United States Department of the Interior

OFFICE OF THE SOLICITOR
Washington, D.C. 20240

SEP 2 1998

Barry W. Brandon, Esquire
General Counsel
National Indian Gaming Commission
Ninth Floor
1441 L Street, N.W.
Washington, DC 20005

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NATIONAL INDIAN
GAMING COMMISSION
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Dear Barry:

This letter is in reply to your inquiry of May 11, 1998 concerning the Shodakai Casino. You requested my office to make the following determinations:

(1) whether the casino is located on the Coyote Valley Reservation; and
(2) whether the Coyote Valley Reservation constitutes "Indian lands" as defined in the Indian Gaming Regulatory Act at 25 U.S.C. §2703 (4).

I assigned this inquiry to one of my staff attorneys, Angela Kelsey. She has obtained factual information that clearly demonstrates that the Shodakai Casino is located on the Coyote Valley Reservation. In addition, she has obtained documentation that the reservation is being held in trust by the United States for the Coyote Valley Band of Pomo Indians of California. Based upon these facts and the Band's status as a federally recognized Indian tribe, she has concluded that the Coyote Valley Reservation meets the legal definition of "Indian lands" that is set forth at 25 U.S.C.§2703 (4).

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Ms. Kelsey reports that Carmen Fazio, the BIA Realty Officer in the Sacramento Area Office, gave her copies of property records indicating that the title to the land upon which the Coyote Valley Reservation is located is being held in trust by the United States for the Coyote Valley Band of Pomo Indians of California. This land was acquired in 1979 through a grant deed by Hilmer and Vivian Finne and Blanche and Theodore Richey to the United States in trust for the Coyote Valley Band. The deed was duly recorded on October 3, 1979, but was subsequently re-recorded on April 3, 1980 to reflect the acceptance of the conveyance in trust by the United States. The referenced property was declared a reservation by the Secretary of the Interior on June 23, 1989 in accordance with the provisions of 25 U.S.C. §467. A public notice of the declaration was published at 54 Fed. Reg. 30953 on July 25, 1989. Copies of the deed and notice are enclosed with this letter.

To obtain confirmation that the Shodakai Casino is located on the reservation by someone who had actually visited it, Ms. Kelsey telephoned a NIGC field

investigator in California, Greg Bergfeld. Mr. Bergfeld stated that he had personally visited the Shodakai Casino on at least one occasion and that it was located within the external boundaries of the Coyote Valley Reservation. If additional information is required, Mr. Bergfeld can be reached at (209) 245-4941.

The definition of "Indian lands" is set forth at 25 U.S. C. §2703 (4) and states

> The term "Indian lands" means--
> (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.

The facts presented indicate that the Shodakai Casino is located on the Coyote Valley Reservation. The Coyote Valley Reservation was established for the Coyote Valley Band of Pomo Indians of California and the United States holds the legal title in trust for the Band. Given the aforementioned facts, the Coyote Valley Reservation meets the definition of "Indian lands" set forth in the IGRA at 25 U.S.C. §2703 (4).

If you have additional questions or requests concerning this matter, please contact Angela Kelsey at (202) 219-2407.

Sincerely,

Derril B. Jordan

Derril B. Jordan
Associate Solicitor
Division of Indian Affairs

Enclosures

ade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301-496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. John Abrell, Executive Secretary, Cancer Center Support Review Committee, National Cancer Institute, Westwood Building, Room 834, National Institutes of Health, Bethesda, Maryland 20892 (301-496-9767) will furnish substantive program information.

Dated: July 14, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89-17414 Filed 7-24-89; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

reau of Indian Affairs

Establishment of Three Indian Reservations in California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Reservation Proclamation for Hopland, Coyote Valley and Karok.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1. Notice is hereby given that, under the authority of Section 7 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), the hereinafter described lands located in Mendocino and Siskiyou Counties, California, were proclaimed to be Indian reservations, effective June 23, 1989, for the exclusive use of Indians entitled by enrollment or tribal membership to residence at such reservation.

Coyote Valley Reservation

Mount Diablo Meridian, Mendocino County, California

Those portions of the north half of the southeast quarter of the southeast arter of section 9, Township 16 North, ge 12 West, described as follows:

arcel 1: All that a portion of the ollowing described real property lying northerly and easterly of the most easterly line of Highway 101 as it existed January 1, 1979:

Beginning at a point marked "BL" standing in the channel of Russian River at the junction of—Forsythe Creek with the west fork of Russian River, from which on the 17th day of December 1866, an alder tree one foot in diameter bore north 58 west, 4 chains; thence 89 degrees 45' west, along the south line of Lot 124 of Healey's Survey and Map of the Yokayo Rancho, a distance of 1960.4 feet to a point in the center of the California State Highway from which point a post marked "B.M." bears north 89 degrees 45' west, 50 feet distant; thence along the center line of said highway north 57 degrees 27' west, 1602.08 feet to Station 416 + 69.6 of said Highway Survey; from which point post "Y No. 67" of the Yokayo Rancho, bears south 18 degrees west, 129.45 feet distant; thence leaving said Highway and run north 20 degrees 49' east, 2013.49 feet to a post from which a white oak tree 16 inches in diameter marked "X-BT-RED" bears north 10 degrees 25' east, 135 feet distant, and a white oak tree 18 inches in diameter marked "X-BT-RED" bears north 59 degrees 45' east, 197.40 feet distant, thence south 87 degrees 53' east, 2316.82 feet to a stake in the east line of said Lot 124 from which a white oak tree 24 inches in diameter marked "F-BT-RED" bears north 20 degrees west, 62 feet distant and a black oak tree 16 inches in diameter marked "F-BT-RED" bears south 10 degrees west, 63.15 feet distant; thence south 17 degrees east, along the east line of said Lot 124, 1253 feet to the center of the channel of Russian River; thence down the center of the channel of said river and following its meanderings to the point of beginning, being a part of said Lot 124 of Healey's Survey Map of the Yokayo Rancho.

Saving and Excepting Therefrom:

(1) All that certain real property described in the Deed from William Finne to Leonard Bruesch, recorded December 18, 1916, in Book 139 of Deeds, Page 228, Mendocino County Records.

(2) All that certain real property described in the Deed from Fred Finne, et. ux, to A. O. Boyd, recorded September 17, 1924, in Book 170 of Deeds, Page 391, Mendocino County Records.

(3) All that certain real property described in the Deed from Fred Finne, et. ux, to Mrs. Ella Boyd, recorded September 21, 1943, in Book 164 of O. R., Page 426, Mendocino County Records.

(4). All that certain real property described in the Deed from Fred Finne, et. ux, to L. N. Barber, recorded December 6, 1928, in Book 37 official Records, Page 61, Mendocino County Records.

(5). All that certain real property described in the Deed from Fred Finne, et. ux, to Leland S. Murphy, et. al, recorded December 16, 1929, in Book 48 Official Records, Page 31, Mendocino Records.

(6). All that certain real property described in the Deed from Fred Finne, et. ux, to J. E. Russell, et. ux, recorded July 9, 1930, in Book 52 Official Records, Page 351, Mendocino County Records.

(7). All that certain real property described in the Deed from Fred Finne, et. ux, to State of California recorded February 11, 1946, in Book 194 Official Records, Page 260, Mendocino County Records.

(8). All that certain real property described in the Deed from Fred Finne, et. ux, to Frank Williams, recorded April 4, 1949, in Book 242 Official Records, Page 138, Mendocino County Records.

Parcel 2: That portion of Lot 124 of Healey's survey and Map of Yokayo Rancho, bounded on the north by the westerly prolongation of the course having a bearing and length of north 87 degrees 53' west, 2316.82 feet, in Deed from William Finne to Lemuel Keithly, dated November 27, 1936, recorded in Liber 109, page 272, of Official Records, of Mendocino County; on the southeast by the course in said Deed having a bearing and length of south 20 degrees 49' west 2013.49 feet; and on the southwest by the course in the northeasterly line of the State Highway described third in Deed from Carl E. Peterson, et. al, to the State of California, dated January 10, 1946, recorded in Book 198, Page 146, of Official Records. Containing 57.76 acres, more or less, after the above exceptions.

Hopland Reservation

Mount Diablo Meridian, Mendocino County, California

Those certain parcels of land, as listed below, being portions of the Sections 10, 11, 15, and 22, Township 13 North, Range 11 West, all located within the exterior Boundaries of the Hopland Rancheria as shown on the Record of Survey of the Hopland Rancheria recorded May 28, 1964, in Case 2 of Maps, Drawer 3, Page 14, in the Office of the Recorder, County of Mendocino, State of California: Parcel Six (6).

Parcel Forty-eight (48), excepting therefrom the following: Beginning at the southeast corner of said Parcel 48; thence North 89 degrees 48' West, 301.52' feet; thence in a northeasterly direction to the northeast corner of said Parcel 48;