

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, )**

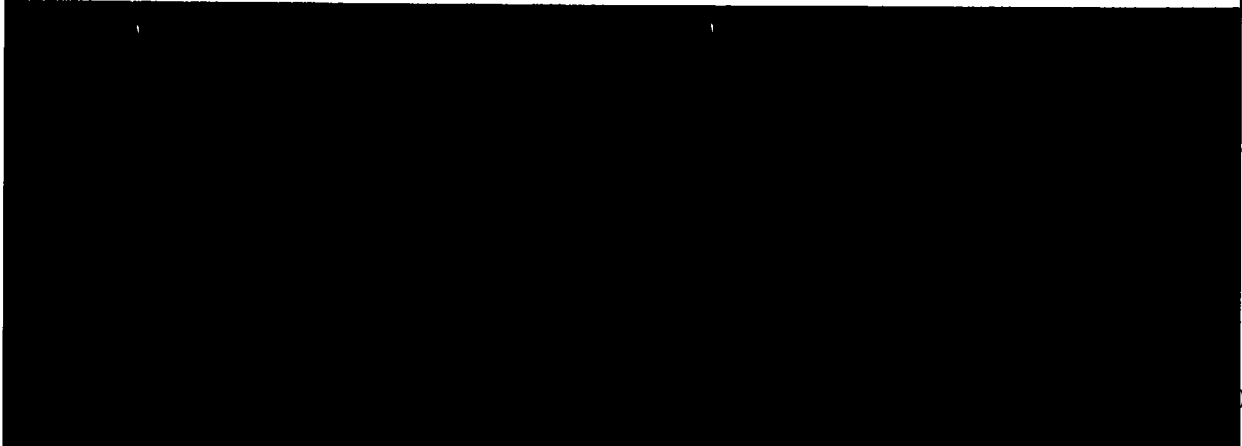
**MICHAEL D. OLSEN, Acting Assistant )  
Secretary - Indian Affairs, )**

**Defendants. )**

**No. 1:05CV00739**

**Judge James Robertson**

**DECLARATION OF JANICE WHIPPLE-DEPINA**



I, JANICE WHIPPLE-DEPINA, declare:

1. I am the Awarding Official at the BIA's Central California Office located in Sacramento, California. I have personal knowledge of the facts set forth in this Declaration.
2. In 2002, I awarded (pursuant to the Superintendent's authority) a P.L. 93-638 contract between the BIA and the California Valley Miwok Tribe. An annual funding agreement with respect to this contract was signed on February 8, 2005, and reflects FY 2005 funding.
3. On July 19, 2005, I sent a letter to Sylvia Burley enclosing a modification of the "638" contract which "suspends the current ["638"] contract in its entirety." I explained my reasons for my action in this letter. Nothing in this letter should be read to indicate that BIA is taking the position that Ms. Burley is no longer "a person of authority" within the Tribe.
4. Based upon the recommendations of the Office of the Solicitor, on August 19, 2005, I sent Ms. Burley a succeeding modification of the "638" contract the substance of which is described as follows:

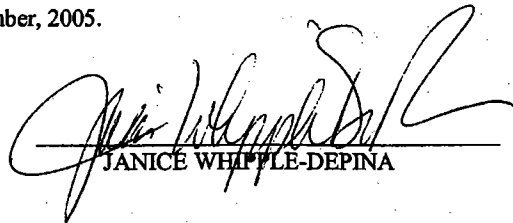
"The contract is hereby reinstated only for the purposes of fulfilling the Scope of Work and approved Standards for the Aid to Tribal Government Program as outlined in the original contract dated April 10, 2002."

The quoted language is not intended in any way to that the BIA recognizes Ms. Burley as the Tribal Chairperson of the California Valley Miwok Tribe. It is my understanding that her status continues to be that of a person of authority within the Tribe.
5. The August 19<sup>th</sup> reinstatement of the contract, in my view, amounted to a complete revocation of the July 19<sup>th</sup> suspension of the contract.

6. On August 24, 2005, I returned a telephone call to Mr. Cy Rickards, an employee of the California Gambling Control Commission. He requested that I provide him a copy of BIA's August 19, 2005, modification of the Tribe's "638" contract. I sent him both a copy of the modification and a copy of the August 19<sup>th</sup> letter transmitting that modification to Ms. Burley. At the end of our conversation, Mr. Rickards informed me that the Commission had decided to reverse its prior decision of August 4, 2005, to not release the current quarterly distribution of RSTF (Revenue Sharing Tribal Funds) monies to the California Valley Miwok Tribe and would now be releasing these monies to the Tribe.

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

Executed on this 21 day of September, 2005.

  
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JANICE WHITTLE-DEPINA