negotiations of local agreements indicate Tribe is attempting to promote an off reservation casino. No new application has been submitted.</p> <p><i>No current environmental documents with the BIA</i></p>	<p>None identified.</p>

¹¹ <http://disclosures.house.gov/ld/ldsearch.aspx> This is the search engine for the House Clerk that maintains the records of registered lobbyists and filings of activity. However, someone could be just consulting but not lobbying for a tribe and thus not required to file.

¹² <http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/sycuan/final%20tr%20Dale%20Morris%20Sycuan%20Appl.pdf>

**CALIFORNIA PENDING GAMING AND CONTROVERSIAL
FEE TO TRUST APPLICATIONS**

Governing Body	Tribe	Acres & Location	Section 20 Exception	Investors, Attorney, Lobbyist
<p>6-15-1934 participated in IRA election. IRA Constitution submitted and approved by BIA Jan. 15, 1936 by 28 members. Voluntarily terminated status in 1958. ###</p> <p><i>2009 begin governmental organization – elect interim council –develop constitution</i></p>	<p>Wilton Rancheria</p> <p>Supporting Documents: http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/wilton-miwok-rancheria/</p>	<p>No lands application at this time.</p> <p>Former Rancheria is 20 miles south of the City of Sacramento, Sacramento County. A few former members still own land in fee, other parcels owned by non Indians in fee.</p>	<p>25 U.S.C. 2719 (b)(1)(B)(iii)</p> <p>Restored Tribe by stipulated judgment. June 5, 2009.</p> <p>The Wilton Rancheria Indians were fairly compensated on March 30, 1961, when 14 adult members identified as distributees of the Wilton Rancheria were individually deeded in fee the informal assignments of land their family had been living upon.</p> <p><i>Landless, awaiting membership census</i></p>	<p>Attorney: Rob Rossett, AZ</p> <p>Lobbyist: AndersonTuell, led by Mike Anderson and Loretta Tuell.</p>

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