

WHEREAS: The California Nations Indian Gaming Association (“CNIGA”) is an organization consisting of 74 sovereign tribal governments; and

WHEREAS: The United States has a fiduciary duty to federally recognized Indian tribes as their trustee; and

WHEREAS: The Department of the Interior (“DOI”) must act in that fiduciary capacity when it considers and acts upon the determination of “Indian lands” under the Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2703 (4) (A); and

WHEREAS: All tribes retain sovereign authority over Indian lands within the reservation; and

WHEREAS: The Associate Solicitor of Indian Affairs for the Department of the Interior issued a legal opinion on March 2, 2000 that determined the lands of the Picayune Rancheria are “Indian lands” under the IGRA, 25 U.S.C. Sec 2703 (4) (A); and

WHEREAS: The Associate Solicitor of Indian Affairs further determined that “it is well established that Rancherias are ‘for all practical purposes’ reservations”; and

WHEREAS: The California Attorney General’s office at the behest of the Governor of California filed comments on September 28, 2001 regarding the Picayune Rancheria Environmental Assessment; and

WHEREAS: The California Attorney General’s office commented that none of the Picayune Rancheria property is “Indian lands” within the meaning of IGRA because the property is currently held by the Tribe or other in “fee” and does not meet the definition in 25 U.S.C. Sec. 2703 (4) (A).

NOW, THEREFORE IT IS HEREBY RESOLVED:

CNIGA’s member tribes support the legal opinion issued on March 2,2000 by the Associate Solicitor of Indian Affairs for the Department of Interior that determined the lands of the Picayune Rancheria are “Indian lands” under the IGRA and oppose the position set forth in the California Attorney General’s September 28, 2001 comments.

### **Certification**

As the undersigned duly elected Vice Chair of the California Nations Indian Gaming Association, I hereby certify the forgoing resolution, approved on October 25, 2001 at a meeting of the board, at which a quorum was present.

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Paula Lorenzo, Vice Chairperson

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Ken Gilbert, Secretary