

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

COUNTY OF EL DORADO,

Plaintiff and Appellant,

v.

DEPARTMENT OF TRANSPORTATION et al.,

Defendants and Respondent;

LAKES ENTERTAINMENT, INC.,

Real Party in Interest and  
Respondent;

SHINGLE SPRINGS BAND OF MIWOK INDIANS,  
et al.,

Intervenors and Respondents.

C046372,

C048141

(Super. Ct. No. 03CS00003)

**ORDER MODIFYING OPINION AND**  
**DENYING REHEARING**  
**NO CHANGE IN JUDGMENT**

VOICES FOR RURAL LIVING et al.,

Plaintiffs and Appellants,

v.

DEPARTMENT OF TRANSPORTATION,

Defendant and Appellant;

SHINGLE SPRINGS BAND OF MIWOK INDIANS  
et al.,

Intervenors and  
Appellants.

(Super. Ct. No. 03CS00018)

THE COURT:

It is ordered that the opinion filed in this case on November 8, 2005, be modified as follows:

1. On page 3 of the opinion, in the first line of the first sentence of the first full paragraph of page 3, add the word "allegedly" between the words "is" and "a," and on the second line, change the phrase "tribe consisting of" to "tribe that consists of" so that the sentence reads:

"The Shingle Springs Band of Miwok Indians (the Tribe) is allegedly a federally recognized tribe that consists of 334 individuals, 18 of whom reside on the Tribe's 160-acre rancheria (the Rancheria) located in El Dorado County, a short distance from Highway 50, but without a vehicle interchange nearby."

2. On page 3 of the opinion in the third line of the second sentence of the first full paragraph of page 3, add the word "near" between the words "a" and "monopoly" so that the line reads:

"groups of Native Americans such as the Tribe a near monopoly to"

3. On page 5 of the opinion, at the end of the first paragraph following the heading "Background" and ending with the citation "(25 U.S.C. § 479a-1.)", add footnote reference 2 and a footnote that reads:

"The issues of federal recognition of the Tribe and trust status of the Rancheria are subject to a separate federal action. This court does not reach a conclusion on either issue."

Renumber the remaining footnotes in the opinion to correspond with this added footnote.

4. On page 53 of the opinion, in line 6 of the third full paragraph of page 53, change the word "is" to "will be" so that the line reads:

"interchange/hotel-casino project will be located entirely on tribal,"

This modification does not change the judgment.

The petitions for rehearing filed by Appellant and Respondent El Dorado County, Respondent Department of Transportation, Intervener and Respondent Shingle Springs Band of Miwok Indians and Real Party in Interest and Respondent Lakes

Entertainment, Inc. and Voices for Rural Living and Shingle Springs Neighbors for Quality Living are denied.

FOR THE COURT:

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BLEASE, Acting P.J.

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DAVIS, J.

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HULL, J.