

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Amador)

COUNTY OF AMADOR et al.,
Plaintiffs and Respondents,
v.
CITY OF PLYMOUTH et al.,
Defendants;
IONE BAND OF MIWOK INDIANS,
Intervener and Appellant.

C050066

(Super. Ct. No.
04CV3246)

MODIFICATION OF
OPINION AND DENIAL OF
PETITION FOR REHEARING

THE COURT:

The opinion of this court filed April 17, 2007, in the above entitled case is modified as follows:

1. Delete footnote 3 on page 4.
2. On page 22, delete everything beginning with the first full paragraph on line 3 over to page 23 ending with "under NEPA."

3. In its place, insert the following:

"While the development of a gaming facility may not be legally dependent on the City's support in the form of a letter of approval, it is unrealistic to assert that the City's support has no consequences for the process being pursued by the Tribe. Page two of the MSA asserts that the letter of support is the consideration for the Tribe's entering into the MSA. The letter of support is the only consideration to the Tribe that is expressly set forth in the MSA as consideration for the agreement. The Tribe will potentially pay millions of dollars to the City under the MSA. We must assume the Tribe considered the letter of support to be a necessary component of the agreement."

4. On page 39, five lines up from the bottom, add the following to the end of the sentence ending in "into the MSA.":

", as provided on page two of the MSA."

This modification does not effect a change in the judgment. As modified, the petition for rehearing is denied.

FOR THE COURT:

BLEASE, Acting P. J.

SIMS, J.

CANTIL-SAKAUYE, J.