

Hanna, Jeanette


From: Hanna, Jeanette on behalf of Echohawk, Larry
Sent: Tuesday, April 12, 2011 11:56 AM
To: Tsosie, Paul
Cc: Milam, Mary
Subject: FW: california miwok
Attachments: 4-11-11 Ltr. to Larry Echo Hawk from R. Uram.pdf

MM - log

From: Susan Lenzi [<mailto:SLenzi@sheppardmullin.com>] **On Behalf Of** Robert Uram
Sent: Monday, April 11, 2011 5:25 PM
To: Echohawk, Larry
Cc: Burdick, Troy; Dutschke, Amy; Porter, James; kenneth.rooney@usdoj.gov; rosette@rosettelaw.com; Robert Uram; Susan Lenzi
Subject:

Please see the enclosed letter. The original letter will follow by U.S. Mail. Thank you.

Susan Lenzi, Secretary to Robert J. Uram

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|  | Four Embarcadero Center 17th Floor San Francisco, CA 94111-4109 415.434.9100 office 415.434.3947 fax www.sheppardmullin.com |
| Susan Lenzi Legal Secretary 415.774.2929 direct SLenzi@sheppardmullin.com | |

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Four Embarcadero Center | 17th Floor | San Francisco, CA 94111-4109
415-434-9100 office | 415-434-3947 fax | www.sheppardmullin.com

April 11, 2011

Writer's Direct Line: 415-774-3285
ruram@sheppardmullin.com

Our File Number: 26RJ-159149

VIA E-MAIL AND U.S. MAIL

Larry Echo Hawk
Assistant Secretary - Indian Affairs
United States Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Re: Your April 1, 2011 Decision Rescinding the December 22, 2010 Decision Regarding the California Valley Miwok Tribe

Dear Assistant Secretary Echo Hawk:

Our client, Yakima Dixie, has received your letter dated April 1, 2011 ("2011 Decision"), in which you set aside the December 22, 2010 decision ("2010 Decision") of your office regarding the organization and membership of the California Valley Miwok Tribe ("Tribe"). We appreciate your reconsideration of the matters addressed in the 2010 Decision and your continued efforts to assist the Tribe in resolving the long-standing dispute over Tribal organization and leadership.

Status of Motion for Preliminary Injunction

Because you set aside the 2010 Decision, which we sought to enjoin through a motion for preliminary injunction filed in California Valley Miwok Tribe v. Salazar, we notified the Court that further action on that motion was not required. Our position was based on the following:

The 2010 Decision rescinded, or directed the BIA to rescind, several previous decisions by the Department of the Interior, including: (1) the March 26, 2004 letter from the BIA to Silvia Burley, stating that the BIA "does not yet view your tribe to be an 'organized' Indian tribe;" (2) the February 11, 2005 letter from the Office of the Assistant Secretary to Yakima Dixie, stating that the BIA does not recognize any government of the Tribe; (3) the November 6, 2006 letter to Silvia Burley and Yakima Dixie, stating that the BIA would help the Tribe initiate the reorganization process; and (4) the April 2007 public notice that the BIA published to "assist the [Tribe] in its efforts to organize a formal governmental structure that is

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acceptable to all members." Because you have set aside the 2010 Decision, we understand that those prior decisions are now in effect.

The 2010 Decision also stated that the Tribe was "organized as a General Council" pursuant to Resolution # GC-98-01, and it directed your office and the BIA to "work with the Tribe's existing governing body – its General Council, as established by Resolution # GC-98-01 – to fulfill the government-to-government relationship between the United States and the [Tribe]." In light of your action setting aside the 2010 Decision, we understand that the Department does not consider the Tribe as "organized" under Resolution # GC-98-01 and that it does not recognize any governing body constituted under that Resolution.

Rescission of Actions Taken in Reliance on the 2010 Decision

The BIA also took several actions in reliance on the 2010 Decision before you set it aside. Based on your 2011 Decision, we expected to receive confirmation that those BIA actions had been rescinded as well, but that has not occurred.

The BIA actions in question include a January 12, 2011 decision by Troy Burdick, Superintendent of the BIA's Central California Agency, that recognized Silvia Burley as Tribal Chairperson and Rashel Reznor as Tribal Secretary/Treasurer. We also understand that the BIA has released funding for tribal self-government and services to Silvia Burley under Public Law 93-638, although the BIA has not responded to our repeated requests for information about this action. In light of the 2011 Decision, we expect that Superintendent Burdick has rescinded his January 12 decision recognizing Ms. Burley and Ms. Reznor as Tribal officials. We also expect that the BIA has rescinded any and all contracts and funding agreements entered into with the Burley government and is seeking the prompt return of any funds already disbursed to Ms. Burley or her government. Likewise, we expect that the BIA has rescinded any other actions taken in reliance on the 2010 Decision, in order to restore the *status quo ante*. We would greatly appreciate receiving written confirmation from your office by April 15, 2011, that the actions taken in reliance on the 2010 Decision have been formally rescinded.

Sincerely yours,



Robert J. Uram

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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cc: Troy Burdick, Superintendent, Bureau of Indian Affairs Central California Agency
Amy Dutschke, Director, Bureau of Indian Affairs Pacific Region
James Porter, Office of the Solicitor, Department of Interior
Kenneth Rooney, U.S. Department of Justice, Environment and Natural Resources Division
Robert Rosette, attorney for Silvia Burley