



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814

IN REPLY P

CERTIFIED MAIL NO. 7003 1680 0005 5923 7721
RETURN RECEIPT REQUESTED

JUN 19 2007

Mr. Yakima Dixie
Attention: Mr. Chad Everone
Post Office Box 41
Sheep Ranch, California 95250

Dear Mr. Dixie:

The purpose of this correspondence is to provide a response to your correspondence of June 5, 2007, requesting the Bureau of Indian Affairs (BIA or Agency) to make an immediate determination to suspend or withdraw its recognition of Silvia Burley as spokesperson and an "authorized representative of the California Valley Miwok Tribe (Tribe) with whom government-related business is conducted." This request is being made as a result of the June 4, 2007, letter from the State of California Gambling Control Commission, in which the Commission intends to resume the disbursement of Revenue Sharing Trust Funds to Ms. Burley as the "authorized representative" of the Tribe at the Stockton address.

The BIA is unable to comply with this request to withdraw its recognition of Silvia Burley as an authorized representative of the Tribe. Currently, the Agency recognizes Ms. Burley as a "person of authority" in dealing with the Tribe's P. L. 93-638 contract only. Ms. Burley has contracted the Aid to Tribal Government program on behalf of the Tribe to provide program services to its membership. The BIA does not recognize the actions taken by Ms. Burley under the 638 contract to organize the Tribe to be representative of the will of the larger tribal community, referred to as the "putative group." Therefore, the BIA does not recognize a tribal governing body or governmental leader.

As you are aware, the Regional Director, Pacific Region, rendered a decision on April 2, 2007, on the appeal of Ms. Silvia Burley, filed pursuant to 25 C.F.R., Part 2, from the decision dated November 6, 2006, of the Superintendent, Central California Agency. In the November 6, 2006 letter, the Agency committed to assist the Tribe with its efforts to organize a formal governmental structure that is representative of all Indians who can establish a legitimate basis for their interest in the Tribe. In rejecting Ms. Burley's challenge of the November 6, 2006 letter, the Regional Director determined that "In all fairness to the current tribal membership and the 'putative' group," and for the reasons explained in his decision, he remanded this matter to the Agency Superintendent. The Superintendent was "to implement the actions mentioned in [the] November 6, 2006, letter, and as soon as possible publish a notice in the newspapers, within the Miwok region, of the Agency's plan to assist in identifying the 'putative' group of the Tribe. Furthermore, the Superintendent will provide personal oversight to assure that the proposed actions outlined in his November 6 letter are fully implemented and completed."


CVMT-2011-001519

The BIA is committed to assisting the Tribe in its efforts to establish a formal governmental structure that represents all Indians who can establish a legitimate basis for their interest in the Tribe. In accordance with the April 2 Regional Director's decision, the Agency is now in the process of completing the proposed actions outlined in the November 6, 2007, letter.¹ The Agency's main purpose is to assist the Tribe in identifying the greater tribal community, the "putative" group, that is entitled to participate in the Tribe's efforts to organize a government that will represent the Tribe as a whole. The tribe must first determine its membership and its governmental organization before it can determine its leadership. In turn, the Agency cannot recognize any leader until the Tribe has gone through the above steps.

As directed, the Agency placed the notice during the second and third week of April 2007, for publication in local newspapers within the Miwok region, establishing May 25, 2007, as the deadline for individuals to respond to the notice. Approximately 485 individuals responded to the notice and the Agency staff is currently processing these requests. The Agency will notify all individuals who have been determined to be eligible to participate in the organization of the Tribe by letter. The Agency will notify all individuals not determined eligible of their right to appeal to the BIA, Pacific Regional Director, within 30 days of receipt of decision. Upon rendering final decisions regarding appeals filed, the Agency will notify all individuals determined to be eligible of the organizational meeting which will include an agenda of the next actions to be taken by the group. The Agency anticipates this process to be completed by the latter part of July or the first part of August of 2007.

Please contact Ms. Carol Rogers-Davis, Acting Tribal Operations Officer, at (916) 930-3764 should you require further assistance in this matter.

Sincerely,


Troy Burdick
ACTING Superintendent

cc: Cyrus J. Rickards, Chief Counsel, State Gambling Control Commission
See List of Interested Parties

¹ Ms. Burley has appealed the Regional Director's decision to the Interior Board of Indian Appeals (IBIA). This has the effect of suspending the Superintendent's decision pending resolution of her appeal by the IBIA. Rather than halt the reorganization process, the Agency is going ahead with its assistance but will not recognize the results of the organization process until the IBIA has issued its decision.