

No Casino In Plymouth Challenges Illegal Trust Land for Ione

No Casino In Plymouth (NCIP) filed a complaint in the Federal District Court in Sacramento on July 6th challenging the unethical and false narrative generated by BIA Officials, Ione Indian Chairperson Sara Dutschke, IMG Plymouth Land Holdings LLC. (IMG), and owners of the Shenandoah Inn (Dilan and Family Inc.). These BIA officials and Ms. Duschke have, in the past four months, falsely claimed that the Ione Band has acquired “trust land” in Plymouth and Amador County that is eligible for an Indian casino in various press releases and interviews. This recent activity is simply the latest in a plethora of misinformation and false claims foisted on the public by the BIA and the Ione Band for the past 17 years in their attempt to build an illegal casino in Plymouth.

On or about March 12, 2020, the defendants falsely claimed that the alleged acquisition was approved by the Assistant Secretary of Interior. As is the case with most of what the Ione Band and BIA have published related to the proposed casino since 2003, this is not factual or true. But based on this false claim, the defendants generated grant deeds and “unlawful acceptances” of 10 parcels into trust. Those bogus trust deeds and “unlawful acceptances” were recorded by the Bureau of Indian Affairs on March 20, 2020 in the Amador County Recorder’s Office.

The acceptance deeds cited the Indian Land Consolidation Act (25 U.S.C. 2202) as authority for the acceptance by the Acting Regional Director Ryan Hunter. The Ione Band is not eligible for the ILCA as the ILCA requires a tribe to own restricted fee or trust land and the Ione Band has claimed since at least 2003 they are “landless”. Further, Acting Regional Director Ryan Hunter is not authorized to acquire land in trust. The Secretary of the Interior and only the Secretary is authorized in federal statutes to acquire land in trust for Indians.

The reason for all this activity after more than 8 years with little or no activity by the investor, the lone Band, and the BIA is on March 9, 2020, the DOI Solicitor issued the M-37055 Opinion which confirmed that, under *Carciari*, a tribe must have been **both** federally recognized and under federal jurisdiction in 1934 to qualify for IRA fee-to-trust benefits. The DOI Solicitor withdrew its prior misinterpretations of *Carciari*.

Here are some facts about the lone Indians. 1. They were not recognized in 1934. 2. They were placed on a list of groups eligible to file a Section 83 petition for recognition in 1979 and so notified. 3. They began preparing a Section 83 petition and claimed to be ready to submit the petition in 1989. 4. Instead they filed a lawsuit in federal district court in 1990 demanding recognition. 5. They lost after admitting to the Court they were not a treaty tribe, not recognized by Act of Congress, and presented no evidence they were recognized by any other means. 6. They were informed in a 1992 Court Order that filing a Section 83 petition was the sole administrative method for them to be recognized. 7. lone has never filed a Section 83 petition for recognition and are not recognized. 8. lone is not eligible to have land taken into trust pursuant to existing federal law and the Supreme Court decision in *Carciari v. Salazar 2009*.

The defendants unethical actions and questionable efforts to acquire “trust” land illegally and construct an illegal casino and conduct illegal gambling in Plymouth and Amador County are contrary to both Federal and State law. Federal law limits trust acquisitions to tribes which were recognized in 1934 and under federal jurisdiction in 1934 as decided by the U.S. Supreme Court in *Carciari v. Salazar (2009)*. The lone Band was not recognized in 1934 and has never been recognized via the Federal Acknowledgement Regulations, 25 C.F.R. 83.

Federal law also prohibits Indian casinos on land acquired after 1988.

The 10 parcels involved in this case were allegedly “acquired” on March 20, 2020 and, consequently, are not eligible for an Indian casino. The casino, proposed by Indians who were not and are not federally recognized on land not eligible for an Indian casino, would violate federal law, federal regulations as well as California’s Constitution, and public nuisance laws.

NCIP is a group of concerned citizens who are asking the Court to issue a preliminary and/or permanent injunction to “enjoin, abate and prevent” any action to construct the proposed casino to protect the citizens of Plymouth, Amador County, and California from an illegal casino. Copies of NCIP’s complaint available on request. For questions or additional information contact NCIP at *ncipupdate@gmail.com*