

**EXHIBIT A, TAB 4R**

BUREAU OF INDIAN AFFAIRS  
PAPAGO INDIAN AGENCY  
P. O. BOX 578  
SELLS, ARIZONA 85634

NOV 27 1991

PA-Tribal Operations  
FY '92

Superintendent, Papago Agency

Tohono O'odham Nation - San Lucy District

Area Director, Phoenix Area Office  
Attn: Area Tribal Government Services (MS300)

Attached is a letter dated November 8, 1991 from the San Lucy District Council, for a Solicitor's Opinion whether the Tohono O'odham Nation can acquire land contiguous to the San Lucy Village as required in Section 6 (d) of P.L. 99-530 (100 Stat 1798).

There is a concern under P.L. 99-503 as to the Land Replacement Act which agreed that if the Nation assigned to the United States 9880 acres of its reservation land that was damaged or made useless due to the government's construction of Painted Rock Dam, the government would pay a certain sum of money to be utilized by the Nation primarily for the replacement of said reservation land.

As indicated, the San Lucy District Council would like some assurance as to what this land purchase can be used for in regards to economic development. If the Tohono O'odham Nation requests the Secretary to take said lands in trust, will it be legally permissible under the provisions of Section 20 of the Indian Gaming Regulatory Act to establish and conduct gaming activities as regulated by the Act on the newly acquired contiguous land.

Please reference the attached letter which sets out additional supporting information as to the request of the Nation.

If you should have any questions, please contact the Agency Tribal Operations Officer.

/s/ James A. Barber

Attachments

cc: Area Real Property Mgmt., w/copy of attachment  
Legislative Council - San Lucy District Representatives  
Agency Realty Officer