

INTERIOR BOARD OF INDIAN APPEALS

California Valley Miwok Tribe)	
)	
Appellant,)	Docket No.: IBIA 07-100-A
)	
vs.)	
)	
Pacific Regional Director,)	
)	
Appellee.)	

DECLARATION OF TROY BURDICK

I, Troy Burdick, do hereby state as follows:

1. I am employed by the Bureau of Indian Affairs (BIA) within the United States Department of the Interior as the Superintendent of the Central California Agency.
2. In my capacity as Superintendent, I am responsible for managing the government-to-government relationship between the United States and the California Valley Miwok Tribe (CVMT or Tribe).
3. CVMT is an unorganized tribe, meaning the BIA does not recognize that the tribe has a functioning government or a governmental leader.
4. On November 6, 2006 I sent a letter to Silvia Burley and Yakima Dixie, both of whom claim to be the legitimate leader of CVMT with authority to organize the Tribe. Both Silvia Burley and Yakima Dixie were working separately to organize the Tribe.
5. My letter indicated that their dispute had reached an impasse and threatened the Tribe's government-to-government relationship with the United States. It further indicated that the BIA would assist the Tribe in organizing itself. As

- the first step in the Tribe's effort to organize itself, the BIA would call a general council meeting of the Tribe's members and potential members
6. Silvia Burley appealed that decision to the Regional Director. On April 2, 2007, the Regional Director affirmed the November 6, 2006, letter and remanded the matter back to me to proceed with the plans to assist the Tribe organize itself by first calling a general council meeting of the Tribe's member's and putative members.
 7. I did not call a general council meeting. Instead, I took a step in preparation of calling a general council meeting. On April 10, 2007, I had published in local newspapers a notice that the BIA was accepting applications from persons who claim lineal decedency from a list of 14 historic members of the Tribe and who sought to be included in the class of putative members who would be eligible to participate in the Tribe's organizational process.
 8. By May 25, 2007, the BIA received 503 applications. Between the dates of May 25, 2007, and April 20, 2007, the BIA was only engaged in the internal review of these applications.
 9. On April 20, 2007, Silvia Burley, allegedly acting in the name of the Tribe, appealed the Regional Director's April 2 2007, letter to the Interior Board of Indian Appeals (IBIA)
 10. The BIA reviewed those applications and determined which applicants qualify as lineal descendents and which do not. The BIA drafted letters to send to all applicants notifying them of their status and, as needed, informing them of their rights of appeal, after completing that review.

11. Because of the stay in this case, the BIA has not and will not send those letter to the applicants until the IBIA issues a decision in Silvia Burley's appeal in the BIA's favor. Moreover, the BIA will not initiate the process by which the Tribe will organize itself by calling a general council meeting of the Tribe until IBIA issues a decision in Silvia Burley's appeal in the BIA's favor. The BIA will not take any action to assist the Tribe organize itself until IBIA decides Silvia Burley's appeal in the BIA's favor.

I declare under penalty of perjury that the forgoing is true and correct.

Executed on the 6th day of December, 2007.



Troy Burdick
Superintendent, BIA
Central California Agency