

Judge's ruling clears way for lone tribe to establish Amador casino

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A Sacramento federal judge has ratified the federal government's decision to take 228 acres of Amador County land into trust so an Indian tribe can build a casino on it.

The decision by U.S. District Judge Troy L. Nunley is a seminal development in a fight that has stretched over at least 11 years and a tangle of litigation, and pits the Lone Band of Miwok Indians against the county and a majority of its residents.

In two long orders in two related lawsuits challenging the same project, Nunley ruled that the government's action was not "arbitrary, capricious, unlawful, or an abuse of discretion" in acquiring the land in trust for the tribe, based on a determination that the Lone Band was "a recognized Indian tribe under federal jurisdiction in 1934," when Congress enacted the Indian Reorganization Act. He rejected arguments to the contrary by Amador County and nonprofit corporations No Casino in Plymouth and Citizens Equal Rights Alliance.

The judge found that the plaintiffs failed to "identify a legal error" in the chain of events that led to the 2012 acquisition of the parcels in and around the tiny rural community of Plymouth "in anticipation of the construction of a gaming-resort complex."

"It is clearly beyond the scope of this court's authority and expertise to conduct an independent investigation into the genealogy and political history supporting recognition of the Lone Band as a distinct tribe, and then to substitute that analysis" for one by the U.S. Bureau of Indian Affairs, Nunley wrote in one of the orders, both of which were issued late Wednesday. "Rather," the judge wrote, "the court's role is to ensure that the BIA made no 'clear error of judgment' that would render its action arbitrary and capricious."

It did not, he declared.

The county argued the Lone Band has no historical tie to the area and thus has no legitimate claim on the land.

Members of the tribe, on the other hand, say they trace their ancestry to Miwok and Nisenan people, who historically have lived on lands that today make up Amador County.

As of 2014, the county's population was estimated at 36,742 – 979 of them in Plymouth. The hamlet is about 15 miles up Highway 49 from Jackson Rancheria Casino, Hotel and Conference Center, operated by the Jackson Rancheria Band of Miwuk.

The Lone Band has been trying to get the project off the ground since 2004, but it has been doggedly fought by the county and its residents. Plymouth residents in 2004 recalled three council members who had supported negotiations on the project with the tribe.

The county insists the casino would cause "massive environmental, traffic, public safety, law enforcement and social service problems for the residents and government of Amador County."

But Nunley said the federal government's environmental analysis of the project covered all foreseeable consequences and the plaintiffs "do not identify specific concerns" with the conclusions of the environmental impact statement. "Without more, the court finds no basis to invalidate" the land deal.