

June 12, 2008

VIA CERTIFIED MAIL

Board of Indian Appeals
U.S. Department of the Interior
801 N. Quincy St.
Arlington, VA 22203

Re: *California Valley Miwok Tribe v. Bureau of
Indian Affairs*; Case No. IBIA 08-58-A

Members of the Board:

On behalf of our client, the California Valley Miwok Tribe (the "Tribe"), we respectfully present the present correspondence seeking an expedited ruling in the referenced matter. As will be explained below, the underlying dispute herein has resulted in a serious financial hardship to the Tribe and its members. In fact, circumstances are such that the members feel compelled to seek the assistance of this Board in reaching a speedy resolution.

As you are aware, the Tribe filed the present action seeking review of the of the BIA's decision to not renew the Tribe's annual PL-93-638 self-determination contract. On December 14, 2007, the BIA informed the Tribe that it would not authorize funding for the present year. The Tribe attempted to engage the BIA in an informal conference to reach a speedy resolution of the dispute, but received no response – necessitating the present appeal. The BIA's decision, and the subsequent cut-off of tribal income, has paralyzed the Tribe financially and created hardships upon its members.

By way of example, in the face of the present financial hardship, the Tribe has been forced to terminate the employment of its Chairperson and other employees. Those employees, having lost their own income streams, now face their own financial crises. The Tribe has also been unable to pay its ordinary mortgage and utility payments, and is nearing foreclosure on the tribal office complex. Furthermore, the present lack of funding has resulted in the tribe's inability to provide its tribal programs, such as Indian Child Welfare Act programs. Unfortunately, the self-determination contract funds represent all of the Tribe's ordinary income, and without those funds, the Tribe faces dire consequences.

In support of its request, the Tribe refers the Board to the very appeal provisions at issue here - 25 C.F.R. §900, Subpart L. Recognizing the peril that may find a tribe that has been denied its self-determination funding, the regulations provide for the speedy establishment of

jurisdiction and the setting of a hearing. See 25 C.F.R. §900.160 (“Within 5 days of receiving the Indian tribe or tribal organization's notice of appeal, the IBIA will decide whether the appeal falls under § 900.150(a) through § 900.150(g). If so, the Indian tribe or tribal organization is entitled to a hearing.”) The Tribe acknowledges that this Board has identified an additional issue that must precede the determination referenced in §900.160, but the principle underlying the regulation applies nonetheless.

The Tribe recognizes the unusual nature of the present request, and intends no disrespect in presenting the same for your consideration. Unquestionably, this Board faces a substantial caseload, each of which is of extreme importance to the litigants. Unfortunately, the Tribe finds itself in a position that requires, despite these facts, the present plea to the Board for assistance.

Respectfully submitted,

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cc:

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