

M. Doran BOS 6/28/16 # 51

# HEINONLINE

Citation: 30 Fed. Reg. 8722 1965

---

1 of 5



equipment, and services in conformity with applicable regulations and statutory authority and availability of allotted funds.

**Sec. 2. Administrative Officer.** The Administrative Officer may execute and approve contracts not in excess of \$100,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and availability of allotted funds.

**Sec. 3. General Supply Officer.** The General Supply Officer may execute and approve contracts not in excess of \$25,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and availability of allotted funds.

**Sec. 4. Chief of Maintenance.** The Chief of Maintenance may issue purchase orders not in excess of \$300 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

**Sec. 5. Supervisory Park Rangers.** Supervisory Park Rangers in grades GS-9 and above may issue purchase orders not in excess of \$300 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

**Sec. 6. Foremen III and IV.** Foremen III and IV may issue purchase orders not in excess of \$300 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

**Sec. 7. Storage Management Assistant.** The Storage Management Assistant may issue purchase orders not in excess of \$300 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

**Sec. 8. Supply Clerk.** The Supply Clerk may issue purchase orders not in excess of \$300 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

**Sec. 9. Oconaluftee and Tremont Job Corps Conservation Center Directors and Administrative Assistants.** Oconaluftee and Tremont Job Corps Conservation Center Directors and Administrative Assistants may issue purchase orders not to exceed \$2,500 for supplies, materials, and equipment in conformity with applicable regulations and statutory authority and subject to availability of funds.

**Sec. 10. Revocation.** This order supersedes Order No. 2 issued June 12, 1963.

(National Park Service Order 14 (19 F.R. 8824) is amended; 39 Stat. 635, 16 U.S.C. sec. 2; Southeast Region Order 3 (24 F.R. 1493))

GEORGE W. FRY,  
Superintendent, Great Smoky  
Mountains National Park

MAY 28, 1965.

[F.R. Doc. 65-7109; Filed, July 8, 1965; 8:47 a.m.]

# Office of the Secretary INDIAN PROPERTY IN CALIFORNIA Adoption and Application of State Laws

Pursuant to § 1.4(b), Title 25, Code of Federal Regulations (30 F.R. 7520), the Secretary of the Interior does hereby adopt and make applicable, subject to the conditions hereinafter provided, all of the laws, ordinances, codes, resolutions, rules or other regulations of the State of California, now existing or as they may be amended or enacted in the future, limiting, zoning, or otherwise governing, regulating, or controlling the use or development of any real or personal property, including water rights, leased from or held or used under agreement with and belonging to any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States and located within the State of California. This adoption and application does not include the laws, ordinances, codes, resolutions, rules, or other regulations of the various counties and cities within the State of California which will be adopted and applied by separate action with such exceptions as are determined to be appropriate.

Nothing contained in this notice shall be construed to in any way alter or limit the provisions of sections 2(b) and 4(b) and (c) of the Act of August 15, 1953 (67 Stat. 588).

Nothing contained in this notice shall be construed to in any way alter, limit, or abridge any vested rights to real or personal property, including water rights, belonging to any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.

The Secretary of the Interior may by appropriate notice expressly revoke the adoption and application of any such laws, ordinances, codes, resolutions, rules or other regulations if he determines such revocation to be in the best interests of the Indian owner or owners in achieving the highest and best use of such property.

JOHN A. CARVER, Jr.,  
Under Secretary  
of the Interior.

JULY 2, 1965.

[F.R. Doc. 65-7193; Filed, July 8, 1965; 8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary GENERAL COUNSEL AND CERTAIN OTHER OFFICIALS

#### Delegation of Authority To Settle Claims of Personnel

Delegation of authority under the Military Personnel and Civilian Employees' Claims Act of 1964, P.L. 88-558, 38th Congress, 78 Stat. 767, to settle claims of personnel.

The General Counsel, the Assistant General Counsel for Marketing, Regulatory Laws, Research and Operations, and

the Director, Research and Operations Division, or persons acting in their stead, are hereby authorized to determine, settle and pay claims under the Military Personnel and Civilian Employees' Claims Act of 1964.

Done at Washington, D.C., this 26 day of July 1965.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 65-7198; Filed, July 8, 1965; 8:47 a.m.]

## FEDERAL POWER COMMISSION

[Docket Nos. C66-1054, etc.]

### GERWIG & KOETHE OIL AND GAS CO. Notice of Applications To Abandon Service<sup>1</sup>

JUNE 30, 1965.

Take notice that on April 24, 1965, each Applicant herein filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Cabot Corp. (Cabot) for resale to Hope Natural Gas Co. (Hope);<sup>2</sup> all as more fully set forth in the tabulation herein and in the applications on file with the Commission and open to public inspection.

Cabot was authorized on June 11, 1964, in Docket No. C64-119 to abandon the resale of the subject gas to Hope. Said resale had been authorized in Docket No. G-5236. The applications state that the subject gas is now being sold wholly in intrastate commerce by Cabot.

Concurrently with the applications each Applicant submitted a notice of cancellation of its related FPC gas rate schedule.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 C.F.R. 1.8 or 1.10), on or before July 21, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that the proposed abandonments are required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GORMAN,  
Secretary.

<sup>1</sup> This notice does not provide for cancellation for hearing of the several matters covered herein, nor should it be so construed.  
<sup>2</sup> New Consolidated Gas Supply Corp.



271 Cal.App.2d 718 (1969)

COUNTY OF SAN BERNARDINO, Plaintiff and Appellant,

v.

JACK C. LA MAR, Defendant and Respondent.

Civ. No. 9214.

California Court of Appeals. Fourth Dist., Div. One.

Apr. 11, 1969.

Stanford D. Herlick, County Counsel, and Paul A. Grube, Jr., Deputy County Counsel, for Plaintiff and Appellant.

720 David L. Sefman and Larry D. Schwartz for Defendant and Respondent. \*720

COUGHLIN, J.

The County of San Bernardino brought this action to enforce designated provisions of the Mobilehome Parks Act (Health & Saf. Code, 18200 et seq., formerly 18000 et seq.), <sup>(fn. 1)</sup> of the state administrative code and of San Bernardino County Ordinance No. 1074; alleged defendant operated a trailer park in violation of these provisions; and sought an injunction restraining further operation thereof in the manner alleged. The trailer park is operated on leased Indian property subject to federal control under the Code of Federal Regulations.

The court found violations of the act, the administrative code and the county ordinance existed but the county did not have enforcement authority in the premises and, on this basis, rendered judgment in favor of defendant.

The county appeals but, in substance, concedes it may not enforce the provisions of its ordinance allegedly violated by defendant. Accordingly, that part of the judgment denying injunctive relief restraining the commission of acts in violation of the ordinance should be affirmed.

Defendant contends on appeal (1) the state does not have the power "to enforce violations of the California Health and Safety Code and California Administrative Code upon federally administered Indian lands" or, more accurately stated, the state may not enforce the provisions of these codes applicable to such lands; (2) the county may not enforce the provisions in question under a delegation of authority from the state because the state did not have the power to delegate enforcement thereof to the county; and (3) the county waived the power to "enforce violations" of the code provisions in question.

The primary issues on appeal concern the effect of section 1.4, part 1, subchapter A, chapter I, title 25 of the Code of Federal Regulations, governing state and local regulation of the use of Indian property, and the action of the Secretary of the Interior in the premises.

721 The regulation in question, i.e., section 1.4, in pertinent part provides: "(a) Except as provided in paragraph (b) of this section, none of the laws, ordinances, codes, resolutions, rules or other regulations of any State or political subdivision thereof limiting, zoning or otherwise governing, regulating, or \*721 controlling the use or development of any real or personal property, ... shall be applicable to any such property leased from or held or used under agreement with and belonging to any Indian or Indian tribe band, or community. ..."

"(b) The secretary of the Interior ... may in specific cases or in specific geographic areas adopt or make applicable to Indian lands all or any part of such laws, ordinances, codes, resolutions, rules or other regulations referred to in paragraph (a) of this section as he shall determine to be in the best interest of the Indian owner or owners in achieving the highest and best use of such property. ..."

3 d 5



On July 8, 1965, the Secretary of the Interior promulgated a document declaring in part: "Pursuant to 1.4(b), Title 25, Code of Federal Regulations (30 F.R. 7520), the Secretary of the Interior does hereby adopt and make applicable, subject to the conditions hereinafter provided, all of the laws, ordinances, codes, resolutions, rules or other regulations of the State of California, now existing or as they may be amended or enacted in the future, limiting, zoning, or otherwise governing, regulating, or controlling the use or development of any real or personal property ... leased from or held or used under agreement with and belonging to any Indian or Indian tribe, band, or community. ... This adoption and application does not include the laws, ordinances, codes, resolutions, rules, or other regulations of the various counties and cities within the State of California which will be adopted and applied by separate action. ..."

"\* \* \*

"The Secretary of the Interior may by appropriate notice expressly revoke the adoption and application of any such laws, ordinances, codes, resolutions, rules or other regulations if he determines such revocation to be in the best interests of the Indian owner or owners in achieving the highest and best use of such property."

722 [1] The Mobilehome Parks Act directs the Department of Housing and Community Development to enforce its provisions, and the rules and regulations promulgated thereunder, unless the governing body of a local agency gives notice of its intention to assume the responsibility of enforcement. (Health & Saf. Code, 18300, 18400.) In the event of nonenforcement by the local agency after notice of assumption, the department must enforce. The County of San Bernardino gave notice of its intention to assume responsibility of enforcement. Under these circumstances, and the clear intention of the act, the \*722 state designated the county an enforcement agency. The instant action, insofar as it relates to enforcement of the provisions of the act and the regulations promulgated thereunder, was instituted by the county in this capacity.

The act supercedes all county ordinances in the premises except as specified. (Health & Saf. Code, 18300.) Some provisions of the county ordinance regulate matters within the exception. Leases of Indian lands include a provision: "The lessee shall conform to the San Bernardino County Code in planning and building his particular property."

In light of the foregoing circumstances, representatives of the Secretary of the Interior and the County of San Bernardino met and discussed the respective rights and duties of their principals in the premises. Thereafter an Area Director of the Department of the Interior sent a letter to the chairman of the Board of Supervisors of San Bernardino County "to delineate the consensus of opinion as reached" in that meeting. In material part this letter states:

"... The Secretary has accepted the State code which would take care of part of the inspection and enforcement, which authority has been delegated to the County. The Bureau of Indian Affairs and the Colorado River Indian Tribes have placed the covenant in the lease as to the acceptance of the San Bernardino County code which has not been formally accepted by the Secretary or his authorized representative insofar as enforcement is concerned. ..."

"... The County will proceed under the State code under their delegated authority from the State and will make inspections and report any delinquencies in the usual manner. The County will make inspections and report any uncorrected delinquencies under the County code to the Bureau of Indian Affairs for enforcement under the stipulation in the lease requiring compliance with the County code."

"This method of administering the State and County codes will remain in effect until we have had an opportunity to review the County code with the prospect of acceptance by the Secretary or his authorized representative as prescribed by the Secretary's regulations."

723 [2] The clear import of the action of the Secretary of the Interior set forth in his declaration filed July 8, 1965, and placed of record in 30 Code of Federal Regulations 8722, was to adopt and make applicable to leased Indian property all of the laws and regulations of the State of California "governing, regulating, or controlling the use or development of any" \*723 such property; adopted and applied the provisions of the Mobilehome Parks Act and regulations promulgated pursuant thereto; but did not adopt or apply the San Bernardino County ordinance.

4 d 5



[3] Defendant's contention the state does not have the power to enforce the act and incident regulations against lessees of Indian lands because the Secretary of the Interior did not specifically authorize enforcement is without a semblance of merit. The act provides for its enforcement. Its provisions were part of the laws the Secretary of the Interior adopted and applied to leased Indian lands.

[4] Equally unmeritorious is defendant's contention the Secretary of the Interior did not adopt and apply to leased Indian lands the provisions of the act whereby the state delegated enforcement to the county. Reliance is placed on that part of the declaration which reads: "This adoption and application does not include the laws, ordinances, codes, resolutions, rules, or other regulations of the various counties and cities within the State of California which will be adopted and applied by separate action with such exceptions as are determined to be appropriate." Defendant's argument is based upon the false concept the federal government does not intend local governments should control the activities on Indian property in any way, and the state by delegating enforcement of the act to the county circumvents this intention, which should not be permitted. The intention of the federal government expressed in the Code of Federal Regulations contemplates control by both the state and local governments of the activities on Indian lands through laws and ordinances whenever the Secretary of the Interior adopts and makes those laws and ordinances applicable to Indian property. The laws and ordinances of the state and local governments are the acts of control to which the instant federal regulation is directed. Included within those laws and ordinances is the inherent power of enforcement. Applicable federal laws or regulations in no way purport to hinder the state in the enforcement of its laws by regulating the method of enforcement or the agency through which it may be effected.

724 Contrary to defendant's contention, the understanding of the representatives of the Secretary of the Interior and the County of San Bernardino expressed in the letter from the area director confirms the conclusion the action of the Secretary of the Interior on July 8, 1965, vested in the county the authority to enforce the act as it applies to Indian lands. \*724 Defendant refers to the statement in the letter that the "County will proceed under the State code under their delegated authority from the State and will make inspections and report any delinquencies in the usual manner"; claims the parties agreed the county is authorized only to inspect and report delinquencies; but disregards the preceding statement that the "Secretary has accepted the State code which will take care of part of the inspection and enforcement, which authority has been delegated to the County." (Italics ours.)

[5] The Board of Supervisors of San Bernardino County adopted a resolution approving the method of administering the state act and the county ordinance set forth in the letter of the area director. Defendant contends by this action the county waived its "rights, duties, and powers" to enforce the state statute. The concept a governmental agency may waive its "duty" or "power" is novel, but has no other merit. Assuming by some extraordinary pseudo-logical process the doctrine of waiver applies, the board of supervisors by its resolution did not waive anything; it merely agreed the administrative procedures outlined by the area director were acceptable; and these procedures, as heretofore indicated, did not include any restriction upon enforcement by the county of the state statute.

That part of the judgment decreeing plaintiff "does not have authority to enjoin any violation of San Bernardino County Ordinance No. 1074," and denying plaintiff's application for an injunction to enforce the provisions of that ordinance, is affirmed. In all other respects the judgment is reversed. The county will recover costs on appeal.

Brown (Gerald), P. J., and Whelan, J., concurred.

[fn. 1] 1. The action was commenced in 1965. The Mobilehome Parks Act then in force was repealed in 1967 and a new act adopted. For the purpose at hand the code sections under consideration are substantially the same in both acts. Reference in this opinion will be to the code sections in the present act.

Save trees - read court opinions online on Google Scholar.

5 d 5



**LATE DISTRIBUTION****DATE** 6/28/16 #51

EDC COB &lt;edc.cob@edcgov.us&gt;

---

**Crime and Safety Shingle Springs Dr gas/hotel**

1 message

**Wendy** <wendy\_payton@hotmail.com>

Tue, Jun 28, 2016 at 8:50 AM

To: The BOSFOUR &lt;bosfour@edcgov.us&gt;, edc.cob@edcgov.us

Dear Mr. Ranalli:

RE: crime and safety concerns, Shingle Springs proposed hotel/gas station

Why is the proposed hotel not over near the casino, which would be the logical place for it? Most gambling establishments encourage drinking because it, frankly, increases a gambler's willingness to take on more financial risk. Then, ideally, guests can simply stagger back to their rooms without getting into a car.

Do you really want an increase in drunk driving on that little patch of Highway 50 between Red Hawk and Shingle Springs Drive?

Second concern: If this station were built on Shingle Springs drive, it would furnish an unusually easy on and off with a certain amount of "camouflage" (busy traffic into and out of the station, hotel with a certain amount of coming and going), sitting well below the level of the highway so it is a little harder to observe.

You are no doubt aware that Sacramento is a MAJOR hub nationally and internationally for human trafficking. Putting a super easy on-off station (with a hotel next door, no less, and a casino right up the road) in an isolated, low-visibility spot would really help strengthen highway 50's role as a spoke on the wheel that includes 80, 5, 99....

You may be laughing now as you read this, but you wouldn't be laughing down the line once word was out on the street among organized criminals looking for easy ways to increase their business.

Wendy Payton

C. Lewis BOS 6/28/16 # 51

June 28, 2016

El Dorado County Board of Supervisors

RE: Mitigated Negative Declaration

File: Site Plan Review SPR15-0003

Project Name – Shingle Springs Improvement Encroachment Permit

AGENDA ITEM 51

The El Dorado Council would like the following items entered into the record:

1. EL DORADO COUNTY PLANNING DEPARTMENT has received an application for a plan review from the SHINGLE SPRINGS BAND OF MIWOK INDIANS dated 7- 29- 15. The question of the tribe's identity has not been established.
2. The property owners as stated are not the owners of the 34.63 acres, APN 319-220-18. The owner is the United States Government held in trust.
3. The applicant states the PROPERTY SIZE is 2.57, which is incorrect. The actual size is 34.63 acres APN 319-220-18
4. The applicant, as stated, is the SHINGLE SPRINGS BAND of MIWOK INDIANS – BUSINESS DEVELOPMENT CORPORATION. There appears to be no registration of this corporation with the California Secretary of State as required by law. The Board should verify the identity of this corporation

The EL Dorado Council.org requests the Board of Supervisors of El Dorado County reject the mitigated negative declaration and require a full EIR.

Respectfully submitted,

Carol Louis

El Dorado Council.org

1 of 1

My name is Jeannette Maynard. I live in Shingle Springs, approximately one mile from the proposed site.

It is said often that perception is reality. Whether we like it or not.

As such, I would like to raise the issue of possible bias on decisions where campaign contributions are concerned.

I'm speaking specifically about the item before us today. My supervisor, Shiva Frentzen, was told by County Counsel to recuse herself from a previous item regarding the Tribe because she had taken a campaign contribution from the Tribe. There was concern that Supervisor Frentzen might have a bias toward approving the project because of the contribution.

In the meantime, Supervisor Frentzen listened to concerns of her community and she returned the campaign contribution to the Tribe so that there would be no doubt about her integrity.

It is common knowledge that several of the supervisors here today have received campaign contributions or favors from the Tribe. That does taint the public's perception of bias by this Board on this project.

Therefore, I respectfully ask that you continue this item to a date when my supervisor, Shiva Frentzen, is in attendance and can represent the best interests of her constituents in Shingle Springs.

Alternatively, if you choose to make a decision on this item today, I respectfully ask that you reject the Mitigated Negative Declaration. The



Neg Dec is inadequate in assessing the impacts of this project, and a full EIR is required.

Lastly, what the Tribe has planned will change Shingle Springs **FOREVER.**

Please think long and hard before you vote. Please put yourself in the position of us people who live in Shingle Springs.

We have already been forced to live with their harrassing Motocross and Gunrange activities which have **DESTROYED** our previously quiet and safe community -- and property values.

Remember -- their Fee to Trust application was approved so they could build much-need housing for their Tribe. Specifically six 3-bedroom homes in keeping with the neighborhood.

In my opinion -- the Tribe should be good neighbors and build these homes ... **PERIOD.** We should hold them to their word ... **PERIOD.**

Thank you for your time.