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Daily News Clips

HOT TOPICS

President Trump to visit Utah on Monday to announce his plans to shrink Bears Ears, Grand Staircase-Escalante National Monuments – [The Denver Post](#) (11/28)

After Insulting Native Americans, Trump Goes After Their Sacred Land – [Mother Jones](#) (11/28)

GOP lawmakers side with Indian Country amid President Trump's 'Pocahontas' controversy – [Indianz.com](#) (11/28)

Elizabeth Warren, Progressive Fraud – [National Review](#) (11/28)

Eni receives federal permit for US Arctic offshore drilling – [Pittsburg Post-Gazette](#) (11/29)

House OKs California Tribe Land Deal With Feds – *Law360/Attached* (11/28)

Slawson Wins Another OK To Drill Pending ND Tribal Appeal – *Law360/Attached* (11/28)

Allergan Hit With Antitrust Suit Over Deal With Tribe – *Law360/Attached* (11/28)

INDIAN LEGISLATIVE, LEGAL, JUSTICE AND PUBLIC SAFETY ISSUES

Native community demands justice for Lakota man who died in police encounter – [Indianz.com](#) (11/29)

Alleged Haskell Rape victim settles with federal government in civil lawsuit – [Lawrence Journal-World](#) (11/28)

Mohegan tribal police disclose reports of noncriminal activity, tribal official says – [The Day](#) (11/28)

Vandals trash small American Indian school in Minneapolis – [Star Tribune](#) (11/28)

Tackling domestic violence within Native communities – [Navajo-Hopi Observer](#) (11/28)

White House Memo Justifying CFPB Takeover was written by Payday Lender Attorney – [The Intercept](#) (11/27)

New Mexico Native Group Urges Nix of CFPB's Tribal Lenders Suit – *Law360/Attached* (11/28)

US Urges High Court To Uphold Bearded Seal Listing – *Law360/Attached* (11/28)

Landowners Urge Nebraska to Rethink Keystone XL Approval – *Law360/Attached* (11/28)

DC Circuit Backs Toss of California County's Tribal Casino Fight – *Law360/Attached* (11/28)

ENERGY, NATURAL RESOURCES AND ENVIRONMENT

Environmental groups sue to block ‘dangerous’ copper mine in Arizona – [Indianz.com](#) (11/28)

Protect the Peaks takes action as Snowbowl opens for season – [Navajo-Hopi Observer](#) (11/28)

Kalispel Tribe Opposing Silicon Smelter – [Bonner County Daily Bee](#) (11/28)

Push continues for Navajo Indian Irrigation Project funding – [Navajo-Hopi Observer](#) (11/28)

ECONOMIC DEVELOPMENT/FINANCE AND TECHNOLOGY IN INDIAN COUNTRY

Cherokee Nation Celebrates First Tribal Solar Canopy Car Charging Station in Oklahoma – [Native News Online](#) (11/29)

Wells Fargo Commits \$50 Million to American Indian/Alaska Native Communities – [Business Wire](#) (11/29)

Unconquered and Unconquerable: The Resurrection of the Choctaw – [hottytoddy.com](#) (11/28)

Proposed commercial tax rate cut to 9 percent in Niagara Falls – [Niagara Gazette](#) (11/28)

Pequots try to avoid paying state on ‘simulated’ slots – [The Day](#) (11/28)

HEALTH, EDUCATION & YOUTH IN INDIAN COUNTRY

Oregon's Native American students face obstacles to stay in, complete school – [Statesman Journal](#) (11/28)

Panelists: Education key to better future for North Dakota Native Americans – [The Bismarck Tribune](#) (11/28)

Fair helps Billings 5,900 urban American Indians find the health care they need – [Billings Gazette](#) (11/28)

Students learn there is more to Native American history – [hometownstations.com](#) (11/28)

TRIBAL LEADERSHIP & COMMUNITY NEWS

Impromptu meeting with Mayor's Office gives Native American advisory board a push forward – [Omaha World-Herald](#) (11/28)

MISCELLANEOUS

Northern Cree drum group nominated for Grammy award in 'regional roots' category – [Indianz.com](#) (11/28)

Let Chef Brian Yazzie Show You The Future of Indigenous Cuisine – [uproxx.com](#) (11/28)

Battle of Washita was Custer's only 'victory' – [White Mountain Independent](#) (11/28)

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NM, Native Group Urge Nix Of CFPB's Tribal Lenders Suit

Share us on: By **Adam Lidgett**

Law360, New York (November 28, 2017, 9:14 PM EST) -- The state of New Mexico and the National Congress of American Indians on Monday urged a Kansas federal judge to toss a Consumer Financial Protection Bureau suit over a California tribe's allegedly abusive loans.

The NCAI and the state filed amicus briefs in support of a bid by four lenders owned by the Habematolel Pomo of Upper Lake — a California tribe — to **dismiss the CFPB's loan practices case** against them. For its part, the state said that the CFPB has argued it is authorized to regulate other sovereign entities and that should that position be validated, it would give the bureau investigative and regulatory power over states as well as tribes.

“The enforcement of state and tribal consumer laws is left to states and tribes,” the state said. “Alleged violations of federal consumer protection laws that are predicated on the violation of state law should be enforced by joint efforts between federal and state agencies.”

In its own brief, the NCAI said that the fact that tribes have the right to govern their own activities is a “well-settled principle of federal Indian law.”

“The bureau misconprehends the sovereign role of tribes in our federalism while ignoring tribes’ and individual Americans’ freedoms of trade and contract enshrined in the United States Constitution,” the NCAI said.

The lenders, which include Golden Valley Lending Inc., Silver Cloud Financial Inc., Mountain Summit Financial Inc. and Majestic Lake Financial Inc., have asked for the CFPB’s allegations of their allegedly “deceptive, unfair and abusive” loans to be dismissed. The four lenders are all based at the same address in Upper Lake, California, the home base of the tribe, which has about 300 members, according to the CFPB.

The CFPB complaint asserted that the small-dollar loans had annual percentage rates as high as 950 percent.

The case was **transferred from Illinois federal court** to Kansas federal court in September. The CFPB had argued that Illinois was an important nexus, but an Illinois federal judge granted the lenders' motion to transfer the suit to Kansas, where they operate a call center.

The lenders asserted in October that they are immune from suit brought under the Consumer Financial Protection Act and Truth in Lending Act.

"NCAI has a long-standing interest in defending the inherent sovereign rights of tribal governments, and has particular expertise in this area of law," the NCAI said in a statement. "We appreciate that the state of New Mexico filed a brief similarly protecting state government interests."

Counsel for the state declined to comment beyond the filing.

Representatives for the CFPB and the defendants did not immediately respond to requests for comment on Tuesday.

The state of New Mexico is represented by Tania Maestas of the New Mexico Office of the Attorney General and Tyler C. Hibler of Sanders Warren Russel & Scheer LLP.

The National Congress of American Indians is represented by Micah Schwalb of Roenbaugh Schwalb, and Jennifer H. Weddle and Troy A. Eid of Greenberg Traurig LLP.

The Consumer Financial Protection Bureau is represented in-house by Stephen Jacques, Vanessa Buchko and Gabriel S.H. Hopkins.

The defendants are represented by Paul Croker of Armstrong Teasdale LLP, and Brant Bishop, Beth Wilkinson, Rakesh Kilaru and Lori Alvino McGill of Wilkinson Walsh & Eskovitz LLP.

The case is Consumer Financial Protection Bureau v. Golden Valley Lending Inc. et al., case number 2:17-cv-02521, in the U.S. District Court for the District of Kansas.

--Additional reporting by Michael Phillis and Cara Salvatore. Editing by Jack Karp.

Landowners Urge Neb. To Rethink Keystone XL Approval

Share us on: By **John Kennedy**

Law360, New York (November 28, 2017, 2:44 PM EST) -- Nebraska landowners have asked the state's utility regulators to reconsider their recent decision approving a section of TransCanada Corp.'s Keystone XL oil pipeline, arguing that the company's application only asked for approval of its "preferred route," which was rejected, not the "mainline alternative route" that was approved.

The landowners' Saturday motion urged the Nebraska Public Service Commission to reconsider its **Nov. 20 order** and to clarify it by unanimously denying TransCanada's February application for approval of the preferred route, which they said was the only route for which studies required by law had been done. The commission voted 3-2 to approve the alternative route — one of three proposed in TransCanada's application — but passed on the company's preferred pipeline path.

The landowners said the commission should recognize the limitations on its power to act on the application given the scope of TransCanada's approval request and the absence of evidence that required studies were conducted on any route other than the preferred one.

A day before the landowners filed their motion, TransCanada asked the commission to reconsider its order after evaluating the company's filing of an amended application. The company is not seeking reconsideration of the route itself, but wants the commission to allow TransCanada to address some questions raised by the decision, a TransCanada spokesperson told Law360 on Tuesday.

The company also said it is continuing to review the PSC's decision and its impact on the cost and schedule of the project.

A lawyer for the landowners, Dave Domina, said in a statement on the day of the order that the PSC's ruling affirms his clients' long-held belief that the preferred route was not appropriate. His co-counsel, Brian Jorde, questioned the commission's authority to approve an alternate route, arguing that the only reason the other two routes were included in the application was to show that TransCanada had considered other options.

Domina and Jorde declined to comment further on the matter on Tuesday, and Domina said they will speak further at an upcoming hearing. TransCanada declined to comment on the landowners' motion.

PSC Chairman Tim Schram and Commissioners Rod Johnson and Frank Landis Jr. voted in favor of the route, while Commissioners Crystal Rhoades and Mary Ridder voted against it. Rhoades said that the route violates the landowners' rights to due process, wasn't adequately evaluated by state and federal regulators, crosses environmentally sensitive areas and offers little economic benefit to Nebraska.

The landowners are represented by David A. Domina and Brian E. Jorde of Domina Law Group PC LLO.

TransCanada is represented by James G. Powers and Patrick D. Pepper of McGrath North Mullin & Kratz PC.

The case is In the Matter of the Application of TransCanada Keystone Pipeline LP for Route Approval of the Keystone XL Pipeline Project Pursuant to the Major Oil Pipeline Siting Act, application number OP-0003, before the Nebraska Public Service Commission.

--Additional reporting by Keith Goldberg. Editing by Jack Karp.

House OKs Calif. Tribe Land Deal With Feds

Share us on: By **Michael Macagnone**

Law360, Washington (November 28, 2017, 8:50 PM EST) -- The House of Representatives approved a bill Tuesday that would greenlight a land deal between the federal government and the Santa Ynez Band of Chumash Indians that has been the subject of litigation in California.

The bill from Rep. Doug LaMalfa, R-Calif., retroactively recognizes the U.S. Department of the Interior's decision earlier this year to take more than 1,400 acres of land into trust for the tribe, and passed on a voice vote Tuesday. Speaking on the floor Tuesday, LaMalfa noted that the bill included a restriction on the use of the land for gambling and addressed decades-old housing problems for members of the tribe.

"I believe this is the outcome of good faith by all parties and should be considered a model for maintaining positive working relationships between tribes and local governments," LaMalfa said.

Specifically, the bill authorized the transfer "as if that action had been taken under a federal law specifically authorizing or directing that action." The bill received bipartisan support, including from Rep. Norma Torres, D-Calif., who praised the Chumash for straightforwardly trying to address issues raised by the local government.

"It is a shame that it has almost taken a decade for this issue to be resolved but we are now at a point where we can finally put an end to this process," Torres said.

In January, the DOI approved a plan to take the land into trust for a land and economic development plan called Camp 4, but was challenged by California's Santa Barbara County. Earlier this month, the county agreed to drop its suit following an agreement with the tribe to pay the county \$178,500 annually to mitigate the costs tied to the economic development project. The deal was signed in October, finalized by the court earlier this month, and was also approved by the Bureau of Indian Affairs.

Under the deal, the tribe agrees to a limited waiver of its sovereign immunity that would

allow the county to sue over issues relating to the agreement in either federal or state court. The agreement ending the case also stipulated that the county would support LaMalfa's bill.

While the county's suit centered on concerns about environmental impacts at the site, the agreement states that the tribe's development plans "are not county projects and are not subject to the discretionary approval of the county, and absent this agreement, the county has limited opportunity to influence mitigation measures or seek compensation for potential adverse environmental impacts."

According to the county's complaint, the tribe filed a fee-to-trust application for the disputed 1,433 acres in July 2013 and filed an amended one in November of that year, stating that its purpose was "for tribal housing and supporting infrastructure on a portion of the property, and economic pursuits, long-range planning and land banking."

Santa Barbara County ended up submitting both a response in opposition to the tribe's amended application and comments to the BIA regarding its final environmental assessment related to the tribe's application, according to the complaint.

In October 2014, the BIA issued a finding of no significant impact, but in its complaint, the county said the trust acquisition "raises substantial questions about whether it may significantly [affect] the environment, due to both its context and intensity," and that the agency was required to prepare an environmental impact statement for the project under the National Environmental Policy Act — not just an environmental assessment.

U.S. District Judge Stephen Wilson stayed the case in March for an administrative appeal, after allowing the tribe to intervene in the case.

--Additional reporting by Andrew Westney. Editing by Alyssa Miller.

Slawson Wins Another OK To Drill Pending ND Tribal Appeal

Share us on: By **Christopher Crosby**

Law360, New York (November 28, 2017, 4:51 PM EST) -- A North Dakota federal judge on Monday again allowed Slawson Exploration Co. Inc. to continue oil and gas drilling in the state despite an administrative challenge by the Mandan, Hidatsa & Arikara Nation, finding the company had a strong chance of reversing the Interior Board of Land Appeals' decision to temporarily halt its operations pending the tribe's appeal.

U.S. District Judge Daniel L. Hovland granted Slawson's motion for a preliminary injunction, putting the brakes on an IBLA decision that stayed eight drilling permits the Bureau of Land Management gave to the company for a project that involves drilling multiple horizontal wells from a single well pad beneath Lake Sakakawea in North Dakota.

Judge Hovland's rationale mirrored his decision to grant the company a temporary restraining order from the stay **in August**, finding that the IBLA's decision to halt drilling as it considers the tribe's challenge came too late and ignored well-established U.S. Supreme Court precedent.

At the company's request, Judge Hovland turned his attention to the high court's decision in *Montana v. United States*, which allows tribes to regulate nonmembers in the event their actions endangered tribal lands. Although the MHA Nation objected that the location of the well pad conflicted with a tribal resolution imposing a 1,000-foot setback from the lake, the judge said that the horizontal drilling penetrated private, state and federal mineral rights, and the tribe failed to show how the activity would negatively impact it.

"Slawson argues that neither the MHA Nation's petition for stay nor the IBLA cited evidence of any such 'catastrophic consequence,'" Judge Hovland wrote. "Therefore, Slawson argues the MHA Nation does not have civil jurisdiction over Slawson or the BLM with regard to non-tribal land. The court agrees."

After Slawson sued the U.S. Department of the Interior over the IBLA's decision, the tribe intervened in September, **later arguing** that the company appealed too early because the administrative process was still pending and there was no final agency action which to

appeal. As such, the tribe argued that the court did not have jurisdiction to impose a restraining order.

But on Monday, Judge Hovland said that the IBLA's order ignored well-settled principles that tribes cannot regulate federal agencies and have limited civil jurisdiction over nontribal members on nontribal land. He also noted that the BLM was under no obligation to enforce tribal law when making federal decisions affecting non-Indian lands since the drilling would not penetrate tribal mineral rights.

Without the injunction, the company would lose the value of its oil and gas leases on the property and would incur considerable expenses having to move its equipment to a new site, he said. In contrast, the judge found that the tribe was unable to point to any specific harm the project would have, and noted that the BLM found that the wells would have no significant environmental impact.

"The development and production of oil and gas is in the public interest," Judge Hovland wrote. "Granting a preliminary injunction order comports with this public interest and both Slawson and the federal defendants recognized this."

Monday's 22-page order also rejects bids by the Department of the Interior and the the MHA Nation to have the case thrown out.

Counsel for the parties did not immediately return requests for comment Tuesday.

Slawson is represented by Eric R. Olson and Daniel McElroy of Bartlit Beck Herman Palenchar & Scott LLP, Robert Thompson III and Jeffrey Lippa of Greenberg Traurig LLP and Kathleen C. Schroder and Timothy R. Canon II of Davis Graham & Stubbs LLP.

The MHA Nation is represented by Timothy Q. Purdon, Katherine S. Barrett Wiik and Luke Hasskamp of Robins Kaplan LLP and John Fredericks III and Rollie Wilson of Fredericks Peebles & Morgan LLP.

The case is Slawson Exploration Co. Inc. v. U.S. Department of the Interior et al., case number 1:17-cv-00166, in the U.S. District Court for the District of North Dakota, Western Division.

--Additional reporting by Christine Powell and Michael Phillis. Editing by Bruce Goldman.

US Urges High Court To Uphold Bearded Seal Listing

Share us on: By **Juan Carlos Rodriguez**

Law360, New York (November 28, 2017, 5:13 PM EST) -- The federal government on Monday asked the U.S. Supreme Court to uphold the National Marine Fisheries Service's decision to list the Pacific bearded seal as a threatened species and reject challenges to the listing filed by the state of Alaska, oil and gas groups and Alaska Natives.

In October 2016 the Ninth Circuit **ruled that** 100-year climate change projections could factor into the NMFS' decision to list the creature as threatened under the Endangered Species Act, overturning an Alaska federal judge. The challengers **have told** the high court that "uncertain consequences" of climate change shouldn't be included in ESA analyses. But the government said the NMFS' methods are solid.

"NMFS has reasonably determined that a species is 'likely' to become endangered within the foreseeable future if it is 'more likely than not' that the species will become endangered within the foreseeable future," the government said in a reply brief.

The brief said the agency properly projected climate change's future effects on the seals' sea-ice habitat using multiple Intergovernmental Panel on Climate Change models.

"NMFS determined that the IPCC models represent the 'best scientific and commercial data available' regarding the future effects of global warming, and both the D.C. Circuit and Ninth Circuit have likewise concluded that 'the IPCC climate models constitute the best available climate science,'" the brief said.

In a Sept. 21 petition, Alaska, the Arctic Slope Regional Corp. and others urged the justices to weigh an October 2016 Ninth Circuit ruling that upheld the listing, arguing the possibility of the bearded seal becoming threatened at some point due to "the uncertain consequences of global climate change" didn't warrant listing the species as "threatened" under the Endangered Species Act.

But the government said the ESA allows a species to be listed as threatened if the science demonstrates that the species is likely to become endangered "within the foreseeable

future, even if the species is not presently endangered or suffering a decline.”

In a separate petition filed the same day, the Alaska Oil and Gas Association and the American Petroleum Institute said that the ESA couldn’t be used as a basis to address a threat that was only theoretical, and that even the NMFS had conceded repeatedly that it can’t predict how the seals will adapt to predicted climate change.

The government again disagreed, saying the Ninth Circuit found the NMFS had interpreted “threatened” status to be proper only if it was “more likely than not” that a species would become endangered within the foreseeable future.

“The court thus sustained NMFS’ listing determination because it found that NMFS had permissibly concluded that the [bearded seal] is likely to become endangered within the foreseeable future — not merely because there exists uncertainty about the impact of global warming or because global warming would have some impact on the [population],” the brief said.

The government is represented by Solicitor General Noel J. Francisco, Acting Assistant Attorney General Jeffrey H. Wood, and J. David Gunter II and Katherine W. Hazard of the U.S. Department of Justice.

The oil and gas groups are represented by Ryan P. Steen, Jeffrey W. Leppo and Jason T. Morgan of Stoel Rives LLP.

Alaska is represented by Attorney General Jahna Lindemuth and Brad Meyen of the Alaska Department of Law, Eric F. Citron, Thomas C. Goldstein and Charles H. Davis of Goldstein and Russell PC, Matthew Waldron, Shelley D. Cordova and Sarah J. Shine of Arctic Slope Regional Corp., and Matthew A. Love and Tyson C. Kade of Van Ness Feldman LLP.

The Center for Biological Diversity is represented by Kassia Siegel and Kristen Monsell.

Alaska Federation of Natives is represented by its own Nicole Borrromeo and Steven T. Seward of Ascent Law Partners LLP.

Resource Development Council of Alaska is represented by Matthew T. Findley and Jessica J. Spuhler of Ashburn & Mason PC.

Wyoming and the other amici states are represented by Wyoming Attorney General Peter K. Michael, Deputy Attorney General James Kaste and Senior Assistant Attorney General Erik E. Petersen, and the attorneys general of the other states.

The case is Alaska Oil & Gas Association et al. v. Wilbur L. Ross, case numbers 17-118 and 17-133, in the Supreme Court of the United States.

--Additional reporting by Andrew Westney. Editing by Alanna Weissman.

Allergan Hit With Antitrust Suit Over Deal With Tribe

Share us on: By **Adam Lidgett**

Law360, New York (November 28, 2017, 2:10 PM EST) -- Allergan Inc. was hit with a lawsuit on Monday by a proposed class of indirect purchasers who bought the dry-eye treatment Restasis at allegedly “supracompetitive prices,” saying the company entered into a deal with a Native American tribe to avoid patent invalidation.

The Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund said in its complaint that even though the company made \$3.3 billion from Restasis sales over 11½ years while it was patent-protected, it developed a scheme to keep generic competitors off the market.

Among the allegations, the complaint said that Allergan entered into a **highly controversial deal to transfer ownership** of a second round of patents to the Saint Regis Mohawk Tribe and have the tribe license them back to Allergan — a move the plaintiffs said was designed to “wrongfully perpetuate Allergan’s monopoly.” The tribe is immune from inter partes reviews at the Patent Trial and Appeal Board, and Allergan claims it now is, too.

“As a result of defendant’s anticompetitive scheme, Allergan earned, to date, an extra \$3.9 billion in monopolistic Restasis sales since May 17, 2014 — at the expense of the plaintiff and the proposed class,” the complaint said. “In the absence of defendant’s unlawful actions, generic Restasis would have been available by May 17, 2014 and plaintiff and the proposed class would have purchased the less expensive generic.”

Additionally, the complaint alleged that the company incorrectly made claims that “clinical data showed unexpected effectiveness and surprising test results,” after the company’s attempts to get new patents to cover Restasis were shot down by the U.S. Patent and Trademark Office.

The complaint also said Allergan petitioned the Food and Drug Administration to only approve the drug’s generic versions if competitors went through a time-consuming and expensive process that the agency doesn’t usually require for drugmakers “looking to market generic versions of brand-name drugs whose safety and efficacy have already been proven.”

In **another suit** launched earlier in November, a complaint from FWK Holdings LLC accused Allergan of blocking low-cost generics for the dry-eye medication through improperly obtained patents, sham infringement suits and citizen petitions, and partnering with the tribe to avoid patent challenges.

An Allergan representative and counsel for FOP Miami didn't immediately respond to requests for comment Monday.

FOP Miami is represented by Steve Shadowen, D. Sean Nation, Matthew C. Weiner and Frazer Thomas of Hilliard & Shadowen LLP, Natalie Finkelman Bennett and Jayne Goldstein of Shepherd Finkelman Miller & Shah LLP and Robert C. "Chris" Bunt of Parker Bunt & Ainsworth PC.

Counsel information for Allergan was not immediately available.

The case is Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund v. Allergan Inc., case number 2:17-cv-00755, in the U.S. District Court for the Eastern District of Texas.

--Additional reporting by Dani Kass, Matthew Bultman and Rachel Graf. Editing by Jack Karp.

DC Circ. Backs Toss Of Calif. County's Tribal Casino Fight

Share us on: By **Adam Lidgett**

Law360, New York (November 28, 2017, 5:28 PM EST) -- The D.C. Circuit on Monday backed a lower court's decision to toss a California county's suit challenging a U.S. Department of the Interior decision supporting a proposed tribal casino, saying the tribe and the county agreed in a 1987 deal that the tribe would be treated as a federally recognized reservation.

A three-judge panel affirmed the **March 2016 dismissal** of Amador County's suit by U.S. District Judge Barbara Jacobs Rothstein, who found that a 1987 settlement of tax issues between the county and the Buena Vista Rancheria of Me-Wuk Indians blocked the county from challenging the tribe's casino plans.

The panel said in a brief, unpublished decision that **the case** turned on whether the rancheria was a reservation under the Indian Gaming Regulatory Act, and that the 1987 deal stated that the county would treat the rancheria "as any other federally recognized Indian reservation."

"As the district court found, the agreement's plain language 'unambiguously sets forth the parties' intent that the county would treat the Buena Vista Rancheria as a reservation,'" the decision said. "And as this court noted in an earlier appeal, such a 'clear[] manifest[ation of] the parties' intent to be bound in future actions' precludes the county from arguing here that the rancheria is not an Indian reservation."

The DOI had argued that the 1987 deal showed clear intent by the county and the tribe to treat the rancheria as an Indian reservation under all federal laws pertaining to tribes and individual Indians, which includes the IGRA.

However, the **county has insisted** that the 1987 deal merely resolved the unpaid taxes the tribe owed the county.

The rancheria lost its reservation status in 1958 under the California Rancheria Act, but the Me-Wuk and many other California tribes challenged the law in a class action filed in the

1970s. The federal government reached a settlement of the so-called Hardwick litigation with the tribes in 1983, and Amador County and the Me-Wuk tribe agreed to the stipulated judgment four years later.

Under the 1987 agreement, the tribe and the county agreed that the Buena Vista Rancheria hadn't been lawfully terminated by the California Rancheria Act, that the original boundaries of the rancheria would be restored and that all federal laws relating to tribes would apply to the rancheria.

The federal government declined to comment Tuesday.

Representatives for the county did not immediately respond to requests for comment Tuesday.

Judges Merrick Garland, Nina Pillard and Robert L. Wilkins sat on the panel for the D.C. Circuit.

Amador County is represented by Dennis Jeffrey Whittlesey of Dickinson Wright PLLC.

The federal government is represented by Jeffrey H. Wood, Mary Gabrielle Sprague, Katherine Wade Hazard and Judith Rabinowitz of the U.S. Department of Justice, and Daniel Lewerenz of the U.S. Department of the Interior.

The case is Amador County, California v. Jewell et al., case number 16-5082, in the U.S. Court of Appeals for the District of Columbia Circuit.

--Additional reporting by Andrew Westney. Editing by Dipti Coorg.