

Stand Up For California!
“Citizens making a difference”

www.standupca.org

P.O. Box 355
Penryn, CA 95663

September 7, 2010

Dale Risling, Acting Regional Director
Bureau of Indian Affairs
Pacific Region
2800 cottage Way
Sacramento, Ca. 95825

RE: FEIS Comments, Ione Band of Miwok Indians, Casino Project, Amador County

Dear Acting Director Risling:

On May 20, 2008, the Department of the Interior issued its final Rules and Regulations, Federal Register Vol. 73 No. 98 Tuesday, addressing the long overdue regulatory process for Section 20 of the Indian Gaming Regulatory Act.

Section 292.10 of the regulations defines how a tribe qualifies as having been restored to federal recognition. Section 292.10 clarifies the language in the Indian Gaming Regulatory Act. **25 US Section 20 2710 (b)(1)(B)(i) – (iii)**. The Ione Band of Miwok was administratively reaffirmed; the Band does not meet the legal threshold of any exception for gaming in the Indian Gaming Regulatory Act.

The Ione Band of Miwok was “*reaffirmed*” by Asst. Secretary Ada Deer in 1994. It would appear that such an administrative action violates the Administrative Procedures Act 25, CFR. Part 83 regulations. Further, in light of the Feb. 2009 United States Supreme Court ruling, *Carcieri v. Salazar*, the Ione Band was not recognized prior to 1934 as a federally recognized Band and therefore not eligible to have land acquired in trust by Secretarial Authority.

Stand Up For California! views this application as waste of BIA resources, tribal resources and the scarce taxpayers dollars of Amador County. This application from the very beginning presented issues that should have been addressed prior to the process of applying to transfer fee land into trust. Our organization hopes that in the future the BIA will recognize the need to

carefully review whether or not a tribe meets the legal threshold of an exception before beginning a financially crushing process.

This application does not meet the regulatory standards presented in 25 CFR 292.10 or in Section 20 of the Indian Gaming Regulatory Act. **This application should be immediately denied.**

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl Schmit". The signature is written in black ink and is positioned above the typed name and contact information.

Cheryl Schmit - Director

916-663-3207

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