United States Department of the Interior

OFFICE OF THE SOLICITOR
Pacific Southwest Region
2800 Cottage Way
Room E-1712
Sacramento, California 95825-1890

IN REPLY
REFER TO:

September 9, 1999

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AREA DIRECTOR ✓ all
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RESPONSE REQUIRED Yes
DUE DATE 9-24-99
MEMO LTR ✓
TELE OTHER

MEMORANDUM

TO: Regional Director, Bureau of Indian Affairs
Sacramento, CA

FROM: Regional Solicitor, Pacific Southwest Region

SUBJECT: Review of Alturas Rancheria, Compliance with Indian Gaming Regulatory Act

In response to your inquiry of July 20, 1999, we have reviewed the following documents: Interior Appropriation Act of January 24, 1923, deed to the United States dated July 22, 1924, the Alturas Indian Rancheria constitution approved by the Secretary on May 30, 1972, and the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

The Act defines Indian Lands to mean:

> "(A) all lands within the limits of any Indian reservation; and
> (B) any lands title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power." (25 U.S.C. 2703(4)).

In 1923 Congress approved funds to purchase lands for homeless Indians in California (42 Stat.L. 1188). No specific mention of the Pit River Indians, who are the residents of Alturas Rancheria, was made. In 1924 the United States purchased certain real property in Modoc County. The deed does not describe the transaction as occurring for the benefit of the Pit River Indians now known of the Alturas Rancheria. In 1972 the Secretary approved the tribal constitution for the Alturas Rancheria. That document states:

> "ARTICLE II - TERRITORY The jurisdiction of the Alturas Indian Rancheria shall extend to all lands now or hereafter comprising the Alturas Indian Rancheria."

Constitution and Bylaws of Alturas Indian Rancheria, Modoc County, California, page 1, May 30, 1972.

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The records of the Bureau of Indian Affairs contains the same legal description for the Alturas Rancheria as is contained in the deed dated July, 1924. The land is held by the United States in fee on behalf of the tribe. Because of these facts, in conjunction with the fact that the Alturas tribe exercises tribal governmental power over the Rancheria, and because of the broad definition of "Indian Lands" under the Indian Gaming Regulatory Act, we conclude that the lands recognized as the Alturas Rancheria are Indian lands as defined under IGRA.

We return the documents you submitted with your July 20, 1999 request. Should you have any questions, please contact me at 978-5677.

David Nawi
Regional Solicitor

Erica Niebauer

By Erica L. B. Niebauer
Assistant Regional Solicitor

enclosures

cc: Tribal Operations, BIA, Pacific Region