



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

MAY 30 2007

CERTIFIED MAIL NO. 7005 1820 0004 5453 8361
RETURN RECEIPT REQUESTED

Ms. Silvia Burley
10601 Escondido Place
Stockton, California 95212

Dear Ms. Burley:

This is regarding the Notice of Appeal and Statement of Reasons, dated April 26, 2007, filed from the decision dated March 26, 2004 of the Bureau of Indian Affairs, Superintendent, Central California Agency (Superintendent), which you claimed the Superintendent made the determination that (i) the tribe is not organized, and (ii) that you are not the duly elected Chairperson of the Tribe of the California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California). Since you did not indicate on your letter of appeal we have assumed that your appeal is in pursuant to 25 Code of Federal Regulation (C.F.R.) Part 2, therefore for the following reason your appeal is not properly filed.

Please be advised that pursuant to 25 CFR § 2.9 (a)¹, your appeal should have been filed with the Superintendent and pursuant to 25 CFR § 2.12 (a), you must service appeal documents on all known interested parties and a written statement certifying service on each interested party.

Therefore, returned herewith are the Notice of Appeal and Statement of Reason for which you have provided for your filing with the Bureau of Indian Affairs, Superintendent, Central California Agency, 650 Capitol Mall, Suite 8-500, Sacramento, CA 95814 and service on all known interested parties.


Upon receipt of your appeal and statement of reasons, a written statement certifying service on each known interested party, and all interested parties' responses to your appeal and statement of reasons, the Superintendent shall prepare and forward the administrative record to me. The administrative record shall include all documents supporting his position for issuing the decision being appealed; all documents for which you provide and documents provided interested parties, for our review and a decision. A written decision to the appeals shall be rendered by this office within 60 days after all time for pleadings has expired, 25 CFR § 2.19 (a). Enclosed is a copy of 25 CFR Part 2, revised as of April 1, 2005, for your reference.

¹ 25 CFR § 2.9 (a), Notice of an appeal, which states in part, "An appellant must file a written notice of appeal in the office of the official whose decision is being appealed ... etc".

**TAKE PRIDE
IN AMERICA** 

Please be advised that this correspondence is only to inform you of the procedural matters related to filing an appeal under 25 CFR Part 2 and not a decision. Any further inquiries regarding this matter shall be in writing and made directly to the Bureau of Indian Affairs, Superintendent, Central California Agency 650, Capitol Mall, Suite 8-500, Sacramento, California 95814.

Sincerely,

Acting 
Regional Director

Enclosures

Distribution List:

CERTIFIED MAIL NO. 7005 1820 0004 5453 8491
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Mr. Chadd Everone
c/o Mr. Yakima K. Dixie
2054 University Avenue #407
Berkeley, California 94704

Bureau of Indian Affairs
Superintendent, Central California Agency
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814

Office of the Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825-1890

Department of Interior
Bureau of Indian Affairs
Director, Bureau of Indian Affairs
Attention MS 4606-MIB
1849 C Street, NW., MS-4513-MIB
Washington, DC 20240

Department of Interior
Bureau of Indian Affairs
Deputy Director Tribal Services
Attention: Elizabeth Colliflower
1849 C Street, NW., MS-4513-MIB
Washington, DC 20240

CALIFORNIA VALLEY MIWOK TRIBE

10601 Escondido Pl., Stockton CA 95212 Bus: (209) 931-4567 Fax: (209) 931-4333

<http://californiavalleymiwoktribe.us> or <http://www.californiavalleymiwoktribe-nsn.gov>



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7006 2760 0004 6408 0749

April 26, 2007

Mr. Clay Gregory, Regional Dir.
2800 Cottage Way
Sacramento, California 95825

Re: California Valley Miwok Tribe NOTICE OF APPEAL AND STATEMENT OF REASONS

Dear Regional Director:

On behalf of the California Valley Miwok Tribe, I am filing this NOTICE OF APPEAL AND STATEMENT OF REASONS, regarding the decisions made by Mr. Dale Risling, Sr. in his letter dated March 26, 2004.

STATEMENT OF THE DECISION BEING APPEALED

I never received the March 26, 2004 letter via certified mail. Therefore, I could not formally appeal the decisions that the Department of the Interior took upon itself to become final agency action. The letter states that it was forwarded via certified mail. This letter of appeal shall also serve as a formal request for the Department of the Interior to provide evidence that the letter was sent and/or received via certified mail.

In the March 26, 2004 letter, the Department of the Interior made the determination (i) that the tribe is not organized, and (ii) that I am not the duly elected Chairperson of the Tribe. These determinations are hereby being appealed.

Mr. Michael Olsen wrote a letter dated February 11, 2005 where he refers to the BIA letter of March 26, 2004, of which, I had not received and had not been afforded due process to formally appeal.

The same letter dated March 26, 2004 is used in reference by Cyrus Rickard of the California Gambling Control Commission in his letter dated August 4, 2005. Mr. Rickards reiterates that "During the past year to 18 months, the Commission has made quarterly distributions and directed them to Ms. Burley, because she continued to be recognized as the chairperson (3/26/04 letter) or person of authority within the tribe (2/11/05) with whom the BIA conducts business. The July 2005 letter, however, reflects the BIA's decision that the lack of a recognized tribal government or leadership now causes it sufficient concern that it must suspend the above Referenced PL 93-638 contract in order to "safeguard federal funds and until such time as the tribes becomes formally organized and a tribal government is re-established."

Again, this miscommunication goes back to the original Risling letter of March 26, 2004. I attest that the March 26, 2004 letter signed by Dale Risling, Sr. was never delivered to me via certified mail and therefore making it impossible to appeal within the time frame given within the letter. I am requesting that you take into consideration the true facts, and I have not been afforded due process and am now formally appealing the March 26, 2004 Risling letter.

Sincerely,


Silvia Burley, Chairperson