



United States Department of the Interior

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INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
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ARLINGTON, VA 22203

PACIFIC REGIONAL
OFFICE

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COUNTY OF AMADOR,)	Notice of Docketing and Order Setting
CALIFORNIA,)	Briefing Schedule
Appellant,)	
)	
v.)	
)	Docket No. IBIA 17-072
ACTING PACIFIC REGIONAL)	
DIRECTOR, BUREAU OF INDIAN)	
AFFAIRS,)	
Appellee.)	June 8, 2017

On April 3, 2017, the Board of Indian Appeals (Board) received a notice of appeal from the County of Amador, California (Appellant), through James R. Parrinello, Esq., Nielson Merksamer Parrinello Gross & Leoni, LLP. Appellant seeks review of a February 22, 2017, decision (Decision) of the Acting Pacific Regional Director (Regional Director), Bureau of Indian Affairs (BIA), to accept in trust by the United States approximately 54.90 acres of land for the Buena Vista Rancheria of Me-Wuk Indians of California (Tribe).¹

The Board received the administrative record on compact disk in this matter on June 5, 2017, including a table of contents for the record. A copy of the table of contents is enclosed for the benefit of the parties. The administrative record in this case is available for inspection at the Board's office and also in the office of the Regional Director. If a party desires to obtain an electronic copy of the record, or to obtain hard copies of documents in the record and the volume of the documents sought exceeds 100 pages, the Board requests that the party make arrangements with the Regional Director to obtain the desired copies.

¹ The property consists of two parcels that total approximately 54.90 acres, more or less, and are commonly referred to as Assessor's Parcel Number: 012-130-011-000, located in the County of Amador, California. The legal description of the property is included in the Decision.

Notice of Docketing

Pursuant to 43 C.F.R. § 4.336, on April 24, 2017, the appeal was assigned the above case name and docket number, which should be cited in all future correspondence or inquiries regarding the matter.

Regulations governing appeals to the Board are found in 43 C.F.R. Part 4. A copy of those regulations was mailed to non-Federal parties with the Board's pre-docketing notice of this appeal.

Order Setting Briefing Schedule

Copies of all pleadings filed with the Board must be served on all interested parties. 43 C.F.R. §§ 4.310(b), 4.333(a). Parties who choose to serve and file by U.S. mail may use regular first-class mail; they do not need to use certified mail unless they wish to do so for their own record keeping purposes. If counsel is appearing for an interested party, counsel should enter an appearance, after which service should be made on counsel. A certificate or affidavit evidencing service shall be filed concurrently with the document furnished to the Board.

The parties are advised that the Board will not accept any filing by facsimile transmission (fax) unless the Board has first granted permission for the filing of that particular document by fax. The Board may grant permission to file by fax in extraordinary circumstances. Because documents filed with the Board are filed as of the date of mailing, extraordinary circumstances do not include the fact that a filing is due that day. Any document filed by fax without permission will not be accepted.

In accordance with 43 C.F.R. § 4.311(e), Appellant's opening brief is due on or before July 18, 2017. The filing of an opening brief is not required under the Board's regulations, and Appellant may choose to rely upon the allegations of error, if any, contained in the notice of appeal or any other filings that already have been submitted to the Board. Appellant is advised that it bears the burden of proving error in the decision being appealed.

If Appellant chooses not to file an opening brief, Appellant should file a statement to that effect, with copies to other parties as described above.

Opposing parties or their counsel may file answer briefs within 30 days from receipt of Appellant's opening brief or statement. If no opening brief is filed, opposing parties may file briefs within 30 days from the date Appellant's opening brief was due. Appellant shall have 15 days from receipt of any answer brief(s) in which to file a reply brief.

If any party wishes to, it may include with the paper copy of its filing an electronic copy of that filing on a CD-ROM in Microsoft Word® or Adobe PDF®.

The Board's Internet website, containing a free, searchable database of its decisions, is located at www.doi.gov/oha/organization/ibia. The Board's decisions are also available on the for-fee websites of WestLaw and Lexis-Nexis, although the Board's website generally is the most current.

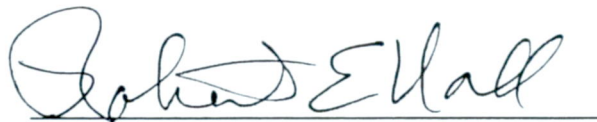
Alternative Dispute Resolution

The parties are advised that the Board strongly encourages the voluntary resolution of disputes brought before it. Such resolutions might take the form of traditional settlement discussions, or might involve the use of some form of alternative dispute resolution (ADR), such as mediation.

If the parties wish to discuss the possibility of settling this dispute or engaging in ADR, they should so inform the Board. Upon receiving such notification, the Board may stay further proceedings before it while the parties are exploring other possibilities.

If the parties would like to use mediation or another form of ADR, but have questions about the process, would like assistance in locating a neutral, or have other concerns, they may contact the Department's Office of Collaborative Action and Dispute Resolution (CADR). CADR does not normally provide neutrals, but can answer questions about ADR processes and assist parties in locating a mutually acceptable neutral. CADR assistance can be reached by contacting William Hall at 703-235-3791, or via email at William_E_Hall@ios.doi.gov.

The parties are also advised that the Board reviews all appeals, usually on several occasions, to determine whether it believes that the parties might benefit from the use of ADR. If it believes that the parties might benefit from the use of ADR, the Board may order them to participate in an assessment conference to determine whether ADR is likely to be successful. The Board will not, however, order the parties to mediation or any other form of ADR over their objections.



Robert E. Hall
Administrative Judge

Enclosure
Distribution: See attached list.

Buena Vista – 54.90 Acres - Administrative Record – Table of Contents

Realty:

- 1) 10.10.2014 – Application
- 2) 10.16.2014 – Incomplete Acknowledgement Letter
- 3) 11.12.2014 - Title Commitment dated November 12, 2014
- 4) Title Supporting Documents
- 5) Vesting Deed
- 6) Resolution accepting the exceptions on title
- 7) Land Description Review dated April 6, 2015
- 8) Phase 1 dated May 26, 2015
- 9) WITHHELD - Preliminary Title Opinion Request dated June 18, 2015
- 10) WITHHELD – Preliminary Title Opinion dated July 14, 2015
- 11) Tax Statements retrieved November 19, 2015
- 12) Notice of Application dated November 10, 2015
- 13) Return Receipts – Notice of Application
- 14) State Clearinghouse Memo dated November 17, 2015
- 15) NOA Comment Letter – Department of Transportation dated November 30, 2015
- 16) Email to Patty Brandt – AG Office dated December 2, 2015 w-Copy of Application Narrative
- 17) Email to Cathy Christian-Farnsworth dated December 3, 2015 w-Copy of Application Narrative
- 18) NOA Comment Letter – Friends of Amador County dated December 10, 2015
- 19) NOA Comment Letter – D.W. Cranford II dated December 10, 2015
- 20) NOA Comment Letter – Amador County Board of Supervisors dated December 17, 2015
- 21) Faxed NOA to Lone Band dated January 21, 2016
- 22) Comment Letters on NOA sent to Tribe on January 25, 2016
- 23) Response to Comments dated February 18, 2016
- 24) Categorical Exclusion dated January 13, 2017
- 25) Notice of Decision (NOD) dated February 22, 2017
- 26) Publication – Sacramento Bee – February 27, 2017
- 27) Publication – Ledger Dispatch – March 3, 2017
- 28) California Department of Fish and Wildlife comments on NOD dated March 28, 2017
- 29) Notice of Decision Return Receipts
- 30) Notice of Appeal dated March 31, 2017

Environmental:

- 31) Categorical Exclusion dated January 13, 2017
- 32) Environmental Overview dated March 2014
- 33) Phase I dated January 25, 2017
- 34) Letter from SHPO to BIA dated December 7, 2016
- 35) Cultural Resources Report dated November 2014

Distribution: IBIA 17-072

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