

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA  
Civil Division**

THE CALIFORNIA VALLEY MIWOK  
TRIBE, *et al.*,

Plaintiffs,

v.

KEN SALAZAR, in his official capacity as  
Secretary of the United States Department of  
the Interior, *et al.*,

Defendants.

Case No. 1:11-cv-00160-RWR

Hon. Richard W. Roberts

**NOTICE OF LODGING AND SERVICE OF THE ADMINISTRATIVE RECORD BY  
FEDERAL DEFENDANTS**

PLEASE TAKE NOTICE that on the 1st day of December, 2011, Federal Defendants will lodge with the Clerk of the Court the certified Administrative Record in the above-captioned case in the form of a package delivered to the Office of the Clerk. The package to be delivered to the Clerk contains two copies of the following: (1) the U.S. Department of the Interior's certification; (2) an index of the Administrative Record documents; (3) three CD-ROMs, each containing the documents of the Administrative Record; and (4) two hard copies of the Administrative Record. A copy of the certification is attached hereto as Exhibit 1. A copy of the index of documents is attached hereto as Exhibit 2. The second copy of each of the items and the two additional CD-ROMs are included as courtesy copies to be forwarded to the chambers of the Honorable Judge Richard W. Roberts.

On December 1, 2011, Defendants will also serve counsel for Plaintiffs and Proposed Intervenor with a CD-ROM copy of the Administrative Record, sent via Federal Express to the

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Respectfully submitted this 1st day of December, 2011.

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# **EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT  
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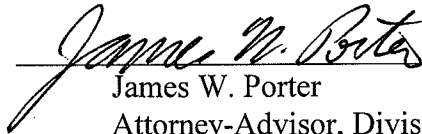
DECLARATION OF JAMES W. PORTER

I, James W. Porter, declare:

1. I am an Attorney Advisor in the Division of Indian Affairs in the Office of the Solicitor, United States Department of the Interior.
2. On April 2, 2007, the Director of the Pacific Regional Office of the Bureau of Indian Affairs (RD) issued a decision affecting the California Valley Miwok Tribe (CVMT). The interested party who was adversely affected by that decision appealed it to the Interior Board of Indian Appeals (IBIA).
3. On January 28, 2010, the IBIA issued its decision on the appeal. The IBIA found that one part of the appeal consisted of a membership dispute. Lacking jurisdiction over such disputes, the IBIA referred that matter to the Assistant Secretary-Indian Affairs (AS-IA). The AS-IA issued a decision in response to the IBIA referral on December 22, 2010.
4. The interested party who was adversely affected by the AS-IA's decision filed suit in the District Court for the District of Columbia on January 24, 2011.
5. On April 1, 2011, the AS-IA withdrew the December decision for reconsideration, and the district court lawsuit was stayed. On August 31, 2011, the AS-IA issued a letter

affirming the December decision. As a consequence, the stay of the district court lawsuit was lifted.

6. Since March 2011 I have been the lead staff attorney for this matter. Part of my responsibility as lead attorney has been to assemble the administrative record upon which the AS-IA's decision was based. The record in this case includes the administrative record compiled by the RD for purposes of the appeal to the IBIA, documents provided by the interested parties in response to the AS-IA's request for briefing, other documents collected by this office. The administrative record does not contain privileged documents. To the best of my knowledge, the documents identified in the attached index constitute the comprehensive administrative record in this case.
7. I declare under penalty of perjury that the foregoing is true and correct.  
EXECUTED on the 30th day of November, 2011.



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James W. Porter  
Attorney-Advisor, Division of Indian Affairs  
Office of the Solicitor, Department of the Interior  
1849 C Street, N.W. Washington, D.C. 20240

# **EXHIBIT 2**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA  
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THE CALIFORNIA VALLEY MIWOK  
TRIBE, *et al.*,

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KEN SALAZAR, in his official capacity as  
Secretary of the United States Department of  
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Hon. Richard W. Roberts

Bates No:      DATE              CONTENTS

|                            |            |   |
|----------------------------|------------|---|
| CVMT-2011-000001 to 000002 | 1915.08.13 | Indian Agent Letter report original                   |
| CVMT-2011-000003 to 000005 | 1915.08.13 | Indian Agent Letter report transcribed                |
| CVMT-2011-000006 to 000008 | 1916.04.05 | original deed purchase of rancheria                   |
| CVMT-2011-000009           | 1935 ?     | Undated table of rancherias with acreage and location |
| CVMT-2011-000010 to 000012 | 1935       | Instructions for IRA referenda                        |
| CVMT-2011-000013           | 1935       | Table of Rancherias votes                             |
| CVMT-2011-000014 to 000015 | 1935.05.xx | To Nash recommending IRA election dates               |
| CVMT-2011-000016           | 1935.06.06 | Handwritten note identifying Davis as sole voter      |
| CVMT-2011-000017           | 1935.06.06 | IRA directions to postmaster                          |
| CVMT-2011-000018 to 000019 | 1935.06.06 | Lipps approves Davis as sole voter                    |
| CVMT-2011-000020           | 1935.06.06 | Sheep Ranch IRA referendum report                     |

|                            |            |   |
|----------------------------|------------|---|
| CVMT-2011-000021           | 1935.06.14 | IRA referenda summary six rancherías                      |
| CVMT-2011-000022           | 1939.04.26 | Sol. Op. rancherías are reservations                      |
| CVMT-2011-000023 to 000033 | 1942       | Cohen's Federal Indian Law – "Tribal Existence"           |
| CVMT-2011-000034 to 000037 | 1965.08.13 | termination regs 25 cfr 242                               |
| CVMT-2011-000038           | 1965.12.30 | List of Sheep Ranch Indians                               |
| CVMT-2011-000039           | 1966.01.05 | Tribal Ops memo re Mabel Dixie and rancheria              |
| CVMT-2011-000040 to 000043 | 1966.02.03 | Letter, Area Director to Dora Mata                        |
| CVMT-2011-000044 to 000046 | 1966.02.03 | Letter, Area Director to Lena Shelton                     |
| CVMT-2011-000047           | 1966.02.09 | Election to prepare distribution plan                     |
| CVMT-2011-000048 to 000051 | 1966.08.18 | Distribution plan   |
| CVMT-2011-000052           | 1966.10.14 | Mabel Dixie approval of plan                              |
| CVMT-2011-000053           | 1966.10.27 | Area Director approval of plan                            |
| CVMT-2011-000054 to 000055 | 1967.04.11 | Deed of rancheria to Mabel Dixie                          |
| CVMT-2011-000056           | 1967.05.02 | PRO to Mabel Dixie transferring deed                      |
| CVMT-2011-000057 to 000058 | 1967.09.06 | Quitclaim deed by Mabel Dixie to U.S.                     |
| CVMT-2011-000059 to 000060 | 1971.08.13 | PRO to realty officer re Mabel Dixie and heirs            |
| CVMT-2011-000061           | 1971.11.01 | OHA order determining heirs                               |
| CVMT-2011-000062           | 1974.11.28 | Handwritten note from OFA files                           |
| CVMT-2011-000063 to 000065 | 1979.01.31 | Fed. Reg notice of recognized tribes RD AR Ex 83          |
| CVMT-2011-000066           | 1983.03.08 | Tallchief - Osage decision re organization                |
| CVMT-2011-000067 to 000069 | 1989.01.09 | CAA to PRO re land status RD AR Ex 82                     |
| CVMT-2011-000070           | 1989.09.01 | PRO to CAA re status of rancheria                         |
| CVMT-2011-000071 to 000073 | 1989.10.24 | CAA to PRO re Dixie heirs RD AR Ex 81                     |
| CVMT-2011-000074 to 000081 | 1993.04.14 | probate rehearing denied RD AR Ex 78                      |
| CVMT-2011-000082           | 1994       | Dixie to CCA requesting assistance                        |
| CVMT-2011-000083 to 000084 | 1995.03.17 | PRO to CCA re Sheep Ranch RD AR Ex 75                     |
| CVMT-2011-000085 to 000086 | 1995.09.22 | CCA to Burley re her lineage                              |
| CVMT-2011-000087 to 000109 | 1997.04.01 | Alan-Wilson I 30 IBIA 241                                 |
| CVMT-2011-000110 to 000114 | 1998.08.05 | Dixie accepts Burley and family into tribe.               |
| CVMT-2011-000115 to 000127 | 1998.09.08 | Transcript of meeting, BIA with Dixie and Burley – part 1 |
| CVMT-2011-000128 to 000143 | 1998.09.08 | Transcript of meeting, BIA with Dixie and Burley – part 2 |
| CVMT-2011-000144 to 000171 | 1998.09.08 | Transcript of meeting, BIA with Dixie and Burley – part 3 |



|                            |            |  |
|----------------------------|------------|--|
| CVMT-2011-000172 to 000176 | 1998.09.24 | CCA letter to Dixie                                    |
| CVMT-2011-000177 to 000179 | 1998.11.05 | Resolution GC 98-01 establishing general council       |
| CVMT-2011-000180           | 1999.04.20 | Dixie resignation                                      |
| CVMT-2011-000181           | 1999.04.20 | meeting accepting resignation                          |
| CVMT-2011-000182           | 1999.04.21 | Dixie rejects removal as chairman                      |
| CVMT-2011-000183           | 1999.05.08 | cert of officers RD AR Ex 67                           |
| CVMT-2011-000184 to 000197 | 1999.07.10 | Burley petition for secretarial election RD AR Ex 66   |
| CVMT-2011-000198           | 1999.09.17 | Burley to CCA re 638 RD AR Ex 65                       |
| CVMT-2011-000199 to 000200 | 1999.09.24 | Burley Tribal resolution RD AR Ex 64                   |
| CVMT-2011-000201 to 000204 | 1999.10.10 | Burley to CCA RD AR Ex 63                              |
| CVMT-2011-000205           | 1999.10.20 | Dixie to CCA RD AR Ex 62                               |
| CVMT-2011-000206 to 000207 | 1999.10.26 | CCA to Burley RD AR Ex 61                              |
| CVMT-2011-000208 to 000209 | 1999.12.22 | CCA to Burley RD AR Ex 60                              |
| CVMT-2011-000210 to 000230 | 1999.12.24 | Dixie Constitution and adoptions RD AR Ex 59           |
| CVMT-2011-000231           | 1999.12.26 | CCA to Dixie RD AR Ex 58                               |
| CVMT-2011-000232 to 000239 | 2000.02.04 | CCA to Burley over Dixie letter                        |
| CVMT-2011-000240 to 000246 | 2000.02.04 | CCA to Dixie re returned constitution and organization |
| CVMT-2011-000247 to 000248 | 2000.03.06 | Resolution for Constitution RD AR Ex 56                |
| CVMT-2011-000249 to 000254 | 2000.03.07 | CCA to Burley  |
| CVMT-2011-000255           | 2000.03.09 | CCA to Burley RD AR Ex 54                              |
| CVMT-2011-000256           | 2000.04.27 | Askew for Dixie to BIA RD AR Ex 53                     |
| CVMT-2011-000257           | 2000.07.12 | CCA to Burley RD AR Ex 52                              |
| CVMT-2011-000258           | 2001.02.22 | CCA to Burley: no land held in trust                   |
| CVMT-2011-000259           | 2001.03.06 | CCA to Marston RD AR Ex 51                             |
| CVMT-2011-000260           | 2001.06.07 | Burley to CCA  |
| CVMT-2011-000261 to 000262 | 2001.10.31 | CCA to Burley  |
| CVMT-2011-000263 to 000265 | 2001.11.13 | Marston to CCA RD AR Ex 48                             |
| CVMT-2011-000266 to 000277 | 2002.01.07 | CVMT enrollment ordinance                              |
| CVMT-2011-000278 to 000288 | 2002.01.24 | ED Cal order dismissing Dixie suit against Burley      |
| CVMT-2011-000289 to 000292 | 2002.03.04 | CCA to Burley RD AR Ex 46                              |
| CVMT-2011-000293 to 000297 | 2002.04.09 | BIA to Burley RD AR Ex 45                              |
| CVMT-2011-000298 to 000311 | 2002.04.29 | ED Cal. Complaint by Rapport ("250 potential members") |

|                            |            |  |
|----------------------------|------------|--|
| CVMT-2011-000312 to 000314 | 2003.01.31 | CVMT to ASIA RD AR Ex 44                                       |
| CVMT-2011-000315 to 000325 | 2003.05.15 | Sen Rpt. 108-49  |
| CVMT-2011-000326 to 000330 | 2003.06.10 | Bernhardt to Sen. Campbell                                     |
| CVMT-2011-000331 to 000339 | 2003.07.27 | Dismissal of first amended complaint ED Cal                    |
| CVMT-2011-000340 to 000348 | 2003.08.15 | Dixie to PRO RD AR Ex 43                                       |
| CVMT-2011-000349 to 000350 | 2003.10.10 | Dixie to PRO RD AR Ex 42                                       |
| CVMT-2011-000351 to 000354 | 2003.10.23 | Bernhardt to Rep. Rahall                                       |
| CVMT-2011-000355 to 000356 | 2003.11.24 | CCA recognizes Burley government                               |
| CVMT-2011-000357           | 2003.12.12 | Dixie appoints Everone RD AR Ex 41                             |
| CVMT-2011-000358 to 000498 | 2004.02.23 | Burley deposition – 250 members – page 78                      |
| CVMT-2011-000499 to 000502 | 2004.03.26 | CCA to Burley rejecting constitution, discussing organization  |
| CVMT-2011-000503           | 2004.04.09 | Delegation of authority to Principal Deputy                    |
| CVMT-2011-000504 to 000508 | 2004.04.29 | Golding declaration in ED Cal.                                 |
| CVMT-2011-000509 to 000526 | 2004.04.29 | U.S. memo in ED Cal. lawsuit                                   |
| CVMT-2011-000527           | 2004.05.13 | CCA to Burley RD AR Ex 39                                      |
| CVMT-2011-000528 to 000529 | 2004.05.20 | Keep to Qualset re CVMT status                                 |
| CVMT-2011-000530           | 2004.05.28 | CGCC letter to Wolfrum   |
| CVMT-2011-000531 to 000532 | 2004.06.28 | CVMT to PRO re members   |
| CVMT-2011-000533 to 000557 | 2004.07.01 | Dismissal Order ED Cal   |
| CVMT-2011-000558 to 000561 | 2004.11.09 | Doka declaration in support of transfer of case                |
| CVMT-2011-000562 to 000603 | 2004.11.19 | 9 <sup>th</sup> Cir. Appellants' opening brief                 |
| CVMT-2011-000604 to 000608 | 2005.01.03 | 9 <sup>th</sup> Cir. appellants' brief opposing appellees' MSJ |
| CVMT-2011-000609 to 000611 | 2005.02.11 | Acting AS-IA (Olsen) decision letter                           |
| CVMT-2011-000612           | 2005.02.14 | 638 contract amendment   |
| CVMT-2011-000613 to 000616 | 2005.02.24 | Bell to PRO re prospective members                             |
| CVMT-2011-000617 to 00618  | 2005.03.01 | Thompson to PRO RD AR Ex 35                                    |
| CVMT-2011-000619           | 2005.03.04 | PRO to Burley  |
| CVMT-2011-000620 to 000685 | 2005.03.04 | U.S. memo 9th Cir.   |
| CVMT-2011-000686 to 000688 | 2005.03.10 | Burley to Acting AS-IA Olsen                                   |
| CVMT-2011-000689 to 000701 | 2005.03.10 | CVMT (Burley) amended 2002 enrollment ordinance                |
| CVMT-2011-000702 to 000703 | 2005.03.11 | Burley to PRO re sovereignty                                   |
| CVMT-2011-000704 to 000706 | 2005.03.15 | Bell to CCA re members   |

|                            |            |   |
|----------------------------|------------|---|
| CVMT-2011-000707 to 000708 | 2005.03.30 | CCA to Bell RD AR Ex 32                                   |
| CVMT-2011-000709 to 000722 | 2005.04.12 | CVMT (Burley) Complaint in DDC                            |
| CVMT-2011-000723 to 000755 | 2005.04.29 | CVMT tribal court order – Dixie suit                      |
| CVMT-2011-000756 to 000757 | 2005.05.13 | Burley to CCA RD AR Ex 31                                 |
| CVMT-2011-000758           | 2005.05.28 | CGCC to Wolfrum (for Dixie)                               |
| CVMT-2011-000759 to 000763 | 2005.06.13 | Rogers-Davis declaration in support of transfer of case   |
| CVMT-2011-000764 to 000784 | 2005.06.13 | U.S. Motion to transfer case from DDC to ED Cal.          |
| CVMT-2011-000785 to 000786 | 2005.06.20 | Bell to BIA (Fry)   |
| CVMT-2011-000787 to 000788 | 2005.07.07 | Bell declaration re membership                            |
| CVMT-2011-000789 to 000790 | 2005.07.07 | Burley to CCA RD AR Ex 30                                 |
| CVMT-2011-000791 to 000800 | 2005.07.08 | Plaintiffs' opposition to transfer                        |
| CVMT-2011-000801 to 000802 | 2005.07.19 | CCA awarding official to Burley                           |
| CVMT-2011-000803 to 000815 | 2005.07.29 | Doka supplemental declaration                             |
| CVMT-2011-000816 to 000817 | 2005.08.04 | CGCC to Dixie and Burley re RSTF                          |
| CVMT-2011-000818 to 000854 | 2005.08.05 | U.S. Memo in support of MTD in DDC                        |
| CVMT-2011-000855           | 2005.08.12 | DOJ to Tribe re resumption of 638 contract                |
| CVMT-2011-000856           | 2005.08.19 | Amended 638 contract                                      |
| CVMT-2011-000857           | 2005.08.19 | Awarding official to Burley.                              |
| CVMT-2011-000858 to 000859 | 2005.08.24 | CGCC to CVMT re RSTF distribution                         |
| CVMT-2011-000860 to 000861 | 2005.08.26 | Bell to CCA   |
| CVMT-2011-000862 to 000863 | 2005.08.29 | CGCC to CVMT re RSTF                                      |
| CVMT-2011-000864           | 2005.08.30 | Dixie Disenrollment RD AR Ex 28                           |
| CVMT-2011-000865 to 000888 | 2005.09.02 | Plaintiffs' opposition to MTD in DDC                      |
| CVMT-2011-000889 to 000890 | 2005.09.04 | Dixie POA to Whitebear RD AR Ex 27                        |
| CVMT-2011-000891 to 000893 | 2005.09.21 | Fry declaration 1 of 3                                    |
| CVMT-2011-000894 to 000898 | 2005.09.21 | Fry declaration 2 of 3                                    |
| CVMT-2011-000899 to 000902 | 2005.09.21 | Whipple-Depina declaration                                |
| CVMT-2011-000903 to 000918 | 2005.09.22 | D reply to P opp to MTD                                   |
| CVMT-2011-000919 to 000934 | 2005.09.22 | Keep declaration with exhibits                            |
| CVMT-2011-000935 to 000936 | 2005.09.26 | Tribal Resolution 1-09-26-2005 re reprogramming TPA funds |
| CVMT-2011-000937 to 000938 | 2005.09.28 | Bell to CCA   |
| CVMT-2011-000939 to 000942 | 2005.10.13 | Notice of tribe's request for applications for membership |

|                            |            |  |
|----------------------------|------------|--|
| CVMT-2011-000943 to 000960 | 2005.10.19 | CGCC to tribe re distribution of RSTF funds                    |
| CVMT-2011-000961           | 2005.10.26 | CCA to Burley denying funding request                          |
| CVMT-2011-000962 to 000964 | 2005.11.11 | Bell to CCA  |
| CVMT-2011-000965 to 000987 | 2005.11.25 | FRN – federally recognized tribes                              |
| CVMT-2011-000988 to 000991 | 2005.12.05 | CGCC complaint in Cal. state court                             |
| CVMT-2011-000992 to 000993 | 2005.12.12 | Bell to CCA RD AR Ex 24  |
| CVMT-2011-000994           | 2005.12.12 | CCA to Burley RD AR Ex 23                                      |
| CVMT-2011-000995 to 000999 | 2005.12.22 | Burley declaration in DDC                                      |
| CVMT-2011-001000 to 001001 | 2005.12.22 | Steele declaration in DDC                                      |
| CVMT-2011-001002 to 001026 | 2005.12.23 | Plaintiffs' PI Motion in DDC                                   |
| CVMT-2011-001027 to 001052 | 2006.01.03 | Defendants' Opp. to Ps' PI Motion in DDC 26 pages              |
| CVMT-2011-001053 to 001220 | 2006.01.03 | Defendants' Opp. to PI with exhibits 168 pages                 |
| CVMT-2011-001221 to 001232 | 2006.01.03 | Fry Declaration 3 of 3   |
| CVMT-2011-001233 to 001234 | 2006.01.06 | PRO letter recognizing Burley                                  |
| CVMT-2011-001235 to 001236 | 2006.01.09 | Burley to PRO  |
| CVMT-2011-001237 to 001238 | 2006.01.30 | Bell to CCA RD AR Ex 22  |
| CVMT-2011-001239 to 001240 | 2006.02.09 | CCA to Bell re applications                                    |
| CVMT-2011-001241 to 001249 | 2006.03.31 | DDC decision 424 F.Supp. 2d 197                                |
| CVMT-2011-001250 to 001253 | 2006.04.06 | CVMT to CCA re 638 funding                                     |
| CVMT-2011-001254 to 001257 | 2006.05.22 | Burley to Associate Deputy Secretary re enrollment             |
| CVMT-2011-001258 to 001259 | 2006.08.17 | 9 <sup>th</sup> Circuit decision 197 Fed. Appx. 678            |
| CVMT-2011-001260 to 001262 | 2006.11.06 | CCA letter with plan for organizing the tribe with all members |
| CVMT-2011-001263 to 001266 | 2006.11.07 | Burley to CCA RD AR Ex 18                                      |
| CVMT-2011-001267 to 001268 | 2006.11.10 | Burley to PRO Notice of Appeal RD AR Ex 17                     |
| CVMT-2011-001269 to 001299 | 2006.11.10 | Burley appeal exhibits RD AR Ex 14                             |
| CVMT-2011-001300 to 001302 | 2006.11.30 | PRO to Burley re appeal of CCA 1/6/06 letter                   |
| CVMT-2011-001303 to 001443 | 2006.12.12 | Dixie response to Burley appeal RD AR Ex 15                    |
| CVMT-2011-001444 to 001450 | 2006.12.13 | Burley appeal of 11/6 letter and Statement of Reasons          |
| CVMT-2011-001451 to 001454 | 2007.01.09 | CCA to PRO re Burley appeal RD AR Ex 13                        |
| CVMT-2011-001455 to 001457 | 2007.02.23 | CCA to Dixie and Burley RD AR Ex 12                            |
| CVMT-2011-001458 to 001460 | 2007.02.23 | Dixie to CCA RD AR Ex 11                                       |
| CVMT-2011-001461 to 001463 | 2007.02.27 | Burley to CCA RD AR Ex 10                                      |

|                            |            |  |
|----------------------------|------------|--|
| CVMT-2011-001464 to 001465 | 2007.02.28 | Everone to CCA RD AR Ex 9                                      |
| CVMT-2011-001466 to 001481 | 2007.03.07 | Burley faction to CCA RD AR Ex 8                               |
| CVMT-2011-001482 to 001484 | 2007.03.08 | CCA to Burley RD AR Ex 6                                       |
| CVMT-2011-001485 to 001487 | 2007.03.08 | CCA to Dixie RD AR Ex 7  |
| CVMT-2011-001488 to 001489 | 2007.03.16 | Burley to CCA RD AR Ex 5                                       |
| CVMT-2011-001490 to 001493 | 2007.03.20 | CCA to Burley RD AR Ex 4                                       |
| CVMT-2011-001494 to 001500 | 2007.04.02 | PRO affirms CCA letter of 1/26/06                              |
| CVMT-2011-001501           | 2007.04.11 | Published notice of organizational meeting                     |
| CVMT-2011-001502 to 001510 | 2007.04.16 | Burley Notice of Appeal to IBIA                                |
| CVMT-2011-001511 to 001513 | 2007.05.01 | IBIA pre-docketing notice and order                            |
| CVMT-2011-001514 to 001518 | 2007.06.13 | IBIA scheduling order  |
| CVMT-2011-001519 to 001520 | 2007.06.19 | CCA to Dixie re recognition of Burley                          |
| CVMT-2011-001521 to 001553 | 2007.07.27 | Burley brief in support of IBIA appeal                         |
| CVMT-2011-001554 to 001561 | 2008.02.15 | D.C. Cir. decision 515 F.3d 1262                               |
| CVMT-2011-001562 to 001571 | 2008.06.10 | 47 IBIA 91 dismissing Burley appeal of 638 denial              |
| CVMT-2011-001572 to 001575 | 2008.12.12 | SOL/DIA to Cal. Atty. Gen. re CVMT status                      |
| CVMT-2011-001576 to 001589 | 2009.02.06 | U.S. memo opposing injunction ED Cal.                          |
| CVMT-2011-001590 to 001600 | 2009.02.23 | ED Cal. affirming BIA rejection of 638 proposal                |
| CVMT-2011-001601 to 001634 | 2009.07.08 | US Brief 9 <sup>th</sup> Cir. supporting affirmance of ED Cal. |
| CVMT-2011-001635           | 2009.08.25 | TStevens to JGidner Fw_ CVMT - Tribal Govt...                  |
| CVMT-2011-001636 to 001638 | 2009.09.08 | TStevens to SKeep et al Fw_ CVMT Request for Immed...          |
| CVMT-2011-001639 to 001643 | 2009.09.15 | EWalker to J Smith RE_ FW_ BIA Correspondence                  |
| CVMT-2011-001644 to 001646 | 2009.09.24 | EWalker to JSmith response to motion to stay                   |
| CVMT-2011-001647 to 001648 | 2009.09.24 | EWalker to JSmith rossette motion to stay                      |
| CVMT-2011-001649 to 001652 | 2009.11.12 | Walker (for Dixie) to Salazar                                  |
| CVMT-2011-001653 to 001655 | 2010.01.06 | JGidner to SKeep FW_ Urgent_ CVM Tribe Eviction                |
| CVMT-2011-001656 to 001659 | 2010.01.07 | Rosette (for Burley) to Salazar, responding to Walker          |
| CVMT-2011-001660 to 001675 | 2010.01.07 | Rosette exhibits   |
| CVMT-2011-001676 to 001680 | 2010.01.13 | Walker to Rosette  |
| CVMT-2011-001681 to 001682 | 2010.01.15 | EWalker to SKeep California Valley Miwok Tribe                 |
| CVMT-2011-001683 to 001705 | 2010.01.28 | 51 IBIA 103 appeal of CCA 11/6/06 letter w/ referral to AS-IA  |
| CVMT-2011-001706 to 001707 | 2010.03.10 | MMartin to SKeep et al California Valley Miwok                 |

|                            |            |   |
|----------------------------|------------|---|
| CVMT-2011-001708 to 001711 | 2010.03.18 | EWalker to SKeep et al RE_ Conference Call RE_ CVMT           |
| CVMT-2011-001712 to 001727 | 2010.04.16 | Cal Ct App decision   |
| CVMT-2011-001728 to 001746 | 2010.04.27 | CVMT timeline   |
| CVMT-2011-001747           | 2010.05.12 | EWalker to SKepp CA Valley Miwok                              |
| CVMT-2011-001748 to 001751 | 2010.08.03 | CVMT Draft Options Paper by Tribal Services                   |
| CVMT-2011-001752 to 001753 | 2010.09.16 | EWalker to SKeep Letter re_ California Valley Miwok Tribe     |
| CVMT-2011-001754 to 001760 | 2010.12.22 | AS-IA DECEMBER DECISION LETTER                                |
| CVMT-2011-001761 to 001766 | 2010.12.22 | AS-IA Decision Letter to Burley                               |
| CVMT-2011-001767 to 001796 | 2010.12.22 | AS-IA Decision Letter to Dixie with 51 IBIA 103               |
| CVMT-2011-001797 to 001803 | 2010.12.22 | AS-IA Decision Letter to Dixie                                |
| CVMT-2011-001804 to 001806 | 2010.12.23 | Notice of meeting of General Council (Burley)                 |
| CVMT-2011-001807 to 001828 | 2010.12.28 | Transcript from Cal. State. Court proceeding.                 |
| CVMT-2011-001829           | 2011.01.03 | RUram to SKeep Letter on Miwok Issue                          |
| CVMT-2011-001830 to 001832 | 2011.01.04 | Rosette (Burley) to Wolfrum (Dixie), threatening sanctions.   |
| CVMT-2011-001833 to 001834 | 2011.01.05 | EWalker to SKeep FW_ California Valley Miwok                  |
| CVMT-2011-001835 to 001838 | 2011.01.06 | Uram to Burley re council meeting notice                      |
| CVMT-2011-001839           | 2011.01.06 | Uram to Rosette re Special meeting                            |
| CVMT-2011-001840 to 001851 | 2011.01.06 | Uram to Salazar seeking reconsideration                       |
| CVMT-2011-001852           | 2011.01.06 | Uram to SKeep FW_ Request for Stay and Reconsideration        |
| CVMT-2011-001853           | 2011.01.07 | EWalker to SKeep et al to Salazar and Burley in CVMT matter   |
| CVMT-2011-001854 to 001855 | 2011.01.07 | Hanna forward Uram to Salazar letter                          |
| CVMT-2011-001856 to 001862 | 2011.01.07 | Uram ex DC Cir opinion  |
| CVMT-2011-001863 to 001889 | 2011.01.07 | Uram ex transcript  |
| CVMT-2011-001890 to 001892 | 2011.01.12 | CCA to Burley recognizing election                            |
| CVMT-2011-001893 to 001895 | 2011.01.12 | EWalker to SKeep RE_ any progress on letter for CMTV          |
| CVMT-2011-001896           | 2011.01.13 | EWalker to SKeep CVMT letter for responsive in state case     |
| CVMT-2011-001897 to 001899 | 2011.01.14 | Gidner and Smith re Dec. Decision                             |
| CVMT-2011-001900 to 001901 | 2011.01.18 | Treppa (Habematolel Pomo) to LEH                              |
| CVMT-2011-001902 to 001903 | 2011.01.21 | SOL to Uram declining to reconsider                           |
| CVMT-2011-001904 to 001905 | 2011.01.21 | Uram to Salazar withdrawing reconsideration request; to court |
| CVMT-2011-001906 to 001907 | 2011.01.24 | EWalker to SKeep RE_ CVMR                                     |
| CVMT-2011-001908 to 001923 | 2011.02.09 | Dixie notice of appeal to RD of CCA 1/12/11                   |

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| CVMT-2011-001924 to 001927 | 2011.02.23 | 53 IBIA 51 remanding re 638 denial                        |
| CVMT-2011-001928 to 001930 | 2011.02.28 | Burley to CCA urging disbursal of 638 funds               |
| CVMT-2011-001931 to 001934 | 2011.03.09 | Uram declaration  |
| CVMT-2011-001935 to 001936 | 2011.03.10 | Goldberg to Rooney re PI                                  |
| CVMT-2011-001937 to 001940 | 2011.03.11 | Dixie Statement of Reasons (exhibit M in PI folder)       |
| CVMT-2011-001941 to 001996 | 2011.03.16 | Approval of 638 contract                                  |
| CVMT-2011-001997           | 2011.03.25 | Pipestem to IA re CVMT w letter                           |
| CVMT-2011-001998 to 001999 | 2011.04.01 | AS-IA withdrawal of December decision                     |
| CVMT-2011-002000 to 002003 | 2011.04.01 | Dixie withdrawal of PI motion                             |
| CVMT-2011-002004 to 002006 | 2011.04.08 | AS-IA to parties re additional briefing                   |
| CVMT-2011-002007 to 002008 | 2011.04.08 | EWalker to JPorter FW_ Sacto Bee article on Yakima Dixie  |
| CVMT-2011-002009 to 002012 | 2011.04.12 | Uram to Echo Hawk   |
| CVMT-2011-002013 to 002014 | 2011.04.15 | EWalker to JPorter Transcript of Californina Hearing CVMT |
| CVMT-2011-002015           | 2011.04.19 | RUram to JPorter Letter to Assistant Secretary            |
| CVMT-2011-002016           | 2011.04.21 | EWalker to SKeep need to talk to you                      |
| CVMT-2011-002017 to 002018 | 2011.04.21 | EWalker to SKeep RE_ need to talk to you                  |
| CVMT-2011-002019 to 002020 | 2011.04.21 | RUram to JPorter Fw_ CVMT v. CGCC (37-2...                |
| CVMT-2011-002021           | 2011.04.21 | RUram to JPorter Miwok                                    |
| CVMT-2011-002022 to 002024 | 2011.04.21 | RUram to JPorter Re_ Miwok                                |
| CVMT-2011-002025 to 002029 | 2011.05.09 | Summary of briefing docs and other docs                   |
| CVMT-2011-002030 to 002035 | 2011.07.16 | Tribal (Dixie) resolution – election bylaws               |
| CVMT-2011-002036 to 002037 | 2011.07.18 | RUram to KRooney et al RE_ California Valley Miwok        |
| CVMT-2011-002038 to 002040 | 2011.07.22 | Uram to Echo Hawk re Dixie organization of Tribe          |
| CVMT-2011-002041 to 002048 | 2011.08.12 | Rosette to Simermeyer et al re joint status report        |
| CVMT-2011-002049 to 002057 | 2011.08.31 | Reconsidered decision                                     |