

PAT

# AMADOR COUNTY COUNSEL

COUNTY ADMINISTRATION CENTER  
500 ARGONAUT LANE, JACKSON, CA 95642-9534 • (209) 223-6366 • FAX (209) 223-4286



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2006 FEB 22 PM 2 08  
OFFICIAL RECORDS  
AMADOR COUNTY, CA.

**John F. Hahn**, County Counsel  
[jhahn@co.amador.ca.us](mailto:jhahn@co.amador.ca.us)  
**Martha Jeanne Shaver**, Deputy  
[mshaver@co.amador.ca.us](mailto:mshaver@co.amador.ca.us)  
**Evelyn Spirou**, Deputy  
[espirou@co.amador.ca.us](mailto:espirou@co.amador.ca.us)  
**Gregory Gillott**, Deputy  
[ggillott@co.amador.ca.us](mailto:ggillott@co.amador.ca.us)  
**Julie Turley**, Legal Secretary  
[turley@co.amador.ca.us](mailto:turley@co.amador.ca.us)

February 22, 2006

Mr. John Tinger  
United States Environmental Protection Agency  
Region IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Re: Ownership of Buena Vista Rancheria

Dear Mr. Tinger,

Pursuant to our discussion during the conference call yesterday I am submitting to EPA as a further County comment on the Buena Vista Rancheria's NPDES Permit application for its casino basic information on the status of the title to the Rancheria. In brief, the Rancheria is not owned by the United States, nor is there any legal relationship between the Rancheria land and the federal government. Records filed in the County Assessor's Office show that the land is owned in fee by the Buena Vista Band of Me-wuk Indians (the "Tribe").

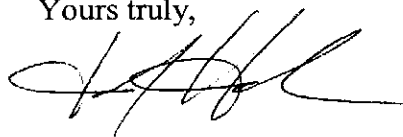
The history of title to the land is not very complex. It was purchased in 1926 by the United States for landless Indians, conveyed in 1958 to individual Indians with no trust or residual connection to the federal government, conveyed or willed by those Indians to others, and ultimately conveyed by a tribal member to the Tribe in 1996. Simultaneously in 1996 the Tribe attempted to convey the land to the United States and the federal government refused to accept the conveyance. Title is retained by the Tribe.

I have enclosed the following documents: (a) the deed purporting to convey title to the United States, (b) a letter from the federal government refusing to accept the conveyance, and (c) and (d) two recent letters from the federal government acknowledging that the land is not owned by the Federal government.

Thus EPA's jurisdiction must be based on something other than federal ownership of the land.

Thank you for your review of this matter. If your counsel wants more detailed information I can supply it.

Yours truly,

A handwritten signature in black ink, appearing to read 'J. Hahn', written over a horizontal line.

John F. Hahn  
County Counsel

cc: Peter Tateishi  
Cathy Christian, Esq.  
Jim Parrinello, Esq.

Order No.  
Escrow No. 101504-A  
Loan No.

PCO NOT REQUIRED  
RECORDED AT REQUEST OF  
FIRST AMERICAN TITLE CO. PCO NOT REQUIRED  
at 55 Min. Post 20

1996 006859

2 WHEN RECORDED MAIL TO:  
THE UNITED STATES DEPARTMENT OF  
THE INTERIOR, BUREAU OF INDIAN AFFAIRS

3 Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

AUG 01 1996

RECORDED AT REQUEST OF  
FIRST AMERICAN TITLE CO.  
at 30 Min. Post 22

Official Records  
Amador County, California

SEP 06 1996

1996

\$ no fee Recorder

Official Records  
Amador County, California

007879

SPACE ABOVE THIS LINE FOR RECORDERS USE

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

DOCUMENTARY TRANSFER TAX \$ NONE

- Computed on the consideration or value of property conveyed; OR
- Computed on the consideration or value less liens or encumbrances remaining at time of sale.

The undersigned Grantor declares

Signature of Declarant or Agent determining tax - Firm Name

### GRANT DEED

APN 12-100-005

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

#### THE BUENA VISTA RANCHERIA OF MEWUK INDIANS

does hereby GRANT to  
THE UNITED STATES OF AMERICA IN TRUST FOR THE BUENA VISTA RANCHERIA OF ME-WUK INDIANS,  
~~THE UNITED STATES DEPARTMENT OF THE INTERIOR / BUREAU OF INDIAN AFFAIRS~~  
their interest in the following described property:

the real property in the unincorporated area of the  
County of Amador, State of California, described  
as

THIS DOCUMENT IS BEING RE-RECORDED TO REFLECT A CORRECTION AS TO THE VESTING OF GRANTEE HEREIN  
**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

THIS DEED IS GIVEN IN COMPLIANCE WITH THE ORDERS AND STIPULATIONS OF THE COURT IN TILLIE  
HARDWICK, ET AL VS. UNITED STATES OF AMERICA, ET AL, UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA, CASE NO. C-79-1710 SW

Dated July 30, 1996

STATE OF CALIFORNIA  
COUNTY OF AMADOR

On July 31, 1996 before  
me, Renee Kirk, Notary Public

THE BUENA VISTA RANCHERIA OF MEWUK INDIANS

By: Donnamarie Potts  
DONNAMARIE POTTS - Tribal Spokesperson

personally appeared Donnamarie Potts  
personally known to me (or proved to me on the basis of satisfactory  
evidence) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by his/her/their  
signature(s) on the instrument the person(s) or the entity upon behalf of  
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature Renee Kirk  
Renee Kirk



"A"

SIGNATURE PAGE FOR RE-RECORDING OF GRANT DEED WHICH PREVIOUSLY RECORDED AUGUST 1, 1996 AS RECORDER'S INSTRUMENT NUMBER 1996 006859, AMADOR COUNTY OFFICIAL RECORDS

THE BUENA VISTA RANCHERIA OF MEWUK INDIANS

BY: *Donnamarie Potts*  
DONNAMARIE POTTS - Tribal Spokesperson

STATE OF CALIFORNIA        }  
  }ss.  
COUNTY OF SACRAMENTO    }

On September 5, 1996 before me, SAMUEL W. D'ANGELO, a Notary Public in and for said State, personally appeared Donnamarie Potts proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature: *Samuel W. D'Angelo*



AMADOR COUNTY

"EXHIBIT A"  
Legal Description

All that real property situated in the State of California, County of Amador, Unincorporated Area, described as follows:

Commencing at the Northeast corner of Section 19, Township 5 North, Range 10 East, M.D.B. & M., and thence running West along Section line 578 feet; thence at right angles South 5280 feet; thence at right angles East 578 feet; thence at right angles North 5280 feet to a place of beginning.

EXCEPTING THEREFROM THE FOLLOWING:

All the portion of the Northeast Quarter of Section 19, Township 5 North, Range 10 East, M.D.B. & M., described as follows:

Beginning at a 3 inch iron pipe fence end post at the Southerly end of a new road fence, from which point a 1 1/2 inch capped iron pipe stamped "U.S.I.S. 1953 17, 18, 19 AND 20" found marking the Northeast corner of said Section 19, bears North 30° 08' 30" East 1099.38 feet distant; thence, from said point of beginning, along the Southerly prolongation of said new road fence, South 00° 39' 30" East 65.11 feet to a 3/4 inch steel reinforcing rod tagged R.C.E. 10761; thence South 01° 58' 50" West 385.29 feet to a similar steel rod; thence South 19° 02' 00" West 186.24 feet to a Z iron fence post; thence South 62° 22' 50" West 6.19 feet to a 3/4 inch steel reinforcing rod tagged R.C.E. 10761 set on the Westerly line of that certain parcel of land conveyed by the United States of America, Department of the Interior to Louis Oliver and his wife, Annie Oliver, by instrument dated October 6, 1959, and recorded in the Office of the Recorder of Amador County on October 8, 1959, in Book 86 of Official Records at Page 198; thence along the Westerly line of said Oliver Parcel of land, North 01° 58' 50" East 481.11 feet to a similar steel rod, from which point the Northwest corner of said Oliver Parcel of land, bears North 01° 58' 50" East 1100.00 feet distant; thence South 88° 01' 10" East 40.00 feet to a similar steel rod; thence North 08° 26' 00" East 151.30 feet to the point of beginning.

ALSO EXCEPTING therefrom all minerals and metals as reserved by B. Accampo in Deed filed for record October 5, 1925 in Book 45 of Deeds at Page 43, Records of Amador County.

A.P.N. 12-100-005

END OF DOCUMENT

AMADOR COUNTY

1996 007879

Real Property Mgmt.,

NOV 18 1996

Mr. Sheldon D. Johnson  
County Clerk/Recorder  
500 Argonaut Lane  
Jackson, California 95642-9534

Dear Mr. Johnson:

By this letter we are acknowledging receipt of the Grant Deed recorded as 1996 006859, to the United States of America in Trust for the Buena Vista Rancheria of Me-Wuk Indians. Subject Grant Deed is for Assessor's Parcel Number 12-100-005.

Although the Grant Deed states the conveyance is to the United States of America in Trust for the Buena Vista Rancheria of Me-Wuk Indians, it is lacking an Acceptance of Conveyance on behalf of the United States. Our regulations specify a formal acceptance, as in accordance with, 25 CFR 151.14, Formalization of Acceptance, "Formal acceptance of land in trust status shall be accomplished by the issuance or approval of an instrument of conveyance by the Secretary as is appropriate in the circumstance." Therefore, the subject Grant Deed is not a valid conveyance to the United States.

We are, by copy of this letter, informing the Buena Vista Rancheria of the Grant Deed's status.

If you have any further questions, please contact Ms. Kayla M. Danks, Realty Officer, at (916) 566-7117.

Sincerely,

*/s/ Harold M. Brafford*

Harold M. Brafford  
Superintendent

cc: Ms. Donnamarie Potts, Spokesperson  
Buena Vista Rancheria

" B "



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, California 95825

FEB 08 2006

Michelle LaPena, Esq.  
Holland & Knight  
1215 K Street, Suite 1747  
Sacramento, California 95814

Dear Ms. LaPena:

On behalf of the Ione Band of Miwok Indians, by your November 2, 2005 letter, you submitted a chain of title guarantee and other data regarding the Buena Vista Rancheria. You specifically requested our position regarding jurisdiction over the Buena Vista Rancheria and its status. Please accept our apology for the delay in our response.

At this time, it is our position that the lands within the exterior boundaries of the Buena Vista Rancheria are not held in trust. Although there were two grant deeds to the U.S. recorded in Amador County, they were recorded without our prior knowledge, and neither deed was formally accepted by the United States as required in 25 CFR 151.14.

We will forward a copy of your letter and its enclosures to the Director, Office of Indian Gaming.

Sincerely,

*Camille Davis*  
Acting Regional Director

cc: Director, OIGM, w/copies of all inc.  
Superintendent, CCA, w/copies of all inc.

"C"

RECEIVED

FEB 23 2004

COUNTY OF AMADOR  
TACOMA

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Central California Agency  
650 Capitol Mall, Suite 8-500  
Sacramento, CA 95814

IN REPLY REFER TO:  
Real Estate Service  
Buena Vista Rancheria

FEB 20 2004

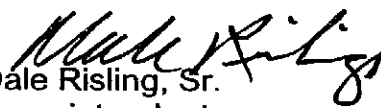


Mr. Jim Rooney  
Amador County Assessor  
500 Argonaut Lane  
Jackson, California 95642

Dear Ms. Rooney:

This letter is in response to your letter dated February 5, 2004, regarding Parcel Number 012-100-005-000, referred to as the Buena Vista Rancheria. Our records reflect that the parcel is not in Trust Status. If you need additional information, please write to the address above to H. James Brafford, Realty Officer.

Sincerely,

  
Dale Risling, Sr.  
Superintendent

"D"