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August 29, 2005

George I. Steele
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Peter Glick
400 Capitol Mall, Suite 1100
Sacramento, California 95814

Via Facsimile and U.S. Mail

Re: California Valley Miwok Tribe – Revenue Sharing Trust Fund (RSTF) Distributions

Dear Counsel:

Please reference our letter of August 24, 2005 and our letter of August 4, 2005, with attachments.

In our letter of August 24, 2005, we indicated that it was our intention to make the RSTF distribution for the quarter ending June 30, 2005 to the California Valley Miwok Tribe (the Tribe). In the interim, however, we have had several conversations with the Bureau of Indian Affairs (BIA) regarding their view of Ms. Burley's status and have internally reviewed the matter, including all of the correspondence attached to our August 4, 2005 letter. Based on this review we have determined that at this time, such distribution is inappropriate.

For the reasons outlined below, we have determined that despite the reinstatement of the PL 93-638 contract, Ms. Burley is no longer considered by the BIA to be a person of authority within the tribe with whom the BIA conducts government-to-government relations. Until such time as we can determine whom if anybody occupies such a position, we will continue to withhold the RSTF distribution. As soon as we are once again able to determine that there is a person recognized by the BIA as a recognized tribal chair or representative, or person of authority within the tribe with whom the BIA conducts government-to-government relations, we intend to make the distribution. We will attempt to give each of you at least 10 days prior notice of such distribution.

As you are aware, over the past approximately 18 months, in reliance on correspondence from the BIA, the Commission has made distributions to Silvia Burley on behalf of the Tribe. (Risling letter, March 26, 2004.) We had understood that letter to indicate that the BIA maintained a government-to-government relationship with the Tribe by "working with" Ms. Burley as a "person of authority" within the Tribe. Because the Commission has a mandatory duty under the 1999 Tribal-State Gaming Compact (the Compact) to make distributions to Non-Compact tribes

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from the RSTF (Compact Section 4.3.2.1 (b)), it was appropriate to make such distributions to Ms. Burley on behalf of the Tribe, as the only "person of authority" identified by the BIA.

On July 19, 2005, however, the BIA informed Ms. Burley of the suspension of the PL 93-639, Tribal Government Program contract. The explanation for such action was that "[w]hereas there is no recognized tribal government with which to take action on behalf of the tribe or to sustain a government-to-government relationship with, we must take appropriate action to safeguard federal funds . . ." (Whipple-DePina letter, July 19, 2005.)

Although we acknowledge that on August 19, 2005, the BIA reinstated the contract, we note that in its letter of reinstatement, the BIA explicitly limited the reinstatement to "the purposes of fulfilling the Scope of Work and approved Standards for the Aid to Tribal Government Program as outlined in the original contract dated April 10, 2002." (Whipple-DePina letter, August 19, 2005.) Significantly, the BIA did not retract the letter of July 19, 2005, which concluded that there exists no tribal government with which to sustain a government-to-government relationship. The July 19, 2005 letter reflects a material change in the BIA's understanding of the circumstances of the Tribe and/or its representation by Ms. Burley.

Accordingly, we have concluded that the most prudent course at this time, consistent with our obligations under the Compact, is to withhold the distribution until such time as circumstances establish that a government-to-government relationship between the BIA and the tribe has been reestablished and with whom that relationship is conducted.

We apologize for any uncertainty and inconvenience this may cause. If you have any questions, please do not hesitate to contact me.

Sincerely,



Cyrus J. Rickards
Chief Counsel