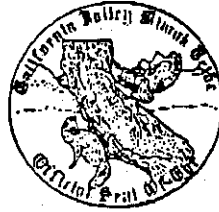


ATTACHMENT 19

CALIFORNIA VALLEY MIWOK TRIBE

10601 Esccondido Pl., Stockton CA 95212 Bus: (209) 931-4567 Fax: (209) 931-4333

<http://www.californiavalleymiwoktribe-nsn.gov>

Transmitted Via Fax and Express Mail (Certified Return Receipt)

April 6, 2006

Mr. Troy Burdick
Superintendent
Central California Agency
650 Capital Mall
Suite 8-500
Sacramento, CA 95814

Re: California Valley Miwok Tribe

Dear Superintendent Burdick:

I am writing to you to request a meeting to discuss various issues relating to the Tribe's P.L. 638 Aid-to-Tribal Government's contracts and the assistance the Tribe was supposed to be receiving from the Bureau of Indian Affairs. We would also like to discuss the recent correspondence coming from Mr. Yakima Dixie and Mr. Chad Everone.

As you are probably aware, an On-site Monitoring Visit was conducted by representatives of your office on March 20, 2006. Although we have not seen the final report, the preliminary report we received from the Monitoring Team showed that the Tribe through my leadership was in compliance with all aspects of the P.L. 638 Contract requirements. As a matter of fact, we received a very gracious complement from your monitoring team at the end of the audit process.

Based on these findings, the Tribe believes that it is appropriate for the BIA to reconsider its unilateral decision to change our funding status from quarterly back to annual funding. This action was taken unilaterally and in violation of 25 C.F.R. Part 900. The Tribe has refrained from taking legal action on this issue in the hope that once we completed the on-site monitoring visit, the BIA would reinstate our funding status. We hope that we can discuss this issue with you and see if a solution can be reached.

The other issues we wish to discuss are the Tribe's enrollment efforts and the assistance the BIA has pledged with regard to that effort. The Tribe has over the last three months taken extraordinary efforts to seek out individuals who would be interested in seeking to enroll in the

Tribe. We have placed public notices in newspapers through the aboriginal territory of the Miwok Indians. We have contacted other State recognized tribal groups, including groups located in Calaveras County, to inquire into their desire to seek membership in the California Valley Miwok Tribe. We have also taken the step to forward enrollment information to individuals who claim to be members of the Tribe.

To date, this effort has only yielded requests from 8 individuals who requested an application for enrollment. We have been told by the leadership of the other tribal groups that they appreciate our offer, but, they are moving in their own direction. However, we are still awaiting the information we requested from the BIA regarding the individuals who have forwarded their releases to your office. We must reiterate that we can not effectively make decisions on enrollment applications if the information in those applications is incomplete. We would like to discuss this issue with you and see if we can come up with a process to assist your office in providing the Tribe the necessary information.

Lastly, we received a Notice of Appeal filed by or on behalf of Yakima Dixie and others regarding the Tribe's P.L. 638 contract. First, the Tribe wants to make it explicitly clear that we are not involved in any way with Mr. Everone. As to the individuals listed in that group, we have records that they have received information from the Tribe regarding our enrollment process, to which some have responded and other have not. The Tribe will be providing a detailed response to that appeal.

Under Title 25 of the United States Code, section 450f (a) (1):

The Secretary is directed, upon the request of any Indian tribe by tribal resolution, to enter into a self-determination contract or contracts with a tribal organization to plan, conduct, and administer programs or portions thereof, including construction programs. (Emphasis Added)

Under 25 C.F.R. Section 900.6 a tribal organization is defined as:

Tribal organization means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: provided, that, in any case where a contract is let or a grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant.

As a result, the fact that the BIA contracts with the Tribe demonstrates that the Tribe has a tribal government. Based on these clear facts, it seems reasonable that the BIA would continue to work with the legitimate tribal

government of the California Valley Miwok Tribe to help the Tribe gain this "organized status" that the federal government has been so adamant in stating that the Tribe does not have.


In that regard, we would also like to discuss how the BIA intends to comply with 25 C.F.R. Section 81.6 (c) which states in clear terms:

If the group is a tribe, or tribes, without a reservation as defined in this part, any duly registered member shall be entitled to vote on the adoption of a constitution and bylaws by either arriving at a polling place or by requesting, properly completing, and timely casting an absentee ballot as determined by the election board pursuant to the relevant Federal Statute; provided, that outside of Alaska and Oklahoma, a reservation shall be established for the tribe before it becomes entitled to vote on the adoption of a constitution. (Emphasis added)

We look forward with meeting with you to discuss these issues. If you have any questions, please do not hesitate to contact the Tribal Office.

Sincerely,


Silvia Burley, Chairperson
California Valley Miwok Tribe


Anjelica Paul, Vice Chairperson
California Valley Miwok Tribe

Cc: Tribal Council
Phillip E. Thompson
Clay Gregory