

July 22, 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
Office of the Secretary
1849 C Street, N.W.
Washington, D.C. 20240

E-Mail: Larry_Echo-Hawk@ios.doi.gov

Re: Update on Organization Process of California Valley Miwok Tribe

Dear Assistant Secretary Echo Hawk:

We are writing on behalf of the California Valley Miwok Tribe¹ ("Tribe") to update you on the Tribe's organization efforts. Under the leadership of the Tribal Council,² the Tribe continues to make progress toward Tribal organization under the Indian Reorganization Act of 1934 ("IRA"). The Tribe has now enacted Election Bylaws and appointed an Election Committee with instructions to begin voter registration. Over the next few months, the Tribe plans to complete its drafting of a new Tribal constitution and to hold a Tribal election to ratify that constitution. At that point, the Tribe will submit the adopted constitution to the Bureau of Indian Affairs ("BIA") for approval in order to complete the organization process and reestablish government-to-government relations with the United States.

Background

On May 3, 2011, we provided your office with briefing on various issues related to Silvia Burley's administrative appeal of a November 6, 2006 decision by BIA Superintendent Troy Burdick ("2006 Decision"). The 2006 Decision concerned the BIA's offer to assist the Tribe with organization under the IRA. On December 22, 2010, you issued a decision

¹ The Tribe is also known as the Sheep Ranch Rancheria of Me-Wuk Indians of California.

² The Tribal Council consists of Chief Yakima Dixie, Velma Whitebear, Antone Azevedo, Shirley Wilson, Evelyn Wilson, Michael Mendibles, Iva Carsoner, and Antonia Lopez.

Larry Echo Hawk
July 22, 2011
Page 2

addressing Ms. Burley's appeal (the "2010 Decision"). But on April 1, 2011, you set aside the 2010 Decision. On April 8, 2011, in a letter to Mr. Yakima Dixie and Ms. Silvia Burley, you requested briefing in connection with your reconsidered decision on Ms. Burley's appeal. Our May 3 briefing responded to that request.

In our May 3 briefing, we explained that further action by the BIA to implement the 2006 Decision may not be needed. The Tribal Council has been working since 2003 to organize the Tribe, with the participation of the entire Tribal community, and has completed the actions identified in the 2006 Decision. Under the Council's leadership, the Tribe has established criteria for membership and has enrolled all those who meet the criteria and wish to participate in the Tribe—currently 240 (previously 242 as two elders passed away this month) adult members and their 350 children. The Tribal community has drafted a constitution. The only steps remaining to complete the organization process are to hold an election regarding adoption of the constitution, and to seek the BIA's formal recognition of the Tribal government and the establishment of government-to-government relations with the United States.

Update on Recent Actions by the Tribe

The Tribe continues to make progress toward completing the final steps in the organization process. At its regularly scheduled meeting on July 16, 2011, the Tribal Council adopted a resolution establishing Election Bylaws to govern the Tribe's elections, including an election to adopt a new Tribal constitution. The Bylaws are consistent with the substantive requirements of the IRA and will ensure that all members of the Tribal community have an opportunity to participate in the adoption of a constitution. The Resolution and Bylaws are enclosed with this letter.

The Tribal Council will now appoint an Election Committee to oversee Tribal elections. The Election Bylaws direct the Election Committee to conduct an initial voter registration by providing notice to all members of the Tribe. Additional voter registration and election notices will be issued when elections are scheduled, as necessary to comply with the IRA, its implementing regulations at 25 C.F.R. Part 81, and the Tribe's Election Bylaws.

Over the last few years, the Tribal community has drafted a new constitution to govern the Tribe. The Tribe's members have participated in many meetings and spent countless hours discussing and revising this draft constitution to ensure that it reflects the input of the entire community and is the product of a majoritarian process. The Tribe plans to hold at least two additional meetings to finalize the text of the proposed constitution and then to conduct an election so that the entire Tribe can adopt and ratify the constitution. The Tribe expects to conduct the election this Fall.

Once the Tribe has adopted the constitution, the Tribal Council will submit the constitution to the BIA for approval pursuant to the IRA. The BIA's timely approval of the

Larry Echo Hawk
July 22, 2011
Page 3

adopted constitution will complete the organization process and allow the Tribe to reestablish government-to-government relations with the United States.

The Tribe's adoption of the Election Bylaws and initiation of voter registration represents an important step toward organization under the IRA. Completing the organization process will resolve the longstanding dispute over the Tribe's organization and government. This will allow the Tribe to focus its resources on strengthening the Tribal community and providing its members with much-needed services and benefits. The Tribal Council looks forward to working with the BIA to achieve that goal.

Please contact me if you have any questions or desire more information regarding the Tribe's organization process.

Sincerely yours,


Robert J. Uram

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:5JAR1403737318.2

Enclosure: California Valley Miwok Tribe Resolution No. 2011-07-16, Election Bylaws

cc: Chief Yakima Dixie, Tribal Chair
Velma Whitebear, Deputy Chair
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
Brian Newland, Office of the Secretary, Department of Interior
Kenneth Rooney, U.S. Department of Justice, Environment and Natural Resources Division
Robert Rosette, Attorney for Silvia Burley