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10	LOPEZ AND IVA SANDOVAL	
11		
12	UNITED STATES DISTRICT COURT	
13	EASTERN DISTRICT OF CALIFO	RNIA, SACRAMENTO DIVISION
14		
15	CALIFORNIA VALLEY MIWOK TRIBE, a federally-recognized Indian tribe, THE	Case No. 2:16-01345 WBS CKD
16	GENERAL COUNCIL, SILVIA BURLEY, RASHEL REZNOR; ANGELICA PAULK; and	DECLARATION OF VELMA WHITEBEAR IN SUPPORT OF MOTION
17	TRISTIAN WALLACE,	TO INTERVENE
18	Plaintiffs,	Judge: Hon. William B. Shubb
19	v.	
	SALLY JEWEL, in her official capacity as U.	
20	S. Secretary of Interior; LAWRENCE S. ROBERTS, in his official capacity as Acting	
21	Assistant Secretary of Interior - Indian Affairs; MICHAEL BLACK, in his official capacity as	
22	Director of the Bureau of Indian Affairs,	
23	Defendants.	
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DECLARATION OF VELMA WHITEBEAR

I, Velma WhiteBear, declare as follows:

- 1. I am an individual and a party in the above-titled 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 declaration is submitted in support of Intervenor-Defendants' Motion to Intervene.
- 3. I am a member of the California Valley Miwok Tribe ("Tribe"), a federally recognized Indian tribe. I trace my tribal lineal descent from my great-great-grandfather, Jeff Davis, who is listed on the 1915 census of "Sheepranch Indians" taken by Special Indian Agent John Terrell, through my great grandparents (John Jeff and Tillie Jeff), my grandmother (Laura Jeff Geto) and my mother (Annie Jeanette Geto).
- 4. I have reviewed the December 30, 2015 decision by Assistant Secretary Indian Affairs Kevin Washburn (2015 Decision) that Plaintiffs challenge in this action. As a lineal descendant of Jeff Davis, I am a member of the "Eligible Groups" identified in the 2015 decision as entitled to participate in the organization of the Tribe.
- 5. In July 2013, the Tribe held a Tribal election, open to all members of the Eligible Groups, in which it ratified a Tribal constitution (2013 Constitution). I voted in the election.
- 6. I am also a member of the Tribal Council the Tribe's governing body under the 2013 Constitution. The Council currently consists of Yakima Dixie, Antonia Lopez, Michael Mendibles, Gilbert Ramirez, Jr., Iva (Carsoner) Sandoval, Antoinette Lopez and me. The Tribal Council meets monthly to conduct Tribal business, enact resolutions, and perform other governmental functions. Council meetings are open to all members of the Tribal community.
- 7. One of the Tribal Council's functions is to maintain a roster of enrolled Tribal members. The Tribe currently has approximately 200 adult enrolled members, plus children. Each of the enrolled members is a member of the Eligible Groups defined in the 2015 Decision or is a descendant of one or more Miwok Indians named on the 1929 federal census of Calaveras

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County Indians (1929 Census Descendants), whom the 2015 Decision also identified as eligible to participate in Tribal organization with the consent of the Eligible Groups.

- 8. All individuals who meet the criteria defined in the 2013 Constitution are welcome to apply to the Tribal Council for membership. All members of the Eligible Groups and 1929 Census Descendants are eligible for Tribal membership if they choose to affiliate with the Tribe and are not members of another federally recognized tribe.
- 9. Plaintiffs in this action are Silvia Burley, her two daughters Rashel Reznor and Anjelica Paulk, and her granddaughter Tristian Wallace (collectively, the Burleys). On information and belief, the Burleys are members of the Eligible Groups, but they have never applied to the Tribal Council for membership. The Burleys maintain that the Tribe's membership is limited to themselves and Yakima Dixie (a total of five people), and is governed by a general council consisting of those five people. Neither I nor the Tribal Council recognize the Burleys or their general council as representatives of the Tribe.
- 10. On April 18, 2016, the Tribe (through its attorneys) submitted a request to the Bureau of Indian Affairs (BIA) Regional Director, Pacific Regional Office, to recognize the 2013 Constitution and Tribal Council government ratified through the July 2013 Tribal election. The request included information demonstrating that members of the Eligible Groups, as defined in the 2015 Decision, received adequate notice and opportunity to participate in the ratification of the 2013 Constitution and that the 2013 Constitution was validly ratified.
- 11. The Tribe's April 18, 2016 request documented that, of 200 adult members eligible to participate in the July 2013 Tribal election, 183 were members of the Eligible Groups, and the remainder were 1929 Census Descendants. More than half (104) of the eligible voters cast ballots in the election, and they ratified the 2013 Constitution by a vote of 90 to 10, with 4 abstentions.
- 12. To my knowledge, the Pacific Regional Director has not yet made a decision whether to recognize the Tribe's 2013 Constitution and Tribal Council.
- 13. Until the BIA recognizes the Tribal Council, the Tribe will not have a governmentto-government relationship with the United States and will not be eligible for benefits that flow from such a relationship, including the availability of federal funding under Public Law 93-638 to

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1	fund Tribal government services. The Tribe also will not be eligible to receive the Revenue	
2	Sharing Trust Fund money allocated to the Tribe by the State of California and currently held in	
3	trust for the Tribe pending federal recognition of a Tribal government. The Tribe urgently needs	
4	such funding in order to provide its members with essential services such as health care, legal	
5	assistance, and economic development programs. The BIA has not recognized a Tribal	
6	government in more than 10 years; further delays in the BIA's decision making will injure the	
7	Tribe, the Tribal Council and its members, including me.	
8	14. If Plaintiffs are able to enjoin or overturn the 2015 Decision stating that members	
9	of the Eligible Groups are entitled to participate in Tribal organization, that the Burleys do not	
10	represent the Tribe and that the Tribe's membership is not limited to five people, I and other	
11	members of the Eligible Groups will be denied our right to participate in Tribal organization and	
12	to be represented by a Tribal government that reflects the will of a majority of the Tribal	
13	community. I and all other members of the Tribe will be denied our other rights as Tribal	
14	members. The Tribal Council will be denied the opportunity for recognition by the United States	
15	as the Tribe's government, and its authority will be infringed.	
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17	I declare under penalty of perjury that the foregoing is true and correct.	
18	Executed July 25, 2016, at San Joaquin County, California.	
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20	/s/ Velma WhiteBear (original signature retained	
21	by attorney James Rusk) Velma WhiteBear	
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