

ATTACHMENT

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**CALIFORNIA VALLEY MIWOK TRIBE, )  
formerly SHEEP RANCH OF ME-WUK )  
INDIANS OF CALIFORNIA, )**

**Plaintiff, )**

**v. )**

**UNITED STATES OF AMERICA, )**

**GALE A. NORTON, Secretary of the )  
Interior, )**

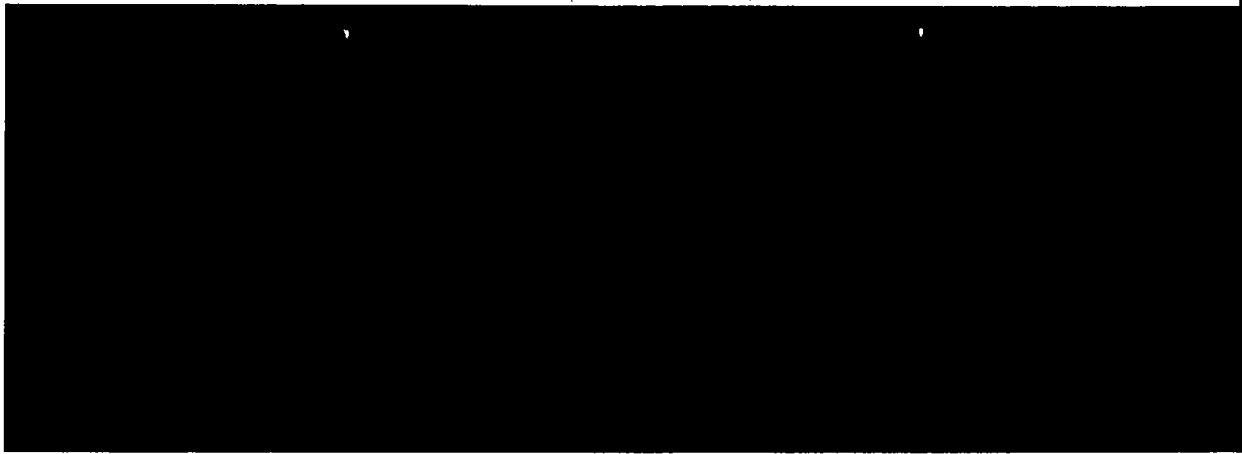
**MICHAEL D. OLSEN, Acting Assistant )  
Secretary - Indian Affairs, )**

**Defendants. )**

**No. 1:05CV00739**

**Judge James Robertson**

**DECLARATION OF RAYMOND FRY**



I, RAYMOND FRY, declare:

1. I am the Tribal Operations Officer for the Bureau of Indian Affairs Central California Agency located in Sacramento, California. I have personal knowledge of the facts set forth in this Declaration.

2. By letter dated August 4, 2005, the California Gambling Control Commission (Commission) informed Sylvia Burley and Yakima Dixie of its decision to not release the scheduled quarterly distribution for the California Valley Miwok Tribe from the Revenue Sharing Trust Fund (RSTF) or make any subsequent distributions to the Tribe. This decision, according to the letter, was grounded in the July 19, 2005 suspension of the P.L. No. 93-638 contract between the BIA and the Tribe.

3. By letter dated August 24, 2005, the Commission informed the respective counsel for Sylvia Burley and Yakima Dixie, of its decision to make the current quarterly distribution to the Tribe, thereby reversing its August 4<sup>th</sup> position. According to the letter, this reversal of position was largely attributable to BIA's August 19, 2005, reinstatement of the P.L.No. 93-638 contract with the Tribe.

4. On August 29<sup>th</sup>, the Commission informed the respective counsel for Ms. Burley and Mr. Dixie of its reversal of its August 24<sup>th</sup> position because of "several conversations with the Bureau of Indian Affairs (BIA)" and its review of the March 26, 2004, and February 11, and July 19, 2005 letters from BIA to Sylvia Burley and Yakima Dixie. The Commission stated: "... [W]e 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.”

5. Prior to August 24, 2005, the Chief Legal Counsel for the Commission, Cy Rickards, contacted me by telephone to request that the BIA provide him with documentation relating to the present status of the Tribe’s relationship with the BIA. Prior to this inquiry, it had been my experience that the Commission was interested in two things for the purpose of making distributions from the RSTF to non-gaming tribes- - namely, whether the tribe was federally recognized and whether there existed a tribal contact person to whom distributions could be sent. However, in this instance, the Commission was seeking information which might affect the identity of the appropriate contact person for the California Valley Miwok Tribe.

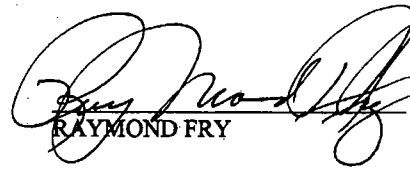
6. I agreed to provide the Commission with the information requested. However, I told the Commission that it had to “make its own call” as to whether Sylvia Burley was still the appropriate contact person within the California Valley Miwok Tribe. At no point during this telephone conversation did I urge or encourage (either directly or by implication) the Commission to withhold any current or future RSTF distributions from the Tribe.

7. I did not have any telephone conversation (or other contact) with the Commission between August 24, 2005, and August 29, 2005, because I was on annual leave the entire week of August 22<sup>nd</sup>.

8. I do know that Janice Whipple-DePina was also contacted by the Commission in August, 2005.

Pursuant to the provisions of 28 U.S.C. 1746, I declare any under penalty of perjury that  
the foregoing is true and correct.

Executed on the <sup>5</sup>2/ day of September, 2005.

  
RAYMOND FRY

