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Federal Court Makes a Decision on a Lawsuit Filed by Butte County

News Release
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Contact: Bruce Alpert (530) 538-7621

Oroville, CA – Today, United States District Court ("US District Court") Judge Henry H. Kennedy, Jr. ruled against Butte County's challenge to recent approvals by the National Indian Gaming Commission ("NIGC") and the Department of the Interior ("DOI") which would allow gaming to occur on approximately 645 acres of land along Highway 149, 2 miles east of the junction of Highway 99.

"The proposed casino site on Highway 149 will have major public safety, traffic, environmental and groundwater impacts," Bruce Alpert, County Counsel for Butte County said. "For the past several years, the casino developer has simply refused to work with Butte County to find an alternative site. As a result, Butte County had no recourse other than this litigation."

In 1988 Congress enacted the Indian Gaming Regulatory Act ("IGRA") which, among other things, places limits on where gaming can occur. Specifically, the IGRA only permits gaming to occur on land which meets the definition of "Indian lands" or "restored lands." In this instance, the casino developer has sought approvals to build a casino on Highway 149 under the "restored lands" definition.

In its lawsuit, Butte County asked the US District Court to conclude that the recent NIGC and DOI approvals were unlawful because the proposed casino site on Highway 149 does not meet the narrow definition of "restored lands." The Court upheld the agency approvals concluding, "they considered the relevant factors and articulated a rational connection between the administrative record and their conclusions."

Now that the US District Court has ruled on the matter, Butte County will consider whether to appeal the ruling.

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