



United States Department of the Interior

OFFICE OF THE SOLICITOR
Washington, D.C. 20240

IN REPLY REFER TO:

JAN 16 2009

MEMORANDUM

To: George T. Skibine
Acting Deputy Assistant Secretary for Policy and Economic Development

From: David L. Bernhardt
Solicitor

Subject: Ione Band Indian Lands Determination

On September 19, 2006, former Associate Solicitor Carl Artman issued a memorandum opinion to the Associate Deputy Secretary concluding that the Ione Band of Miwok Indians of California was a restored tribe within the meaning of Section 20 of the Indian Gaming Regulatory Act (IGRA)(25 U.S.C. § 2719) and that certain lands the Band purposed to acquire within the boundaries of Plymouth, California, qualified as restored Indian lands within the meaning of IGRA. Based on the Associate Solicitor's conclusions that the Band was a restored tribe and the land being acquired qualified as restored Indian lands, the Band would be entitled to conduct gaming on the parcel once the land was acquired in trust.

We are now in the process of reviewing the preliminary draft Final Environmental Impact Statement for the Plymouth parcel. As a result, I determined to review the Associate Solicitor's 2006 Indian lands opinion and have concluded that it was wrong. I have withdrawn and am reversing that opinion. It no longer represents the legal position of the Office of the Solicitor. The opinion of the Solicitor's Office is that the Band is not a restored tribe within the meaning of IGRA.

In recognition of the recently executed Memorandum of Agreement with the Nation Indian Gaming Commission (NIGC), I have sent the Acting General Counsel of NIGC a copy of our draft opinion explaining the withdrawal and our contrary conclusion that the Ione Band is not a restored tribe and invited them to comment on it before we advise the tribe of our changed position.

If you have any questions, please don't hesitate to call me.