

EXHIBIT 2
(Part 5)

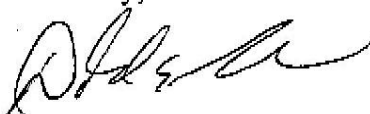
3. I am rescinding the February 11, 2005 letter from the Office of the Assistant Secretary to Yakima Dixie stating that the BIA does not recognize any government of the California Valley Miwok Tribe.
4. The BIA will rescind its letter of March 26, 2004 to Sylvia Burley stating that it "does not yet view your tribe to be an 'organized' Indian Tribe," and indicating that Ms. Burley is merely a "person of authority" within the Tribe.
5. My office and the BIA will work with the Tribe's existing governing body – its General Council, as established by Resolution # GC-98-01 – to fulfill the government-to-government relationship between the United States and the California Valley Miwok Tribe.

My decision addresses those issues referred to my office by the decision of the IBIA.

Lastly, I recognize that issues related to membership and leadership have been significant sources of contention within the Tribe in recent years. I strongly encourage the Tribe's governing body, the General Council, to resolve these issues through internal processes so as to mitigate the need for future involvement by the Department in these matters. To this point, I understand that Resolution #GC-98-01 provides for proper notice and conduct of meetings of the General Council. I likewise encourage the Tribe's General Council to act in accord with its governing document when settling matters relating to leadership and membership, so as to bring this highly contentious period of the Tribe's history to a close.

A similar letter has been transmitted to Ms. Sylvia Burley, and her legal counsel.

Sincerely,



For Larry Echo Hawk

Assistant Secretary – Indian Affairs

cc: Mike Black, Director of the Bureau of Indian Affairs
Amy Dutschke, BIA Pacific Regional Director
Elizabeth Walker, Walker Law LLC

EXHIBIT 3

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

**Letter from Larry Echo Hawk, Assistant Secretary - Indian Affairs, to
Yakima Dixie (April 1, 2011)**



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR 01 2011

Mr. Yakima Dixie
1231 E. Hazelton Avenue
Stockton, California 95205

Dear Mr. Dixie:

On December 22, 2010, my office issued a letter setting out the Department of the Interior's decision on a question respecting the composition of the California Valley Miwok Tribe. The question had been referred to my office by the Interior Board of Indian Appeals. On January 24, 2011, you filed suit in Federal district court seeking to have the Department's decision vacated.

Subsequent actions by the parties involved in this dispute have led me to reconsider the matters addressed in the December 22, 2010, decision letter. By means of today's letter, the December 22 decision is set aside.

I believe that the longstanding problems within the Tribe need prompt resolution, and I remain committed to the timely issuance of my reconsidered decision. I am mindful, however, that additional briefing may inform my analysis of the problems presented in this dispute. To that end, I will issue a briefing schedule in the coming week, requesting submissions from you and from Ms. Silvia Burley on specific questions of fact and law relevant to the referred question.

Sincerely,

Larry Echo Hawk
Assistant Secretary – Indian Affairs

cc: Ms. Silvia Burley
10601 Escondido Place
Stockton, California 95212

Robert A. Rosette, Esq.
565 West Chandler Boulevard, Suite 212
Chandler, Arizona 85225

Roy Goldberg, Esq.
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Kenneth D. Rooney
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Amy Dutschke, Director
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Sacramento, CA 95825

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

EXHIBIT 4

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

**Letter from Larry Echo Hawk, Assistant Secretary - Indian Affairs, to
Yakima Dixie (April 8, 2011)**



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR 08 2011

Mr. Yakima Dixie
1231 E. Hazelton Avenue
Stockton, California 95205

Ms. Silvia Burley
10601 Escondido Place
Stockton, California 95212

Dear Mr. Dixie and Ms. Burley:

The Bureau of Indian Affairs (BIA) and the California Valley Miwok Tribe (Tribe) have worked for years to reach a shared understanding of the structure and composition of the Tribe, its government, and its relationship with the Federal government. Disputes within the Tribe, and between the Tribal factions and the BIA, have led to several administrative appeals as well as federal court litigation. On January 28, 2010, the Interior Board of Indian Appeals (IBIA) issued a decision respecting one of the administrative appeals. The IBIA remanded to my office one of the issues raised in that appeal, as being an enrollment question and thus beyond the IBIA's jurisdiction. On December 22, 2010, my office issued a letter attempting to set out a clear and final answer to the referred question.

After the December 22, 2010, decision, a number of issues were raised in litigation that challenged that decision; therefore, I have withdrawn it for reconsideration. I would like to ensure that I consider all issues in my reconsideration of this matter. To ensure full and fair review, I am asking the parties to brief the issues. Parties may submit any legal arguments they wish for me to consider. In addition, the parties should consider addressing the following issues.

1. It is undisputed that the Federal government currently recognizes five people as members of the tribe. The September 24, 1998, letter from Superintendent Risling to Yakima Dixie, mentioned the development of enrollment criteria that "will be used to identify other persons eligible to participate in the initial organization of the Tribe" (emphasis added). Please brief your views on whether the Secretary has an obligation to ensure that potential tribal members participate in an election to organize the Tribe.
2. It is undisputed that the Tribe is federally recognized, being included on the Department's list of recognized tribes. The Tribal Resolution of November 5, 1998, signed by Ms. Burley and Mr. Dixie, said: "The Tribe, on June 12, 1935, voted to accept the terms of the Indian Reorganization Act . . . but never formally organized pursuant to federal statute, and now desires to pursue the formal organization of the Tribe." Please explain your position regarding the status of the Tribe's organization and the Federal Governments' duty to assist the Tribe in organizing.

3. It is undisputed that the position taken in the December 22 decision letter represented a change in direction regarding the Bureau's relations with the Tribe. Courts have found the BIA's past actions to be permissible under the APA, but did not state that those actions were mandatory under federal Indian law. Some statements in court opinions, however, must be read as statements of law with which my decisions must comply. In particular, the D.C. Circuit stated that (paraphrased for clarity): "It cannot be that the Secretary has no role in determining whether a tribe has properly organized itself to qualify for the federal benefits provided in the [Indian Reorganization] Act and elsewhere." 515 F.3d 1262, 1267 (D.C. Cir. 2008). Please brief your views on what the Secretary's role is in "determining whether a tribe has properly organized itself."

To ensure the promptness of my reconsidered decision, please provide your submission so that it is received by the Department no later than 9:00 am, eastern daylight savings time, Tuesday, May 3, 2011.

My office will give your submissions careful and objective consideration. No outcome in this matter will resolve all the disputes between the parties, but my duty under the APA is to reach, and explain, a carefully-considered decision that is not "arbitrary and capricious," and is "in accordance with law" (5 U.S.C. § 706(2)(a)).

Please limit your submissions to no more than 30 pages. We prefer, for timeliness and convenience, that you submit your response documents in pdf format via email to Mr. Brian Newland, one of my advisors, at bryan_newland@ios.doi.gov, and Mr. Jim Porter, an attorney in Solicitor's Office, at james.porter@sol.doi.gov. Please also transmit your response documents to each other at the same time you send them to this office.

Sincerely,



Larry Echo Hawk
Assistant Secretary – Indian Affairs

cc: Robert A. Rosette, Esq.
565 West Chandler Boulevard, Suite 212
Chandler, Arizona 85225

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Troy Burdick, Superintendent
Central California Agency, Bureau of Indian Affairs
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Sacramento, CA 95814

EXHIBIT 5

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

**Letter from BIA Pacific Regional Director to Silvia Burley (Apr. 2, 2007)
("2007 Decision")**



IN REPLY REFER TO:

United States Department of the Interior

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

APR - 2 2007

CERTIFIED MAIL NO. 7006 0810 0001 4950 9008
RETURN RECEIPT REQUESTED

Ms. Silvia Burley
10601 Escondido Place
Stockton, California 95212

Dear Ms. Burley:

The purpose of this correspondence is to inform you of my decision regarding your Notice of Appeal dated November 10, 2006, filed pursuant to 25 Code of Federal Regulation (CFR) Part 2, from the decision dated November 6, 2006 of the Bureau of Indian Affairs (BIA), Superintendent, Central California Agency (Agency), which noticed you and Yakima Dixie, because of your leadership claims, of the Agency's commitment to assist the California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California), with the Tribe's efforts to organize a formal governmental structure that is representative of all Miwok Indians who can establish a basis for their interest in the Tribe. Your Notice of Appeal, Statement of Reasons, Answer of Interested Party and the Administrative Record of the Superintendent were all received on January 11, 2007. The Superintendent has indicated that your Appeal was timely filed.

It is a well established BIA policy that the federal government not intervene in internal tribal disputes where there is no threat to government-to-government relationship. However, in this situation, where the BIA does not recognize a tribal government we feel that such a threat appears imminent, and we believe that the better course of action would be to allow the Agency to assist the Tribe to sort out the situation. Therefore, based on our analysis, it was concluded that I remand this matter back to the Superintendent and allow the Agency to continue with its plans to assist the Tribe with its organizational efforts. We present our analysis of the situation as follows.

BACKGROUND

An August 13, 1915 letter from Special Indian Agent to the Commissioner of Indian Affairs, Washington, D. C., reported his finding and in part, stated that, "The census the Indians designated Sheepranch-Indians only aggregating 12 in number, constitutes the remnant of once a larger band of Indians". A census of the Indians at and near Sheep Ranch in Calaveras County, California was attached to the August 13 letter that listed the follows individuals; Peter Hodge (1/2 Indian blood), Annie, wife (4/4 Indian blood), their children Malida, Lena, Tom, and

TAKE PRIDE
IN AMERICA 

CVMT-2011-002177

Andy, Jeff Davis (4/4 Indian blood), Betsey, wife (4/4 Indian blood), Mrs. Limpey (4/4 Indian blood), John Tecumchey (4/4 Indian blood) and his wife Pinkey (4/4 Indian blood), and Mamy Duncan, granddaughter of Jeff Davis (3/4 Indian blood). Further states that the "to some extent the Indians of Sheepranch, Murphys, Six-Mile, Avery and Angles are interchangeable in their relationships." These communities are all located in Calaveras County, California.

On April 5, 1916, the Sheep Ranch Rancheria, comprising of 0.92 acres located in Calaveras County, California was purchased and held in trust by the United States of America for the use and benefit of certain homeless California Indians.

On June 8, 1935, the approved list of Voters for Indian Reorganization Act (IRA) for the Sheep Ranch Rancheria, Calaveras County, only listed a Jeff Davis, who voted to accept the terms of the IRA. Although Mr. Davis voted in 1935 to accept the terms of the IRA, the Tribe never formally organized under a constitution approved by the Secretary of the Interior. There were no documents located that referenced Mr. Davis attempted to organize the Tribe under the IRA or any record requesting the Agency to assist in the Tribe's efforts to organize.

On August 18, 1966, pursuant to the Rancheria Act (P.L. 85-671, 72 Stat. 619), as amended, whereby the distribution of the Rancheria's assets were made to one distributee, a Mabel Hodge Dixie. On April 11, 1967, the property was deeded to Mrs. Dixie; however, the transfer of title was nullified by a quit claim deed executed by Mrs. Dixie on September 6, 1967, which reverted title of the property to the United States of America. Prior to the complete implementation of the distribution plan, Mabel Hodge Dixie passed away on July 11, 1971. As a result of a probate decision in 1990, the Rancheria was distributed to five heirs, listed as follows; Richard Dixie, and Merle Butler, Mrs. Dixie's common-law husband. Melvin Dixie and Yakima Edward Dixie are the only two remaining heirs. BIA records reflect that the Rancheria land is held in trust for the heirs of Mable Hodge Dixie.

A Notice of Termination was never published in the Federal Register or other letter or notice stating the federal government's intention to terminate services to and/or relations with the Sheep Ranch Rancheria. Furthermore, as evident by the earliest publication of federally recognized tribes in a booklet published in 1972 entitled "American Indians and Their Federal Relationship." The Sheep Ranch Rancheria was listed therein as a recognized tribe eligible for funding and services from the Bureau by virtue of their status as an Indian tribe. This notice and subsequent notices were published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103-454; 108 Stat. 4791, 4792). The Federal Register, dated November 25, 2005; Sheep Ranch Rancheria is listed as the California Valley Miwok Tribe. For the above reasons, the BIA has never viewed this Tribe as a "restored" tribe, which is a term that refers to a tribe once acknowledged as a federally-recognized tribe, then was "terminated," and subsequently "restored" to federal recognition.

DISCUSSION

The BIA has recognized Mr. Yakima Dixie, one of the two remaining heirs, as the spokesperson of the Tribe until April 1999. This recognition was based on the fact that Yakima Dixie is a linal descendant of the sole distributee, his mother Mable Hodge Dixie. Mrs. Dixie was

identified in the Plan for the Distribution of assets of the Sheep Ranch Rancheria, as approved by the Associate Commissioner of Indian Affairs on October 12, 1966. Yakima Dixie was also one of two remaining heirs identified in the Order of Determination of Heirs issued on November 1, 1971 and reaffirmed by a subsequent Order issued on April 14, 1993.

On August 5, 1998, by letter signed by Yakima Dixie, as Spokesperson/Chairman of the Sheep Ranch Rancheria informed the Agency that he had accepted you and your daughters; Rashel K. Reznor and Angelica J. Paulk, and granddaughter Tristian S. Wallace as enrolled members of the Tribe. However, he did not provide the criteria he used to determine your eligibility to be enrolled into the Tribe; what documentation that you provided to substantiate your eligibility to be enrolled and his authority to initiate this enrollment action. The above individuals, including Melvin Dixie, comprised the total membership of the Tribe.

On September 8, 1998, a meeting was held at the Rancheria between the Agency staff, you and Yakima Dixie, Spokesperson/Chairman of the Tribe. The purpose of the meeting was to discuss the process of formally organizing the Tribe, the status of the Tribe, membership, governance, grant funding and other issues. The Agency staff advised that Yakima Dixie, as the Spokesperson of the Tribe and as one of the two remaining heirs, had the right to choose the membership criteria, which may possibly, include a larger community.

Since the resignation letter dated April 20, 1999 of Yakima Dixie, which you submitted to the Agency, you had initiated a number of actions such as; to recognize yourself as Chairperson and your daughters as the only members of the Tribe. You provided Meeting Notices to the Agency indicating that the Tribe was proposing to adopt a Constitution and ordinances for the purpose of organizing the Tribe. Prior to this, the Tribe had never formally organized or requested assistance for the organization of the Tribe even though the Tribe voted to accept the provisions of the 1934 Indian Reorganization Act (IRA).

On April 21, 1999, by letter from Yakima Dixie, he notified you that he cannot and will not resign as Chairman of the Tribe; however, he gave you the right to act as a delegate to represent the Tribe. This began the constant dispute between you and Yakima Dixie as to who is the rightful Chairperson of the Tribe.

The Agency continued to provide technical assistance to the Tribe for the purpose of awarding a P.L.93-638 Contract. This process was to assist in the development of the Tribe and organization for the benefit of future tribal members. During this period, the Agency continued to work separately with you and Mr. Dixie by providing technical assistance for the purpose of organizing.

On March 7, 2000, by letter to you, the Agency stated that it would not interfere in the internal matters of the Tribe unless the dispute regarding the composition of the governing body of the Tribe continues without resolution, and the government-to-government relationship between the Tribe and the United States may be compromised and in such situations, the Agency will advise the Tribe to resolve the dispute internally within a reasonable period of time.

On March 26, 2004, by letter to you, the Agency addressed its concerns regarding the constitution you had submitted to the Agency in which you attempted to demonstrate that the Tribe is organized. The Agency advised you, that you were considered as a person of authority within an unorganized tribe, for the purpose of receiving P.L. 93-638 contract/grants and services from the United States Government. The Agency addressed the fact that the BIA also has a responsibility to determine that the organizational efforts reflect the involvement of the whole tribal community and that the Constitution provided did not demonstrate involvement of a greater tribal community. In fact, a Constitution, ratified March 8, 2000, which you submitted, under Article III, Membership, identified the base roll, consisting of only five living members: Silvia Burley, Yakima Dixie, Rashel Reznor, Anjelica Paulk, and Tristian Wallace. In a document dated January 9, 2006, you submitted a revised Official Tribal Roll which excluded Yakima Dixie, indicating that he was disenrolled.

Since the purported resignation of Yakima Dixie and his disenrollment, for the purpose of organizing the Tribe, you and Yakima Dixie separately began initiating a number of actions such as; recognizing each of yourselves as Chairperson, proposing to adopt a Constitution and ordinances, and creating lists of potential members. The documents for which you both provided to the Agency were returned by the Agency without action or passed back for further information in order to process requests for which you requested.

The Agency has been meeting with the both of you and with your representatives to discuss and offer assistance in your organizational efforts of the Tribe. However, it is evident that the ongoing leadership dispute between you and Yakima Dixie is at an impasse and the likelihood of this changing soon seems to be remote. The Agency currently recognizes you as the authorized representative of the California Valley Miwok Tribe with whom government-related business is conducted; however, the Agency does not yet view the Tribe to be an "organized" Indian Tribe. This is due to the fact that both of you have failed to identify the whole community who are entitled to participate in the Tribe's efforts to organize, which the Agency has been mentioning in prior correspondences and meetings with you and Yakima Dixie.

CONCLUSION:

Please be advised that Federal Law requires that we know with whom we are dealing with when we contract on a government-to-government basis with tribes pursuant to, for example, the 1974 Indian Financing Act, 25 U.S.C. 1451; the 1975 Indian Self-Determination and Education Assistance Act, Public Law 93-638; the 1978 Indian Child Welfare Act, 25 U.S.C. 1901, and other federal statutes intended to benefit Indian tribal governments. In instances where there is a dispute as to the identity of the rightful tribal leaders empowered to conduct business on behalf of the tribe and it is apparent that no tribal resolution is forthcoming, we are authorized to determine whether or not to continue our government-to-government relationship with the tribe.

Congress has delegated to the Secretary of the Interior broad authority over "public business relating to ... Indians." 43 U.S.C. § 1457.¹ At the core of this authority is a responsibility to ensure that Secretary deals only with a tribal government that actually represents the members of

¹ In turn, the Secretary has delegated this responsibility to the BIA and the Principal Deputy Assistant Secretary - Indian Affairs.

a tribe. As early as 1942, when the government still held lands in trust for many tribes, the Supreme Court stated that the Department had a duty to conduct business only with lawfully-constituted governing bodies who represent the tribal membership.

It is the Agency's position that both factions are at an impasse and cannot come to an agreement for the organization of the Tribe. We believe it is not the goal of the Agency to determine membership of the Tribe or the intent of the Agency to determine who the members of the Tribe will be. The purpose of the November 6, 2006, letter was to bring together the "putative group" who believe that they have the right to participate in the organization of the Tribe, contrary to your assertions. We believe that the main purpose was to assist the Tribe in identifying the whole community, the "putative" group, who would be entitled to participate in the Tribe's efforts to organize a government that will represent the Tribe as a whole. A determination of who is a tribal member must, however, preclude any determination of who is a tribal leader. It is our belief that until the Tribe has identified the "putative" group, the Tribe will not have a solid foundation upon which to build a stable government.

In all fairness to the current tribal membership and the "putative" group, and for the reasons stated above, I agree with the Superintendent's proposed actions as stated in his November 6th letter to assist the Tribal in its efforts to organize. Therefore, to further assist the Tribe regarding this matter, I am, by copy of this letter, remanding this matter back to the Superintendent, Central California Agency to implement the actions mentioned in his November 6th letter, and as soon as possible publish a Notice in the newspapers, within the Miwok region, of the Agency's plan to assist in identifying the "putative" group of the Tribe. Furthermore, the Superintendent will provide personal oversight to assure that the proposed actions outlined in his November 6th letter are fully implemented and completed.

This decision may be appealed to the Interior Board of Indian Appeal, 801 North Quincy Street, Arlington, Virginia 22203, in accordance with regulations in 43 CFR § 4.310 - 4.340. Your Notice of appeal to the Board must be signed by you or your attorney and must be mailed within 30 days of the date you receive this decision. It should clearly identify the decision being appealed. If possible, attach a copy of the decision. You must send copies of your Notice of Appeal to (1) The Assistant Secretary - Indian Affairs, 4140 MIB, U.S. Department of the Interior, 1849 C Street, N. W. Washington, D.C. 20240, (2) each interested party known to you, and (3) this office. Your Notice of Appeal sent to the Board of Indian Appeals must certify that you have sent copies to these parties. If you file a Notice of Appeal, the Board of Indian Appeals will notify you of further appeal procedures. If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a Notice of Appeal.

Sincerely,



Regional Director

cc: See List of Interested Parties
TO/fdj/03/21/2007/1236-P5Burley

List of Interested Parties:

CERTIFIED MAIL NO. 006 0810 0001 4950 8995

RETURN RECEIPT REQUESTED

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Berkeley, CA 94704

Phillip Thompson, Esq.
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California Valley Miwok Tribe
c/o 11178 Sheep Ranch Rd.
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Superintendent, Central California Agency
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650 Capitol Mall 8-500
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Assistant Secretary - Indian Affairs
U.S. Department of the Interior,
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Director, Bureau of Indian Affairs
Attention: MS4606-MIB
1849 C Street, N.W. MS4513-MIB
Washington, D.C. 20240

Deputy Director-Field Operations
Bureau of Indian Affairs
1849 C Street, N.W. MS4513-MIB
Washington, D.C. 20240

Deputy Director, Tribal Services
Attention: Chief, Tribal Government
Services
Bureau of Indian Affairs
1951 Constitution Ave., N.W.
MS-320-SIB
Washington, D.C. 20240

Associate Solicitor
Division of Indian Affairs
Attention: Jane M. Smith,
Office of the Solicitor MS-6456-MIB
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Regional Solicitor
Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-I712
Sacramento, CA 95825

Office of Hearings and Appeals
Chief Administrative Judge
Interior Board of Indian Appeals
801 North Quincy Street, Suite 300
Arlington, VA 22203

EXHIBIT 6

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

Resolution # GC-98-01 ("1998 Resolution")

RESOLUTION #GC-98-01

ESTABLISHING A GENERAL COUNCIL TO SERVE AS THE GOVERNING BODY OF
THE SHEEP RANCH BAND OF ME-WUK INDIANS

WHEREAS, The Sheep Ranch Band of Me-Wuk Indians of the Sheep Ranch Rancheria of California ("the Tribe") was not terminated pursuant to the provisions of the Act of August 18, 1958, P.L. 85-671, 72 Stat. 619, as amended by the Act of August 11, 1964, P.L. 88-419, 78 Stat. 390 ("the Rancheria Act"), and is a federally recognized Indian Tribe as confirmed by the inclusion of the Tribe in the list of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, as published in the Federal Register on October 23, 1997.

WHEREAS, The plan of Distribution of the Assets of the Sheep Ranch Rancheria, approved by the Associate Commissioner of Indian Affairs on October 12, 1966, identified Mabel (Hodge) Dixie as the sole distributee entitled to participate in the distribution of the assets of the Sheep Ranch Rancheria;

WHEREAS, The Bureau of Indian Affairs did not completely implement the steps necessary to effect the termination of the Tribe prior to the passing of Mabel (Hodge) Dixie;

WHEREAS, The estate of Mabel (Hodge) Dixie was probated and Order of Determination of Heirs was issued on October 1, 1971, listing the following persons as possessing a certain undivided interest in the Sheep Ranch Rancheria:

Merle Butler, husband	Undivided 1/3 interest
Richard Dixie, son	Undivided 1/6 interest
Yakima Dixie, son	Undivided 1/6 interest
Melvin Dixie, son	Undivided 1/6 interest
Tommy Dixie, son	Undivided 1/6 interest

and this Order was reaffirmed by another Order issued on April 14, 1993;

WHEREAS, The surviving heirs are believed to be Yakima and Melvin Dixie, as the other heirs are or are believed to be deceased, and their heirs are in the process of requesting the estates of the deceased heirs be probated, and it is believed that the deceased heirs had no issue;

WHEREAS, The whereabouts of Melvin Dixie are unknown;

WHEREAS, The membership of the Tribe currently consists of at least the following individuals; Yakima Dixie, Silvia Fawn Burley, Rashel Kawehilani Reznor, Anjelica Josett Paulk, and Tristian Shawnee Wallace; this membership may change in the future consistent with the Tribe's ratified constitution and any duly

enacted Tribal membership statutes.

WHEREAS, The Tribe, on June 12, 1935, voted to accept the terms of the Indian Reorganization Act (P.L. 73-383; 48 Stat. 984) but never formally organized pursuant to federal statute, and now desires to pursue the formal organization of the Tribe; now, therefore, be it

RESOLVED, That Yakima Dixie, Silvia Fawn Burley, and Rashel Kawehilani Reznor, as a majority of the adult members of the Tribe, hereby establishes a General Council to serve as the governing body of the Tribe;

RESOLVED, That the General Council shall consist of all members of the Tribe who are at least eighteen years of age, and each member shall have one vote;

RESOLVED, That the General Council shall have the following specific powers to exercise in the best interest of the Tribe and its members:

- (a) To consult, negotiate, contract, or conclude agreements with the Bureau of Indian Affairs, for the purpose of furthering the development and adoption of a Constitution;
- (b) To administer assets received from such agreements specified in (a) above, including the power to establish bank accounts and designate signers thereupon;
- (c) To administer the day-to-day affairs related to such agreements specified in (a) above;
- (d) To develop and adopt policies and procedures regarding personnel, financial management, procurement and property management, and other such policies and procedures necessary to comply with all laws, regulations, rules, and policies related to funding received from such agreements specified in (a) above;
- (e) To employ legal counsel for the purpose of assisting in the development of the Constitution and the policies and procedures specified in (d) above, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative;
- (f) To receive advice from and make recommendations to the Secretary of the Interior with regard to all appropriation estimates or federal projects for the benefit of the Tribe prior to the submission of such estimates to the Office of Management and Budget and to Congress;
- (g) To faithfully advise the General Council of all activities provided for in this resolution at each regularly scheduled meeting of the General Council;
- (h) To purchase real property and put such real property into trust with the United States government for the benefit of the Tribe;

RESOLVED, That all other inherent rights and powers not specifically listed herein shall vest in the General Council, provided that the General Council may specifically list such other rights and powers through subsequent resolution of the General Council;

RESOLVED, That the General Council shall appoint from among its members a Chairperson, who shall preside over all meetings of the General Council and rights and powers through

subsequent resolutions of the General Council, provided that in the absence of the Chairperson, a Chairperson Pro Tem shall be appointed from members convening the meeting;

RESOLVED, That the Chairperson shall notice and convene regular meetings of the General Council on the second Saturday of each month following the adoption of this resolution, provided that special meetings of the General Council may be called by the Chairperson upon providing a least fifteen (15) days notice stating the purpose of the meeting;

RESOLVED, That the Chairperson shall call a special meeting of the General Council, within thirty (30) days of receipt of a petition stating the purpose of the meeting, signed by at least fifty-one percent (51%) of the General Council, and the Chairperson shall provide at least fifteen (15) days notice stating the purpose of the meeting, provided that at such meeting, it shall be the first duty of the General Council to determine the validity of the petition;

RESOLVED, That the General Council shall elect from among its members a Secretary/Treasurer, who shall record the minutes of all General Council meetings, maintain the official records of the Tribe, certify the enactment of all resolutions, and disburse all funds as ordered by the General Council;

RESOLVED, That the quorum requirement for meetings of the General Council shall be conducted pursuant to Robert's Rules of Order;

RESOLVED, That the General Council shall exist until a Constitution is formally adopted by the Tribe and approved by the Secretary of the Interior or his authorized representative, unless this resolution is rescinded through subsequent resolution of the General Council.

CERTIFICATION

We, the undersigned as a majority of the adult members of the General Council of the Sheep Ranch Band of Me-Wuk Indians of the Sheep Ranch Rancheria of California ("the Tribe"), do hereby certify that at a duly noticed, called, and convened special meeting of the General Council held on Thursday, in Sheep Ranch, California, where a quorum was present, this resolution was adopted by a vote of 7 in favor, 0 opposed, and 0 abstaining. We further certify that this resolution has not been rescinded, amended, or modified in any way.

Dated this 5 day of November, 1998:

Yakima Dixie
Yakima Dixie

Silvia Burley
Silvia Burley

Rashel Reznor

EXHIBIT 7

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

**Letter from Dale Risling, Sr, Superintendent, BIA Central California Agency,
to Silvia Burley ("Mar. 26, 2004") ("2004 Decision")**

Central California Agency
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814

IN REPLY REFER TO

Base membership rolls are used to establish a tribe's cohesiveness and community at a point in time in history. They would normally contain the names of individuals listed on historical documents which confirm Native American tribal relationships in a specific geographical region. Since tribes and bands themselves did not usually possess such historical documents, therefore, tribal base rolls have included persons listed on old census rolls, Indian Agency rolls, voters rolls, etc. Our experience with your sister Miwok tribes (e.g., Shingle Springs Rancheria, Tuolumne Rancheria, Ione Band, etcetera) leads us to believe that Miwok tradition favors base rolls identifying persons found in Miwok tribes stretching from Amador County in the North to Calaveras and Mariposa Counties in the South. The Base and Enrollment criteria for these tribes vary; for example, Amador County tribes use the 1915 Miwok Indian Census of Amador County, El Dorado County tribes utilize the 1916 Indian Census Roll, tribe(s) in Tuolumne County utilize a 1934 IRA voters' list. The base roll typically constitutes the

If you are not represented by an attorney, you may request assistance from this office in the preparation of your appeal.

Page 4 of 4

If no timely appeal is filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.

Sincerely,

Dale Risling, Sr.

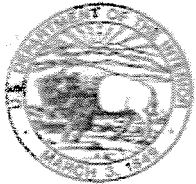
Dale Risling, Sr.
Superintendent

CC: Pacific Regional Director
Debora Luther, Assistant US Attorney
Myra Spicker, Deputy Solicitor
Yakima Dixie-Tribal Member

EXHIBIT 8

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

**Letter from Michael Olsen, Acting Assistant Secretary - Indian Affairs, to
Yakima Dixie (Feb. 11, 2005) ("2005 Decision")**



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

FEB 11 2005

Mr. Yakima K. Dixie
Sheep Ranch Rancheria of MiWok Indians of California
11178 Sheep Ranch Rd.
P.O. Box 41
Sheep Ranch, California 95250

Dear Mr. Dixie:

I am writing in response to your appeal filed with the office of the Assistant Secretary – Indian Affairs on October 30, 2003. In deciding this appeal, I am exercising authority delegated to me from the Assistant Secretary – Indian Affairs pursuant to 209 DM 8.3 and 110 DM 8.2. In that appeal, you challenged the Bureau of Indian Affairs' ("BIA") recognition of Sylvia Burley as tribal Chairman and sought to "nullify" her admission, and the admission of her daughter and granddaughters into your Tribe. Although your appeal raises many difficult issues, I must dismiss it on procedural grounds.

Your appeal of the BIA's recognition of Ms. Burley as tribal Chairman has been rendered moot by the BIA's decision of March 26, 2004, a copy of which is enclosed, rejecting the Tribe's proposed constitution. In that letter, the BIA made clear that the Federal government did not recognize Ms. Burley as the tribal Chairman. Rather, the BIA would recognize her as "a person of authority within California Valley Miwok Tribe." Until such time as the Tribe has organized, the Federal government can recognize no one, including yourself, as the tribal Chairman. I encourage you, either in conjunction with Ms. Burley, other tribal members, or potential tribal members, to continue your efforts to organize the Tribe along the lines outlined in the March 26, 2004, letter so that the Tribe can become organized and enjoy the full benefits of Federal recognition. The first step in organizing the Tribe is identifying putative tribal members. If you need guidance or assistance, Ray Fry, (916) 930-3794, of the Central California Agency of the BIA can advise you how to go about doing this.

In addition, your appeal to my office was procedurally defective because it raised issues that had not been raised at lower levels of the administrative appeal process. In May 2003, you contacted the BIA to request assistance in preparing an appeal of the BIA's recognition of Ms. Burley as tribal Chairman. You specifically stated that you were not filing a formal Notice of Appeal. In June 2003, you filed an "Appeal of inaction of official," pursuant to 25 C.F.R. §2.8, with the Central California Agency Superintendent challenging the BIA's failure to respond to your request for assistance. In August 2003, you filed another "Appeal of inaction of official"

2

with the Acting Regional Director challenging the failure of the Superintendent to respond to your appeal of the BIA's inaction. Your appeal with my office, however, was not an "Appeal of inaction of official." Rather, your "Notice of Appeal" challenged the BIA's recognition of Ms. Burley as tribal Chairman and sought to nullify the Tribe's adoption of her and her family members. Those issues were not raised below. They are not, therefore, properly before me.

In addition, your appeal appears to be untimely. In 1999, you first challenged the BIA's recognition of Ms. Burley as Chairman of the Tribe. In February 2000, the BIA informed you that it defers to tribal resolution of such issues. On July 18, 2001, you filed a lawsuit against Ms. Burley in the United States District Court for the Eastern District of California challenging her purported leadership of the Tribe. On January 24, 2002, the district court dismissed your lawsuit, without prejudice and with leave to amend, because you had not exhausted your administrative remedies by appealing the BIA's February 2000 decision. After the court's January 24, 2002, order, you should have pursued your administrative remedies with the BIA. Instead, you waited almost a year and a half, until June 2003, before raising your claim with the Bureau. As a result of your delay in pursuing your administrative appeal after the court's January 24, 2002, order, your appeal before me is time barred.

In light of the BIA's letter of March 26, 2004, that the Tribe is not an organized tribe, however, the BIA does not recognize any tribal government, and therefore, cannot defer to any tribal dispute resolution process at this time. I understand that a Mr. Troy M. Woodward has held himself out as an Administrative Hearing Officer for the Tribe and purported to conduct a hearing to resolve your complaint against Ms. Burley. Please be advised that the BIA does not recognize Mr. Woodward as a tribal official or his hearing process as a legitimate tribal forum. Should other issues arise with respect to tribal leadership or membership in the future, therefore, your appeal would properly lie exclusively with the BIA.

Sincerely,



Michael D. Olsen
Principal Deputy
Acting Assistant Secretary - Indian Affairs

Enclosure

cc: Sylvia Burley
Troy M. Woodward, Esq.
Thomas W. Wolfrum, Esq.
Chadd Everone

EXHIBIT 9

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

Affidavit of Yakima Dixie

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

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

v.

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

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

Affidavit of Yakima Dixie In Support of
Plaintiffs' Motion for Preliminary
Injunction

Hon. Richard W. Roberts

AFFIDAVIT OF YAKIMA K. DIXIE

I, Yakima K. Dixie, declare as follows:

1. I am an individual and a party in the above-entitled action. I am over the age of 18 and a resident of Calaveras County, California. I have personal knowledge of the facts set forth herein, which are known by me to be true and correct, and if called as a witness, I could and would competently testify thereto.

2. This affidavit is submitted in support of Plaintiffs' Motion for Preliminary Injunction.

3. I am a member of the California Valley Miwok Tribe ("Tribe") (also known as the Sheep Ranch Rancheria of Me-wuk Indians of California), the Hereditary Chief and the Traditional Spokesperson for the Tribe, the historical Chairperson of the Tribe, and a member of the Tribal Council. I inherited the position of Hereditary Chief upon the death of my mother, Mabel Hodge Dixie, on July 11, 1971. My tribal lineal descent through my mother goes back to the Hodge family of the 1915 census of the Sheepranch Indians.

1 4. In 1998, Silvia Burley approached me seeking to be allowed into the
2 Tribe so that she and her daughters could obtain medical and education benefits available
3 to members of federal Indian tribes. In August 1998 I allowed Burley and her two
4 daughters, Rashel Reznor and Anjelica Paulk, and her granddaughter Tristan Wallace
5 (collectively, the "Burley Faction") into the Tribe.

6
7 5. Shortly after I enrolled Burley and her family members, Burley and I
8 met with the BIA to discuss organizing the Tribe under the Indian Reorganization Act.
9 The BIA advised me in September 1998 that enrollment criteria should be used to identify
10 the members of the Tribal community eligible to participate in the initial organization of
11 the Tribe, in addition to myself and the Burley Faction.

12
13 6. In November 1998, Burley submitted to the BIA a document
14 described as Resolution #GC-98-01 (the "1998 Resolution"), which purported to be a
15 Tribal resolution establishing a General Council to serve as the governing body of the
16 Tribe.

17
18 7. The Resolution was not signed by a majority of the Tribe's known
19 adult members, which at that time included, among others, me and my brother Melvin
20 Dixie. As I told the BIA, Melvin was living in the Sacramento area at the time and could
21 be found regularly at Loaves and Fishes there.

22
23 8. In April 1999, Burley submitted to the BIA a document allegedly
24 showing my resignation as Tribal Chairman. I did not sign it.

25
26 9. Burley then held a purported "general election" in May 1999, at which
27 she was allegedly elected Chairperson of the Tribe. That election was not valid, and I have
28

1 never recognized Burley as Tribal Chairperson or as an authority or representative of the
2 Tribe.

3
4 10. Although I informed the BIA that my resignation was forged and
5 disputed the validity of the May 1999 election, the BIA initially recognized Burley as
6 Chairperson of the Tribe, over my protests, in June 1999.

7
8 11. Since 1999, Burley has attempted several times to have the BIA
9 recognize a Tribal constitution drafted by her and ratified only by Burley and her
10 daughters. I have never been involved in the drafting of the constitutions submitted by
11 Burley. To my knowledge, Burley has never involved any member of the Tribe other than
12 herself and her daughters in the drafting or attempted adoption of her constitutions.

13
14 12. Beginning in 1999, Burley received money, from both the United
15 States government and the state of California, that belonged to the Tribe. I never received
16 any of those funds, and I am not aware of any other Tribal member who received any of
17 the funds except for Burley and her immediate family. I am not aware of any programs or
18 services for the benefit of Tribe members that were established or supported using the
19 funds.

20
21 13. In 2003, I filed a formal appeal with the BIA, challenging its
22 recognition of Burley as Chairperson of the Tribe. The BIA never ruled on the merits of
23 my appeal, but in 2005 the Assistant Secretary for Indian Affairs stated that my appeal was
24 moot because the BIA did not regard the Tribe as organized, did not recognize any
25 government of the Tribe, and therefore could not recognize anyone, including Burley, as
26 Chairperson.

1 14. In 2003 I renewed efforts to organize the Tribe with the participation
2 of the entire Tribal community. Exercising my traditional authority as the Hereditary
3 Chief of the Tribe, I appointed a Tribal Council to oversee the Tribe's affairs. The Council
4 currently consists of me and five other persons who are recognized as persons of authority
5 within the Tribe: Velma Whitebear, Antonia Lopez, Michael Mendibles, Evelyn Wilson
6 and Antone Azevedo. With few exceptions, the Council has met each month since 2003 to
7 conduct Tribal business, enact resolutions, and perform other governmental functions.

8
9 15. The Tribal Council, including myself, met with the BIA in September
10 2003 and presented them with documentation of the Council's legitimate claim to Tribal
11 authority. We also presented the BIA with a list of Tribal community members who
12 should be allowed to participate in the initial organization of the Tribe. We requested that
13 the BIA call a Secretarial election under the IRA to select a tribal government by majority
14 vote that would be recognized by the United States government. The BIA did not act on
15 the Council's request to call a Secretarial election but continued to meet with the Council
16 to discuss efforts to organize the Tribe.

17
18 16. Tribal Council meetings are open to all members of the Tribal
19 community. Attendance at the meetings ranges from approximately 30 persons to more
20 than 100 persons. Attendance records are kept and meetings are recorded and archived. I
21 participate regularly in these meetings. Burley was specifically invited to the initial
22 meetings and has never been excluded, but she has never attended any of the meetings at
23 which I was present.

24
25 17. Under the leadership of the Council, the Tribe has initiated a number
26 of programs aimed at benefiting the full Tribal membership, strengthening the tribal
27 community, and reestablishing historic ties with the larger Indian community.

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1 18. In April 2007, the BIA published public notices requesting that
2 individuals who asserted a claim to Tribal membership provide the BIA with
3 documentation of their claims, such as personal genealogies showing their descent from
4 historical members of the Tribe. I submitted my genealogy to the BIA. To my knowledge,
5 no member of the Burley Faction submitted any documentation of their claims to
6 membership.

7
8 19. On December 22, 2010, the Assistant Secretary for Indian Affairs
9 informed me by letter that he considered the Tribe organized under the invalid 1998
10 Resolution, that he was rescinding the BIA's 2005 decision denying recognition of Burley
11 as a Tribal leader, and that he was rescinding the BIA's efforts to assist the Tribe in
12 organizing with the participation of the entire Tribal community (the "December 22
13 Decision"). The Assistant Secretary directed the BIA to reestablish "government to
14 government" relations with the Tribe through its General Council, as established by the
15 invalid 1998 Resolution. As a result of the December 22 Decision, my traditional
16 authority as Hereditary Chief and Traditional Spokesperson is infringed, and the Tribal
17 Council's authority is infringed. As a result of the December 22 Decision, the United
18 States does not recognize the Council or its members as representatives or authorities of
19 the Tribe.

20
21 20. Based on the December 22 Decision, Burley held a "special meeting"
22 on January 7, 2011, at which only Burley, her daughters, her granddaughter and myself
23 were allowed to attend. Burley characterized this as a meeting of the Tribe's General
24 Council and attempted to hold a Tribal election at the meeting. I do not recognize Burley's
25 authority to call a Tribal election or General Council meeting and did not participate in the
26 January 7 meeting.

1 21. I do not recognize the results of the election Burley conducted at that
2 meeting, in which only Burley and her family members voted. However, the BIA has
3 issued decisions recognizing the results of the election and recognizing Burley as
4 Chairperson and her daughter Rashel Reznor as Secretary/Treasurer of the Tribe.
5

6 22. Burley also seeks to use the December 22 Decision as a basis to
7 prevent members of the Council from participating in litigation that she filed in California
8 Superior Court to gain access to more than \$6 million in Revenue Sharing Trust Fund
9 ("RSTF") money held in trust for the Tribe by the state of California. If Burley receives
10 the funds, neither the Tribe itself, nor the Council, nor any other members of the Tribe will
11 receive any of the funds or benefit from the funds.
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13 23. The December 22 Decision effectively gives the Burley Faction the
14 power to deny membership in the Tribe to anyone who is not a member of Burley's
15 immediate family.
16

17 24. The Burley Faction has already attempted to disenroll me from the
18 Tribe, in 2005, in an attempt to deny me a basis to intervene in a federal lawsuit that
19 Burley had filed, purportedly on behalf of the Tribe. In 2009, the Burley Faction
20 attempted to reenroll me, in an attempt to deny me a basis to participate in litigation filed
21 by Burley in California Superior Court.
22

23 25. I fear that Burley will attempt to disenroll me again as soon as it is no
24 longer useful for her to assert my membership as an obstacle to my participation in the
25 state litigation. If I am disenrolled from the Tribe, I will lose access to the federal medical
26 and other benefits provided to members of recognized federal Indian tribes.
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1 26. Based on the December 22 Decision, the BIA has resumed payment
2 of tribal "self-determination" funds to Burley under Public Law 93-638. Those funds are
3 intended to assist the Tribe in organizing itself, forming a representative government and
4 performing governmental services and functions. If Burley receives the funds, the Tribe,
5 the Council and its members will be deprived of the funds. In addition, the funds will
6 support Burley's continued efforts to deny the benefits of Tribe membership to other
7 members.

8
9 I declare under penalty of perjury under the laws of the United States of
10 America that the foregoing is true and correct.

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12 Executed March 5, 2011, at Sheep Ranch, California.

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16 Yakima K. Dixie
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EXHIBIT 10

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

Affidavit of Velma Whitebear

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

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

v.

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

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

Affidavit of Velma Whitebear In Support of
Plaintiffs' Motion for Preliminary
Injunction

Hon. Richard W. Roberts

AFFIDAVIT OF VELMA WHITEBEAR

I, Velma Whitebear, declare as follows:

1. I am an individual and a party in the above-entitled action. I am over the age of 18 and a resident of Sacramento County, California. I have personal knowledge of the facts set forth herein, which are known by me to be true and correct, and if called as a witness, I could and would competently testify thereto.

2. This affidavit is submitted in support of Plaintiffs' Motion for Preliminary Injunction.

3. I am a member of the California Valley Miwok Tribe ("Tribe") and a member of its Tribal Council ("Council"). I trace my tribal lineal descent from my great grandparents (John Jeff, born 1867, and Tillie Jeff, born 1889), my grandmother (Laural Geto, born 1902) and my mother (Annie Jeanette Geto, born 1928), all of whom are listed in the Indian Census Roll of June 30, 1929, for Calaveras County as taken by L.A. Dorrington, Superintendent of the BIA.

1 4. I recognize Yakima Dixie as the Hereditary Chief and Traditional
2 Spokesperson of the Tribe.

3
4 5. I do not recognize Silvia Burley as any authority for the Tribe.

5
6 6. In 2003, Yakima Dixie appointed me to the Council. The Council
7 currently consists of Yakima Dixie, me, and four other persons who are recognized as
8 persons of authority within the Tribe: Antonia Lopez, Michael Mendibles, Evelyn Wilson
9 and Antone Azevedo. With few exceptions, the Council has met each month since 2003 to
10 conduct Tribal business, enact resolutions, and perform other governmental functions.

11
12 7. The Council met with the Bureau of Indian Affairs ("BIA") in
13 September 2003 and presented the BIA with documentation of the Council's legitimate
14 claim to Tribal authority. We also presented the BIA with a list of Tribal community
15 members who should be allowed to participate in the initial organization of the Tribe. We
16 requested that the BIA call a Secretarial election under the IRA to select a tribal
17 government by majority vote that would be recognized by the United States government.
18 The BIA did not act on the Council's request to call a Secretarial election but continued to
19 meet with the Council to discuss efforts to organize the Tribe.

20
21 8. Tribal Council meetings are open to all members of the Tribal
22 community. Attendance at the meetings ranges from approximately 30 persons to more
23 than 100 persons. Attendance records are kept and meetings are recorded and archived. I
24 participate regularly in these meetings. Burley was specifically invited to the initial
25 meetings and has never been excluded, but she has never attended any of the meetings that
26 I attended.

1 9. Under the leadership of the Council, the Tribe has initiated a number
2 of programs aimed at benefiting the full Tribal membership, strengthening the tribal
3 community, and reestablishing historic ties with the larger Indian community. These
4 programs and activities include the following:

5
6 10. The Tribe has interceded in approximately ten child custody
7 proceedings under the Indian Child Welfare Act ("ICWA"), on behalf of children of Tribe
8 members. In those cases where a child is removed from its family, the Tribe seeks to have
9 the child placed with an Indian family or a family with ties to Indian traditions. I have
10 been the Tribe's contact person for local agencies seeking to determine whether children
11 are eligible for protection under ICWA (i.e., are members or potential members of the
12 Tribe). I have referred many of the cases to John Bergersen of the Kene Me-Wu Family
13 Healing Center, who has represented the Tribe in those proceedings. A true and correct
14 copy of a letter from me to Mr. Bergersen, authorizing him to represent the Tribe in an
15 ICWA proceeding for a member of the Tribe, is attached hereto as Exhibit "A".

16
17 11. Burley has consistently opposed the Tribe's efforts to protect children
18 in ICWA proceedings. She and her daughter, Rashel Reznor, have asserted that I and
19 others involved in these efforts are not members of the Tribe and are not authorized to
20 represent the Tribe or its children in ICWA proceedings. They have asserted that the
21 children themselves are not members of the Tribe, and thus not entitled to protection under
22 ICWA. According to Burley, the only child who is a member of the Tribe is her
23 granddaughter, Tristian Wallace. A true and correct copy of a letter from Rashel Reznor to
24 Amador County Deputy Counsel Jennifer Magee, claiming that two children are not
25 members of the Tribe, is attached hereto as Exhibit "B". As a result of the actions taken by
26 Burley and Reznor, some children who were members of the Tribe have been denied
27 protection under ICWA and placed for adoption with non-Indian families. Outcomes such
28

1 as this deprive the children of their cultural identity and deprive the Tribal community of
2 contact with its members.

3
4 12. Recently I was contacted by county officials regarding custody
5 proceedings for another child who is a member of our Tribe. I wish to intervene under
6 ICWA on behalf of the Tribe and this child, but I am afraid to do so because the Assistant
7 Secretary's December 22 decision casts doubt on my authority to represent the Tribe and
8 its members in ICWA proceedings. Without intervention by the Tribe, the child is likely
9 be placed with a non-Indian family.

10
11 13. The Tribe has participated, with other Miwok tribes, in an intertribal
12 Miwok Language Restoration Group. Evelyn Wilson is the senior Miwok member who
13 still speaks the Miwok language.

14
15 14. The Tribe has formed a ceremonial Indian dance group that represents
16 the Tribe at events throughout California.

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18 15. The Tribe has consulted with Caltrans and other agencies regarding
19 Indian cultural artifacts and remains found at development sites.

20
21 16. The Tribe has offered classes in traditional crafts and skills, such as
22 basket weaving, and participates in ongoing efforts to revive the gathering of native plants,
23 pine nuts, and other materials for such crafts, as well as to protect the sites where those
24 materials are gathered. I have participated in the gathering of those materials, such as
25 willow roots for basket weaving, and would like to continue to do so. However, the loss of
26 federally recognized tribal status would prevent me from doing so, because only members
27 of federally recognized tribes are permitted to gather such materials on public lands.

1 17. The Tribe participates in the annual Salmon Distribution Project in
2 which it obtains several tons of fresh salmon from the Oroville Dam hatchery and
3 distributes it to Tribe members.

4
5 18. The Tribe has issued Tribal identification cards and keeps a
6 membership roll that is updated regularly.

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9 19. In April 2007, the BIA published public notices requesting that
10 individuals who asserted a claim to Tribal membership provide the BIA with
11 documentation of their claims, such as personal genealogies showing their descent from
12 historical members of the Tribe. I submitted my genealogy to the BIA. To my knowledge,
13 no member of the Burley Faction submitted any documentation of their claims to
14 membership.

15
16 20. As a result of the Assistant Secretary for Indian Affairs' December 22,
17 2010 Decision to recognize the Tribe as organized under an invalid 1998 resolution (the
18 "December 22 Decision"), the Council's authority is infringed, and the United States does
19 not recognize the Council or its members as representatives or authorities of the Tribe.

20
21 21. I would like to participate in the organization of the Tribe under the
22 Indian Reorganization Act, but as a result of the December 22 Decision, neither I nor any
23 other member of the Tribal Council or the larger Tribal community will be allowed to
24 participate in the organization process, the drafting and adoption of a Tribal constitution,
25 or the creation of a Tribal government that is recognized by the United States.

1 22. Based on the December 22 Decision, Burley held a "special meeting"
2 on January 7, 2011, at which only Burley, her daughters, and her granddaughter were
3 allowed to attend. I was not permitted to attend the special meeting.
4

5 23. Burley characterized the special meeting as a meeting of the Tribe's
6 General Council and attempted to hold a Tribal election at the meeting. I do not recognize
7 Burley's authority to call a Tribal election or General Council meeting.
8

9 24. I do not recognize the results of the election Burley conducted at that
10 meeting, in which only Burley and her family members voted. However, the BIA has
11 issued decisions recognizing the results of the election and recognizing Burley as
12 Chairperson and her daughter Rashel Reznor as Secretary/Treasurer of the Tribe.
13

14 25. Burley also seeks to use the December 22 Decision as a basis to
15 exclude me and the other members of the Council from participating in litigation that she
16 filed in California Superior Court to gain access to more than \$6 million in Revenue
17 Sharing Trust Fund ("RSTF") money held in trust for the Tribe by the state of California.
18

19 26. Based on the December 22 Decision, the BIA has resumed payment
20 of tribal "self-determination" funds to Burley under Public Law 93-638. Those funds are
21 intended to assist the Tribe in organizing itself, forming a representative government and
22 providing governmental functions and services.
23

24 27. I have never received any of the RSTF money that Burley previously
25 received from the state of California, or any of the federal self-determination funds that
26 Burley previously received from the United States under Public Law 93-638. I am not
27 aware of any other Tribal member who received any of the funds except for Burley and her
28 immediate family. I am not aware of any programs or services for the benefit of the Tribe

1 or its members that were established or supported using the funds. If Burley receives the
2 funds, neither the Tribe itself, nor the Council, nor any other members of the Tribe will
3 receive any of the funds or benefit from the funds. In addition, the funds will support
4 Burley's continued efforts to deny the benefits of Tribe membership to other members.

5
6 28. The Assistant Secretary's December 22 Decision deprives me of
7 membership in the Tribe, because it allows Burley to deny membership to anyone who is
8 not a member of her immediate family. As a result of this deprivation, I feel a loss of my
9 cultural identity and my place in the Native American community. In addition, I will not
10 have access to federal medical benefits and other services available to members of
11 federally recognized Indian tribes.

12
13 I declare under penalty of perjury under the laws of the United States of
14 America that the foregoing is true and correct.

15
16 Executed March 7, 2011, at Sacramento County, California.

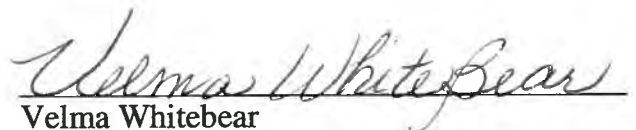
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20 Velma Whitebear
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Exhibit "A"

2008-01-24-Angelina-Dunlop-ICWA



California Valley Miwok Tribe, California
(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)
11178 Sheep Ranch Rd. (Sheep Ranch)
Mountain Ranch, California 95246
209-728-8726
{www.californiavalleymiwok.com}

January 23, 2008

Velma WhiteBear, Executive Director
916-690-2312

John Bergersen
Kene Me-Wu Family Healing Center, Inc.
P.O. Box 605
Sonora, California 95370
209-984-8602
<icwa@volcano.net>

Regarding [REDACTED]

Mr. Bergesen:

This is to acknowledge that you and the Kene Me-Wu Family Healing Center, Inc. are authorized to represent the California Valley Miwok Tribe in proceedings of [REDACTED] under Indian Child Welfare Act (ICWA). [REDACTED] is a 3 year old child and is legible for enrollment with the California Valley Miwok Tribe.

Respectfully,

Velma WhiteBear

Velma WhiteBear, Executive Director

Exhibit "B"

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PAGE 01

P.1

CALIFORNIA VALLEY MIWOK TRIBE

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

<http://www.californiavalleymiwoktribe.com>



March 19, 2009

Jennifer Magee SBN 150561
Deputy County Counsel
810 Court Street
Jackson, California 95642-9534

Re: Case No. 08-DP-0266 / 08-DP-0267 - Destiny Fisher and Dakota Fisher

Dear Ms. Magee,

I am the ICWA (Indian Child Welfare Act) Director for the California Valley Miwok Tribe aka Sheep Ranch Rancheria. The California Valley Miwok Tribe is located in Stockton, California and listed in the federal register. Our Tribe is also listed in the Department of the Interior/Bureau of Indian Affairs Winter 2008 Tribal Leaders Directory (of which our address is listed at 10601 Escondido Pl., Stockton, CA 95212).

Be it known that, I am not an employee of Amador County Department of Social Services who has recommended foster care in the 08-DP-0266 / 08-DP-0267 Case. I have been the ICWA Director for the California Valley Miwok Tribe for eight (8) years and have extensive knowledge of the social and cultural standards within our Tribe. I have reviewed the records and reports in this matter including but not limited to: Detention Report filed November 17, 2008; Jurisdiction Report filed December 9, 2008; and the Disposition Report filed December 23, 2008.

In review of the aforementioned case, I am declaring that [REDACTED] and/or [REDACTED] are not members of our Tribe. I do know that their Grandmother [REDACTED] and their father [REDACTED] were purported to be Tribal Members of the Calaveras Band of MI-Wuk Indians located in West Point California, contact Chairperson Gloria J. Grimes (209) 293.1218, then they left that Tribe and were said to have joined with the Calaveras County Mountain Miwuk, located in West Point, California, Chairperson Dolores Turner (510) 566.3670 of which there are relatives who are active members in the Calaveras County Mountain Miwuk. I have been informed that Ms. [REDACTED] has again, left that Tribe and joined with a fictitious group lead by Chadd Everone (non Indian) of which our Tribe has filed a complaint (against Chadd Everone and Velma Whitebear) with the Calaveras County Sheriff's Department and the Berkeley Police Department, for Fraud, Identity Theft and creating fake Tribal ID cards.

Mar 24 09 09:33a

KMUFGC.

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p.2

Chadd Everone, Velma Whitebear, [REDACTED] and/or [REDACTED] are not members of our Tribe, nor are they affiliated with our Tribe. They do not have applications pending with our Tribe. If Tribal ID cards (purporting to be our Tribe) have been submitted to the courts, the back of the cards must be signed by Chairperson Silvia Burley and Enrollment Director Anjelica Paulk. The card will have the Tribe's DOT GOV website listed as <http://www.californiavalleymiwoktribe-nsn.gov>.

In my opinion, as the ICWA Director for the California Valley Miwok Tribe, the courts should take into consideration the seriousness of the fact that misrepresentations by Chadd Everone, [REDACTED] are being purported to the courts.

Respectfully,

Rachel Reznor
Rachel Reznor
ICWA Director

Cc:

Ken Salazar, Secretary of the Interior – Indian Affairs, 1849 C St. NW, Washington DC 20240
Calaveras County Sheriff's Department, 891 Mountain Ranch Rd., San Andreas, CA 95249
Berkeley Police Department, 2100 Martin Luther King Jr. Blvd., Berkeley, California 94704
Congressman Jerry McNerney, 5776 Stoneridge Mall Rd. Suite 175, Pleasanton, Calif. 94588
Sarah Moffat, Field Rep. for Senator Dianne Feinstein, Fresno, California
Attorney General Jerry Brown, 1300 I Street, Sacramento, California 95814
Calaveras County Mtn. Miwok, Dolores Turner, Chairperson turnerdolores@comcast.net
Calaveras Band of Mi-Wuk Indians, Gloria J. Grimes, 579 Bald Mt. Rd, West Point, CA 95255
Chairman Senator Byron Dorgan. Senate Committee on Indian Affairs, Washington DC 20510
NICWA – 510C S.W. Macadam Avenue, Ste. 300, Portland Oregon 97239
Mary Enriquez, ICWA Specialist, CDSS, 744 P Street, MS 11-82, Sacramento, CA 95814
✓ John Bergersen, ICWA - Kene Me-Wu Family Healing Center., P.O. Box 605 Sonora, CA 95370

EXHIBIT 11

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

Affidavit of Antonia Lopez

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

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

v.

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

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

Affidavit of Antonia Lopez In Support of
Plaintiffs' Motion for Preliminary
Injunction

Hon. Richard W. Roberts

AFFIDAVIT OF ANTONIA LOPEZ

I, Antonia Lopez, declare as follows:

1. I am an individual and a party in the above-entitled action. I am over the age of 18 and a resident of Amador County, California. I have personal knowledge of

1 the facts set forth herein, which are known by me to be true and correct, and if called as a
2 witness, I could and would competently testify thereto.

3
4 2. This affidavit is submitted in support of Plaintiffs' Motion for
5 Preliminary Injunction.

6
7 3. I am a member of the California Valley Miwok Tribe ("Tribe") and of
8 its Tribal Council ("Council"). I trace my tribal lineal descent from my mother, Alice
9 Geto, my grandmother, Laura Jeff, and my great-grandparents, John Jeff and Tillie Jeff.

10
11 4. I recognize Yakima Dixie as the Hereditary Chief and Traditional
12 Spokesperson of the Tribe.

13
14 5. I do not recognize Silvia Burley as any authority for the Tribe.

15
16 6. In 2003, Yakima Dixie appointed me to the Council. The Council
17 currently consists of Yakima Dixie, me, and four other persons who are recognized as
18 persons of authority within the Tribe: Velma Whitebear, Michael Mendibles, Evelyn
19 Wilson and Antone Azevedo. With few exceptions, the Council has met each month since
20 2003 to conduct Tribal business, enact resolutions, and perform other governmental
21 functions.

22
23
24 7. The Tribal Council met with the BIA in September 2003 and
25 presented them with documentation of the Council's legitimate claim to Tribal authority.
26 We also presented the BIA with a list of Tribal community members who should be
27 allowed to participate in the initial organization of the Tribe. We requested that the BIA
28 call a Secretarial election under the IRA to select a tribal government by majority vote that

1 would be recognized by the United States government. The BIA did not act on the
2 Council's request to call a Secretarial election but continued to meet with the Council to
3 discuss efforts to organize the Tribe.
4

5 8. Tribal Council meetings are open to all members of the Tribal
6 community. Attendance at the meetings ranges from approximately 30 persons to more
7 than 100 persons. Attendance records are kept and meetings are recorded and archived. I
8 participate regularly in these meetings. Burley was specifically invited to the initial
9 meetings and has never been excluded, but she has never attended any of the meetings that
10 I attended.
11

12 9. Under the leadership of the Council, the Tribe has initiated a number
13 of programs aimed at benefiting the full Tribal membership, strengthening the tribal
14 community, and reestablishing historic ties with the larger Indian community. These
15 programs and activities include the following:
16

17 10. The Tribe has participated, with other Miwok tribes, in an intertribal
18 Miwok Language Restoration Group. Evelyn Wilson is the senior Miwok member who
19 still speaks the Miwok language.
20
21

22 11. The Tribe has formed a ceremonial Indian dance group that represents
23 the Tribe at events throughout California.
24

25 12. The Tribe has consulted with Caltrans and other agencies regarding
26 Indian cultural artifacts and remains found at development sites.
27
28

1 13. The Tribe has offered classes in traditional crafts and skills, such as
2 basket weaving, and participates in ongoing efforts to revive the gathering of native plants,
3 pine nuts, and other materials for such crafts, as well as to protect the sites where those
4 materials are gathered.

5
6 14. The Tribe participates in the annual Salmon Distribution Project in
7 which it obtains several tons of fresh salmon from the Oroville Dam hatchery and
8 distributes it to Tribe members.

9
10 15. The Tribe has issued Tribal identification cards and keeps a
11 membership roll that is updated regularly.

12
13 16. In April 2007, the BIA published public notices requesting that
14 individuals who asserted a claim to Tribal membership provide the BIA with
15 documentation of their claims, such as personal genealogies showing their descent from
16 historical members of the Tribe. I submitted my genealogy to the BIA. To my knowledge,
17 no member of the Burley Faction submitted any documentation of their claims to
18 membership.

19
20
21 17. As a result of the Assistant Secretary for Indian Affairs' December 22,
22 2010 Decision to recognize the Tribe as organized under an invalid 1998 resolution (the
23 "December 22 Decision"), the Tribal Council's authority is infringed, and the United
24 States does not recognize the Council or its members as representatives or authorities of
25 the Tribe.

26
27 18. I would like to participate in the organization of the Tribe under the
28 Indian Reorganization Act, but as a result of the December 22 Decision, neither I nor any

1 other member of the Tribal Council will be allowed to participate in the organization
2 process, the drafting and adoption of a Tribal constitution, or the creation of a Tribal
3 government that is recognized by the United States.

4
5 19. Based on the December 22 Decision, Burley held a "special meeting"
6 on January 7, 2011, at which only Burley, her daughters, and her granddaughter were
7 allowed to attend. I was not permitted to attend the special meeting.

8
9 20. Burley characterized the special meeting as a meeting of the Tribe's
10 General Council and attempted to hold a Tribal election at the meeting. I do not recognize
11 Burley's authority to call a Tribal election or General Council meeting.

12
13 21. I do not recognize the results of the election Burley conducted at that
14 meeting, in which only Burley and her family members voted. However, the BIA has
15 issued decisions recognizing the results of the election and recognizing Burley as
16 Chairperson and her daughter Rashel Reznor as Secretary/Treasurer of the Tribe.

17
18 22. Burley also seeks to use the December 22 Decision as a basis to
19 exclude me and the other members of the Council from participating in litigation that she
20 filed in California Superior Court to gain access to more than \$6 million in Revenue
21 Sharing Trust Fund ("RSTF") money held in trust for the Tribe by the state of California.

22 23. Based on the December 22 Decision, the BIA has resumed payment of tribal "self-
23 determination" funds to Burley under Public Law 93-638. Those funds are intended to
24 assist the Tribe in organizing itself, forming a representative government and performing
25 governmental functions and services.

26
27 24. I have never received any of the RSTF money that Burley previously
28 received from the state of California, or any of the federal self-determination funds that

1 Burley previously received from the United States under Public Law 93-638. I am not
2 aware of any other Tribal member who received any of the funds except for Burley and her
3 immediate family. I am not aware of any programs or services for the benefit of the Tribe
4 or its members that were established or supported using the funds. If Burley receives the
5 funds, neither the Tribe itself, nor the Council, nor any other members of the Tribe will
6 receive any of the funds or benefit from the funds. In addition, the funds will support
7 Burley's continued efforts to deny the benefits of Tribe membership to other members.

8
9 28. The Assistant Secretary's December 22 Decision deprives me of
10 membership in the Tribe, because it allows Burley to deny membership to anyone who is
11 not a member of her immediate family. As a result of this deprivation, I feel a loss of my
12 cultural identity and my place in the Native American community. In addition, I will not
13 have access to federal medical benefits and other services available to members of
14 federally recognized Indian tribes.

15
16 I declare under penalty of perjury under the laws of the United States of
17 America that the foregoing is true and correct.

18
19 Executed March 8, 2011, at Amador County, California.

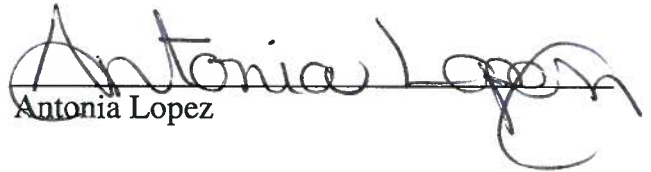
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23 Antonia Lopez
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EXHIBIT 12

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

Affidavit of Michael Mendibles

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

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

v.

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

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

**Affidavit of Michael Mendibles In Support
of Plaintiffs' Motion for Preliminary
Injunction**

Hon. Richard W. Roberts

AFFIDAVIT OF MICHAEL MENDIBLES

I, Michael Mendibles, declare as follows:

1. I am an individual and a party in the above-entitled action. I am over the age of 18 and a resident of Calaveras County, California. I have personal knowledge of the facts set forth herein, which are known by me to be true and correct, and if called as a witness, I could and would competently testify thereto.

2. This affidavit is submitted in support of Plaintiffs' Motion for Preliminary Injunction.

3. I am a member of the California Valley Miwok Tribe ("Tribe") and of its Tribal Council ("Council"). I trace my tribal lineal descent from my mother, Valarie Mata-Mendibles, my grandmother, Dora Hodge-Shelton Mata, and my great-grandmother, Lena Hodge-Shelton, who were listed in the 1915 Indian census and/or the 1929 Indian Census Roll of Calaveras County.

4. I own ancestral land adjacent to the Sheep Ranch Rancheria.

1 5. I recognize Yakima Dixie as the Hereditary Chief and Traditional
2 Spokesperson of the Tribe.

3
4 6. I do not recognize Silvia Burley as any authority for the Tribe.

5
6 7. In 2003, Yakima Dixie appointed me to the Council. The Council
7 currently consists of Yakima Dixie, me, and four other persons who are recognized as
8 persons of authority within the Tribe: Velma Whitebear, Antonia Lopez, Evelyn Wilson
9 and Antone Azevedo. With few exceptions, the Council has met each month since 2003 to
10 conduct Tribal business, enact resolutions, and perform other governmental functions.

11
12 8. The Tribal Council met with the BIA in September 2003 and
13 presented them with documentation of the Council's legitimate claim to Tribal authority.
14 We also presented the BIA with a list of Tribal community members who should be
15 allowed to participate in the initial organization of the Tribe. We requested that the BIA
16 call a Secretarial election under the IRA to select a tribal government by majority vote that
17 would be recognized by the United States government. The BIA did not act on the
18 Council's request to call a Secretarial election but continued to meet with the Council to
19 discuss efforts to organize the Tribe.

20
21 9. Tribal Council meetings are open to all members of the Tribal
22 community. Attendance at the meetings ranges from approximately 30 persons to more
23 than 100 persons. Attendance records are kept and meetings are recorded and archived. I
24 participate regularly in these meetings. Burley was specifically invited to the initial
25 meetings and has never been excluded, but she has never attended any of the meetings that
26 I attended.

1 10. Under the leadership of the Council, the Tribe has initiated a number
2 of programs aimed at benefiting the full Tribal membership, strengthening the tribal
3 community, and reestablishing historic ties with the larger Indian community. These
4 programs and activities include the following:

5
6 11. The Tribe has interceded in approximately ten child custody cases
7 under the Indian Child Welfare Act, in an effort to have children of Tribe members placed
8 with families that have ties to Indian traditions. Burley has opposed the Tribe's efforts in
9 those cases and denied that the children are eligible for membership in the Tribe.

10
11 12. The Tribe has participated in Indian health services, emergency
12 services and food distribution programs, including the MACT Indian health services
13 program, that benefit members of the Tribe and other Indian tribes.

14
15 13. The Tribe has participated, with other Miwok tribes, in an intertribal
16 Miwok Language Restoration Group. Evelyn Wilson is the senior Miwok member who
17 still speaks the Miwok language.

18
19 14. The Tribe has formed a ceremonial Indian dance group that represents
20 the Tribe at events throughout California.

21
22 15. The Tribe has consulted with Caltrans and other agencies regarding
23 Indian cultural artifacts and remains found at development sites.

24
25 16. The Tribe has offered classes in traditional crafts and skills, such as
26 basket weaving, and participates in ongoing efforts to revive the gathering of native plants,
27 pine nuts, and other materials for such crafts, as well as to protect the sites where those
28 materials are gathered.

1 17. The Tribe is engaged in discussions with Calaveras County and other
2 local and state agencies, through the Amador-Calaveras Consensus Group and the
3 Calaveras Healthy Impact Products Solutions program, regarding joint participation in the
4 Collaborative Forest Landscape Restoration Program, a federally supported forest
5 rehabilitation program. This program would provide economic opportunities for Tribe
6 members and the local community.

7
8 18. The Tribe participates in the annual Salmon Distribution Project in
9 which it obtains several tons of fresh salmon from the Oroville Dam hatchery and
10 distributes it to Tribe members.

11
12 19. The Tribe has issued Tribal identification cards and keeps a
13 membership roll that is updated regularly.

14
15 20. In April 2007, the BIA published public notices requesting that
16 individuals who asserted a claim to Tribal membership provide the BIA with
17 documentation of their claims, such as personal genealogies showing their descent from
18 historical members of the Tribe. I submitted my genealogy to the BIA. To my knowledge,
19 no member of the Burley Faction submitted any documentation of their claims to
20 membership.

21
22 21. As a result of the Assistant Secretary for Indian Affairs' December 22,
23 2010 Decision to recognize the Tribe as organized under an invalid 1998 resolution (the
24 "December 22 Decision"), the Tribal Council's authority is infringed, and the United
25 States does not recognize the Council or its members as representatives or authorities of
26 the Tribe.

1 22. I would like to participate in the organization of the Tribe under the
2 Indian Reorganization Act, but as a result of the December 22 Decision, neither I will not
3 be allowed to participate in the organization process, the drafting and adoption of a Tribal
4 constitution, or the creation of a Tribal government that is recognized by the United States.

5
6 23. Based on the December 22 Decision, Burley held a "special meeting"
7 on January 7, 2011, at which only Burley, her daughters, and her granddaughter were
8 allowed to attend. I was not permitted to attend the special meeting.

9
10 24. Burley characterized the special meeting as a meeting of the Tribe's
11 General Council and attempted to hold a Tribal election at the meeting. I do not recognize
12 Burley's authority to call a Tribal election or General Council meeting.

13
14 25. I do not recognize the results of the election Burley conducted at that
15 meeting, in which only Burley and her family members voted. However, the BIA has
16 issued decisions recognizing the results of the election and recognizing Burley as
17 Chairperson and her daughter Rashel Reznor as Secretary/Treasurer of the Tribe.

18
19 26. Burley also seeks to use the December 22 Decision as a basis to
20 exclude me and the other members of the Council from participating in litigation that she
21 filed in California Superior Court to gain access to more than \$6 million in Revenue
22 Sharing Trust Fund ("RSTF") money held in trust for the Tribe by the state of California.

23
24 27. Based on the December 12 Decision, the BIA has resumed payment
25 of tribal "self-determination" funds to Burley under Public Law 93-638. Those funds are
26 intended to assist the Tribe in organizing itself, forming a representative government and
27 performing governmental functions and services.

1 28. I have never received any of the RSTF money that Burley previously
2 received from the state of California, or any of the federal self-determination funds that
3 Burley previously received from the United States under Public Law 93-638. I am not
4 aware of any other Tribal member who received any of the funds except for Burley and her
5 immediate family. I am not aware of any programs or services for the benefit of the Tribe
6 or its members that were established or supported using the funds. If Burley receives the
7 funds, neither the Tribe itself, nor the Council, nor any other members of the Tribe will
8 receive any of the funds or benefit from the funds. In addition, the funds will support
9 Burley's continued efforts to deny the benefits of Tribe membership to other members.

10
11 29. The Assistant Secretary's December 22 Decision deprives me of
12 membership in the Tribe, because it allows Burley to deny membership to anyone who is
13 not a member of her immediate family. As a result of this deprivation, I feel a loss of my
14 cultural identity and my place in the Native American community. In addition, I will not
15 have access to federal medical benefits and other services available to members of
16 federally recognized Indian tribes.

17
18 I declare under penalty of perjury under the laws of the United States of
19 America that the foregoing is true and correct.

20
21 Executed March 5, 2011, at Calaveras County, California.


22
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24 
25 Michael Mendibles
26 3-5-2011
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EXHIBIT 13

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

Affidavit of Evelyn Wilson

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

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

v.

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

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

**Affidavit of Evelyn Wilson In Support of
Plaintiffs' Motion for Preliminary
Injunction**

Hon. Richard W. Roberts

AFFIDAVIT OF EVELYN WILSON

I, Evelyn Wilson, declare as follows:

1. I am an individual and a party in the above-entitled action. I am over the age of 18 and a resident of Calaveras County, California. I have personal knowledge of the facts set forth herein, which are known by me to be true and correct, and if called as a witness, I could and would competently testify thereto.

2. This affidavit is submitted in support of Plaintiffs' Motion for Preliminary Injunction.

3. I am a member of the California Valley Miwok Tribe ("Tribe") and of its Tribal Council ("Council"). I trace my tribal lineal descent from my mother, Laura Hodge Jeff, and my grandparents, John Jeff and Tillie Jeff, who were listed in the 1929 Indian Census Roll of Calaveras County.

4. I recognize Yakima Dixie as the Hereditary Chief and Traditional Spokesperson of the Tribe.

1 5. I do not recognize Silvia Burley as any authority for the Tribe.

2
3 6. In 2003, Yakima Dixie appointed me to the Council. The Council
4 currently consists of Yakima Dixie, me, and four other persons who are recognized as
5 persons of authority within the Tribe: Velma Whitebear, Antonia Lopez, Michael
6 Mendibles and Antone Azevedo. With few exceptions, the Council has met each month
7 since 2003 to conduct Tribal business, enact resolutions, and perform other governmental
8 functions.

9
10 7. The Tribal Council met with the BIA in September 2003 and
11 presented them with documentation of the Council's legitimate claim to Tribal authority.
12 We also presented the BIA with a list of Tribal community members who should be
13 allowed to participate in the initial organization of the Tribe. We requested that the BIA
14 call a Secretarial election under the IRA to select a tribal government by majority vote that
15 would be recognized by the United States government. The BIA did not act on the
16 Council's request to call a Secretarial election but continued to meet with the Council to
17 discuss efforts to organize the Tribe.

18
19 8. Tribal Council meetings are open to all members of the Tribal
20 community. Attendance at the meetings ranges from approximately 30 persons to more
21 than 100 persons. Attendance records are kept and meetings are recorded and archived. I
22 participate regularly in these meetings. Burley was specifically invited to the initial
23 meetings and has never been excluded, but she has never attended any of the meetings.

24
25 9. Under the leadership of the Council, the Tribe has initiated a number
26 of programs aimed at benefiting the full Tribal membership, strengthening the tribal
27 community, and reestablishing historic ties with the larger Indian community. These
28 programs and activities include the following:

1 10. The Tribe has interceded in approximately ten child custody cases
2 under the Indian Child Welfare Act, in an effort to have children of Tribe members placed
3 with families that have ties to Indian traditions. Burley has opposed the Tribe's efforts in
4 those cases and denied that the children are eligible for membership in the Tribe.

5
6 11. The Tribe has participated in Indian health services, emergency
7 services and food distribution programs, including the MACT Indian health services
8 program, that benefit members of the Tribe and other Indian tribes.

9
10 12. The Tribe has participated, with other Miwok tribes, in an intertribal
11 Miwok Language Restoration Group. I am the senior Miwok member who still speaks the
12 Miwok language.

13
14 13. The Tribe has formed a ceremonial Indian dance group that represents
15 the Tribe at events throughout California.

16
17 14. The Tribe has consulted with Caltrans and other agencies regarding
18 Indian cultural artifacts and remains found at development sites.

19
20 15. The Tribe has offered classes in traditional crafts and skills, such as
21 basket weaving, and participates in ongoing efforts to revive the gathering of native plants,
22 pine nuts, and other materials for such crafts, as well as to protect the sites where those
23 materials are gathered.

24
25 16. The Tribe is engaged in discussions with Calaveras County and other
26 local and state agencies, through the Amador-Calaveras Consensus Group and the
27 Calaveras Healthy Impact Products Solutions program, regarding joint participation in the
28 Collaborative Forest Landscape Restoration Program, a federally supported forest

1 rehabilitation program. This program would provide economic opportunities for Tribe
2 members and the local community.

3
4 17. The Tribe participates in the annual Salmon Distribution Project in
5 which it obtains several tons of fresh salmon from the Oroville Dam hatchery and
6 distributes it to Tribe members.

7
8 18. The Tribe has issued Tribal identification cards and keeps a
9 membership roll that is updated regularly.

10
11
12 19. In April 2007, the BIA published public notices requesting that
13 individuals who asserted a claim to Tribal membership provide the BIA with
14 documentation of their claims, such as personal genealogies showing their descent from
15 historical members of the Tribe. I submitted my genealogy to the BIA. To my knowledge,
16 no member of the Burley Faction submitted any documentation of their claims to
17 membership.

18
19 20. As a result of the Assistant Secretary for Indian Affairs' December 22,
20 2010 Decision to recognize the Tribe as organized under an invalid 1998 resolution (the
21 "December 22 Decision"), the Tribal Council's authority is infringed, and the United
22 States does not recognize the Council or its members as representatives or authorities of
23 the Tribe.

24
25 21. I would like to participate in the organization of the Tribe under the
26 Indian Reorganization Act, but as a result of the December 22 Decision, neither I nor any
27 other member of the Tribal Council will be allowed to participate in the organization
28

1 process, the drafting and adoption of a Tribal constitution, or the creation of a Tribal
2 government that is recognized by the United States.

3
4 22. Based on the December 22 Decision, Burley held a "special meeting"
5 on January 7, 2011, at which only Burley, her daughters, and her granddaughter were
6 allowed to attend. I was not permitted to attend the special meeting.

7
8 23. Burley characterized the special meeting as a meeting of the Tribe's
9 General Council and attempted to hold a Tribal election at the meeting. I do not recognize
10 Burley's authority to call a Tribal election or General Council meeting.

11
12 24. I do not recognize the results of the election Burley conducted at that
13 meeting, in which only Burley and her family members voted. However, the BIA has
14 issued decisions recognizing the results of the election and recognizing Burley as
15 Chairperson and her daughter Rashel Reznor as Secretary/Treasurer of the Tribe.

16
17 25. Burley also seeks to use the December 22 Decision as a basis to
18 exclude me and the other members of the Council from participating in litigation that she
19 filed in California Superior Court to gain access to more than \$6 million in Revenue
20 Sharing Trust Fund ("RSTF") money held in trust for the Tribe by the state of California.

21
22 26. Based on the December 12 Decision, the BIA has resumed payment
23 of tribal "self-determination" funds to Burley under Public Law 93-638. Those funds are
24 intended to assist the Tribe in organizing itself, forming a representative government and
25 performing governmental functions and services.

26
27 27. I have never received any of the RSTF money that Burley previously
28 received from the state of California, or any of the federal self-determination funds that

1 Burley previously received from the United States under Public Law 93-638. I am not
2 aware of any other Tribal member who received any of the funds except for Burley and her
3 immediate family. I am not aware of any programs or services for the benefit of the Tribe
4 or its members that were established or supported using the funds. If Burley receives the
5 funds, neither the Tribe itself, nor the Council, nor any other members of the Tribe will
6 receive any of the funds or benefit from the funds. In addition, the funds will support
7 Burley's continued efforts to deny the benefits of Tribe membership to other members.

8
9 28. The Assistant Secretary's December 22 Decision deprives me of
10 membership in the Tribe, because it allows Burley to deny membership to anyone who is
11 not a member of her immediate family. As a result of this deprivation, I feel a loss of my
12 cultural identity and my place in the Native American community. In addition, I will not
13 have access to federal medical benefits and other services available to members of
14 federally recognized Indian tribes.

15
16 I declare under penalty of perjury under the laws of the United States of
17 America that the foregoing is true and correct.

18
19 Executed March 5, 2011, at Calaveras County, California.

20
21
22 
23 Evelyn Wilson

24 3/5/11

EXHIBIT 14

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

Affidavit of Antone Azevedo

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

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

v.

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

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

**Affidavit of Antone Azevedo In Support of
Plaintiffs' Motion for Preliminary
Injunction**

Hon. Richard W. Roberts

AFFIDAVIT OF ANTONE AZEVEDO

I, Antone Azevedo, declare as follows:

1. I am an individual and a party in the above-entitled action. I am over the age of 18 and a resident of Calaveras County, California. I have personal knowledge of the facts set forth herein, which are known by me to be true and correct, and if called as a witness, I could and would competently testify thereto.

2. This affidavit is submitted in support of Plaintiffs' Motion for Preliminary Injunction.

3. I am a member of the California Valley Miwok Tribe ("Tribe") and of its Tribal Council ("Council"). From 1950 to 1959, I lived with my family on the Sheep Ranch Rancheria. I trace my tribal lineal descent to the ancestral members of the Tribe, as delineated in the 1929 Indian Census Roll of Calaveras County, through my mother, Annie Jeannete Geto, my grandmother, Laura Hodge Jeff, and my great-grandparents, John Jeff and Tillie Jeff.

1 4. I recognize Yakima Dixie as the Hereditary Chief and Traditional
2 Spokesperson of the Tribe.

3
4 5. I do not recognize Silvia Burley as any authority for the Tribe.

5
6 6. In 2003, Yakima Dixie appointed me to the Council. The Council
7 currently consists of Yakima Dixie, me, and four other persons who are recognized as
8 persons of authority within the Tribe: Velma Whitebear, Antonia Lopez, Michael
9 Mendibles and Evelyn Wilson. With few exceptions, the Council has met each month
10 since 2003 to conduct Tribal business, enact resolutions, and perform other governmental
11 functions.

12
13 7. The Tribal Council met with the BIA in September 2003 and
14 presented them with documentation of the Council's legitimate claim to Tribal authority.
15 We also presented the BIA with a list of Tribal community members who should be
16 allowed to participate in the initial organization of the Tribe. We requested that the BIA
17 call a Secretarial election under the IRA to select a tribal government by majority vote that
18 would be recognized by the United States government. The BIA did not act on the
19 Council's request to call a Secretarial election but continued to meet with the Council to
20 discuss efforts to organize the Tribe.

21
22 8. Tribal Council meetings are open to all members of the Tribal
23 community. Attendance at the meetings ranges from approximately 30 persons to more
24 than 100 persons. Attendance records are kept and meetings are recorded and archived. I
25 participate regularly in these meetings. Burley was specifically invited to the initial
26 meetings and has never been excluded, but she has never attended any of the meetings that
27 I attended.

1 9. Under the leadership of the Council, the Tribe has initiated a number
2 of programs aimed at benefiting the full Tribal membership, strengthening the tribal
3 community, and reestablishing historic ties with the larger Indian community. These
4 programs and activities include the following:

5
6 10. The Tribe has interceded in approximately ten child custody cases
7 under the Indian Child Welfare Act, in an effort to have children of Tribe members placed
8 with families that have ties to Indian traditions. Burley has opposed the Tribe's efforts in
9 those cases and denied that the children are eligible for membership in the Tribe.

10
11 11. The Tribe has participated in Indian health services, emergency
12 services and food distribution programs, including the MACT Indian health services
13 program, that benefit members of the Tribe and other Indian tribes.

14
15 12. The Tribe has participated, with other Miwok tribes, in an intertribal
16 Miwok Language Restoration Group. Evelyn Wilson is the senior Miwok member who
17 still speaks the Miwok language.

18
19 13. The Tribe has formed a ceremonial Indian dance group that represents
20 the Tribe at events throughout California.

21
22 14. The Tribe has consulted with Caltrans and other agencies regarding
23 Indian cultural artifacts and remains found at development sites.

24
25 15. The Tribe has offered classes in traditional crafts and skills, such as
26 basket weaving, and participates in ongoing efforts to revive the gathering of native plants,
27 pine nuts, and other materials for such crafts, as well as to protect the sites where those
28 materials are gathered.

1 16. The Tribe is engaged in discussions with Calaveras County and other
2 local and state agencies, through the Amador-Calaveras Consensus Group and the
3 Calaveras Healthy Impact Products Solutions program, regarding joint participation in the
4 Collaborative Forest Landscape Restoration Program, a federally supported forest
5 rehabilitation program. This program would provide economic opportunities for Tribe
6 members and the local community.

7
8 17. The Tribe participates in the annual Salmon Distribution Project in
9 which it obtains several tons of fresh salmon from the Oroville Dam hatchery and
10 distributes it to Tribe members.

11
12 18. The Tribe has issued Tribal identification cards and keeps a
13 membership roll that is updated regularly.

14
15
16 19. In April 2007, the BIA published public notices requesting that
17 individuals who asserted a claim to Tribal membership provide the BIA with
18 documentation of their claims, such as personal genealogies showing their descent from
19 historical members of the Tribe. I submitted my genealogy to the BIA. To my knowledge,
20 no member of the Burley Faction submitted any documentation of their claims to
21 membership.

22
23 20. As a result of the Assistant Secretary for Indian Affairs' December 22,
24 2010 Decision to recognize the Tribe as organized under an invalid 1998 resolution (the
25 "December 22 Decision"), the Tribal Council's authority is infringed, and the United
26 States does not recognize the Council or its members as representatives or authorities of
27 the Tribe.

1 21. I would like to participate in the organization of the Tribe under the
2 Indian Reorganization Act, but as a result of the December 22 Decision, I will not be
3 allowed to participate in the organization process, the drafting and adoption of a Tribal
4 constitution, or the creation of a Tribal government that is recognized by the United States.

5
6 22. Based on the December 22 Decision, Burley held a "special meeting"
7 on January 7, 2011, at which only Burley, her daughters, and her granddaughter were
8 allowed to attend. I was not permitted to attend the special meeting.

9
10 23. Burley characterized the special meeting as a meeting of the Tribe's
11 General Council and attempted to hold a Tribal election at the meeting. I do not recognize
12 Burley's authority to call a Tribal election or General Council meeting.

13
14 24. I do not recognize the results of the election Burley conducted at that
15 meeting, in which only Burley and her family members voted. However, the BIA has
16 issued decisions recognizing the results of the election and recognizing Burley as
17 Chairperson and her daughter Rashel Reznor as Secretary/Treasurer of the Tribe.

18
19 25. Burley also seeks to use the December 22 Decision as a basis to
20 exclude me and the other members of the Council from participating in litigation that she
21 filed in California Superior Court to gain access to more than \$6 million in Revenue
22 Sharing Trust Fund ("RSTF") money held in trust for the Tribe by the state of California.

23
24 26. Based on the December 12 Decision, the BIA has resumed payment
25 of tribal "self-determination" funds to Burley under Public Law 93-638. Those funds are
26 intended to assist the Tribe in organizing itself, forming a representative government and
27 performing governmental functions and services.

1 27. I have never received any of the RSTF money that Burley previously
2 received from the state of California, or any of the federal self-determination funds that
3 Burley previously received from the United States under Public Law 93-638. I am not
4 aware of any other Tribal member who received any of the funds except for Burley and her
5 immediate family. I am not aware of any programs or services for the benefit of the Tribe
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14 cultural identity and my place in the Native American community. In addition, I will not
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18 I declare under penalty of perjury under the laws of the United States of
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21 Executed March 5, 2011, at Calaveras County, California.

22
23
24 
25 Antone Azevedo

26 3-5-11

EXHIBIT 15

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

**Letter from Yakima Dixie to Raymond Fry, BIA Tribal Operations Officer,
Re Request for Secretarial Election (Sept. 28, 2003)**

YAKIMA K. DIXIE

Sheep Ranch Rancheria of MiWok Indians of California
11178 Sheep Ranch Rd., Sheep Ranch California 95250
Mail P.O. Box 41
209-728-2102

September 28, 2003

Raymond Fry, Tribal Operations Officer for Tribal Services
Bureau of Indian Affairs, U.S. Dept. of the Interior
Sacramento Area Office
650 Capital Mall 8-500
Sacramento, California 95814
(916) 930-3794

Mr. Fry:

This is a follow-on memorandum to your meeting of September 25, 2003.

At that meeting, we requested that you confirm the receipt of both our documents and our petition; and you signed the document which is enclosed. However, after the meeting, when we reviewed this document, we noticed that you seemed to have lined-out item #2, which represents our "request to hold a Secretarial Supervised Election". I wish to take notice that such an Election was originally your suggestion, in a meeting in May 2003, that at your suggestion we assembled candidates for additional members to my tribe, and that initiating this Election was the whole purpose of our meeting with you on September 25, 2003. Thus, I can only assume that your lining out item #2 on the letter of confirmation was a mistake. However, I do need to document my attempt at administrative remedies; and so, I request that you re-sign the full letter of confirmation which is reiterated here.

Yakima K. Dixie

In order to document that administrative remedies have been attempted, this is to confirm that on 9/25/03 the documents which are described below were submitted to and received by Raymond Fry.

- 1) The names, address, and lineage of the individuals listed below as proposed new members of the tribe; and a family tree.
- 2) A request to hold a Secretarial Supervised Election for the Sheep Ranch Rancheria of MiWok Indians of California a.k.a. "California Valley Me-wuk Tribe".

confirmations

Raymond Fry, Tribal Operations Officer,
Bureau of Indian Affairs
U.S. Dept. of the Interior
Sacramento Area Office
650 Capital Mall 8-500
Sacramento, California 95814

Yakima K. Dixie, Chief & Chairman
Sheep Ranch Rancheria of MiWok Indians of
California
11178 Sheep Ranch Rd.
Mail P.O. Box 41
Sheep Ranch California 95250

James Albert Askew (CAB 60469)
2155 W March Ln #1D
Stockton, CA 95207
(209)955-2260

Velma White Bear, Acting Executive Secretary
Sheep Ranch Rancheria of MiWok Indians of
California

Bill Martin

LeRoi Chappelle


Albert Avalos

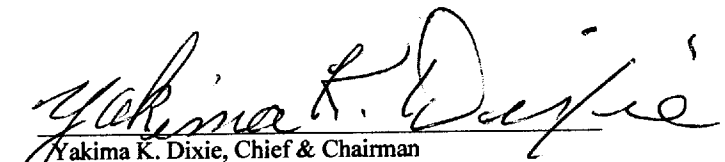
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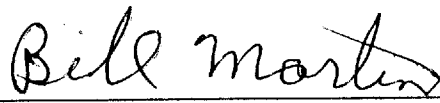
confirmations

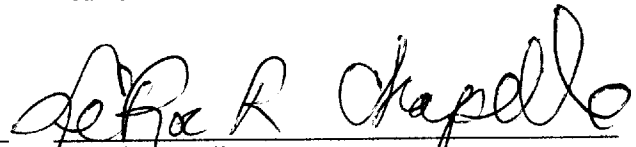

Raymond Fry, Tribal Operations Officer,
Bureau of Indian Affairs
U.S. Dept. of the Interior
Sacramento Area Office
650 Capital Mall 8-500
Sacramento, California 95814

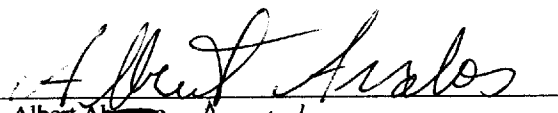

Yakima K. Dixie, Chief & Chairman
Sheep Ranch Rancheria of MiWok Indians of
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11178 Sheep Ranch Rd.
Mail P.O. Box 41
Sheep Ranch California 95250

James Albert Askew (CAB 60469)
2155 W March Ln #1D
Stockton, CA 95207
(209)955-2260


Velma White Bear, Acting Executive Secretary
Sheep Ranch Rancheria of MiWok Indians of
California


Bill Martin


LeRoi Chappelle


Albert Avalos


MANUEL LOPSTAIN

?

Ask Raymond Fry the following:

1) Where in statute and/or in regulatory law are the procedures and criteria for **incorporating new members into a tribe**? *In Article 25*

Get the Title, chapter, and sections.

81 87

2) Where in statute and/or in regulatory law are the procedures defined for holding a **Secretarial Supervised Election**?

Get the Title, chapter, and sections. *It is explained in article 25*

3) On May 5, 2003, Yakima made a formal request for instructions about, help in, and documents relevant to filing an administrative appeal of the appointment of Silvia Burley as Chairperson. Why did you (Raymond Fry) not respond? *Will respond soon*

4) Do you have any objections if we proceed with the administrative appeal process? If you do mind, why? *No but wait a little longer*

5) Can Silvia nominate new members for the tribe? If so, on what legal or customary basis?

No

YAKIMA K. DIXIE

Sheep Ranch Rancheria of MiWok Indians of California
11178 Sheep Ranch Rd., Sheep Ranch California 95250
Mail P.O. Box 41
209-728-2102

September 28, 2003

Raymond Fry, Tribal Operations Officer for Tribal Services
Bureau of Indian Affairs, U.S. Dept. of the Interior
Sacramento Area Office
650 Capital Mall 8-500
Sacramento, California 95814
(916) 930-3794

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confirmations

Raymond Fry, Tribal Operations Officer,
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U.S. Dept. of the Interior
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Sacramento, California 95814

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Bill Martin

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Albert Avalos

EXHIBIT 16

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

2006 California Valley Miwok Tribe Constitution ("2006 Constitution")

The Constitution

of the

California Valley Miwok Tribe, California

(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)

Part 1

Dedication

In the names of our ancestors, immediate families, and future generations, we, the Members of the Tribe, hereby institute this Constitution in order to advance the reorganization of our community to advance the interests of ourselves and posterity, other Miwok peoples, and humanity, in general.

Part 2

Supersedure

This Constitution is an extension of and replaces the tribal constitution of December 11, 1999, within which the Tribe operated until being superseded by this document. Nothing in this Constitution shall abrogate the rights of a member of the Tribe as guaranteed by citizenship in the United States of America and its Constitution.

Part 3

Name of the Tribe

The name of the Tribe is as published in the Federal Register by the Department of the Interior Bureau of Indian Affairs in its notice entitled "Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs" which is:

"California Valley Miwok Tribe, California
(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)".

Part 4

Location of the Tribe

The headquarters of the Tribe is the site of the historic reservation at Sheep Ranch, California. However, the Tribal Council may relocate the Tribe's headquarters to another location owned by the Tribe in fee or owned by the United States in trust or otherwise on behalf of the Tribe.

Part 5

Governance

This is a unitary constitution with all powers of tribal government being vested in the Tribal Council. These powers are described generally, as follows.

Section 1. The Tribal Council shall legislate tribal policies, ordinances, and resolutions and shall adopt and promulgate those policies in accordance with Section 5, below. A majority of the membership of the Tribal Council shall constitute a quorum for doing business. The Tribal

Council may propose Bylaws for the conduct of tribal affairs to supplement this Constitution, and such Bylaws shall become effective upon approval by a 2/3 vote of the entire membership of the Tribal Council.

Section 2. The Tribal Council may create executive committees of the Council and of the membership and assign to individuals the authority to implement the policies, ordinances, or resolutions adopted pursuant to Section 1.

Section 3. The Tribal Council shall adjudicate all intra-tribal disputes by majority vote of a quorum the Council.

Section 4. (a). The initial Tribal Council shall be those individual who ratify this Constitution and who are listed below. This initial Tribal Council shall serve until the election of their successors. This initial election shall occur within 12 months following recognition of the initial Tribal Council by the United States Department of Interior, Bureau of Indian Affairs.

(b). Except for the initial membership who will serve as above in paragraph (a), members of the Tribal Council shall serve a term of four years. In the event that an elected member of the Tribal Council does not serve his or her full term, the remaining members of the Tribal Council may appoint another member of the Tribe to fill the remainder of the unexpired term.

(c). Except as provided in subsections (a) and (b) of this Section 4, the Tribal Council shall consist of 9 members elected by the members of the Tribe. The election shall be conducted by the Tribal Council, which shall send written notice with the date and time of the election by sending the notice to each member by first class, United States mail at least 30- days preceding the election date. All elections for the Tribal Council shall be conducted at the headquarters of the Tribe.

Section 5. The Tribal Council shall adopt rules for the due process of its proceedings according to those that are promulgated by the American Institute of Parliamentarians.

Section 6. The Tribal Council shall select a Tribal President or Chairperson, who shall preside at meetings of the Tribal Council and of the general membership of the Tribe. The Tribal Council may delegate functions to the Tribal President that are necessary and appropriate to conduct the day-to-day business of the Tribe.

Part 6 Enrollment Criteria

(a) Membership in the Tribe shall be determined by the following criteria: by "Original Designation" by "Hereditary Authority" by "Land Distribution" by "Residential Allotment" and by "Adoption". Each classification is explained as follows.

The lineal descendants of the 12 individuals, who were first identified as members of the band in 1915, are Members by Original Designation.

The lineal descendants of Mabel Hodge Dixie, who was the last and presumptively only voting member of the Tribe are Members by Hereditary Authority.

The beneficiaries under the will of Mabel Hodge Dixie, to whom the tribal land was distributed in 1967 are Members by Land Distribution.

Those individuals and their lineal descendants who lived on the rancheria property for a period 2 or more years between 1915 and 1967, prior to the distribution of the land to Mable Hodge Dixie in 1967, are Members by Residential Allotment.

Any individual who was formally adopted into the Tribe by its hereditary Chief, Yakima K. Dixie, is a Member by Adoption, upon approval by the Tribal Council.

Categories of membership other than the above must be created by the Tribal Council by By-law amendment upon a 2/3 affirmative vote of the Tribal Council.

(b) The Tribal Council shall prescribe procedures for applying for membership in the Tribe and may appoint a Membership Committee to determine the qualifications of applicants and make recommendations to the Tribal Council. The Tribal Council shall receive and review all completed applications for membership and shall approve or deny an application within 12 months after receiving it.

(c) The Tribal Council may define different classes of membership with different voting and beneficiary rights other than the above in paragraph (a) of this Section 6.

Part 7

The Base Enrollment of the Tribe

The following persons are herein recognized as the initial members of the Tribe according to the above criteria in paragraph (a) of this Section 6, each with full and equal rights.

Antone Azevedo is a Member by Residential Allotment and by Adoption.

Dequita Boire is a Member by Land Distribution and by Residential Allotment.

Silvia Burley is a Member by Adoption.

Iva Carsoner is a Member by Residential Allotment and by Adoption.

Melvin Dixie is a Member by Original Designation, by Land Distribution and by Residential Allotment.

Yakima K. Dixie is the Hereditary Chief and Member by Original Designation, by Hereditary Authority, by Land Distribution, and by Residential Allotment.

Antonia Lopez is a Member by Adoption.

Michael Mendibles is a Member by Residential Allotment and by Adoption.

Velma WhiteBear is a Member by Residential Allotment and by Adoption.

Patrician Williams is a Member by Adoption.

Evelyn Wilson is a Member by Adoption.

Shirley Wilson is a Member by Adoption.

Part 8 Initial Activities

The first order actives of the Tribe within the existing revenue base from the State of California, Revenue Sharing Trust Fund and federal grant moneys shall be:

- 1) the identification of the broader membership community according to the above criteria and the enrollment of qualified individuals;
- 2) the establishment of administrative headquarters and retreat facilities on the traditional reservation property in Sheep Ranch, California;
- 3) the creation of a health clinic and ceremonial sweat-lodge facilities at that location;
- 4) supplemental, income allocations to tribal members; and
- 5) the advancement of business enterprises.

Part 9 Bylaws, Ratification of Organizing Resolutions and Standing Agreements, and Codification System

This Constitution may be amended through its Bylaws which shall be adopted upon a 2/3 affirmative vote of the entire Membership of the Tribe. Statutes are enacted by Resolutions. Statutes, if codified, will be organized according to a numbering and titling system that approximates, as closely as possible, that which is used for its laws by the United States of America. Agreements which have been made by Yakima K. Dixie on behalf of the Tribe and prior to the adoption of this Constitution will be honored by the Tribe.

Part 10 Constitutional Review

Within a time of no less than 3 years from the date of the signing of this Constitution, the Tribal Council shall commission a review of this Constitution and, based on that review, shall make a determination about the need to revise or amend certain provisions.

Part 11
Ratifications and Confirmation

154

Yakima K. Dixie

156

Yakima K. Dixie, Chief

Hereditary Member Date: 1/30/06

158

Melvin Dixie

Melvin Dixie

Hereditary Member Date: 2/18/06

Velma White Bear

Velma White Bear, Exec. Dir.

Tenured Member Date: 2/18/06

Dequita Boire

Dequita Boire

Tenured Member Date: 2-23-06

Silvia Burley

Legacy Member Date: _____

Dequita Boire

Tenured Member Date: _____

Antone Azevedo

Antone Azevedo

Tenured Member Date: 2-18-06

Patricia Williams

Patricia Williams

Tenured Member Date: 2/18/06

Shirley M. Wilson

Shirley Wilson

Tenured Member Date: 2/19/06

Iva Carsoner

Iva Carsoner

Tenured Member Date: 2/19/06

Evelyn Wilson

Evelyn Wilson

Relational Member Date: 2/18/06

Antonia Lopez

Antonia Lopez

Relational Member Date: 2-18-06

Michael Mendibles

Michael Mendibles

Legacy Member Date: 2-18-06

EXHIBIT 17

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

**Public Notice, Bureau of Indian Affairs, Amador Ledger Dispatch (Apr. 11,
2007) ("2007 Public Notice")**

Ledger Dispatch

Wednesday, April 11, 2007 Serving Amador County Since 1855

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THE BUREAU OF INDIAN AFFAIRS

Description

PUBLIC NOTICE The Bureau of Indian Affairs, Central California Agency (Agency) plans to assist the California Valley Miwok Tribe, aka, Sheep Ranch Rancheria (Tribe) in its efforts to organize a formal governmental structure that is acceptable to all members. The first step in the organizational process is to identify putative members of the Tribe who may be eligible to participate in all phases of the organizational process of the Tribe. Therefore, if you believe you are a lineal descendant of a person(s) listed below, you will need to complete Form OMB#1076-0153, Bureau of Indian Affairs, Request for Certificate of Degree of Indian or Alaska Native Blood, and provide a certified copy of a birth certificate, death certificate, or other official documentation as required to establish your relationship to a person(s) listed below or other documents acceptable to the Secretary of the Interior (Secretary), and submit them to the Bureau of Indian Affairs, Central California Agency, 650 Capitol Mall, 8-500, Sacramento, California 95814, postmarked on or before May 25, 2007. You may contact Carol Rogers-Davis, Acting Tribal Operations Officer, at (916) 930-3764, or Tia Sam, Tribal Operations Specialist, at (916) 930-3765, Bureau of Indian Affairs, Central California Agency, for the necessary information and to obtain the forms that will assist the Bureau Team in determining your eligibility. 1. August 13, 1915 - Census of Indians at or near Sheepranch, Calaveras County, California, which listed the following: 1. Peter Hodge 2. Annie Hodge 3. Malinda Hodge (Daughter of Peter and Annie Hodge) 4. Lena Hodge (Daughter of Peter and Annie Hodge) 5. Tom Hodge (Son of Peter and Annie Hodge) 6. Andy Hodge (Son of Peter and Annie Hodge) 7. Jeff Davis 8. Betsey Davis 9. Mrs. Limpey 10. John Tecumchey 11. Pinkey Tecumchey 12. Mamy Duncan (Granddaughter of Jeff Davis) 2. June 6, 1935, Approved List of Voters for Indian Reorganization Act of Sheep Ranch Rancheria, Calaveras County, California, which listed the following: 1. Jeff Davis 3. August 11, 1964, Approved Plan for Distribution of the Assets of the Sheep Ranch Rancheria, in accordance with provisions of Public Law 85-671, approved August 18, 1958, and amended by Public Law 88-419, which listed the following: 1. Mabel Hodge Dixie All individuals who have been determined to be eligible to participate in the organization of the Tribe will be notified by letter from the Agency. All individuals not determined eligible will be noticed of their right to appeal to the BIA, Pacific Regional Director within 30 days of receipt of decision. Upon rendering final decisions regarding appeals filed, the Agency will notify all individuals determined to be eligible of the organizational meeting which will include an agenda of the next actions to be taken by the group. 4/11, 4/18/07 CNS-1116998# AMADOR LEDGER DISPATCH April 11, 18 2007-S473

Details

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EXHIBIT 18

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

**Letter from California Valley Miwok Tribe to Members of Tribal Community
Re Tribal Organization (Apr. 23, 2007)**



California Valley Miwok Tribe, California

(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)

11178 Sheep Ranch Rd.; Sheep Ranch, California 95250

209-728-8726

{ www.californiavalleymiwok.com }

April 23, 2007

**IMPORTANT NOTICE
Regarding Tribal Organization**

<FirstName> <LastName>
<Address>
<ZipCode>
<Phone>

The person, to whom this letter is addressed, register with us as a possible member of this Tribe.

As a result of some 7 years in the struggle of Yakima Dixie (the ancestral authority for the Tribe) to regain his rightful authority and to organize the Tribe for the benefits of the Miwok community, the Bureau of Indian Affairs has issued a Public Notice which is included herein.

Briefly, this Public Notice says the following. If you are a lineal descendant of one or more of the 14 individuals who are named in the Public Notice, then you may qualify as being a "putative member" for the purposes of participating in the organization of the Tribe. See the Public Notice for the names of those individuals.

If you so qualify and if you wish to be considered as a "putative member", then you must do what the Public Notice requires.

- Contact, by letter or by phone, one of the BIA agents who are named in the Notice and request that they send to you the necessary forms for submitting your genealogy. This form is "OMB#1076-0153 Bureau of Indian Affairs, Request for Certificate of Degree of Indian or Alaska Native Blood".
- Follow the instructions and have this in the mail before May 25, 2007.
- For your convenience, we are enclosing, in this letter, a copy of what you should be receiving from the BIA so that you can get working on the genealogy as soon as possible. Make Xerox copies for your drafts and keep this master in case you need to file it. If for some reason the BIA does not forward to you the forms, then go head and complete the ones which we have included. In any event, do not miss the May 25th dead-line.
- Please send a copy to us of what you submit to the BIA, using the enclosed envelope.

We do not have the resources to assist you in your genealogy, so if you are unable to understand the process, you might want to hire a professional or ask a relative to help.

The genealogy is simply who are/were your parents, who are/were your parents' parents (i.e., grandparents), and who are/were your parents' parents' parents (i.e., great grand-parents)? Take it as far back as you can.

If you cannot trace you lineal descent to one of the 14 named individuals but you still believe that you are a member of this tribe, then go ahead and complete your genealogy and send it in to both the BIA and to us.

This letter is issued under the authority of:

Yakima K. Dixie, Chief
Velma WhiteBear, Executive Director
Antonia Lopez, Secretary

Please send correspondence or inquiries to:

Chadd Everone, Deputy
2140 Shattuck Avenue #602
Berkeley, California 94704
510-486-1314

Enclosures:

- 1) Public Notice from the Ledger Dispatch of April 11, 2007.
- 2) OMB #1076-0-153.
- 3) A Brief History.
- 4) BIA letter to Silvia Burley.

A Brief History Of The Tribe

The Sheep Ranch Rancheria of Me-Wuk Indians of California was first identified in 1915 by the Federal government, who purchased a small plot of land for homeless Indians in the township of Sheep Ranch, California. The government chose that site because it was closer to possible work for the Indians; and 12 individual Indians were identified as being members. In 2005, the name of the Tribe was changed to: "California Valley Miwok Tribe, California ". A fairly accurate history of the Tribe is provided by the Regional Director of the BIA in his letter to Silvia Burley of April 2, 2007 and in the section entitled "Background"; thus, it does not need to be repeated here. In that letter of April 2, 2007 to Silvia Burley, the Regional Director rejects her attempt to interfere with and prevent the organizational process.

The events surrounding Ms. Burley's attempt to usurp tribal authority was not covered in the Directors letter; and thus, I will review that here.

In 1966, the BIA identified Mable Hodge Dixie to be the sole Indian of authority for the Tribe. By that time, the various families who had lived on the ancestral property had dispersed; and Mable, a descendant of Peter Hodge (one of the original members) was the only one to reside on the land. Upon her death in 1971, the tribal authority went to her oldest son, Richard Dixie, and upon his death in about 1980, the authority went to the second eldest son, Yakima Dixie. Yakima has been the sole resident on the land ever since. In Miwok tradition, the Chieftanship of a tribe goes through the male line; and this tribe (until the forth coming re-organization which is now underway) continues to be organized under Miwok tradition. Consequently, Yakima Dixie became the Chief of or Hereditary Spokesperson for the Tribe.

No one, family members or the BIA, cared much about the Tribe until Indian gaming became a prospect. For about 19 years, between 1980 to early 1999, the BIA recognized Yakima Dixie as the sole authority for the Tribe. In about 1997, Silvia Burley visited Yakima at Sheep Ranch and asked if he would give her tribal status so that she and her children might receive medical and educational benefits from the government. Burley had requested tribal status from several other Miwok tribes in adjacent counties; but they rejected her. Silvia is a remote relative of Yakima; however, he had never met her nor had she ever been part of the Tribe nor was she and her family involved much in the broader Indian community. Yakima said that he would consider giving her tribal status; but nothing concrete happened until September 1998, when Silvia and two BIA agents visited Yakima at Sheep Ranch and obtained his verbal consent to admit Silvia. As you can see from the Regional Directors letter to Silvia (in the "Discussion" section starting on page 2), it was never really confirmed that Yakima properly admitted Silvia into the Tribe. Nonetheless, a deal was struck in which Yakima would give tribal status to Silvia so that she and her children might receive government benefits; and, in return, Silvia would help Yakima organize the Tribe to benefit the broader Indian community. Soon thereafter, Silvia began representing herself as the authority for the Tribe and she submitted a document to the BIA which indicated that Yakima resigned is position authority. Yakima claims that he never signed such a document; and a hand-writing expert thinks that it is likely that the document was forged. Also, for a variety of other reasons, the hereditary Chief cannot resign his position of authority. Nonetheless, the BIA started treating Silvia as the authority and State and Federal government money began going to the Tribe in Silvia's custody. To date, she has garnered over \$6 million, virtually of which has been conveyed to herself and her family with nothing going to organize the Tribe nor benefit the Miwok community which rightfully belongs to this Tribe. Silvia completely neglected Yakima and did everthing possible to sabotage him; and has behaved in the same manner to other rightful members. She even disenrolled Yakima and

submitted to the BIA a constitution which listed herself and daughters as being the only members of the Tribe - acts which the BIA completely rejected. In every way, Silvia has behaved in a mean spirited and nasty manner; and if she were ever able to gain control of the tribe she certainly would mistreat and disenroll anyone who was not strictly obedient to her whim. She has been completely incompetent in managing the tribe and was sued for fraud by a prospective developer. It has only been since Yakima's challenge has gained credence with the BIA that Silvia has started to pretend that she is sincere in organizing the Tribe.

In late 1999, two non-Indians by the name of Bill Martin and LeRoi Chapelle became aware of the Tribe and visited Yakima at Sheep Ranch to open discussion about developing a casino for the Tribe. They formed an organization, which later became known as Friends of Yakima, Inc. (Friends), and made an agreement with Yakima; however, upon checking with the BIA about the Tribe, it was discovered that, unknown to Yakima, Silvia Burley had substituted herself for him as the authority. Thus, began a long, laborious, and costly appeal of the BIA's recognition of Silvia Burley as the authority for the Tribe. In 2002, someone attempted to murder Yakima; and he was severely injured. Albert Avalos (another member of Friends) and his family nursed Yakima back to health. In early 2003, Chadd Everone (Friends) initiated the formal Appeal within the BIA. Also, the BIA recommended to Yakima to locate some close relatives (preferably ones who had lived on the land at Sheep Ranch) who would be loyal to him and to organize the Tribe so that a Secretarial Supervised Election could be held. In that respect, Bill Martin (Friends) made inquiries about Yakima's relatives and discovered Velma WhiteBear. Velma is a close relative of Yakima, who lived at Sheep Ranch for some 5 years along with her siblings, who is a competent executive (being a State Director of the California Indian Manpower Initiative), who is deeply involved in Indian affairs, and who is an authority on the history of the Tribe and its families. Velma agreed to assemble a Tribal Council of authentic members of the Tribe who would be loyal to Yakima and who would organize the tribe in the best interest of the broader community which belongs to the Tribe. The Tribal Council which Velma assembled included the following individuals: Yakim Dixie, Melvin Dixie, Velma WhiteBear, Dquitta Boire, Antone Azevedo, Patricia Williams (now deceased), Shirely Wilson, Iva Carsoner, Evelyn Wilson, Antonia Lopez, and Michael Mendibles. Since 2003, the Council has met monthly, been involved in the negotiations with the BIA, started a Miwok language group and ceremonial dance group, and initiated various tribal programs.

The formal Appeal within the BIA and the parallel organization of the Tribe has culminated in the BIA making a firm decision to move forward with the organization of the Tribe, and is evidence by their publication of the Public Notice.

Chadd Everone

EXHIBIT 19

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

**California Valley Miwok Tribe Resolution 2011-04-30 and Tribal Roster
(Apr. 30, 2011)**

**California Valley Miwok Tribe, California**

(a.k.a. Sheep Ranch Rancheria of Me-Wuk Indians of California)

RESOLUTION 2011-04-30

(The Base-Enrollment of Members for Organizing the Tribe)

WHEREAS, the California Valley Miwok Tribe ("Tribe"), also known as the Sheep Ranch Rancheria of Me-Wuk Indians of California, is a federally recognized Indian tribe;

WHEREAS, the Tribe is governed by its Tribal Council, which consists of the under-signed Council members;

WHEREAS, the Tribe in 2006 adopted criteria defining those individuals who are eligible for membership in the Tribe, which include the lineal descendants of known historical members of the Tribe;

WHEREAS, the Tribal Council directed that all individuals who meet the membership criteria, and desire membership in the Tribe, should submit membership applications to the Tribe with supporting information that demonstrates the basis for their claim to membership;

WHEREAS, the Tribal Council has reviewed each of the membership applications for consistency with the Tribe's membership criteria and has enrolled those individuals who meet the membership criteria; and

WHEREAS, the Tribe has maintained accurate records of enrollment actions and maintains an up-to-date roster of all those individuals who are currently enrolled as members in the Tribe;

NOW, THEREFORE, BE IT RESOLVED that:

The Tribal Council declares and certifies that the individuals named in the attached Tribal Membership Roster constitute the current adult membership of the Tribe as of the effective date of this Resolution; and

Any individuals not named in the attached Tribal membership roster, who meet the Tribe's membership criteria and who desire membership in the Tribe, may submit applications for membership to the Tribal Council. The Tribal Council will review all applications for consistency with the Tribe's membership criteria and will continue to update the Tribal membership roster as needed.

VERIFICATION

We, the undersigned, as a majority of the Tribal Counsel of the California Valley Miwok Tribe, California (also known as the Sheep Ranch Rancheria of Me-Wuk Indians of California) do, hereby, certify that the foregoing Resolution was adopted at a duly convened meeting on April 30, 2011 or otherwise on the designated date of signing.

 Approved: () yes () no () Abstained ()

 Approved: () yes () no () Abstained ()

 Yakima K. Dixie, Chief

 Velma WhiteBear, Executive Director

 Date:

 Date:

 Approved: () yes () no () Abstained ()

 Approved: () yes () no () Abstained ()

 Antonia Lopez, Secretary

 Michael Mendibles

 Date:

 Date:

 Approved: () yes () no () Abstained ()

 Approved: () yes () no () Abstained ()

 Evelyn Wilson

 Shirley M. Wilson

 Date:

 Date:

 Approved: () yes () no () Abstained ()

 Approved: () yes () no () Abstained ()

 Iva Carsoner

 Antone Azevedo

 Date:

 Date:

VERIFICATION

We, the undersigned, as a majority of the Tribal Counsel of the California Valley Miwok Tribe, California (also known as the Sheep Ranch Rancheria of Me-Wuk Indians of California) do, hereby, certify that the foregoing Resolution was adopted at a duly convened meeting on April 30, 2011 or otherwise on the designated date of signing.

Approved: ☒ yes () no () Abstained ()

Yakima K. Dixie, Chief

Date:

Yakima Dixie

Approved: ☒ yes () no () Abstained ()

Antonia Lopez, Secretary

Date:

Antonia Lopez

Approved: ☒ yes () no () Abstained ()

Evelyn & Wilson Sr.

Evelyn Wilson

Date:

Approved: ☒ yes () no () Abstained ()

Iva Carsoner

Iva Carsoner

Date:

Approved: ☒ yes () no () Abstained ()

Velma WhiteBear

Velma WhiteBear, Executive Director

Date:

Approved: ☒ yes () no () Abstained ()

Michael Mendibles

Michael Mendibles

Date:

4-30-2011

Approved: ☒ yes () no () Abstained ()

Shirley M. Wilson

Shirley M. Wilson

Date:

Approved: ☒ yes () no () Abstained ()

Antone Azevedo

Antone Azevedo

Date:

Adult Individuals (age 18 and over) on the Tribal Membership Roster are listed below. Also, the Roster includes 350+ children, but they are not listed herein. This list was reviewed and validated at the Tribal Council Meeting on April 30, 2011.

	FirstName	Initial	LastName	City	State
1	Shiann	V.	Ahmed	Stockton	California
2	Phyllis	Marie Wilson	Alaway	West Point	California
3	Rodney	W.	Alaway	West Point	California
4	Joe	Rudy	Amial, Jr.	Jackson	California
1	Josephine	M.	Aranda	Jackson	California
2	Marie		Aranda	Kahului	Hawaii
3	Carmelita	Maria	Avina	Rocklin	California
4	Ruben		Avina, Jr.	Rocklin	California
5	Antone		Azevedo	North Highlands	California
6	Ashley		Azevedo	Stockton	California
7	Cecilia		Azevedo	North Highlands	California
8	Antone		Azevedo, Jr.	North Highlands	California
9	Monica		Banuelos	Sacramento	California
10	Alejandro	A.	Barron	Sacramento	California
11	Juanito	Raul	Barron	Sacramento	California
12	Lorraine		Barron	Galt	California
13	Tina	Azevedo	Barron	Sacramento	California
14	Vincent	Manolo	Barron	Sacramento	California
15	Tina		Barron, Jr.	Sacramento	California
16	Ruby		Bazar	West Point	California
17	Michael		Bobian	Stockton	California
18	Ramona	L.	Brabbin	Wilseyville	California
19	Anjona	T.	Brooks	Stockton	California
20	Jonathan		Brooks	Stockton	California
21	Joseph	K.	Brooks	Stockton	California
22	Alex	D.	Burley	West Point	California
23	Christopher	A.	Burley	West Point	California
24	Crystal	M.	Burley	West Point	California
25	Daniel		Calderon	Wilseyville	California
26	Lynette		Carrillo	Sacramento	California
27	Roberta		Carrillo	Sacramento	California
28	Daniel		Carsoner	Stockton	California

	FirstName	Initial	LastName	City	State
29	Iva	A.	Carsoner	Stockton	California
30	Tina		Carsoner	Stockton	California
31	Patrick		Chavez	Sacramento	California
32	Stephen	A.	Chavez	Sacramento	California
33	Donell		Clark	Wilseyville	California
34	Sandra	Gonzales	Contreras	Moreno Valley	California
35	Israel		Cortez Jr.	Stockton	California
36	Briana	L.	Creekmore	Wilseyville	California
37	Galadrial		Day	Sutter Creek	California
38	Kathryn	M.	Delgado	Corning	California
39	Yakima	K.	Dixie	Sheep Ranch	California
40	Peter	Orin	Dunlap, Jr. II	West Point	California
41	Desirre		Feist	Kingston	Oklahoma
42	Arvada		Fisher	Railroad Flat	California
43	Lee		Fisher	West Point	California
44	Roxanne		Fisher	West Point	California
45	Waite	Nathan	Fisher	West Point	California
46	Andrea	Jeanette	Flores	Galt	California
47	Yolanda	L.	Fontanilla	Kahului	Hawaii
48	Natalie	Irene	Franklin	West Point	California
49	Hudgee		Gemmill	Burney	California
50	Jake		Gemmill	Burney	California
51	Lucy		Gemmill	Burney	California
52	Owen		Gemmill	Burney	California
53	Rainbow		Gemmill	Burney	California
54	Renee		Gemmill	Burney	California
55	Dora	E.	Geto	Vallecito	California
56	Louis	Robert	Geto III	Murphys	California
57	Paul	D.	Geto	Antelope	California
58	Rose		Geto	West Point	California
59	Vanessa	M.	Geto	Wilseyville	California
60	Yolanda	L.	Geto	Vallecito	California
61	Laura	Reneé	Geto-Hernandez	Sacramento	California
62	Sabrina	L.	Geto-Smith	Antelope	California
63	Samantha	F.	Geto-Smith	Antelope	California

	FirstName	Initial	LastName	City	State
64	Teresa	M.	Geto-Smith	Antelope	California
65	Jazmyn		Gonzalez	Moreno Valley	California
66	Lindsay		Gonzalez	Moreno Valley	California
67	Mario		Gonzalez	Nuevo	California
68	Michelle	(Bernal)	Gonzalez	Moreno Valley	California
69	Rosemary		Gonzalez	Seymour	MO
70	Teresa		Gonzalez	Oakland	California
71	Tiffany	Andrea	Gonzalez	Moreno Valley	California
72	Tommie	John	Gonzalez	Robersville	MO
73	Valerie	Renee	Gonzalez	Moreno Valley	California
74	John	Noel	Gonzalez, Jr.	Galt	California
75	Andrea		Gonzales	Acampo	California
76	Darlene		Gonzales	Mokelumne Hill	California
77	Barbara	Ann (Azevedo)	Gonzalez	Moreno Valley	California
78	Candace	Marie	Gonzalez	Seymour	MO
79	Demitri		Gonzalez	Elk Grove	California
80	John		Gonzalez	Seymour	MO
81	John		Gonzalez	Stockton	California
82	Sandra	Christine	Gonzalez	Moreno Valley	California
83	Heather		Grimes	West Point	California
84	Leonard	E.	Grimes	West Point	California
85	Nicole		Grimes	West Point	California
86	Ronald		Grimes	West Point	California
87	Cynthia		Grow	West Point	California
88	James		Grow III	West Point	California
89	James		Grow Jr.	West Point	California
90	Margie	M.	Grow	Woodland	California
91	Tammy		Grow	West Point	California
92	Timothy		Grow	West Point	California
93	Travis		Grow	San Andreas	California
94	Elonda	May Stevens	Guzman	Corning	California
95	Little Flower	Stevens	Guzman	Corning	California
96	Carol		Herman	West Point	California
97	Harold		Jack	West Point	California
98	Harriet	I.	Jack	Stockton	California

	FirstName	Initial	LastName	City	State
99	Harry		Jack	Stockton	California
100	Helen	G.	Jack	Stockton	California
101	Shamona	L.	Jack	Stockton	California
102	Shaprice		Jack	Stockton	California
103	Teresa	Marie	Jack	Turlock	California
104	Tranetta	A.	Jack	Stockton	California
105	Harold		Jack, Jr	Turlock	California
106	Althea		Jeff	West Point	California
107	Betty		Jeff	West Point	California
108	Kathleen	Lois	Jeff	West Point	California
109	Tina	Valerie	Jeff	Alameda	California
110	Tyler	Joseph	Jeff	Alameda	California
111	Gail	I.	Jeff-Manney	Alameda	California
112	Angelina	V.	Jimenez	Stockton	California
113	Iva	R.	Jimenez	Stockton	California
114	Jonathan	Andrew	Kollen	Des Moines	Washington
115	Kristi	Marie	Kollen	Des Moines	Washington
116	Mary Louise	Rummerfield	Lewis	Coarsegold	California
117	Tobias		Lewis	Sonora	California
118	Jonathan	R.L	Lind	Wilseyville	California
119	Antoinette	Christina Amparo	Lopez	Jackson	California
120	Antonia		Lopez	Jackson	California
121	Lisa	Marie	Lopez	Jackson	California
122	Corina		Lopstain	Weed	California
123	Geneva		Lopstain	Weed	California
124	Joseph		Lopstain	Sacramento	California
125	Manuel		Lopstain	Galt	California
126	Sophia		Luna	Stockton	California
127	Edward	Anthony	Macias	Moreno Valley	California
128	Barbara	Ann	Magana	Moreno Valley	California
129	Felicia		Magana	Moreno Valley	California
130	Jose		Magana	Moreno Valley	California
131	Lisa	Ann	Magana	Moreno Valley	California
132	Jodi		Martinez	Sacramento	California
133	Melissa	Marie	Martinez	Winchester	California

	FirstName	Initial	LastName	City	State
134	Michelle		Martinez	Stockton	California
135	Bronson		Mendibles	West Point	California
136	Leon		Mendibles	Carson City	Nevada
137	Michael		Mendibles	West Point	California
138	Fidel		Mendoza, Jr.	Sacramento	California
139	Donald	R.	Moody III	Stockton	California
140	Tami		Mora	Sacramento	California
141	Leslie	H.	Mose	West Point	California
142	Eugene	Mangas	Nalton	Corning	California
143	Tatiana	E.	Navarrette	Sacramento	California
144	Christopher	Ryon	O'Grady	Westwood	California
145	Shawnee	Utona	O'Grady	Westwood	California
146	Ascencion		Ortega	Stockton	California
147	Denise		Ortega	Stockton	California
148	Julian		Ortega	Stockton	California
149	Rachel		Ortega	Stockton	California
150	Alice		Orozco	Stockton	California
151	Daniel		Orozco	Stockton	California
152	Elsa R.		Orozco	Stockton	California
153	Robert		Orozco	Stockton	California
154	Victor		Orozco	Stockton	California
155	Anne	Janette Gonzales	Owens	Fordland	Missouri
156	Enrique	Lazaro	Padilla I	Corning	California
157	Connie	Dee	Panag	Sacramento	California
158	Gonzalo		Perez	Moreno Valley	California
159	Leslie		Prater	Fortuna	California
160	Rosemarie	Alaway	Queen	West Point	California
161	George	J.	Ramirez	West Point	California
162	Herminia		Ramirez	Corning	California
163	Joseph	J.	Ramirez	Galt	California
164	Lorenzo	Anthony	Ramirez	Hemet	California
165	Lucinda	Rose	Ramirez	West Point	California
166	Manuel	Alex	Ramirez	West Point	California
167	Pete		Ramirez	Stockton	California
168	Vanessa	M.	Ramirez	Galt	California

	FirstName	Initial	LastName	City	State
169	Gilbert	Juan	Ramirez, Jr.	Stockton	California
170	Gilbert	J.	Ramirez, Sr.	West Point	California
171	Robert		Ramirez, Jr.	Ione	California
172	Toni	Lopstain	Ramirez-Gomez	Galt	California
173	Esther		Rodriguez	Stockton	California
174	Ruby		Rodriguez	Stockton	California
175	Bonnie	R.	Rummerfield	West Point	California
176	Deborah		Rummerfield	West Point	California
177	Eric		Rummerfield	West Point	California
178	Laverne		Rummerfield	West Point	California
179	Sherry		Rummerfield	West Point	California
180	Shirley	Mae	Rummerfield	Stockton	California
181	Noelani	M.	Russell	Jackson	California
182	Rosalie	A.	Russell	Jackson	California
183	Georgette	Leeann Summers	Sanchez	San Andreas	California
184	Jose	A.	Sanchez	Corning	California
185	Esther	A.	Sandoval	Stockton	California
186	Juan		Sandoval	Stockton	California
187	Soloman		Sandoval	Stockton	California
188	Carolyn	Irene	Sayers	West Point	California
189	Jeffrey	Lyle	Sayers	West Point	California
190	Robert	Harry	Sayers	West Point	California
191	Maytenya		Sherwood	Burney	California
192	Renee		Shoaf	Wilseyville	California
193	Mark	Alan	Slaff	West Point	California
194	Elizabeth	Leola	Stevens	Corning	California
195	Joe		Stevens	Corning	California
196	Mikkel	Strongbear	Stevens	Corning	California
197	Patricia		Stevens	Corning	California
198	Genet	Ana Marie	Sumers	San Andreas	California
199	Phyllis Ann	Rummerfield	Sumers	San Andreas	California
200	Wendy	G.	Valdez	Sacramento	California
201	Vincent	James	Valdez, Jr.	West Point	California
202	Roger		Vargas	Stockton	California
203	Lloyd	Antonio	Velazquez	Corning	California

	FirstName	Initial	LastName	City	State
204	Patricia	Elaine	Velazquez	Corning	California
205	Teresa	Marie	Velazquez	Corning	California
206	Robert	Kelsey	Villarreal, Jr.	Moreno Valley	California
207	Marilyn	Edith	Ward	Orland	California
208	Christina	Carolina	Weinberger	Oakland	California
209	Juan	Antonio	Weinberger	Oakland	California
210	Velma	Darlene	WhiteBear	Galt	California
211	Jason		Wiley	Pine Grove	California
212	Antonia		Williams	Sacramento	California
213	Lois	L.	Williams	West Point	California
214	Roberta		Williams	West Point	California
215	Victoria	T.	Williams	West Point	California
216	Angela		Wilson	West Point	California
217	Anthony		Wilson	West Point	California
218	Antonia	Marie	Wilson	West Point	California
219	Arlene		Wilson	West Point	California
220	Chaco	Chee	Wilson	West Point	California
221	Charles	E.	Wilson	West Point	California
222	Christopher	John	Wilson	Tuolumne	California
223	Clifford		Wilson	Galt	California
224	Edward	Stephen	Wilson	West Point	California
225	Ellen	Lee	Wilson	West Point	California
226	Evelyn	Frances	Wilson	Valley Springs	California
227	John	Elsworth	Wilson	San Andreas	California
228	Justin	Cody	Wilson	West Point	California
229	Lauren		Wilson	West Point	California
230	Lee		Wilson	Mountain Ranch	California
231	Mary	Anne	Wilson	West Point	California
232	Mechelle	Whpi Nayati	Wilson	West Point	California
233	MeLisa		Wilson	West Point	California
234	Raymond	E.	Wilson	Mountain Ranch	California
235	Ronald Lee		Wilson	West Point	California
236	Shirley		Wilson	Stockton	California
237	Evelyn	Faye	Wilson, Sr.	West Point	California
238	Lawrence	E.	Wilson, Jr.	West Point	California

	FirstName	Initial	LastName	City	State
239	Lawrence	E.	Wilson, Sr.	West Point	California
240	Renee		Wilson-Hogan	Vallecito	California
241	Sherrie	L.	Wilson-Ramos	Lodi	California
242	Kathryn	Diane	Yates	Des Moines	Washington

EXHIBIT 20

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

**Letter from California Valley Miwok Tribe to Silvia Burley re Proposal to
Meet (Feb. 2, 2006)**



California Valley Miwok Tribe, California
(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)
11178 Sheep Ranch Rd., Mail P.O. Box 41
Sheep Ranch California 95250
209-728-2102

February 2, 2006

Chadd Everone, Deputy
510-486-1314

Silvia Burley
10601 Escondido Pl.
Stockton, California, 95212
Phone 209-931-4567 Fax 209-931-4333

Proposal to Meet

Ms. Burley:

Yakima and his group are moving forward with the organization of the Tribe and with negotiations with a major developer. Velma WhiteBear has authorized me to send this invitation to you.

I propose that you and Velma meet at a neutral place simply to discuss general matters in order to see if any talking points can be established. It would be a brief meeting, but it must be in person. Concurrently, I would meet, independently, with Tiger - again to see if there are any talking points. Both Velma and I attended the Court Hearing in D.C.; and it should be obvious by now that your attorneys are bleeding the resources of the Tribe, that they will not prevail, and that if a reconciliation of interests can be reached, things would leap forward.

If this general idea is amenable, then please call Velma immediately (916-690-2312) and confirm a willingness to consider the offer. Beyond this overture, we will not have any interest in opening discussions in the future and will simply plow forward to as directly as possible. If Velma does not hear from you within a week from the above date (by February 9), then we will assume that you absolutely do not have any interest in any kind of reconciliation and we will not initiate any additional attempts.

Chadd Everone

EXHIBIT 21

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

Affidavit of Pete Ramirez

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

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

v.

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

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

Affidavit of Pete Ramirez In Support of
Plaintiffs' Motion for Preliminary
Injunction

Hon. Richard W. Roberts

AFFIDAVIT OF PETE RAMIREZ

I, Pete Ramirez, declare as follows:

1. I am over the age of 18 and a resident of San Joaquin County, California. I have personal knowledge of the facts set forth herein, which are known by me to be true and correct, and if called as a witness, I could and would competently testify thereto.

2. This affidavit is submitted in support of Plaintiffs' Motion for Preliminary Injunction.

3. I am a member of the California Valley Miwok Tribe ("Tribe"). I trace my tribal lineal to Jeff Davis and Rose ("Limpy") Davis through my father, Gilbert Ramirez, my grandmother, Alice Geto, my great-grandmother, Laura Jeff, and her parents John and Tilly Jeff. In April 2007, the BIA published public notices requesting that individuals who asserted a claim to Tribal membership provide the BIA with documentation of their claims, such as personal genealogies showing their descent from historical members of the Tribe. I submitted my genealogy to the BIA.

1 4. I recognize Yakima Dixie as the Hereditary Chief and Traditional
2 Spokesperson of the Tribe. I recognize the Tribal Council, which consists of Yakima
3 Dixie, Velma Whitebear, Michael Mendibles, Evelyn Wilson, Antone Azevedo and
4 Antonia Lopez, as the duly appointed representatives of the Tribe.

5
6 5. I do not recognize Silvia Burley as any authority for the Tribe.

7
8 6. Around 2004, Yakima Dixie appointed the members of the Tribal
9 Council and began to hold open meetings of the Tribe's entire membership. I participate
10 regularly in those meetings, which are held approximately once per month.

11
12 7. In approximately 2004, at the request of the Tribal elders, my father
13 and I formed a ceremonial Indian dance and cultural preservation group to represent the
14 Tribe and carry on its cultural and religious traditions. The group is known as the Sheep
15 Ranch Rancheria Me-wuk Dancers.

16
17 8. The Me-wuk Dancers group has approximately 30 to 40 members, all
18 of whom are members of the Tribe. The group is now a part of the Tribe's Cultural
19 Preservation Committee, of which I am a member.

20
21 9. The Me-wuk Dancers participate, on behalf of the Tribe, in
22 ceremonial dances and other cultural or religious events hosted by Indian tribes throughout
23 California. These events are an important part of tribal culture, and representing the Tribe
24 in them is an honor for me and the other members of the group. Participation in these
25 events helps to maintain and strengthen the Tribe's ties to the larger Indian community. If
26 the group ceased to participate in these events, the Tribe's ties to the Indian community
27 would be weakened. The individual members of the group also would lose their role as
28 participants in the religious traditions of the community.

1 10. The Me-wuk Dancers' participation in ceremonial events also helps to
2 perpetuate the Tribe's language, cultural traditions, and religious beliefs. The group
3 performs songs handed down by oral tradition. These songs date from at least the 1800s
4 and are specific to the Tribe and to the seasonal rituals of Indian communities in Northern
5 California. If the group ceased to perform, the Tribe's traditions could be lost.

6
7 11. Most tribal ceremonies are held during the winter holiday season
8 (Thanksgiving to Christmas) and during the spring season (beginning in April). The next
9 series of events will begin in April 2011. The Me-wuk Dancers plan to participate in those
10 events on behalf of the Tribe.

11
12 12. Even before December 22, 2010, Silvia Burley stated that the Tribe
13 did not have a dance group and that the Me-wuk Dancers did not represent the Tribe.
14 Burley tried on several occasions to prevent the Me-wuk Dancers from representing the
15 Tribe in ceremonial dance events and accused the group of fraud. However, in the absence
16 of an official Bureau of Indian Affairs ("BIA") decision recognizing Burley as the Tribe's
17 representative, the Me-wuk Dancers were able to continue representing the Tribe in those
18 events. Now that the Assistant Secretary – Indian Affairs has recognized Burley as the
19 Tribe's representative, I fear that the Me-wuk Dancers will be prevented from representing
20 the Tribe at upcoming events, including the Spring 2011 events beginning in April. I also
21 fear that Burley will sue the group if it continues to represent the Tribe at upcoming
22 events.

23
24 13. The Tribe's Cultural Preservation Committee has been recognized by
25 the California Native American Heritage Commission. Several members of the
26 Committee, including me, have been trained to serve as cultural monitors on behalf of the
27 Tribe at construction sites that may affect Native American cultural, religious and burial
28 sites.

1 14. Even before December 22, 2010, Silvia Burley opposed the efforts of
2 the Cultural Preservation Committee and its members to serve as cultural monitors and to
3 represent the Tribe in consultations through the Native American Heritage Commission.
4 On at least one occasion, Burley publicly confronted members of the Committee (Briana
5 Creekmore and Lawrence Wilson, Jr.) at a monitoring site where they were attempting to
6 serve as cultural monitors. In the absence of an official Bureau of Indian Affairs decision
7 recognizing Burley as the Tribe's representative, the Commission previously allowed both
8 the Committee and Burley (or her representatives) to represent the Tribe as monitors. Now
9 that the Assistant Secretary has recognized Burley as the Tribe's representative, I fear that
10 the Commission will be prevented from representing the Tribe as cultural monitors and
11 will be unable to protect the Tribe's heritage.

12
13 15. I and other members of the Tribe wish to collect certain materials,
14 such as raptor feathers, that can only be legally possessed by members of Indian tribes.
15 These materials are needed for the regalia used in ceremonial dances and other traditional
16 activities. Because of the December 22 Decision, I will be subject to criminal prosecution
17 if I gather or possess these materials, and therefore I am unable to collect the materials
18 needed for ceremonial purposes.

19
20 16. Along with other members of the Tribe, I am involved in efforts to
21 construct a traditional brush house for the Tribe on U.S. Forest Service ("USFS") land at
22 Sourgrass, near the Tribe's ancestral village. A brush house is an open-roofed building for
23 conducting dances and other traditional ceremonies. It is a key element in Indian cultural
24 and religious traditions, equivalent to a tribe's church. The traditional materials needed for
25 construction of a brush house are found on federal lands to which the USFS controls
26 access. The Tribe does not have the resources to obtain these materials without the
27 cooperation of the USFS.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Pete Ramirez
Pete Ramirez

EXHIBIT 22

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

Affidavit of Briana Creekmore

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

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

v.

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

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

Affidavit of Briana Creekmore In Support
of Plaintiffs' Motion for Preliminary
Injunction

Hon. Richard W. Roberts

AFFIDAVIT OF BRIANA CREEKMORE

I, Briana Creekmore, declare as follows:

1. I am over the age of 18 and a resident of Calaveras County, California. I have personal knowledge of the facts set forth herein, which are known by me to be true and correct, and if called as a witness, I could and would competently testify thereto.

2. This affidavit is submitted in support of Plaintiffs' Motion for Preliminary Injunction.

3. I am a member of the California Valley Miwok Tribe ("Tribe"). I trace my tribal lineal descent through my mother, Yolanda Geto, and my grandparents, Dora Wilson and Louis Geto, to Jeff Davis and Rose ("Limpy") Davis, who were listed in the 1915 federal census of Sheepranch Indians. In April 2007, the BIA published public notices requesting that individuals who asserted a claim to Tribal membership provide the BIA with documentation of their claims, such as personal genealogies showing their descent from historical members of the Tribe. I submitted my genealogy to the BIA.

1 4. I recognize Yakima Dixie as the Hereditary Chief and Traditional
2 Spokesperson of the Tribe. I recognize the Tribal Council, which consists of Yakima
3 Dixie, Velma Whitebear, Michael Mendibles, Evelyn Wilson, Antone Azevedo and
4 Antonia Lopez, as the duly appointed representatives of the Tribe.

5
6 5. I do not recognize Silvia Burley as any authority for the Tribe.

7
8 6. Around 2004, Yakima Dixie appointed the members of the Tribal
9 Council and began to hold open meetings of the Tribe's entire membership. I participate
10 regularly in those open meetings, which are held approximately once per month.

11
12 7. I am a member of the Tribe's Cultural Preservation Committee
13 ("Committee"). Several members of the Committee, including me, have been trained to
14 serve as cultural monitors on behalf of the Tribe at construction sites that may affect
15 Native American cultural, religious and burial sites.

16
17 8. The California Native American Heritage Commission
18 ("Commission") initially recognized the Committee as representing the Tribe. But since
19 the Assistant Secretary's decision in December 2010 to recognizing Silvia Burley as the
20 Tribe's representative, the Commission only lists me and other Tribe members as
21 individuals, not as representatives of the Tribe. As individuals, the rights of Committee
22 members to perform monitoring and protect Native American cultural resources are
23 uncertain.

24
25 9. On at least two occasions, Silvia Burley or her representatives
26 prevented members of the Committee from performing monitoring at Native American
27 cultural sites where Caltrans and the Calaveras County Public Works Department were
28 conducting projects. Burley contacted those agencies and told them that the Committee

1 Service's ("USFS") Collaborative Forest Landscape Restoration Program ("CFLRP").
2 Participation in the CFLRP would allow local workers to work with the USFS and Bureau
3 of Land Management ("BLM") on landscape restoration and forest stewardship projects.
4 In particular, the USFS is seeking Native American crews to participate in programs to
5 reintroduce fire as a management technique on federal lands with sensitive Native
6 American heritage resources.

7
8 13. Because Burley maintains that I and others involved in the CHIPS
9 program are not members of the Tribe, the Assistant Secretary's December 22 Decision to
10 legitimize Burley will prevent the Tribe and its Tribe members from participating in the
11 CFLRP. This threatens the viability of the ACCG's participation in the CFLRP, because
12 the Tribe is the only federally recognized Indian tribe in Calaveras County. The entire
13 community will be harmed if the ACCG is unable to participate in the CFLRP.

14
15 14. In addition, the December 22 Decision will prevent the Tribe from
16 accessing the BIA's Natural Resources Program, which makes heavy equipment (e.g.,
17 wood chippers, splitters, etc.) and services available to recognized tribes without charge.
18 This program would have assisted the Tribe in its efforts to train workers and establish
19 native-owned businesses under CHIPS and the CFLRP. Because the December 22
20 Decision denies the Tribe its status as a federally recognized Indian tribe, it will now have
21 to rent or buy equipment for CHIPS and CFLRP using its own funds. This threatens the
22 financial viability of those programs, particularly since other sources of funding, such as
23 government-supported grants and subsidies, are also only available to federally recognized
24 Tribes.

25
26 15. Along with other members of the Tribe, I am involved in efforts to
27 construct a traditional brush house for the Tribe on U.S. Forest Service land at Sourgrass,
28 near the Tribe's ancestral village. A brush house is an open-roofed building for conducting

1 and its members did not represent the Tribe. Now that the Assistant Secretary has
2 recognized Burley as the Tribe's representative, I fear that the members of the Committee
3 will be denied the right to represent the Tribe or to perform cultural monitoring at any
4 project sites.

5
6 10. I am the Vice-Chairperson of the Calaveras Healthy Impacts Products
7 Solutions project ("CHIPS"), a community supported project that seeks to reduce wildfire
8 hazards to local communities while providing economic opportunity for local workers.
9 CHIPS received a grant from the United States Department of Agriculture in 2007 to
10 support retraining for workers to participate in new jobs within the forestry and vegetation
11 control industry. I have been involved with CHIPS since its inception in 2004.

12
13 11. Among other things, CHIPS has trained Native American workers to
14 perform restoration work on federal lands with sensitive Native American heritage
15 resources, so that they could participate in programs such as the CFLRP. Eligibility for
16 such work requires certification by the BIA. In light of the ongoing Tribal leadership
17 dispute, the BIA previously allowed Tribe members to participate in that training.
18 However, the December 22 Decision has called into doubt the Tribe members' eligibility to
19 receive certification from the BIA. At a ACCG meeting in January 2011, Bill Haigh of the
20 BLM's Folsom Field Office told me and Tribal Council member Velma Whitebear that he
21 had received correspondence from Silvia Burley stating that the members who participate
22 in CHIPS are not Tribe members and should not be allowed to perform work in Native
23 American heritage areas.

24
25 12. CHIPS is affiliated with the Amador-Calaveras Consensus Group
26 ("ACCG"), a coalition of groups representing the interests of environmental, Native
27 American, commercial and governmental entities in Amador and Calaveras counties. The
28 ACCG has been preparing an application for participation in the United States Forest

1 dances and other traditional ceremonies. It is a key element in Indian cultural and religious
2 traditions, equivalent to a tribe's church.

3
4 16. My daughter graduated from high school in 2010 and is seeking
5 admission to colleges and universities. Because of the December 22 Decision, she will not
6 be eligible for financial assistance and other programs eligible to members of federally
7 recognized tribes.

8
9 17. The Assistant Secretary's December 22 Decision deprives me of
10 membership in the Tribe, because it allows Burley to deny membership to anyone who is
11 not a member of her immediate family. As a result of this deprivation, I feel a loss of my
12 cultural identity and my place in the Native American community. In addition, I will not
13 have access to federal medical benefits and other services available to members of
14 federally recognized Indian tribes.

15
16 I declare under penalty of perjury under the laws of the United States of
17 America that the foregoing is true and correct.

18
19 Executed March 8, 2011, at Calaveras County, California.

20
21 
22 Briana Creekmore
23
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EXHIBIT 23

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

Affidavit of Gilbert Ramirez

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

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

v.

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

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

Affidavit of Gilbert Ramirez In Support of
Plaintiffs' Motion for Preliminary
Injunction

Hon. Richard W. Roberts

AFFIDAVIT OF GILBERT RAMIREZ

I, Gilbert Ramirez, declare as follows:

1. I am over the age of 18 and a resident of Calaveras County, California. I have personal knowledge of the facts set forth herein, which are known by me to be true and correct, and if called as a witness, I could and would competently testify thereto.

2. This affidavit is submitted in support of Plaintiffs' Motion for Preliminary Injunction.

3. I am a member of the California Valley Miwok Tribe ("Tribe"). I trace my tribal lineal to Jeff Davis and Rose ("Limpy") Davis through my mother, Alice Geto, my grandmother, Laura Jeff, and her parents John and Tilly Jeff. In April 2007, the BIA published public notices requesting that individuals who asserted a claim to Tribal membership provide the BIA with documentation of their claims, such as personal genealogies showing their descent from historical members of the Tribe. I submitted my genealogy to the BIA.

1 4. I recognize Yakima Dixie as the Hereditary Chief and Traditional
2 Spokesperson of the Tribe. I recognize the Tribal Council, which consists of Yakima
3 Dixie, Velma Whitebear, Michael Mendibles, Evelyn Wilson, Antone Azevedo and
4 Antonia Lopez, as the duly appointed representatives of the Tribe.

5
6 5. I do not recognize Silvia Burley as any authority for the Tribe.

7
8 6. Around 2004, Yakima Dixie appointed the members of the Tribal
9 Council and began to hold open meetings of the Tribe's entire membership. I participate
10 regularly in those meetings, which are held approximately once per month.

11
12 7. In approximately 2004, at the request of the Tribal elders, my son
13 Peter and I formed a ceremonial Indian dance and cultural preservation group to represent
14 the Tribe and carry on its cultural and religious traditions. The group is known as the
15 Sheep Ranch Rancheria Me-wuk Dancers.

16
17 8. The Me-wuk Dancers group has approximately 30 to 40 members, all
18 of whom are members of the Tribe. The group is now a part of the Tribe's Cultural
19 Preservation Committee, of which I am a member.

20
21 9. The Me-wuk Dancers participate, on behalf of the Tribe, in
22 ceremonial dances and other cultural or religious events hosted by Indian tribes throughout
23 California. These events are an important part of tribal culture, and representing the Tribe
24 in them is an honor for myself and the other members of the group. Participation in these
25 events helps to maintain and strengthen the Tribe's ties to the larger Indian community. If
26 the group ceased to participate in these events, the Tribe's ties to the Indian community
27 would be weakened. The individual members of the group also would lose their role as
28 participants in the religious traditions of the community.

1 10. The Me-wuk Dancers' participation in ceremonial events also helps to
2 perpetuate the Tribe's language, cultural traditions, and religious beliefs. The group
3 performs songs handed down by oral tradition. These songs date from at least the 1800s
4 and are specific to the Tribe and to the seasonal rituals of Indian communities in Northern
5 California. If the group ceased to perform, the Tribe's traditions could be lost.

6
7 11. Most tribal ceremonies are held during the winter holiday season
8 (Thanksgiving to Christmas) and during the spring season (beginning in April). The next
9 series of events will begin in April 2011. The Me-wuk Dancers plan to participate in those
10 events on behalf of the Tribe.

11
12 12. Even before December 22, 2010, Silvia Burley stated that the Tribe
13 did not have a dance group and that the Me-wuk Dancers did not represent the Tribe.
14 Burley tried on several occasions to prevent the Me-wuk Dancers from representing the
15 Tribe in ceremonial dance events and accused the group of fraud. However, in the absence
16 of an official Bureau of Indian Affairs ("BIA") decision recognizing Burley as the Tribe's
17 representative, the Me-wuk Dancers were able to continue representing the Tribe in those
18 events. Now that the Assistant Secretary – Indian Affairs has recognized Burley as the
19 Tribe's representative, I fear that the Me-wuk Dancers will be prevented from representing
20 the Tribe at upcoming events, including the Spring 2011 events beginning in April. I also
21 fear that Burley will sue the group if it continues to represent the Tribe at upcoming
22 events.

23
24 13. I and other members of the Tribe wish to collect certain materials,
25 such as raptor feathers, that can only be legally possessed by members of Indian tribes.
26 These materials are needed for the regalia used in ceremonial dances and other traditional
27 activities. Because of the December 22 Decision, I will be subject to criminal prosecution
28

1 if I gather or possess these materials, and therefore I am unable to collect the materials
2 needed for ceremonial purposes.

3
4 14. Along with other members of the Tribe, I am involved in efforts to
5 construct a traditional brush house for the Tribe on U.S. Forest Service ("USFS") land at
6 Sourgrass, near the Tribe's ancestral village. A brush house is an open-roofed building for
7 conducting dances and other traditional ceremonies. It is a key element in Indian cultural
8 and religious traditions, equivalent to a tribe's church. The traditional materials needed for
9 construction of a brush house are found on federal lands to which the USFS controls
10 access. The Tribe does not have the resources to obtain these materials on its own, without
11 the cooperation of the USFS.

12
13 15. The Assistant Secretary's December 22 Decision deprives me of
14 membership in the Tribe, because it allows Burley to deny membership to anyone who is
15 not a member of her immediate family. As a result of this deprivation, I feel a loss of my
16 cultural identity and my place in the Native American community. In addition, I will not
17 have access to federal medical benefits and other services available to members of
18 federally recognized Indian tribes.

19
20 I declare under penalty of perjury under the laws of the United States of
21 America that the foregoing is true and correct.

22
23 Executed March 6, 2011, at San Joaquin County, California.

24
25
26 Gilbert Ramirez 3-6-11
27 Gilbert Ramirez
28

EXHIBIT 24

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

**Letter from California Valley Miwok Tribe to Members of Tribal Community
Re Tribal Meeting on April 19, 2008 (Apr. 19, 2008)**



California Valley Miwok Tribe, California

(Formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)

11178 Sheep Ranch Rd. (Sheep Ranch)

Mountain Ranch, California 95246

209-728-8726 {www.californiavalleymiwok.com}

April 19, 2008

Chadd Everone, Deputy
2140 Shattuck Ave. #602
Berkeley, California 94704
510-486-1314

<FIRSTNAME> <LASTNAME>
<STREET>
<CITY>, <STATE> <ZIP>

Notice

The Tribal Meeting on April 19, 2008 at:

Calaveras County Senior Center

956 Mountain Ranch Rd.

San Andreas, CA 95249

<FIRSTNAME>:

As decided at the last general meeting in March, the purpose of the April meeting will be specifically to discuss the construction of the Tribal Constitution. A copy of the constitution under which the tribe currently operates and other proposed constitutions have been sent to you, previously. And you can see the various versions on the Internet at:

<http://www.californiavalleymiwok.com/constitutions/>

If you do not have personal access to the Internet, then many other tribal members do or you can go to the local Public Library and ask for guidance.

The main issues to resolve are: 1) the criteria for tribal membership (in other words, who exactly are the members of this Tribe and what types of membership are there to be) and, then, 2) the various election procedures for the governing Tribal Council. Once those are in place, then all of the other matters are mostly procedural and fairly standard. These issues have been the subject of discussion of the Tribal Council and at Tribal Meetings for a while; and now is the time to define them more accurately before the BIA calls its organizational meeting.

Chadd

See over for some history on the Tribe that is relevant to its organization.

EXHIBIT 25

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

**Constitution of the California Valley Me-Wuk Tribe of the Sheep Ranch
Rancheria ("Amended Constitution")**

**Constitution of the
California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria**

Dedication

We, the People of the California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria, in the names of our ancestors and future generations, in order to preserve peace and establish order in our community, to protect the rights of the Tribe and its Members as a sovereign nation, to preserve and advance our cultural identity, and to promote the general welfare of our people and our descendants do, hereby, establish this Constitution.

History

The California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria is a federally recognized, Indian tribe, established on April 5, 1915 pursuant to Acts of June 21, 1906 (34 Stat. 325-333) and April 30, 1908 (35 Stat. 70-76). In this Constitution, the California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria may also be referred to as "The Tribe".

Initially designated as "Sheepranch-Indians", the original 12 members of the tribe constituted the remnant of what was, once, quite a large band of Indians who lived in the Sheep Ranch area of Calaveras County and who dated their ancestry back, several thousand years to pre-historic times. In 1936, the government identified The Tribe as the "Sheep Ranch Rancheria"; one member voted for The Tribe to become organized under the Indian Reorganization Act of 1934; and in 1965, another member was identified for the purposes of the Rancheria Termination Act. Unlike the other rancherias, This Tribe was never terminated. The Circa 1976, the Federal government began publishing a list of federally recognized tribes in the Federal Register; and therein, The Tribe became identified as: "Sheep Ranch Rancheria of Me-Wuk Indians of California", Then, in 2002, the name was changed in the Federal Register to "California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)".

The tribal name on this Constitution is adopted during the re-organization of 2008. From its inception to this Constitution, the Tribe remained governed by Me-Wuk tradition, and those customs continue to influence the conduct of the Tribe. Accordingly, The Tribe, in more formal terms, enacts this Constitution to foment advance the respect for the elders, the family unit, and development of each individual, in the spirit of working together with patience, the sharing of resources, democratic governance, and openness. The Articles of Organization implement these general values.

Summary

In this Constitution, Tribal Membership is defined by Right and Adoption, and by Ordinances that are adopted by the Tribal Council (Article II). The Tribal Membership elects 7 Members to serve as Officers on the Tribal Council (Article VIII); and all tribal

**Constitution of the
California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria**

matters are governed and administered by that Tribal Council (Article III, IV, and V). The Tribe has a Court System (Article VI) for resolving disputes and enforcing Ordinances. The Constitution describes procedures for the Removal of Officers on the Tribal Council and filling Vacancies (Article IX), for Initiatives and Referenda (Article XI), for the Civil Rights of its Members (Article XIV), and for making Amendments to this Constitution (Article XVI), among other provisions.

Articles of Organization

ARTICLE I - Territory and Jurisdiction

Section 1. Territory. The territory of The Tribe shall include, to the fullest extent possible and consistent with federal law, all lands, water, property, airspace, surface and subsurface rights and other natural resources in which The Tribe now has or in the future will have any interest and which are owned by the United States for the exclusive or non-exclusive benefit of The Tribe or for individual members, excepting any rights-of-way.

Section 2. Jurisdiction. Except as prohibited by federal law, The Tribe shall have jurisdiction over all tribal members and all persons, subjects, property, and activities which occur within its territory, as defined above, in Section 1 of this Article. Apart from the limitations that are imposed herein, there shall be no other limits on The Tribe to exercise its jurisdiction according to its inherent sovereignty.

Section 3 - Headquarters. The headquarters of the Tribe is the site of the Tribe's historic Rancheria at Sheep Ranch, California. However, the Tribal Council may relocate the Tribe's headquarters to another location owned by the Tribe in fee or owned by the United States in trust or otherwise on behalf of the Tribe.

ARTICLE II - Membership

The Membership of the California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria shall be derived as follows:

Section 1. Membership by Inherited Rights

The Putative Members. Those individuals, who are identified in the April 2007, Public Notices of the BIA, is a Member of the Tribe.

Census of 1929. Any individual, who is named on the "Indian Census Roll" for the County of Calaveras which is dated June 30, 1929 and was taken by L.A. Dorrington, Superintendent of the Bureau of Indian Affairs (BIA), or a lineal descendant, thereof, is a

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Member of the Tribe according to the Ordinances for Membership adopted by the Tribal Council and completing the enrollment procedures as mandated in Section 9 of this Article.

Lineal Descent. Any person who is born to an existing Member is, by lineal descent, a Member of the Tribe, upon reaching the age of 18, and according to the Ordinances for Tribal Membership as adopted by the Tribal Council and upon completing the enrollment procedures as mandated in Section 9 of this Article.

Section 2. Membership by Adoption. The Tribal Council shall have the authority to create procedures for Membership by Adoption as defined in the Ordinances for Tribal Memberships. A person, who have been adopted by the Tribe in accordance with such Ordinances, is a Member.

Section 3. Rights of Members. All persons who are accepted as Members under Sections 1 and 2 of this Article shall have the rights as defined in Ordinances for Tribal Membership.

Section 4. Loss of Membership.

A Member of The Tribe may not lose one's Membership involuntarily nor be disenrolled for any purpose other than erroneous facts about the person's lineage during the Enrollment process or having membership in another tribe.

On a case by case basis, the Tribal Council, by majority vote, may sanction a Member for a justifiable cause by withdrawing tribal benefits and privileges. Such sanctioning shall be done in writing and in accordance with the procedures that have been established in the Ordinances for Tribal Membership.

Section 5. Reinstatement. Any person who has been sanctioned pursuant to Section 4(b), above, may be restored in accordance with the applicable enrollment ordinance.

Section 6. Appeal. Any person who has been disenrolled pursuant to Section 4(a), above, or sanctioned pursuant to Section 4(b), above, may appeal to the Tribal Court in accordance with the applicable enrollment ordinance, Provided, That the Tribal Court shall not be the same as the Tribal Council which disenrolled the Member.

Section 7. Membership Roll. The Tribal Council shall maintain the membership roll of all current and former tribal Members.

Section 8. Oath of Membership. A person, upon initiation into The Tribe as a Member, shall make an oath to uphold this Constitution and allegiance to The Tribe; and this oath shall be prescribed in the "Ordinance for Tribal Membership".

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Section 9. Membership Ordinance. Consistent with this Constitution, the Tribal Council shall enact an "Ordinance for Tribal Membership" to define specific types of membership, the procedures which govern the enrollment, responsibilities, and other conditions of Membership.

ARTICLE III - Governance

The government of the California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria shall include a Tribal Council, a Tribal Court System, and a Tribal Administration. The Tribal Council shall operate in accordance with Articles IV and V. The Court System shall operate in accordance with Article VI. The Tribal Administration shall be subordinate to the Tribal Council and shall operate in accordance with Article VII.

ARTICLE IV - Tribal Council

Section 1. Establishment. The legislative and governing body of the California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria shall be known as the Tribal Council. All Tribal Council members shall be enrolled members of The Tribe who are eligible voters of The Tribe in accordance with this Constitution and who have been duly elected by the election procedures in Article VIII. Each member of the Tribal Council must reside within the territory of The Tribe or within one hundred fifty (150) miles from the Territory of The Tribe. The Tribal Council shall consist of seven (7) voting members and various non-voting, adjuvant representatives as defined in this Constitution or by ordinance. All Tribal Council Members are elected at-large according to the procedures in Article VIII.

Section 2. Chairperson. The Tribal Council shall have one position of Chairperson who must reside within the territory of The Tribe or within one hundred fifty (150) miles from the Territory of The Tribe, and who must be at least thirty five (35) years of age. The Chairperson shall be elected by a majority of the elected Tribal Council members.

The duties of the Chairperson shall include, but not be limited to, organizing the meetings of the Tribal Council, administering the proceedings of the Tribal Council, and over-sight of all administrative actives of The Tribe. The Chairperson is a voting member of the Council.

Section 3. Vice Chairperson. The Tribal Council shall have one position of Vice Chairperson who must reside within the territory of The Tribe or within one hundred fifty (150) miles from the Territory of The Tribe, and who must be at least thirty five (35) years of age. The Vice Chairperson shall be appointed by the Chairperson from among the 6 other elected members of the Tribal Council.

The duties of the Vice Chairperson will assist the Chairperson and substitute for the

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Chairperson in the absence of that official. The Vice Chairperson is a voting member of the Council.

Section 4. The Other Council Members. The five (5) other Tribal Council Members shall perform functions as may be assigned by the Council. These are voting members of the Council.

Section 5. Non-voting, Adjuvant Representatives. There shall be established a Council of Elders, a Council of Youth, and an Office of Hereditary Chief pursuant to an ordinance as mandated in Section 11 of this Article. Representatives of these Adjuvant Councils may attend, address, and advise the Council. These are non-voting positions. Other *ad hoc* Councils may also be established by the Tribal Council under an ordinance according to Section 11 of this Article.

Section 6. Terms of Office. The terms of office for all Tribal Council Members including the Chairperson and Vice Chairperson shall be four (4) years except as provided for in Article VIII, Section 3 - The First Election. There shall no limitations on serving consecutive terms on the Tribal Council. All Tribal Council Members must continue to meet the residency requirements as set forth above for their respective Tribal Council seats during their term of office.

Section 6. Duties of the Officers. Consistent with this Constitution, the duties of the Tribal Council Members may be further defined by ordinance as mandated in Section 11 of this Article.

Section 7. Meetings of the Tribal Council.

The Tribal Council shall hold regular meetings, once per month.

The Chairperson or any three other members of the Tribal Council may call special meetings of the Tribal Council. Adequate notice of all special meetings shall be given to all members of the Council as defined by an Ordinance.

The meetings of the Tribal Council shall be conducted according to rules-of-order as defined by Ordinance; and Resolutions, Ordinances, and other Enactments shall be codified in a system that is similar to that of the Titles of the United States Code.

At each regular or special meeting of the Tribal Council a person shall be appointed to take minutes of the meeting, and a copy of the minutes shall be preserved by the Tribal Council and available to tribal Members in accordance with an Ordinance.

Section 8. Quorum. Five (5) or more members of the Tribal Council shall constitute a quorum for any regular or special Tribal Council meetings. A quorum is required at all

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meetings in order to conduct official business of the Tribal Council and create Enactments as defined in Article XII.

Section 9. Voting. The Tribal Council shall make decisions by a majority vote of those present except as otherwise provided in this constitution or in any ordinance which requires more than a majority vote. All Tribal Council Members, including the Chairperson and Vice Chairperson, shall have the power to vote. Proxy voting in the Council is prohibited.

Section 10. Code of Ethics. The Tribal Council shall have the power to adopt a Code of Ethics governing the conduct of tribal officials. The Code of Ethics may include disciplinary procedures so long as the official in question is informed of the charges and given an opportunity to respond to those charges including the opportunity to present witnesses and other evidence in his or her defense.

Section 11. Ordinance for the Tribal Council. Consistent with the sections, above, and in Article V, and this Constitution, procedures for the Tribal Council shall be prescribed in an Ordinance for the Tribal Council.

ARTICLE V - Tribal Council Powers

Section 1. Vested in the Tribal Council of the California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria is the sole authority to exercise all powers that are vested in the Tribe through its inherent sovereignty or federal law. It shall execute these powers in accordance with established customs of The Tribe and subject to the express limitations that are contained in this Constitution, the Ordinance for the Tribal Council, or other applicable laws. These powers shall include, but are not limited to, the following.

To represent The Tribe and act in the name of The Tribe in all matters that concern The Tribe and to make decisions for The Tribe that are consistent with this Constitution;

To negotiate and enter into contracts with the federal, state, and local governments and other tribal governments and with individuals, associations, corporations, enterprises, or organizations;

To purchase or accept any land or property for The Tribe;

To enact laws which regulate the use, disposition, and inheritance of all property within the Territory of The Tribe, as defined in Article I;

To prevent or veto the sale, disposition, lease, or encumbrance of tribal lands, interests in land, tribal funds or other tribal assets;

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To employ legal counsel in accordance with applicable federal laws;

Within the territorial jurisdiction of The Tribe and within the limitations of Article XIV - Civil Rights, to enact laws which regulate the domestic relations of persons;

Within the territorial jurisdiction of The Tribe and within the limitations of Article XIV - Civil Rights, to enact laws which regulate the conduct of individual persons;

To provide for the removal or exclusion of any Member or non-member of The Tribe whose presence may be injurious to Members of The Tribe and to prescribe conditions upon which any Member or non-members may remain within the Territory of The Tribe;

To levy and collect taxes, duties, fees, and assessments on individuals and entities;

to appropriate and regulate the use of tribal funds in accordance with an annual budget approved by the Tribal Council;

To regulate all business activities within the jurisdiction of The Tribe and to manage all tribal economic affairs and enterprises;

To regulate all matters and to take all actions necessary to preserve and safeguard the health, safety, welfare, and political integrity of The Tribe;

To appoint subordinate committees, commissions, boards, tribal officers, and employees and to set their compensation, tenure, and duties;

To enact laws, ordinances, and resolutions that are necessary or incidental to the exercise of its legislative powers;

To take any and all actions that are necessary and proper for the exercise of the foregoing powers and duties, including those powers and duties not enumerated, above, and for the exercise of all other powers and duties now or hereafter delegated to the Tribal Council or vested in The Tribe through its inherent sovereignty or by Federal law.

ARTICLE VI - Court System

Section 1. Establishment. The judicial power for the California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria shall be vested in the Tribal Court System. The Tribal Council shall establish the Tribal Court System by an ordinance to be entitled "Ordinance for the Tribal Court System" and which shall include the Tribal Court and such other lower courts of special jurisdiction, including forums for traditional dispute resolution, as the Tribal Council may deem necessary. There shall also be a Court of Appeals which shall be the court of last resort for all cases filed within the Tribal Court System.

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The Ordinance for the Tribal Court System shall define such issues as: Jurisdiction; Appointment of Judges; Qualification of Judges; Compensation; Removal of Judges; and Court Rules of Procedure.

Section 2. Intermediate Jurisdiction. During the first 5 years after the acceptance of this Constitution by the Secretary of the Interior, the Tribal Council may act as the Tribal Court and shall commission a local, civil magistrate as the Court of Appeals. The procedures for this Intermediate Jurisdiction shall be defined in the Ordinance for the Tribal Court System that shall be adopted within the first year after the validation of this Constitution.

ARTICLE VII - Tribal Administration

The Tribal Administration shall consist of officers and staff who are appointed by the Tribal Council. The Tribal Administration shall oversee the implementation and management of The Tribe's business and programs and deal with the day-to-day operations of The Tribe. The Tribal Administration shall be subordinate to the Tribal Council. This administration shall be regulated by an ordinance entitled "Ordinance for Tribal Administration".

ARTICLE VIII - Elections

Section 1. General Elections. The only tribal elections are for the positions of the Tribal Council. These elections are general elections among the entire Membership who are qualified to vote. The elections to vote for Tribal Council Members shall be held in even numbered years on the first Saturday of October beginning in 2008. The election of Tribal Council Members shall be staggered so that no more than four Council seats shall be up for election at any one time.

Section 2. Special Elections. Special elections shall be held when called for by the Tribal Council, by this Constitution, or by the voting Members as provided for in Articles IX and XI of this constitution or appropriate Ordinances.

Section 3. The First Election. The first election shall be held on the first Saturday of October, 2008 and shall install 7 Tribal Council Members. Of those members, the Chairperson and two other Council positions will serve for six years, after which those 3 positions will be open for re-election and thereafter the term for the Council Member shall be 4 years. The other four Council positions will serve a term of 4 years, after which those positions will be open for re-election.

Section 4. Election Board. The Tribal Council shall appoint an Election Board to conduct all elections including all special elections. The Election Board shall consist of five tribal member of which one shall be age 55 or older, another between the ages of 35 and 54, and

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another between the ages of 18 to 34 - provided that all members of the Election Board shall be at least 18 years of age and provided, further that an Election Board Member shall not be eligible to run for a seat on the Tribal Council. All Election Board Members shall serve for a specific term of office as established in the Ordinance for Tribal Elections. The Election Board may appoint clerks, poll workers, and others to assist the Election Board in conducting the election. In the absence of a sufficient number of Tribal Members to fill the Election Board, the Tribal Council may hire non-member professionals for necessary functions.

Section 5. Nominations. For all elections of the Tribal Council Members, the Election Board shall conduct a Nomination Meeting among the eligible, voting Membership to nominate tribal members as candidates for the available Tribal Council seats. This Nomination Meeting shall be 60 days prior to the election date; and at the Nomination Meeting, all eligible voters, as defined in Section 7 of this Article, may submit nominations for any vacant seat. The Election Board shall mail a notice regarding the qualified candidates to all eligible, voting Members at least 30 days prior to the election date. The particulars of the nomination process shall be defined in the Ordinance for Elections.

Section 6. Qualifications for Tribal Council. Persons who are nominated to run for the Tribal Council seats must be enrolled tribal Members who meet the age and residency requirements which are set forth in Article IV on or before the date of the election.

Section 7. Eligible Voters. All tribal Members who are eighteen (18) years of age or older and who reside within the territory of the Tribe or within one hundred fifty (150) miles of the Territory of the Tribe shall be eligible to vote.

Section 8. Ballots. All voting at regular and special elections shall be done by secret written ballot.

Section 9. Absentee Ballots. Absentee voting shall not be permitted.

Section 10. Election Results. The Election Board shall certify the results of an election within three (3) days after the election day. The candidates receiving the highest number of votes shall be declared members of the Tribal Council for the available seats.

Section 11. Tie Votes. Tie votes between two or more candidates shall be decided in a special run-off election. All eligible voters shall be entitled to vote in any run-off election. If a run-off election ends in another tie, the outcome shall be decided by the drawing of straws by the candidates tied for that office, with the longest straws winning. The Election Board shall certify the results of any run-off election within three (3) days after the run-off election day.

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Section 12. Challenges. Any tribal member may challenge the results of any election by presenting his or her challenge to the Tribal Court within five (5) days after the election results have been certified. The Tribal Court shall decide all elections challenges within ten (10) days from the date the challenge is filed. Any appeals shall be filed with the Court of Appeals within five (5) days of the issuance of the Tribal Court decision, and the Court of Appeals shall decide the appeal within ten (10) days. If the Tribal Court or court of Appeals invalidates the election results, a new election shall be held within sixty (60).

Section 13. Oath of Office. The oath of office for each newly elected Tribal Council Member shall be administered by the Election Board within thirty (30) days after the Election Board declares the winner of a seat, unless a challenge is filed and in that case within thirty (30) days after a final decisions by the Tribal Court or Court of Appeals. If a challenge is filed but it does not related to all of the elected seats, then the oath of office shall be administered to the newly elected Tribal Council Members whose seats have not be challenged within thirty (30) days after the Election Board declares the winners. Each incumbent Tribal Council Member shall remain in office until the oath of office is administered to the newly elected Tribal Council Member for one's seat. Upon expiration of the incumbent's term of office, that incumbent shall transfer all tribal records within one's control to the newly elected Tribal Council Member.

Section 14. Election Ordinance. The Tribal Council shall enact an election ordinance consistent with this Constitution which covers all necessary procedures for all elections Other than the stipulations in this Constitution, all election procedures and which shall be entitled "Ordinance for Tribal Elections".

Section 15. Referenda and Amendments. Other than elected officials, the term "Election" shall also refer to the adoption of Ordinances by Referenda under Article XI and to Amendments under Article XVI, both of which require a vote of the general Membership. Other than as defined in this Constitution, procedures for such Referenda and Amendments, shall be specified in an appropriate Election Ordinance.

ARTICLE IX - Removal and Vacancy

Section 1. Removal.

The Tribal Council shall remove a Council Member for: a final conviction of a felony by any tribal, federal, or state court while serving on the Tribal Council.

The Tribal Council may suspend a Council Member charged with a felony pending the outcome of the trial and any appeal.

The Tribal Council may discipline or remove a Council Member by a vote of at least five (5) Members of the Tribal Council for converting tribal property or moneys for persona

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use or failing to attend four (4) regular or special meetings consecutively without good cause; or the final conviction of three misdemeanors by any tribal, federal, or state court while serving on the Tribal Council; or the violation of the Code of Ethics.

In all proceedings under Sections 1a, 1b, or 1c, above, the Tribal Council Member in question shall be afforded full due process rights including a written statement of the charges, the right to respond to those charges, the right to be represented by counsel, and the right to present witnesses and other evidence in his or her defense. The decision of the Tribal Council shall be final and shall be appealable to the Tribal Court only if a claim is made that the tribal Constitution has been violated or due process rights have not been afforded. A Council Member removed from office must wait at least five (5) years from the official date of removal to run again for office.

Section 2. Recall.

Any adult tribal member may initiate recall proceedings against any Tribal Council Member by filing a written request with the Election Board, Provided, That a recall proceeding may not be initiated against any Tribal Council member whose term expires within six (6) months.

After receipt of the written request, the Election Board shall issue official petition forms to the tribal member who initiated the Recall. That tribal Member shall have sixty (60) days to collect the signatures from thirty percent (30%) of the eligible voters of the Tribe.

Individuals petitions shall be circulated for each Tribal Council Member who is subject to recall. A maximum of three (3) Tribal Council Members may be recalled at a time.

The Election Board shall verify the signatures on a recall petition within ten (10) days of receipt of the petition. If the tribal member seeking recall has collected the required number of signatures in the allotted time, then the Election Board shall hold a recall meeting within sixty (60) days of the receipt of the petition. Notice of the recall meeting shall be mailed to eligible tribal voters at least thirty (30) days prior to the recall meeting. The persons initiating the recall and the person subject to recall shall be given a reasonable opportunity to speak and present evidence the recall meeting.

A majority vote by secret, written ballot of the eligible voters attending the recall meeting shall determine the success or failure of the recall petition(s), Provided, That at least thirty percent (30%) of the eligible voters actually vote at the recall meeting.

The recall meeting shall be held in accordance with the provisions of the Ordinance for Tribal Elections, which shall include a section on recall procedures.

Section 3. Vacancies.

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If a Tribal Council Member should become deceased, resign, or incapacitated, or be removed or recalled from office, then the Tribal Council shall declare the position vacant. The Tribal Council shall fill a vacancy by special election unless there are less than six (6) months remain in the term, in which case the Tribal Council shall leave the position vacant. The Person who fills a vacant position shall only serve out the term of the person whom he or she is replacing.

All resignations from the Tribal Council shall be done in writing.

ARTICLE X - Land

The Tribal Council shall have the authority to establish land policies, to adopt a land use ordinance, and to otherwise regulate land within the territory of the Tribe in accordance with applicable law.

ARTICLE XI - Initiative and Referendum

Section 1. Initiatives. Excluding issues that regard Membership under Article II, land, or housing, any Member may proposed to the Tribal Council any Ordinance or Resolution to be adopted by the Tribal Council. Such an Initiative must be in the form of a prescribed petition that has been signed by at least thirty percent (30%) of the eligible voters of The Tribe. The Tribal Council must vote on said Initiative within sixty (60) days after receipt of the petition with its qualifying number of petition signatures. A majority vote of the Tribal Council shall decide whether the proposed Ordinance or Resolution is adopted and, thereafter, be in effect. If the Tribal Council does not act within the sixty (60) day enactment period, the petitioner of the Initiative may use the Referendum process, below.

Section 2. Referendum. If the Tribal Council fails to vote on an Initiative, as in Section 1, above, or if the Tribal Council votes against said Initiative, then the Petitioners may seek a Referendum vote from the eligible voters of the Membership. The Petition shall be reconstructed as a Referendum, thirty percent (30%) of the eligible voters of The Tribe shall sign the Referendum, and it shall be presented to the Tribal Council to call a special election pursuant to an appropriate Election Ordinance under Article VII, Section 15..

Section 3. Procedures. Initiatives and Referenda elections shall be conducted by the Election Board and shall be held in accordance with the provisions of an ordinance which deals specifically with Initiatives and Referenda procedures and which shall be called Ordinance for Initiative and Referendum.

ARTICLE XII - Types of Enactments

Tribal laws, policies, and other Enactments shall be classified as follows.

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Section 1. Resolutions. Any final decision on a matter of temporary interest, where a formal expression is needed, shall be embodied in a Resolution that has been adopted by the Tribal Council, noted in the minutes of the Tribal Council meeting, codified as in Section 4, and available for inspection by Members of The Tribe during normal business hours.

Section 2. Ordinances. Any final decision on a matter of a permanent or more enduring nature shall be embodied in an Ordinance that has been adopted by the Tribal Council, noted in the minutes of the Tribal Council meeting, codified as in Section 4, and available for inspection by Members of The Tribe during normal business hours.

Section 3. Executive Orders. All Executive Orders, policies, and administrative directives agencies that are subordinate to the Tribal Council shall be codified as in Section 4, and available for inspection by Members of The Tribe during normal business hours.

Section 4. Codification. All Enactments of The Tribe shall be codified in the following manner - first the date (yyyy-mm-dd), then the type of Enactment, and then the subject matter. For example, 2008-07-15 - Resolution - Land Purchase. All Enactments shall be cataloged in a journal fashion in chronological order and then copies filed in ledgers that are codified in a system that is similar to the United States Code.

ARTICLE XII - Sovereign Immunity

The California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria shall be immune from suit except to the extent that the Tribal Council expressly waives The Tribe's sovereign immunity, or as provided by this Constitution.

ARTICLE XIV - Civil Rights

The Tribe, in exercising its powers of self-government shall not abrogate the following Civil Rights.

The Tribe shall not make or enforce any law which prohibits the free exercise of religion, or abridges the freedoms of speech, communications, or the right of people to peaceably assembly and to petition for redress of grievances or initiate Ordinances;

The Tribe shall not violate the right of Members to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, nor shall warrants be issued except on probable cause and supported by an oath or affirmation, which describes the particular place to be search and the person or thing to be seized;

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The Tribe shall not subject any person for prosecution for the same offense and thereby be put into jeopardy twice for the same offense;

The Tribe shall not compel any person in any criminal case to be a witness against oneself;

The Tribe shall not take any private property for a public use with just compensation;

The Tribe shall not deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against the person, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense and to have these rights explained at the time of arrest;

The Tribe shall not require excessive bail, impose excessive fines, or inflict cruel and unusual punishment;

The Tribe shall not deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

The Tribe shall not create any law of attainder which declares a person or group of persons guilty of some crime and punishes them without benefit of a trial; nor shall The Tribe find a person or group of persons guilty of a violation, *ex post facto*.

The Tribe shall not deny to any person, who is accused of an offense which is punishable by imprisonment, the right, upon request, to a trial by jury of not less than six persons.

ARTICLE XV - General Meetings

The Tribal Council shall call at least one (1) general meeting per year of all the eligible voters of the Tribe to identify and discuss important tribal matters.

ARTICLE XVI - Amendments

This Constitution may be amended by a super majority vote of the qualified voters of The Tribe voting at an election called for that purpose by the Secretary of the Interior, Provided That at least thirty percent (30%) of those entitled to vote shall vote in such election; but not amendment shall become effective until approved by the Secretary of the Interior or until deemed approved by the Secretary by operation of law. It shall be the duty of the Secretary of the Interior to call and hold an election on any proposed amendment at the request of the Tribal Council, or upon presentation of a petition which is signed by at least thirty percent (30%) of the qualified voters of the Tribe.

ARTICLE XVII - Savings Clause

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All Enactments of The Tribe which have been adopted before the effective date of this Constitution and by the Hereditary Chief, Yakima Dixie, and his Tribal Council shall continue in full force and effect to the extend that they are consistent with this Constitution.

ARTICLE XVIII - Adoption of Constitution

This Constitution, when adopted by a majority vote of the registered voters of the California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria, voting at a special election which is authorized by the Secretary of the Interior in which at least thirty percent (30%) of those registered in accordance with Secretarial regulations to vote shall vote, shall be submitted to the Secretary of the Interior for approval, and, if approved by the Secretary of the Interior or by operation of law, shall be effective from the date of such approval.

Certificate of Results of Election

Pursuant to a Secretarial election as authorized by the Deputy commissioner of Indian Affairs on _____, the Constitution of the California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria was submitted to the qualified voters of the California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria and on _____ was adopted /rejected by a vote of _____ For and _____ Against, and _____ cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the _____ entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1943 (48 Stat. 984) and as subsequently amended.

Chairperson, Election Board

Election Board Member

Election Board Member

Election Board Member

Date:

2008-07-09-Constitution

This is still a DRAFT

Velma & Antonia:

Here is a draft of the Constitution which I consider close to that which we can submit to the BIA for formal review. I reverted back to the BIA's template so that there would be a better fit with what they are expecting and their wording and coverage are as good as anything. I will do a final review of Melnicoe's and Briana's drafts to see if there is anything which I over-looked. The Constitution should be the more permanent superstructure for the management of the Tribe as an organization. This which might change according to circumstances should be handled by Resolutions and Ordinances, which can be modified as may be required but which must conform to the structure of the Constitution.

Here is the basic format. Any one who is a lineal descendant of the 1929 census and the 2007 Public Notices or who has been adopted according to an Ordinance is a Member. Anyone who is 18 or older may vote in the election for Members of the Tribal Council. There are 7 Tribal Council Members with no more than 4 being up for election at any particular time. The term for a Council Member is 4 years; and elections are held every two years. Thus, changes will be staggered and there will be continuity in the management of the Council. At an election, each voting Member will cast a ballot for all of the available seats and the highest votes received will fill those seats. The Council will elect its Chairperson, and the Chairperson will decide which of the other Council Members will be the Vice President. Rogers-Davis indicated that this is the usual format.

The election protocol would be as follows. At the first election, all 7 seats would be open; and the Council Members who are elected at the first election would serve for 4 years. At the end of 4 years, four seats (1-4) would be open for election and 3 would continue on for a initial, full term of 6 years. Then at the end of 6 years, those 3 seats would be open for election. Thereafter, all seats would be open for re-election after serving 4 years.

	Council Seat Number						
	1	2	3	4	5	6	7
October 2008	open	open	open	open	open	open	open
October 2012	open	open	open	open			
October 2014					open	open	open
October 2016	open	open	open	open			
October 2018					open	open	open

The Tribal Council holds all powers to conduct the business of the Tribe. There will be a Tribal Court and Court of Appeals and an Election Board. Also, the Administration can be done by others under the authority of the Tribal Council. The Schematic below, depicts that.

EXHIBIT 26

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

Purported Tribal Enrollment Document Dated Aug. 5, 1998

Wednesday August 5th 1998

As Spokesperson/Chairman of the Sheep Rancheria, I Yakima Dixie accept Silvia Fawn Burley as an enrolled Tribal Member of the Sheep Ranch Rancheria. Enrollment number 08829. The Sheep Ranch Rancheria is the only Federally Recognized Rancheria in Calaveras County, California. Also enrolled as Tribal Members of the Sheep Ranch Rancheria are Silvia Burley's daughters Rashel Kawehilani Reznor, Anjelica Josett Paulk, and Silvia Burley's Granddaughter Tristian Shawnee Wallace.

Contacted Raymond Fry at B.I.A. He informed Silvia Burley to contact Yakima at Sheep Ranch. Contacted Yakima Dixie at his residence at the Sheep Ranch Rancheria on School St. in Sheep Ranch. 11178 School Street

Yakima Kenneth Dixie
(209) 728-8625

EXHIBIT 27

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

Letter from Yakima Dixie to Silvia Burley (Apr. 21, 1999)

P. 3

4-21-49

4-21-49

Silvia

How does news gets around
so fast. Over at the dental clinic they even
new about what's going on, they said Yakima
don't you ever give up your chairman-
ship, not to her anyway. With that in mind
I want you to understand this
I cannot and will not resign as
chairman of the Sheep Ranch Indian
Rancheria. I do give you Silvia Busby
the right to act as a delegate to
represent the Sheep Ranch Indian
Rancheria. Powers invested in me
under constitution laws, I have a
right to with forthwith given order to
you to comply with that order

Chairman / YAKIMA DIXIE
Yakima Kenneth Dixie
4-21-49

ORg.

Mrs. SILVIA BURLEY

I, YAKIMA KENNETH DIXIE CHAIRMAN
OF THE SHEEP RANCH INDIAN RANCHERIA
BY POWERS "ENVESTED" IN ME, YAKIMA
KENNETH DIXIE CHAIRMAN OF THE SHEEP RANCH
INDIAN RANCHERIA, GIVE SO SAID ORDER TO
DELEGATE, MS. SILVIA BURLEY TO REPRESENT
THE SHEEP RANCH INDIAN RANCHERIA
TO ACT ON SAID ORDER GIVEN
THIS DAY 4-21-49 FORTHWITH

S/ Yakima Kenneth Dixie
4-21-49

ORg.

933-2181

BILL MARTIN

Dec 16 19 08:34P

EXHIBIT 28

**to Brief of Chief Yakima Dixie and the Tribal Council of the California Valley
Miwok Tribe (May 3, 2011)**

**Letter from Edith Blackwell, Associate Solicitor, Indian Affairs, to Peter
Kaufman, California Deputy Attorney General (Dec. 12, 2008)**



United States Department of the Interior

OFFICE OF THE SOLICITOR
Washington, D.C. 20240

IN REPLY REFER TO:

In reply, please address to:
Main Interior, Room 6513

Peter Kaufman, Esq.
Deputy Attorney General
110 West A Street, Suite 1100
San Diego, CA 92101

DEC 12 2008

Dear Mr. Kaufman:

This letter is in response to your telephone inquiry requesting information on the status of the leadership for the California Valley Miwok Tribe (CVMT). CVMT presents the Bureau of Indian Affairs (BIA) with a unique situation. The following summarizes the history of the Tribe and the current leadership dispute.

CVMT began as a rancheria set up for 12 individual Indians in 1916. The government set aside .92 acres of land on which those twelve individuals could live. In 1935, the sole adult member of the rancheria voted not to reject the Indian Reorganization Act (IRA).¹ In 1966, the Federal government undertook to terminate the rancheria by, among other things, distributing the assets of the rancheria to the rancheria's residents. Ultimately, the Federal government failed to take the steps necessary to complete terminate of the Federal relationship with the rancheria and the rancheria continued to exist. There was one resident, Mabel Hodge Dixie. For reasons that are not relevant to your inquiry, the government did not convey the property to Ms. Dixie successfully and ultimately held it in trust for her. When she died, her heirs inherited the 0.92 acre held in trust by the government. In 1998, Ms. Dixie's son, Yakima Dixie, resided on the rancheria land and was its only known member. That same year, Silvia Burley, a distant relative of Mr. Dixie, approached Mr. Dixie about adopting her, her two daughters, and her granddaughter into the Tribe so that they would be eligible for Indian health and education benefits. Mr. Dixie adopted Ms. Burley and her family.

Mr. Dixie and Ms. Burley became interested in organizing the tribe formally— that is establishing a tribal government. In 1999, the two of them approached the BIA for assistance. At that time, Mr. Dixie acted as the Tribe's leader and he held the title of "Chairman." On April 20, 1999, Ms. Burley submitted a purported letter of resignation from Mr. Dixie. The next day, Mr. Dixie asserted he never resigned his position and refused to do so. He claims that Ms. Burley forged his name on the resignation letter. After Mr. Dixie's purported resignation, Ms. Burley became leader of the Tribe, having been elected by herself and one of her daughters. Ms. Burley claimed the title of

¹ While it is common for people to refer to the Indians of a reservation as voting to accept the IRA, the act applied to a reservation unless a majority of the Indians voted against its application within a year, later extended for another year. See 25 U.S.C. § 478.

"Chairman." The BIA accepted her in this position but noted the leadership dispute between her and Mr. Dixie. On March 7, 2000, the BIA wrote in a letter to Ms. Burley that it would not interfere in the dispute unless the dispute continued without resolution and the government-to-government relationship between the United States and the Tribe became threatened. If the government-to-government relationship were to become threatened, the BIA advised, it would advise the Tribe to resolve the dispute within a reasonable period of time.

Ms. Burley and her daughters responded by attempting to organize the Tribe. Initially, they sought to organize the government under the provisions of the Indian Reorganization Act, but the BIA failed to call the requisite election on the proposed constitution.

In 2002, counsel purporting to represent the California Valley Miwok Tribe and Ms. Burley filed suit in the United States District Court for the Eastern District of California claimed the United States had breached its trust responsibilities and violated the California Rancheria by conveying the less than one acre of land to Ms. Dixie in 1967 when the tribe had potentially 250 members. The court dismissed the suit on grounds that it was filed beyond the six-year statute of limitations. The Ninth Circuit Court of Appeals affirmed in an unpublished opinion. *See California Valley Miwok Tribe v. United States*, No. 04-16676, 2006 WL 2373434 (9th Cir., Aug. 17, 2006)

Ultimately, in 2003, Ms. Burley tried to organize the Tribe under the Tribe's inherent sovereign authority without the supervision of the BIA. Ms. Burley submitted the Tribe's constitution to the BIA for informational purposes. The BIA reviewed the constitution and determined that it was not valid because Ms. Burley had failed in the process of developing and adopting the constitution to include other Indians with legitimate ties to the Tribe. On March 26, 2004, the BIA informed Ms. Burley that the Tribe remained unorganized and had no government. Because the Tribe had no government, it could not have a governmental leader. The BIA would not recognize Ms. Burley as Chairman, that is, the governmental leader of the Tribe. Instead the BIA would deal with her as a "spokesperson" or "person of authority" for the Tribe for the purposes of awarding Federal contracts.

Meanwhile, Mr. Dixie continued to assert that he was the hereditary leader of the Tribe and that he had never resigned his position. In March 2005, a representative of the Assistant Secretary – Indian Affairs decided Mr. Dixie's appeal of the BIA's acceptance of Ms. Burley as tribal Chairman. In the letter dismissing Mr. Dixie's appeal, the Deputy Assistant Secretary informed Mr. Dixie that Ms. Burley was not the governmental leader of the Tribe. In fact, the letter explained, the Tribe could have no governmental leader until it had a government developed through an organizational process that included the broader tribal community of other Indians with legitimate ties to the Tribe.

Thus, the BIA faced a stand-off between Ms. Burley, who insisted the Tribe had organized properly under her constitution, and Mr. Dixie, who claimed to be the hereditary leader of the Tribe. Ms. Burley sued the BIA in Federal district court in the District of Columbia, claiming that the BIA improperly denied her constitution's validity.

The district court granted the BIA's motion to dismiss for failure to state a claim. The Court of Appeals affirmed. *See California Valley Miwok Tribe v. United States*, 424 F. Supp. 2d 197 (D.D.C. 2006), *aff'd* 515 F.3d 1262 (D.C. Cir. 2008)

When the district court granted its motion to dismiss, the BIA worked with both Ms. Burley and Mr. Dixie to assist the Tribe in organizing itself. After initial efforts by the BIA to find a mutually agreeable solution, Ms. Burley chose not to cooperate. The BIA decided to initiate the organization process by identifying those persons who are lineal descendants of the original twelve Indians for whom the government established the rancheria, the single resident who voted in 1935 on the IRA, and the sole distributee, Mabel Hodge Dixie. Ms. Burley appealed the BIA's decision to the Interior Board of Indian Appeals (IBIA), *California Valley Miwok Tribe v. Pacific Regional Director*, Docket No.: IBIA 07-100-A. Under the Departments regulations, a decision of a Regional Director that has been appealed to IBIA is not final and effective except under certain circumstances, not present here, which effectively stayed the BIA's effort to assist the Tribe in organizing itself. *See* 25 C.F.R. § 2.6(a).

When the BIA is faced with a situation such as this, when it cannot determine who the legitimate leader of the Tribe is, the BIA must first defer to the Tribe to resolve the dispute. *See, e.g., Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 65 (1978); *Fisher v. District Court*, 424 U.S. 382, 386-89 (1976); *Smith v. Babbitt*, 100 F.3d 556, 559 (8th Cir. 1996); *Wheeler v. Department of the Interior*, 811 F.2d 549 (10th Cir. 1987). The difficulty with CVMT is that because it has no government, it has no governmental forum for resolving the dispute. In similar situations, the BIA would turn to a tribe's general council, that is, the collective membership of the tribe. *Johannes Wanatee v. Acting Minneapolis Area Director*, 31 IBIA 93 (1997). But because CVMT has not even taken the initial step of determining its membership, a general council meeting is not possible.

The only answer is for the BIA to wait for the Tribe to organize itself. The Tribe will be able to do so once the IBIA decides Ms. Burley's appeal. The IBIA has a significant workload but the briefing on Ms. Burley's appeal was completed essentially a year ago and the D.C. Circuit Court opinion of earlier this year has been served as supplemental authority in the IBIA proceedings so we could expect a decision at any time. In the meantime, neither the BIA nor any court has authority to resolve the leadership dispute that is crippling the Tribe. *See, Goodface v. Grassrope*, 708 F.2d 335 (8th Cir. 1983).

I hope that this letter provides all the information you need. Should you need additional information or have further questions, please contact Jane Smith (202-208-5808), the member of my staff handling this matter.

Sincerely,



Edith R. Blackwell
Associate Solicitor, Indian Affairs