

**CALIFORNIA VALLEY MIWOK TRIBE**

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Transmitted Via Fax and First Class Mail

January 9, 2006

Mr. Clay Gregory  
Director - PRO/BIA  
2800 Cottage Way  
Sacramento, CA 95825

Re: California Valley Miwok Tribe FY 2006 P.L. 93-639 Contract

Dear Mr. Gregory:

I am in receipt of your letter dated January 9, 2006 regarding the Tribe's P.L. 638 Contract. On the issue of the resubmitting of the P.L. 638 Contract for FY 2006, before we do this, we have several questions. Your letter is not clear as to whether the Bureau of Indian Affairs (BIA) is approving our request or whether the request is being processed, thereby giving the BIA another Ninety (90) days to review and approve or disapprove our contract. Therefore, we are requesting clarity on that process and if the contract is being submitted for another Ninety (90) day review, under what legal authority is this action being taken.

At this point, the Tribe would be happy to reschedule the monitoring visit, however, our attorneys believe that because this issue may have been used by the BIA Central California Agency Office to unlawfully cancel our P.L. 638 Contract, this issue should be worked out between our lawyers. We do intend to request that the Judge in our case appoint a Special Master to not only monitor the site visit, but, to also provide oversight to the government-to-government relations between the Tribe and the BIA Central California Agency Office and ensure that both parties are in compliance with Federal law and BIA regulations with regard to P.L. 638 Contracts. We would hope that you would instruct your attorneys to agree to this appointment as a way of ensuring us that the BIA wants to comply with the law and its own regulations.

As to the governance issue, one point we want to make clear, one statement in a pleading does not make a fact. That pleading statement regarding 250 potential members which you and your attorneys are so ready to point out was drafted by Mr. David Rapport. Mr. Rapport, who no longer works for this Tribe, never ran that figure by me or the Tribal Counsel. In addition, despite repeated requests, your office has provided no documents or information which in any

way show a potential membership of 250. To date, the two times the BIA had a chance to go out and account for membership, both times you only found ONE person.

However, we are moving forward on the enrollment front. As recently as two months ago, the Tribe placed one to two week notices in four major newspapers (Stockton Record, Merced Sun Star, Modesto Bee and Calaveras Enterprise) explaining that the Tribe was seeking eligible members. To date, we have received a grand total of three responses, which are being processed. Last year, we sent a list of 20 applications from individuals seeking membership to the Tribe to the BIA Central California Agency Office. All we asked was for that office to provide us any information they had on these individuals. To date, we have not received any information from that office.

Your letter seems to imply that we have not acted in good faith. However, good faith is a two way street. For the last two years, the BIA has not shown us much good faith. Instead of a government-to-government relationship, the BIA has tried to maintain a master servant relationship. You have the ability to change this Mr. Gregory. All we ask for is your cooperation, not your dictation.

✓ We will await your answer as to how our P.L. 638 contract will be processed before re-submitting that contract to the BIA. Our attorneys will be contacting your attorneys to discuss the Special Master and monitoring visit issue. However, in the mean time, we direct you to your own audit findings regarding our P.L. 638 Contract programs. Since those audits were approved by your own Office of the Inspector General, we believe that they demonstrate our compliance with the P.L. 638 contract program.

Your time and effort in contacting us is greatly appreciated. Again, we hope that the issues between us can be worked out without further court action. If you have any questions or require any additional information, please do not hesitate to contact the Tribe.

Sincerely,

  
Silvia Burley  
Chairperson  
California Valley Miwok Tribe

Cc: Tribal Council  
George Steele, Esq.  
Phillip E. Thompson, Esq.