

## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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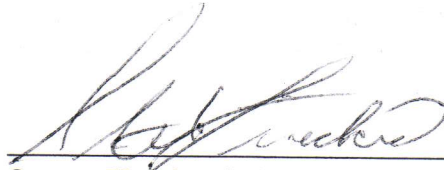
CALIFORNIA VALLEY MIWOK	)	Order Denying Stay Without
TRIBE,	)	Prejudice
Appellant,	)	
	)	
v.	)	
	)	Docket No. IBIA 07-100-A
PACIFIC REGIONAL DIRECTOR,	)	
BUREAU OF INDIAN AFFAIRS,	)	
Appellee.	)	September 23, 2009

The California Valley Miwok Tribe (Tribe or Appellant), through Silvia Burley, has appealed to the Board of Indian Appeals (Board) from an April 2, 2007, decision of the Pacific Regional Director, Bureau of Indian Affairs (Regional Director; BIA). The Regional Director rejected Burley's appeal from a November 6, 2006, decision of the Central California Agency Superintendent, BIA, to assist the Tribe in organizing a tribal government by sponsoring a general council meeting of the Tribe, to which members and "potential" or "putative" members would be invited.

Briefing on the appeal is completed and it was recently taken under consideration by the Board. On September 15, 2009, the Board was contacted by Elena Gonzalez of the Department's Office of Collaborative Action and Dispute Resolution (CADR) and informed that BIA had offered the assistance of an independent third party mediator to Silvia Burley and Yakima Dixie, with coordination and facilitation by CADR. On September 18, 2009, the Board received from Appellant a Request for Stay of Appeal to Facilitate BIA Assisted Mediation Concerning Subject Matter of Appeal. Also on September 18, 2009, however, the Board was notified by CADR that BIA had notified CADR that Yakima Dixie had declined to participate in alternative dispute resolution and therefore CADR was no longer involved in discussions with either party concerning this appeal.

Appellant's request for a stay is premised on the possibility of mediation facilitated by CADR, but it appears that CADR is no longer involved because Dixie declined to

participate. In the absence of a request for a stay made jointly by at least Appellant and the Regional Director,<sup>1</sup> the Board denies Appellant's request for a stay, without prejudice.



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Steven K. Linscheid  
Chief Administrative Judge

Distribution: See attached list.

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<sup>1</sup> The Board understands that voluntary resolution of the underlying tribal dispute may depend upon Dixie's participation. However, this appeal is limited to Appellant's challenge to the Regional Director's April 2, 2007, decision, and therefore the Board does not preclude the possibility of a stay based on settlement discussions between Burley and BIA, with or without the participation of Dixie, with respect to this appeal. Of course, while this appeal is pending, BIA lacks jurisdiction to implement, modify, or withdraw the Regional Director's decision, without authorization by the Board, but as a party BIA may engage other parties in exploring the possibility of settling this appeal.

Distribution: IBIA 07-100-A

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