

INTERIOR BOARD OF INDIAN APPEALS

CALIFORNIA VALLEY MIWOK TRIBE,

Plaintiff,

BUREAU OF INDIAN AFFAIRS,

Defendant.

Docket No. IBIA 08-58-A

RESPONSE TO SHOW CAUSE ORDER

The California Valley Miwok Tribe (the "Tribe") hereby submits its response to this Board's Order to Show Cause dated April 3, 2008. As explained herein, this Board's precedent mandates that the Tribe's request for an "informal conference" with the Superintendent of the Central California Agency of the United States Bureau of Indian Affairs ("BIA") should be deemed timely filed.

INTRODUCTION

In a letter dated December 14, 2007, the BIA informed the Tribe that it had rejected the Tribe's renewal application for its annual PL-93-638 self-determination contract (the "December 2007 Letter"). In addition to announcing its rejection of the proposal, the BIA's December 2007 Letter purported to notify the Tribe of its appeal rights, referring the Tribe to the provisions of 25 C.F.R. Part 2.

Despite the undeniable fact that the December 2007 Letter announced the BIA's decision to "decline to award a self-determination contract," the letter did not notify the tribe of the specific and particular appeal procedures applicable to such a decision. See 25 C.F.R. §900.150(a). Thus, despite the BIA's regulatory duty to inform the Tribe of