

NPDES Permit No. CA 0049675
Buena Vista Casino Wastewater Treatment Plan

EAB Appeal Number(s): NPDES 10-05; NPDES 10-06; NPDES 10-07; NPDES 10-13

DECLARATION OF WILLIAM WOOD
IN SUPPORT OF
IONE BAND OF MIWOK INDIANS'
MOTION TO STAY ISSUANCE OF
PROPOSED NOTICE TO PROCEED

EXHIBIT C

Wood, William (LAX - X52511)

From: Glen Villa [glenvilla@sbcglobal.net]
Sent: Tuesday, July 12, 2011 1:39 PM
To: Joann Asami
Cc: durr.eurika@epa.gov; arnold@buenavistatribe.com; cchristian@nmgovlaw.com; lucydog@wildblue.net; Wood, William (LAX - X52511); messier.dawn@epa.gov; siegal.tod@epa.gov
Subject: Re: In Re: Buena Vista Wastewater Treatment Plant; NPDES Permit No. CA 0049675; NPDES Appeal Nos. 10-05 - 10-07 & 10-13
Attachments: glen_villa_appeal_july122011.jpg

Please see my attached letter.

On 7/5/2011 10:59 AM, Joann Asami wrote:
Dear Ms. Durr:

As we discussed briefly last week, please find attached a copy of a letter and its enclosures from Region IX that notifies the Environmental Appeals Board of developments related to the applicant's proposed project that have occurred subsequent to filing of the Petitions and the Region's Response to Petitions for Review in this matter. A hard copy of these documents also will be sent by overnight mail.
Thank you very much for assistance on this matter.

Best,
Jo Ann Asami

(enclosure 1)

(enclosure 2)

July 12, 2011

U.S. Environmental Protection Agency
Eurika Durr
Clerk of the Board
Environmental Appeals Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington DC 20005

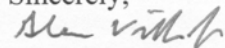
Re: Buena Vista Rancheria Wastewater Treatment Plant, NPDES Appeal Nos. 10-05-10-07 & 10-13

Dear Ms. Durr:

The U.S. EPA Region 9 issued a letter on July 5, 2011, stating its intent to issue a Notice to Proceed (NTP). I encourage the Environmental Appeals Board to consider issuing a stay of the NTP. As I stated throughout the Section 106 consultation process of the NHPA, the proposed project will cause irreparable harm to multiple sites eligible for the National Register of Historic Places. The U.S. EPA Region 9 and the SHPO have concurred the affects of the project are an adverse action to these multiple sites. I have submitted to the Environmental Appeals Board documentation of how the proposed project will adversely affect the sites. In addition to my appeal, other parties have appealed to the Environmental Appeals Board challenging the authority to issue a permit and the legal authority of the property. In addition, there are current litigations filed by the County of Amador and the Friends of Amador County challenging the authority of the proposed project.

It is reckless and irresponsible for the U.S. EPA to issue a NTP when the construction will adversely affect sites eligible for the National Register of Historic Places when the legality of the project is being challenged in Federal courts. Due to the adverse affects to these sites, I respectfully request the Environmental Appeals Board to not allow the U.S. EPA Region 9 to issue a NTP for this project at this time.

Sincerely,



Glen Villa Jr.
901 Quail Ct
Ione, CA 95640

NPDES Permit No. CA 0049675
Buena Vista Casino Wastewater Treatment Plan

EAB Appeal Number(s): NPDES 10-05; NPDES 10-06; NPDES 10-07; NPDES 10-13

DECLARATION OF WILLIAM WOOD
IN SUPPORT OF
IONE BAND OF MIWOK INDIANS'
MOTION TO STAY ISSUANCE OF
PROPOSED NOTICE TO PROCEED

EXHIBIT D

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:05-cv-00658-RWR**

AMADOR COUNTY, CALIFORNIA v. NORTON et al
Assigned to: Judge Richard W. Roberts
Case in other court: USCA, 10-05240
Cause: 28:2201 Declaratory Judgement

Date Filed: 04/01/2005
Date Terminated: 09/13/2009
Jury Demand: None
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

AMADOR COUNTY, CALIFORNIA

represented by **Dennis Jeffrey Whittlesey**
DICKINSON WRIGHT, PLLC
1875 Eye Street, NW
Suite 1200
Washington, DC 20006
(202) 659-6928
Fax: (202) 659-1559
Email: dwhittlesey@dickinsonwright.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott Raymond Knapp
DICKINSON WRIGHT P.L.L.C.
215 South Washington Square
Suite 200
Lansing, MI 48933
(517) 487-4762
Fax: (517) 487-4700
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

GALE A. NORTON
*Secretary, United States Department of the
Interior*
TERMINATED: 03/21/2008

represented by **Judith Rabinowitz**
U.S. DEPARTMENT OF JUSTICE
Environment & Natural Resources Division
301 Howard Street
Suite 1050
San Francisco, CA 94105
(415) 744-6486
Fax: (415) 744-6476
Email: judith.rabinowitz2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

MICHAEL D. OLSEN
*Acting Principal Deputy Assistant Secretary for
Indian Affairs, United States Department of the
Interior*

represented by **Judith Rabinowitz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DEPARTMENT OF THE
INTERIOR**

represented by **Judith Rabinowitz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DIRK A. KEMPTHORNE

Secretary, U.S. Department of Interior

represented by **Judith Rabinowitz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

**BUENA VISTA RANCHERIA OF THE ME-
WUK INDIANS**

TERMINATED: 03/30/2006

represented by **Derril B. Jordan**
JORDAN LAW OFFICES, PLLP
1730 Rhode Island Avenue, NW
Suite 501
Washington, DC 20036
(202) 223-0893
Fax: (202) 223-0894
Email: djordan@dbjordanlaw.com
TERMINATED: 03/30/2006
LEAD ATTORNEY

Date Filed	#	Docket Text
04/01/2005	<u>1</u>	COMPLAINT against GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR (Filing fee \$ 250) filed by AMADOR COUNTY, CALIFORNIA.(jf,) (Entered: 04/04/2005)
04/01/2005		Summons (3) Issued as to GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR. (jf,) (Entered: 04/04/2005)
04/01/2005	<u>2</u>	LCvR 7.1 - CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMADOR COUNTY, CALIFORNIA (jf,) (Entered: 04/04/2005)
04/05/2005		SUMMONS (5) Issued as to GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR, U.S. Attorney and U.S. Attorney General (jf,) (Entered: 04/05/2005)
04/26/2005	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to MICHAEL D. OLSEN served on 4/8/2005, answer due 6/7/2005. (Whittlesey, Dennis) (Entered: 04/26/2005)
04/27/2005	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to UNITED STATES DEPARTMENT OF THE INTERIOR served on 4/8/2005, answer due 6/7/2005. (Whittlesey, Dennis) (Entered: 04/27/2005)
04/27/2005	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to GALE A. NORTON served on 4/8/2005, answer due 6/7/2005. (Whittlesey, Dennis) (Entered: 04/27/2005)
04/28/2005	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the US Attorney. (Whittlesey, Dennis) (Entered: 04/28/2005)
04/29/2005	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General 4/15/05. (Whittlesey, Dennis) (Entered: 04/29/2005)
06/07/2005	<u>8</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR. (Rabinowitz, Judith) (Entered: 06/07/2005)
06/08/2005	<u>9</u>	Memorandum in opposition to motion re <u>8</u> <i>Plaintiff's Memorandum in Opposition to Defendants' Motion for Extension of Time</i> filed by AMADOR COUNTY, CALIFORNIA. (Whittlesey, Dennis)

		(Entered: 06/08/2005)
06/14/2005	<u>10</u>	REPLY to opposition to motion re <u>8</u> filed by GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR. (Rabinowitz, Judith) (Entered: 06/14/2005)
06/20/2005		MINUTE ORDER: It is hereby ORDERED that defendants' motion <u>8</u> for extension of time to respond to the complaint be, and hereby is, GRANTED IN PART. Defendants shall have until 7/22/2005 in which to respond to the complaint. Issued by Judge Richard W. Roberts on 6/20/2005. NB: The court will no longer send attorneys courtesy paper copies of opinions and orders. Opinions and orders will be sent to attorneys only electronically under LCvR 5.4(b)(1). (lcrwr3) (Entered: 06/20/2005)
06/24/2005		Set/Reset Deadlines: Answer due by 7/22/2005. (lin,) (Entered: 06/24/2005)
07/22/2005	<u>11</u>	MOTION to Dismiss <i>Plaintiff's Complaint</i> by GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR. (Attachments: # <u>1</u> Memorandum in Support of Motion to Dismiss# <u>2</u> Text of Proposed Order # <u>3</u> Attachment A)(Rabinowitz, Judith) (Entered: 07/22/2005)
08/02/2005	<u>12</u>	Memorandum in opposition to motion re <u>11</u> <i>Plaintiff's Memorandum of Points and Authorities in Opposition to Defendants' Motion to Dismiss</i> filed by AMADOR COUNTY, CALIFORNIA. (Attachments: # <u>1</u> Exhibit Exhibit 1# <u>2</u> Exhibit Exhibit 2# <u>3</u> Exhibit Exhibit 3# <u>4</u> Exhibit Exhibit 4# <u>5</u> Exhibit Exhibit 5# <u>6</u> Text of Proposed Order Proposed Order)(Whittlesey, Dennis) (Entered: 08/02/2005)
08/09/2005	<u>13</u>	REPLY to opposition to motion re <u>11</u> <i>dismissal</i> filed by GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit)(Rabinowitz, Judith) (Entered: 08/09/2005)
08/12/2005	<u>14</u>	MOTION for Leave to File by AMADOR COUNTY, CALIFORNIA. (Attachments: # <u>1</u> # <u>2</u> Exhibit Plaintiff's Surreply Memorandum)(Whittlesey, Dennis) (Entered: 08/12/2005)
08/19/2005	<u>15</u>	Memorandum in opposition to motion re <u>14</u> <i>surreply</i> filed by GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR. (Rabinowitz, Judith) (Entered: 08/19/2005)
08/22/2005	<u>16</u>	MOTION to Strike by GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR. (Attachments: # <u>1</u>)(Rabinowitz, Judith) (Entered: 08/22/2005)
08/23/2005	<u>17</u>	REPLY to opposition to motion re <u>14</u> filed by AMADOR COUNTY, CALIFORNIA. (Whittlesey, Dennis) (Entered: 08/23/2005)
08/23/2005	<u>18</u>	MOTION for Leave to File an amicus brief by BUENA VISTA RANCHERIA OF THE ME-WUK INDIANS. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Exhibit Amicus Curiae Brief)(rje,) (Entered: 08/25/2005)
09/01/2005	<u>19</u>	Memorandum in opposition to motion re <u>18</u> filed by AMADOR COUNTY, CALIFORNIA. (Attachments: # <u>1</u> Text of Proposed Order Order Denying Motion)(Whittlesey, Dennis) (Entered: 09/01/2005)
01/24/2006	<u>20</u>	MOTION for Leave to File <i>Plaintiff's Unopposed Motion for Leave to Supplement Its Opposition to Defendants' Motion to Dismiss</i> by AMADOR COUNTY, CALIFORNIA. (Attachments: # <u>1</u> Supplement to Plaintiff's Memorandum of Points and Authorities in Opposition to Defendants' Motion to Dismiss# <u>2</u> Text of Proposed Order)(Whittlesey, Dennis) (Entered: 01/24/2006)
02/02/2006	<u>21</u>	RESPONSE to <i>Plaintiff's Motion to Supplement <u>20</u></i> filed by GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR. (Rabinowitz, Judith) Modified on 2/3/2006 (jf,). (Entered: 02/02/2006)
02/15/2006		MINUTE ORDER: It is hereby ORDERED that plaintiff's unopposed motion <u>20</u> for leave to supplement its opposition to defendants' motion to dismiss be, and hereby is, GRANTED. Issued by Judge Richard W. Roberts on 2/15/06. (lcrwr2) (Entered: 02/15/2006)

02/21/2006	<u>22</u>	RESPONSE to <u>21</u> <i>United States' Response</i> filed by AMADOR COUNTY, CALIFORNIA. (Whittlesey, Dennis) Modified on 2/22/2006 (nmw,). (Entered: 02/21/2006)
03/30/2006		MINUTE ORDER: It is hereby ORDERED that plaintiff's motion <u>14</u> for leave to file a surreply be, and hereby is, GRANTED. It is further ORDERED that defendant's motion <u>16</u> to strike be, and hereby is, DENIED. It is further ORDERED that the Buena Vista Rancheria's motion <u>18</u> for leave to file an amicus brief be, and hereby is, DENIED. Issued by Judge Richard W. Roberts on 3/30/06. (lcrwr2) (Entered: 03/30/2006)
03/30/2006	<u>23</u>	SURREPLY to re <u>11</u> MOTION to Dismiss Plaintiff's Complaint filed by AMADOR COUNTY, CALIFORNIA. (jf,) (Entered: 04/03/2006)
05/17/2007	<u>24</u>	STATUS REPORT by AMADOR COUNTY, CALIFORNIA. (Whittlesey, Dennis) (Entered: 05/17/2007)
07/31/2007		MINUTE ORDER: It is hereby ORDERED that defendants respond to plaintiff's status report <u>24</u> within 14 days of the entry of this Order. Regarding plaintiff's status report, given that no ruling on the only motion pending would have impact on the mootness issue raised by the plaintiff, it is further ORDERED that plaintiff file a supplemental memorandum clarifying what, if any, relief the status report seeks. Signed by Judge Richard W. Roberts on 7/31/07. (lcrwr3) (Entered: 07/31/2007)
08/14/2007	<u>25</u>	RESPONSE re Order, <i>Federal Defendants' Response to Plaintiff's Status Report</i> filed by GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR. (Rabinowitz, Judith) (Entered: 08/14/2007)
08/23/2007	<u>26</u>	MOTION for Leave to File <i>First Amended Complaint for Declaratory and Injunctive Relief</i> by AMADOR COUNTY, CALIFORNIA (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> First Amended Complaint for Declaratory and Injunctive Relief)(Whittlesey, Dennis) (Entered: 08/23/2007)
09/04/2007	<u>27</u>	Memorandum in opposition to re <u>26</u> MOTION for Leave to File <i>First Amended Complaint for Declaratory and Injunctive Relief</i> filed by GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR. (Rabinowitz, Judith) (Entered: 09/04/2007)
09/10/2007	<u>28</u>	REPLY to opposition to motion re <u>26</u> MOTION for Leave to File <i>First Amended Complaint for Declaratory and Injunctive Relief</i> filed by AMADOR COUNTY, CALIFORNIA. (Whittlesey, Dennis) (Entered: 09/10/2007)
10/10/2007		MINUTE ORDER: It is hereby ORDERED that the plaintiff be, and hereby is, DIRECTED to comply with the July 31, 2007 minute order and file a supplemental memorandum within fifteen days of this Order. Signed by Judge Richard W. Roberts on 10/10/07. (lcrwr2) (Entered: 10/10/2007)
10/10/2007	<u>29</u>	MEMORANDUM re Order, Order, by AMADOR COUNTY, CALIFORNIA. (Whittlesey, Dennis) (Entered: 10/10/2007)
03/21/2008		MINUTE ORDER: It is hereby ORDERED that plaintiff's motion <u>26</u> for leave to file a first amended complaint be, and hereby is, DENIED AS MOOT. Plaintiff has a right to amend its complaint now as a matter of course without seeking leave to do so. The Clerk is DIRECTED to file the plaintiff's amended complaint, attached as an exhibit to plaintiff's motion, as of the date of this Minute Order. It is further ORDERED that in light of the filing of the amended complaint, defendants' motion <u>11</u> to dismiss be, and hereby is, DENIED WITHOUT PREJUDICE. Signed by Judge Richard W. Roberts on 3/21/08. (lcrwr2) (Entered: 03/21/2008)
03/21/2008	<u>30</u>	FIRST AMENDED COMPLAINT against DIRK A. KEMPTHORNE, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR filed by AMADOR COUNTY, CALIFORNIA.(jf,) (Entered: 03/24/2008)
04/02/2008	<u>31</u>	MOTION for Extension of Time to File Response/Reply by DIRK A. KEMPTHORNE, GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Text of Proposed Order)(Rabinowitz, Judith) (Entered: 04/02/2008)
04/18/2008	<u>32</u>	MOTION to Dismiss by DIRK A. KEMPTHORNE, GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR (Rabinowitz, Judith) (Entered: 04/18/2008)

04/18/2008	<u>33</u>	MEMORANDUM re <u>32</u> MOTION to Dismiss filed by DIRK A. KEMPTHORNE, UNITED STATES DEPARTMENT OF THE INTERIOR, MICHAEL D. OLSEN, GALE A. NORTON by DIRK A. KEMPTHORNE, GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR. (Attachments: # <u>1</u> Attachment A, # <u>2</u> Attachment B, # <u>3</u> Text of Proposed Order)(Rabinowitz, Judith) (Entered: 04/18/2008)
04/25/2008		MINUTE ORDER: It is hereby ORDERED that defendants' unopposed motion <u>31</u> for an extension of time until April 18, 2008 to respond to the First Amended Complaint be, and hereby is, GRANTED nunc pro tunc. Signed by Judge Richard W. Roberts on 4/25/08. (lcrwr2) (Entered: 04/25/2008)
04/29/2008	<u>34</u>	Memorandum in opposition to re <u>32</u> MOTION to Dismiss filed by AMADOR COUNTY, CALIFORNIA. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6)(Whittlesey, Dennis) (Entered: 04/29/2008)
05/09/2008	<u>35</u>	REPLY to opposition to motion re <u>32</u> MOTION to Dismiss filed by DIRK A. KEMPTHORNE, GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR. (Rabinowitz, Judith) (Entered: 05/09/2008)
05/21/2008	<u>36</u>	MOTION for Leave to File <i>Surreply in Opposition to Defendants' Motion to Dismiss</i> by AMADOR COUNTY, CALIFORNIA (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order) (Whittlesey, Dennis) (Entered: 05/21/2008)
06/03/2008	<u>37</u>	Memorandum in opposition to re <u>36</u> MOTION for Leave to File <i>Surreply in Opposition to Defendants' Motion to Dismiss</i> filed by DIRK A. KEMPTHORNE, UNITED STATES DEPARTMENT OF THE INTERIOR. (Rabinowitz, Judith) (Entered: 06/03/2008)
08/04/2008	<u>38</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Scott Raymond Knapp, :Firm- Dickinson Wright PLLC, :Address- 215 South Washington Square, Suite 200, Lansing, MI 48933. Phone No. - 517-487-4762. Fax No. - 517-487-4700 by AMADOR COUNTY, CALIFORNIA (Whittlesey, Dennis) (Entered: 08/04/2008)
08/05/2008		MINUTE ORDER: It is hereby ORDERED that plaintiff's motion <u>38</u> for the admission pro hac vice of Scott Raymond Knapp be, and hereby is, GRANTED. Signed by Judge Richard W. Roberts on 8/5/08. (lcrwr2) (Entered: 08/05/2008)
09/05/2008	<u>39</u>	MOTION for Preliminary Injunction by AMADOR COUNTY, CALIFORNIA (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum in Support, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Exhibit K, # <u>14</u> Exhibit L, # <u>15</u> Exhibit M, # <u>16</u> Exhibit N, # <u>17</u> Exhibit O)(Whittlesey, Dennis) (Entered: 09/05/2008)
09/15/2008	<u>40</u>	Memorandum in opposition to re <u>39</u> MOTION for Preliminary Injunction filed by DIRK A. KEMPTHORNE, UNITED STATES DEPARTMENT OF THE INTERIOR. (Attachments: # <u>1</u> Exhibit Arbitration Award)(Rabinowitz, Judith) (Entered: 09/15/2008)
09/17/2008	<u>41</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>39</u> MOTION for Preliminary Injunction by AMADOR COUNTY, CALIFORNIA (Attachments: # <u>1</u> Text of Proposed Order) (Whittlesey, Dennis) (Entered: 09/17/2008)
09/22/2008		MINUTE ORDER: It is hereby ORDERED that plaintiff's unopposed motion <u>41</u> for an extension of time to file a reply in support of its motion for a preliminary injunction be, and hereby is, GRANTED. The reply is due by 9/30/2008. Signed by Judge Richard W. Roberts on 9/22/2008. (lcrwr2) (Entered: 09/22/2008)
09/23/2008		Set/Reset Deadlines: Replies due by 9/30/2008. (zlin,) (Entered: 09/23/2008)
09/30/2008	<u>42</u>	REPLY to opposition to motion re <u>39</u> MOTION for Preliminary Injunction filed by AMADOR COUNTY, CALIFORNIA. (Whittlesey, Dennis) (Entered: 09/30/2008)
01/08/2009	<u>43</u>	MEMORANDUM OPINION granting defendants' motion to dismiss <u>32</u> ; granting plaintiff's motion for leave to file a surreply <u>36</u> ; and denying as moot plaintiff's motion for a preliminary injunction. Signed by Judge Richard W. Roberts on 1/8/09. (lcrwr2) (Entered: 01/08/2009)

01/08/2009	44	ORDER granting defendants' motion to dismiss 32 ; granting plaintiff's motion for leave to file a surreply 36 ; and denying as moot plaintiff's motion for a preliminary injunction 39 . Signed by Judge Richard W. Roberts on 1/8/09. (lcrwr2) (Entered: 01/08/2009)
01/08/2009	45	SURREPLY to re 32 MOTION to Dismiss filed by AMADOR COUNTY, CALIFORNIA. (jf,) (Entered: 01/09/2009)
01/23/2009	46	MOTION to Alter Judgment as to 43 Memorandum & Opinion, 44 Order, by AMADOR COUNTY, CALIFORNIA (Attachments: # 1 Memorandum in Support, # 2 Text of Proposed Order)(Whittlesey, Dennis) (Entered: 01/23/2009)
02/06/2009	47	Memorandum in opposition to re 46 MOTION to Alter Judgment as to 43 Memorandum & Opinion, 44 Order, filed by DIRK A. KEMPTHORNE, GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR. (Rabinowitz, Judith) (Entered: 02/06/2009)
02/24/2009	48	MOTION for Leave to File <i>Reply Out Of Time</i> by AMADOR COUNTY, CALIFORNIA (Attachments: # 1 Exhibit 1, # 2 Text of Proposed Order)(Whittlesey, Dennis) (Entered: 02/24/2009)
03/23/2009		MINUTE ORDER: It is hereby ORDERED that the plaintiff's motion for leave to file a reply in support of its Rule 59(e) motion out of time 48 be, and hereby is, GRANTED. Signed by Judge Richard W. Roberts on 3/20/09. (lcrwr2) (Entered: 03/23/2009)
03/23/2009	49	REPLY in support of 46 MOTION to Alter Judgment as to 43 Memorandum & Opinion, 44 Order, filed by AMADOR COUNTY, CALIFORNIA. (jf,) (Entered: 03/24/2009)
04/20/2010	50	MOTION to Expedite <i>Ruling</i> by DIRK A. KEMPTHORNE, GALE A. NORTON, MICHAEL D. OLSEN, UNITED STATES DEPARTMENT OF THE INTERIOR (Rabinowitz, Judith) (Entered: 04/20/2010)
05/03/2010	51	RESPONSE re 50 <i>IN SUPPORT OF UNITED STATES' MOTION TO EXPEDITE RULING ON PLAINTIFF'S RULE 59(e) MOTION TO ALTER OR AMEND JUDGMENT</i> filed by AMADOR COUNTY, CALIFORNIA. (Whittlesey, Dennis) Modified to add link on 5/4/2010 (znmw,). (Entered: 05/03/2010)
07/09/2010	52	Emergency MOTION to Expedite <i>RULING BY JULY 12, 2010 ON PENDING MOTIONS</i> by AMADOR COUNTY, CALIFORNIA (Attachments: # 1 Exhibit A)(Whittlesey, Dennis) (Entered: 07/09/2010)
07/12/2010	53	MEMORANDUM OPINION AND ORDER denying Amador County's motion 46 to alter or amend the judgment. Signed by Judge Richard W. Roberts on 7/12/10. (lcrwr2) (Entered: 07/12/2010)
07/12/2010		MINUTE ORDER: It is hereby ORDERED that the parties' motion 50 to expedite the ruling on plaintiff's Rule 59(e) motion and plaintiff's emergency motion 52 for an expedited ruling be, and hereby are, GRANTED. Signed by Judge Richard W. Roberts on 7/12/10. (lcrwr2) (Entered: 07/12/2010)
07/13/2010	54	NOTICE OF APPEAL re 53 MEMORANDUM OPINION AND ORDER denying Amador County's motion 46 to alter or amend the judgment by AMADOR COUNTY, CALIFORNIA. Filing fee \$ 455, receipt number 0090-2235876. Fee Status: Fee Paid. Parties have been notified. (Attachments: # 1 Exhibit July 12, 2010 Memorandum, Opinion and Order)(Whittlesey, Dennis) Modified on 7/16/2010 to add link (jf,). (Entered: 07/13/2010)
07/14/2010	55	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date re 54 Notice of Appeal. (jf,) (Entered: 07/14/2010)
07/16/2010		USCA Case Number 10-5240 for 54 Notice of Appeal filed by AMADOR COUNTY, CALIFORNIA. (rdj) (Entered: 07/16/2010)
07/16/2010	56	Amended NOTICE OF APPEAL re appeal 54 by AMADOR COUNTY, CALIFORNIA. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Whittlesey, Dennis) (Entered: 07/16/2010)
07/19/2010	57	Transmission of the Amended Notice of Appeal, Order Appealed, and Docket Sheet to US Court of

Appeals. 10-5240 re [56](#) Amended Notice of Appeal. (jf,) (Entered: 07/19/2010)

06/23/2011

[58](#)

MANDATE of USCA (certified copy) as to [54](#) Notice of Appeal, filed by AMADOR COUNTY, CALIFORNIA ; USCA Case Number 10-5240. ORDERED and ADJUDGED that the judgment of the District Court appealed from in this cause is hereby reversed and the case is remanded for further proceedings, in accordance with the opinion of the court filed herein this date. (Attachments: # [1](#) USCA Opinion)(kb) (Entered: 06/29/2011)

PACER Service Center

Transaction Receipt

07/19/2011 19:28:35

PACER Login:	wb0101	Client Code:	888088-00001/newcases-ww
Description:	Docket Report	Search Criteria:	1:05-cv-00658-RWR
Billable Pages:	6	Cost:	0.48

NPDES Permit No. CA 0049675
Buena Vista Casino Wastewater Treatment Plan

EAB Appeal Number(s): NPDES 10-05; NPDES 10-06; NPDES 10-07; NPDES 10-13

DECLARATION OF WILLIAM WOOD
IN SUPPORT OF
IONE BAND OF MIWOK INDIANS'
MOTION TO STAY ISSUANCE OF
PROPOSED NOTICE TO PROCEED

EXHIBIT E

**U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:10-cv-00348-WBS -GGH**

(TEMP) Friends of Amador County, et al., v. Salazar
Assigned to: Judge William B. Shubb
Referred to: Magistrate Judge Gregory G. Hollows
Cause: 05:551 Administrative Procedure Act

Date Filed: 02/10/2010
Jury Demand: None
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

Friends of Amador County

represented by **James E. Marino**
Attorney at Law
1026 Camino Del Rio
Santa Barbara, CA 93110
805-967-5141
Fax: 805-967-5141
Email: jmarinolaw@hotmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Bea Crabtree

represented by **James E. Marino**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

June Geary

represented by **James E. Marino**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Ken Salazar

represented by **Judith Rabinowitz**
United States Department of Justice
301 Howard Street, Suite 1050
San Francisco, CA 94105
(415) 744-6486
Fax: (415) 744-6476
Email: Judith.Rabinowitz2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Secretary of the US Department of Interior

represented by **Judith Rabinowitz**
(See above for address)
LEAD ATTORNEY

Defendant

United States Department of Interior

represented by **Judith Rabinowitz**
(See above for address)
LEAD ATTORNEY

Defendant

The National Indian Gaming Commission

represented by **Judith Rabinowitz**
(See above for address)
LEAD ATTORNEY

Defendant

George Skibine

represented by **Judith Rabinowitz**
(See above for address)
LEAD ATTORNEY

Defendant

The State of California
TERMINATED: 10/18/2010

represented by **Jennifer T. Henderson**
Department Of Justice
1300 I Street
Sacramento, CA 95814
916-324-5366
Fax: 916-322-5609
Email: jennifer.henderson@doj.ca.gov
LEAD ATTORNEY

Defendant

Arnold Schwarzenegger
TERMINATED: 10/18/2010

represented by **Jennifer T. Henderson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/10/2010	<u>1</u>	COMPLAINT <i>for Declaratory Relief</i> against all defendants by Friends of Amador County. Attorney Marino, James E. added. (Attachments: # <u>1</u> Civil Cover Sheet)(Marino, James) (Entered: 02/10/2010)
02/10/2010		RECEIPT number #CAE200023745 \$350.00 fbo Friends of Amador County et al by James E Marino on 2/10/2010. (Kastilahn, A) (Entered: 02/10/2010)
02/10/2010	<u>3</u>	SUMMONS ISSUED as to *Secretary of the US Department of Interior, United States Department of Interior, and Ken Salazar* with answer to complaint due within *60* days. Attorney *James E. Marino* *1026 Camino del Rio* *Santa Barbara, CA 93110*. (Kastilahn, A) (Entered: 02/10/2010)
02/10/2010	<u>4</u>	SUMMONS ISSUED as to *The National Indian Gaming Commission, George Skibine, The State of California, Arnold Schwarzenegger* with answer to complaint due within *21* days. Attorney *James E. Marino* *1026 Camino del Rio* *Santa Barbara, CA 93110*. (Kastilahn, A) (Entered: 02/10/2010)
02/10/2010	<u>5</u>	CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference set for 8/9/2010 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. (Attachments: # <u>1</u> Consent Forms, # <u>2</u> VDRP Forms) (Kastilahn, A) (Entered: 02/10/2010)
05/03/2010	<u>6</u>	DECLINE to PROCEED BEFORE US MAGISTRATE JUDGE by Secretary of the US Department of Interior, United States Department of Interior, The National Indian Gaming Commission, George Skibine, Ken Salazar. Attorney Rabinowitz, Judith added. (Rabinowitz, Judith) (Entered: 05/03/2010)
05/07/2010	<u>7</u>	STIPULATION and PROPOSED ORDER for Extension of Time to Answer or Respond to Complaint by The State of California, Arnold Schwarzenegger. Attorney Henderson, Jennifer T. added. (Attachments: # <u>1</u> Proposed Order)(Henderson, Jennifer) (Entered: 05/07/2010)
05/11/2010	<u>8</u>	ORDER signed by Judge William B. Shubb on 5/11/2010 ORDERING that the State dfts' answer or response to the complaint shall be filed by 6/15/2010. (Engbretson, K.) (Entered: 05/11/2010)
05/26/2010	<u>9</u>	SUMMONS RETURNED EXECUTED: Secretary of the US Department of Interior served on

		4/16/2010; United States Department of Interior served on 4/16/2010; The National Indian Gaming Commission served on 4/16/2010; George Skibine served on 4/16/2010; The State of California served on 4/16/2010; Arnold Schwarzenegger served on 4/16/2010; Ken Salazar served on 4/16/2010. (Marino, James) Modified on 5/27/2010 (Williams, D). (Entered: 05/26/2010)
06/14/2010	<u>10</u>	STIPULATION and PROPOSED ORDER for Extension of Time to answer or respond to <u>1</u> Complaint by The State of California and Arnold Schwarzenegger. (Henderson, Jennifer) Modified on 6/16/2010 (Marciel, M). (Entered: 06/14/2010)
06/16/2010	<u>11</u>	STIPULATION and ORDER <u>10</u> for Extension of Time signed by Judge William B. Shubb on 6/15/2010. Defendants' Answer or Response to Complaint shall be filed on or before 6/22/2010. (Marciel, M) (Entered: 06/16/2010)
06/22/2010	<u>12</u>	ANSWER to COMPLAINT by Secretary of the US Department of Interior, The National Indian Gaming Commission, George Skibine, Ken Salazar.(Rabinowitz, Judith) (Entered: 06/22/2010)
06/22/2010	<u>13</u>	MOTION to DISMISS by The State of California, Arnold Schwarzenegger. Motion Hearing set for 9/13/2010 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. (Attachments: # <u>1</u> Points and Authorities, # <u>2</u> Request for Judicial Notice (1 of 3), # <u>3</u> Request for Judicial Notice (2 of 3), # <u>4</u> Request for Judicial Notice (3 of 3)) (Henderson, Jennifer) (Entered: 06/22/2010)
07/19/2010	<u>14</u>	STIPULATION and PROPOSED ORDER for Continuance of Status Conference re <u>5</u> Civil New Case Documents for WBS by Arnold Schwarzenegger, The State of California. (Henderson, Jennifer) (Entered: 07/19/2010)
07/20/2010	<u>15</u>	STIPULATION and ORDER signed by Judge William B. Shubb on 7/20/10 <u>14</u> ORDERING that the Status Conference is CONTINUED to 10/18/2010 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb and the Joint Status conference Statement will be due on 10/4/10.(Duong, D) Modified on 7/20/2010 (Duong, D). (Entered: 07/20/2010)
08/31/2010	<u>16</u>	OPPOSITION by Bea Crabtree, Friends of Amador County, June Geary to <u>13</u> MOTION to DISMISS. (Attachments: # <u>1</u> Declaration in opposition, # <u>2</u> Exh. 1-9 # <u>3</u> Exh. 10-14, # <u>4</u> Exh. 15 # <u>5</u> Exh. 16-24, # <u>6</u> Exh. 25-29, # <u>7</u> Exh. 30, # <u>8</u> Exh. 31, # <u>9</u> Exh. 32-40, # <u>10</u> Exh. 41-46)(Marino, James) Modified on 9/1/2010 (Kaminski, H). (Entered: 08/31/2010)
09/07/2010	<u>17</u>	STIPULATION and PROPOSED ORDER for Continued hearing on dismissal motion by Friends of Amador County. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Order)(Marino, James) (Entered: 09/07/2010)
09/10/2010	<u>18</u>	ORDER signed by Judge William B. Shubb on 9/9/2010 ORDERING that the hearing on the <u>13</u> MOTION to DISMISS is CONTINUED to 10/12/2010 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. (Duong, D) (Entered: 09/10/2010)
10/04/2010	<u>19</u>	JOINT STATUS REPORT by Ken Salazar, Secretary of the US Department of Interior, George Skibine, The National Indian Gaming Commission, United States Department of Interior. (Rabinowitz, Judith) (Entered: 10/04/2010)
10/05/2010	<u>20</u>	REPLY MEMORANDUM by defendants in support of <u>13</u> Motion to Dismiss. (Henderson, Jennifer) Modified on 10/6/2010 (Marciel, M). (Entered: 10/05/2010)
10/05/2010	<u>21</u>	OBJECTIONS TO AND MOTION to STRIKE <i>PLAINTIFFS DECLARATION</i> by Arnold Schwarzenegger, The State of California. Motion Hearing set for 10/12/2010 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. (Henderson, Jennifer) Modified on 10/6/2010 (Kirksey Smith, K). (Entered: 10/05/2010)
10/05/2010	<u>22</u>	OBJECTIONS by defendants to plaintiffs' [16-3] Request for Judicial Notice. (Henderson, Jennifer) Modified on 10/6/2010 (Marciel, M). (Entered: 10/05/2010)
10/12/2010	23	MINUTES (Text Only) for proceedings held before Judge William B. Shubb: MOTION HEARING held on 10/12/2010 re <u>13</u> Motion to Dismiss. After oral argument, the matter was submitted. Plaintiffs Counsel James Marino present. Defendants Counsel Judith Rabinowitz, Jennifer Henderson present. Court Reporter: K. Swinhart. (Jones, K) (Entered: 10/12/2010)

10/15/2010	<u>24</u>	MINUTE ORDER (TEXT ONLY): The parties are hereby notified that the Scheduling Conference now set for 10/18/2010 is taken off calendar and under submission, no appearance is necessary. The Court shall issue a separate order setting dates and deadlines. (Kirksey Smith, K) (Entered: 10/15/2010)
10/18/2010	<u>25</u>	MEMORANDUM AND ORDER RE: MOTION TO DISMISS, signed by Judge William B. Shubb on 10/15/10, ORDERING that the State of California and Governor Arnold Schwarzenegger's <u>13</u> motion to be dismissed from this action is GRANTED. (Kastilahn, A) (Entered: 10/18/2010)
10/18/2010	<u>26</u>	SCHEDULING ORDER signed by Judge William B. Shubb on 10/15/2010 ORDERING that Discovery ddl 5/23/2011; Dispositive Motions Hearing ddl 7/6/2011. Final Pretrial Conference set for 9/19/2011 at 02:00 PM in Courtroom 5 (WBS) before Judge William B. Shubb. Jury Trial set for 11/15/2011 at 09:00 AM in Courtroom 5 (WBS) before Judge William B. Shubb. (Duong, D) (Entered: 10/18/2010)
01/06/2011	<u>27</u>	ORDER by Chief Judge Anthony W. Ishii: Due to the elevation of Magistrate Judge Kimberly J. Mueller to the position of District Judge, this action is temporarily assigned to *Magistrate Judge Gregory G. Hollows*. (Benson, A.) (Entered: 01/06/2011)
07/05/2011	<u>28</u>	STIPULATION <i>and Proposed Order for Extension of Time to File Motions</i> by Defendants. (Rabinowitz, Judith) Modified on 7/7/2011 (Kastilahn, A). (Entered: 07/05/2011)
07/06/2011	<u>29</u>	STIPULATION and ORDER signed by Judge William B. Shubb on 7/5/11 EXTENDING motion filing date to 8/17/2011. (Meuleman, A) (Entered: 07/06/2011)

PACER Service Center			
Transaction Receipt			
07/19/2011 16:24:03			
PACER Login:	wb0101	Client Code:	888088-00001/newcases-ww
Description:	Docket Report	Search Criteria:	2:10-cv-00348-WBS - GGH
Billable Pages:	4	Cost:	0.32

I am over the age of 18 and not a party to this action. I am counsel for the Ione Band of Miwok Indians ("Tribe") in this action. My business address is 400 South Hope Street, 8th Floor, Los Angeles, California 90071.

On July 19, 2011, I caused the documents described as:

IONE BAND OF MIWOK INDIANS' MOTION TO STAY ISSUANCE OF PROPOSED NOTICE TO PROCEED; and

DECLARATION OF WILLIAM WOOD IN SUPPORT OF IONE BAND OF MIWOK INDIANS' MOTION TO STAY ISSUANCE OF PROPOSED NOTICE TO PROCEED

to be served via electronic mail on the persons listed below.

Jo Ann Asami
Assistant Regional Counsel
EPA Region IX
75 Hawthorne Street
San Francisco, CA 94105
e-mail: Asami.joann@epa.gov

Dawn Messier
Tod Siegal
Office of General Counsel, U.S. EPA
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
e-mail: Messier.dawn@epa.gov
Siegal.tod@epa.gov

Jerry Cassessi
Chairman, Friends of Amador County
100 Cook Road
Ione, CA 95640
e-mail: lucydog@wildblue.net

Glen Villa, Jr.
901 Quail Court
Ione, CA 95640
e-mail: glenvilla@sbcglobal.net

Nielsen Merksamer Parrinello Gross & Leoni, LLP
Cathy Christian
Kurt R. Oneto
1415 L Street, Suite 1200
Sacramento, CA 95814
e-mail: cchristian@nmgovlaw.com
e-mail: koneto@nmgovlaw.com

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. Executed this 19th day of July, 2011, at Los Angeles, California.

/s William Wood
William Wood

#10485027_v1