

**EXHIBIT “1”**



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4908

JUL 12 2006

Silvia Burley, Chairperson  
Sheep Ranch Rancheria  
1055 Winter Court  
Tracy, California 95376

Dear Ms. Burley:


The purpose of this correspondence is to provide a response to the Tribe's request for a recognition letter from the Bureau of Indian Affairs.

The Bureau of Indian Affairs, Central California Agency, recognizes the following individuals as members of the Tribal Council, governing body, of the Sheep Ranch Rancheria of Me-Wuk Indians:

1. Silvia F. Burley, Chairperson
2. Vacant, Vice-Chairperson
3. Rashed K. Reznor, Secretary/Treasurer

Please contact Raymond Fry, Tribal Operations Officer, at (916) 566-7124 should you require additional information with regard to this matter.

Sincerely,

  
Dale Rusting, Sr.  
Superintendent

**EXHIBIT “2”**

**BUREAU OF INDIAN AFFAIRS  
CENTRAL CALIFORNIA AGENCY  
1830 TREBOUTE ROAD, SUITE J  
SACRAMENTO, CA 95825-4308**

JUL 26 2000

Kevin Gover, Assistant Secretary-Indian Affairs  
U.S. Department of the Interior  
Bureau of Indian Affairs  
M.S. 4140-MIB  
1849 C Street N.W.  
Washington, DC 20240

Dear Mr. Gover:

The purpose of this correspondence is to introduce Silvia Burley, Chairperson of the Sheep Ranch Rancheria of Me-Wuk Indians of California, and to confirm that Ms. Burley is an elected official of a federally recognized tribe. The Sheep Ranch Rancheria of Me-Wuk Indians of California is federally recognized, as evidenced by the inclusion of its name in the current list of Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs, published in the Federal Register on March 13, 2000. The Sheep Ranch Rancheria of Me-Wuk Indians of California is within the jurisdiction of the Central California Agency, Pacific Region, Bureau of Indian Affairs.

Should you have any questions with regard to this matter, please contact Mr. Raymond Fry, Tribal Operations Officer, at (916) 566-7124.

Sincerely,

*Sgt. Dale Rising, Sr.*

Dale Rising, Sr.  
Superintendent

cc: Silvia Burley, Chairperson, Sheep Ranch Rancheria

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**EXHIBIT “3”**



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

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

IN REPLY REFER TO

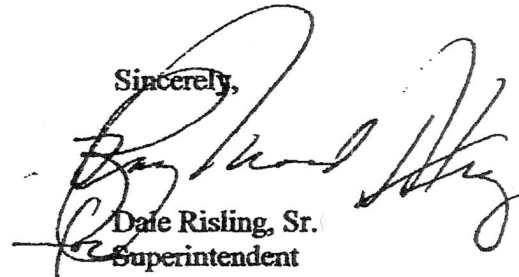
NOV 24 2003

To Whom It May Concern:

As of this date, the Bureau of Indian Affairs maintains a government to government relationship with the California Band of Miwok Indians through the tribal council chaired by Ms. Sylvia Burley.

If you any questions in this matter, please contact Raymond Fry, Division Manager, Tribal Services, at (916) 930-3794.

Sincerely,



Dale Risling, Sr.  
Superintendent

**EXHIBIT “4”**

02:43pm From US ATTORNEY'S OFFICE 06-25-04

attempted or has occurred with the purported organization of your tribe. For example, we have not been made aware of any efforts to reach out to the Indian communities in and around the Sheep Ranch Rancheria, or to persons who have maintained any cultural contact with Sheep Ranch. To our knowledge, the only persons of Indian descent involved in the tribe's organization efforts, were you and your two daughters. We are unaware of any efforts to involve Yakima Dixie or Mr. Dixie's brother Melvin Dixie or any offspring of Merle Butler, Tillie Jeff or Lenny Jeff, all persons who are known to have resided at Sheep Ranch Rancheria at various times in the past 75 years and persons who have inherited an interest in the Rancheria. We are also not aware of any efforts to involve Indians (such as Lena Shelton) and their descendants who once lived adjacent to Sheep Ranch Rancheria or to investigate the possibility of involving a neighboring group. We are aware that the Indians of Sheep Ranch Rancheria were in fact, part of a larger group of Indians residing less than 20 miles away at West Point. Indeed, at your February 23, 2004 deposition, you yourself testified you were at one time of the West Point Indian Community; we understand as well, that you had siblings residing there for many years. The BIA remains available, upon your request, to assist you in identifying the members of the local Indian community, to assist in disseminating both individual and public notices, facilitating meetings, and otherwise providing logistical support.

It is only after the greater tribal community is initially identified that governing documents should be drafted and the Tribe's base and membership criteria identified. The participation of the greater tribal community is essential to this effort. We are very concerned about the designated "base roll" for the tribe as identified in the submitted tribal constitution; this "base roll" contains only the names of five living members all but one whom were born between 1960 and 1996, and therefore would imply that there was never any tribal community in and around Sheep Ranch Rancheria until you met with Yakima Dixie, asking for his assistance to admit you as a member. The base roll, thus, suggests that this tribe did not exist until the 1990's, with the exception of Yakima Dixie. However, BIA's records indicate with the exception not withstanding, otherwise.

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, Lone 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

cornerstone of tribal membership and based upon our experience, has been the basic starting point and foundation for each of the Miwok tribes in our jurisdiction, i.e., the Ione Band of Miwok Indians, Shingle Springs Rancheria and Tuolumne Rancheria.

We must continue to emphasize the importance of the participation of a greater tribal community in determining membership criteria. We reiterate our continued availability and willingness to assist you in this process and that via PL 93-638 contracts intended to facilitate the organization or reorganization of the tribal community, we have already extended assistance. We urge you to continue the work that you have begun towards formal organization of the California Valley Miwok Tribe.

If we can assist your efforts in any way, please contact Raymond Fry, Manager, Tribal Services, at (916) 930-3794.

Should you wish to appeal any portion of this letter, you are advised that you may do so by complying with the following:

This decision may be appealed to the Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. In accordance with the regulations in 25 CFR Part 2 (copy enclosed). Your notice of appeal must be filed in this office within 30 days of the date you receive this decision. The date of filing or notice is the date it is post marked or the date it is personally delivered to this office. Your notice of appeal must include your name, address and telephone number. It should clearly identify the decision to be appealed. If possible attach a copy of the decision. The notice of and the envelope which it is mailed, should be clearly labeled "NOTICE OF APPEAL." The notice of appeal must list the names and addresses of the interested parties known to you and certify that you have sent them copies of the notice.

You must also send a copy of your notice to the Regional Director, at the address given above.

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

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

1-423 P.005/005 P-514

916 554 2900

04-25-04 02:44pm FROM: L. S. ATTORNEY'S OFFICE

**EXHIBIT “5”**





# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

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

IN REPLY REFER TO

**JUL 1 9 2005**

Certified Mail No. 7003 1680 0005 5923 6359  
Return Receipt Requested

Ms. Silvia Burley  
10601 Escondido Place  
Stockton, California 95212

Dear Ms. Burley:

In accordance with 25 CFR 900.6 Definitions – Indian Tribe means any Indian Tribe, band, nation, or other organized group, or community, including pueblos, rancherias, colonies and any Alaska Native Village, or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

In light of correspondence addressed to Mr. Yakima K. Dixie dated February 11, 2005 (copy enclosed) and signed by Mr. Michael D. Olsen, Principal Deputy, Acting Assistant Secretary – Indian Affairs, it states in part that the Bureau of Indian Affairs does not recognize any tribal government, and therefore, cannot defer to any tribal dispute resolution process at this time.

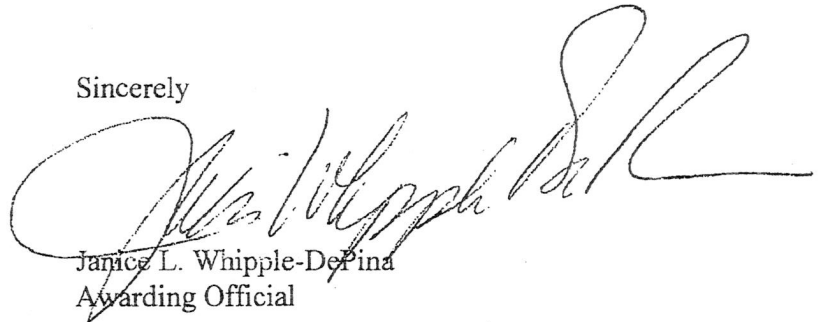
Therefore, based on the above and in accordance with Title I – Indian Self-Determination Act, Sec. 102. (a)(1) The Secretary is directed, upon the requests of any Indian Tribe by tribal resolution, to enter into a self-determination contract or contracts with a tribal organization to plan, conduct, and administer programs or portions thereof, including construction programs --

Whereas there is no recognized tribal government with which to take action on behalf of the tribe or to sustain a government to government relationship with, we must take appropriate action to safeguard federal funds and until such time as the tribe becomes formally organized and a tribal government is re-established, the following modification is issued.

Enclosed for your information is Modification No. Fourteen (14) to Contract No. CTJ51T62802 (FY 05/06 Mature Status – Aid to Tribal Government Program). This modification suspends the current contract in its entirety effective February 11, 2005,

Should you have any questions regarding the above, please feel free to contact me at (916) 930-3742.

Sincerely

A handwritten signature in black ink, appearing to read "Janice L. Whipple-DePina". The signature is fluid and cursive, with a large initial "J" and a long, sweeping horizontal line at the end.

Janice L. Whipple-DePina  
Awarding Official

cc: Mr. Yakima K. Dixie, c/o Chad Everone  
Pacific Regional Director  
Regional Solicitor, Pacific Southwest

Debora G. Luther, Esq.  
Assistant United States Attorney

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>		1. CONTRAC CODE	PAGE 1 OF 1
2. AMENDMENT/MODIFICATION NO. Fourteen (14)	3. EFFECTIVE DATE 2-14-05	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
6. ISSUED BY CODE	7. ADMINISTERED BY (If other than Item 6) CODE		
Bureau of Indian Affairs Central California Agency 650 Capitol Mall, Suite 8-500 Sacramento, California 95814		SAME AS BLOCK #6	

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)	(X)	9A. AMENDMENT OF SOLICITATION NO.
CALIFORNIA VALLEY MIWOK TRIBE 10601 ESCONDIDO PLACE STOCKTON, CALIFORNIA 95212		9B. DATED (SEE ITEM 11)
	X	CTJ51T62802
		10B. DATED (SEE ITEM 11)
CODE	FACILITY CODE	01/01/02

**11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS**

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended. is not extended

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing items 8 and 15, and returning copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

N/A

**13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM**

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)
X	Public Law 638

E. IMPORTANT: Contractor X is not is required to sign this document and return N/A copy to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (organized by UCF section headings, including solicitation/contract subject matter where feasible.)

Modification No. Fourteen (14) to Contract No. CTJ51T62802 (FY 05/06 Mature Status - Aid to Tribal Government Program) is issued to make the following change(s):

- The contract is hereby suspended in its entirety effective Feb. 11, 2005., due to the tribe no longer having a tribal government with which to sustain an effective government to government relationship.

**ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.**

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)
	Janice Whipple-DePina, Awarding Official
15B. CONTRACTOR/OFFEROR	16B. UNITED STATES OF AMERICA
BY (Signature of person authorized to sign)	BY (Signature of Contracting Officer)
15C. DATE SIGNED	16C. DATE SIGNED
04/01/04	7/15/05

NSN 7540-01-152-8070  
Previous edition unuseable

STANDARD FORM 30 (REV. 10-83)  
Prescribe by GSA FPMR (48 CFR) 53.243

**EXHIBIT “6”**



STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, GOVERNOR

**GAMBLING CONTROL COMMISSION**

DEAN SHELTON, CHAIR  
JOHN D. RILEY, VICE CHAIR  
JAMES S. BAKER, MEMBER  
EDWARD J. KELLEY, MEMBER

August 4, 2005

Ms. Sylvia Burley  
10601 Escondido Place  
Stockton, California 95121

Yakima Dixie  
P.O. Box 41  
11178 Sheep Ranch Road  
Sheep Ranch, California 95250

Re: Revenue Sharing Trust Fund (RSTF) Distributions

Dear Ms. Burley and Mr. Dixie:

This is to notify you that the California Gambling Control Commission will not release the current RSTF quarterly distribution to the California Valley Miwok Tribe for the quarter ending June 30, 2005, and any subsequent distributions. This action is based on information recently received from the Bureau of Indian Affairs (BIA) regarding the fact that the California Valley Miwok Tribe (the Tribe) does not have a recognized tribal government, nor a recognized tribal chairperson and that, based on the organizational governmental status of the Tribe, the BIA has taken action to suspend Contract No. CTJ51T62802 (FY 05-06 Mature Status - Aid to Tribal Government Program), pursuant to PL 93-638. We refer you to the following correspondence (copies enclosed):

March 26, 2004 letter from Dale Risling, Sr. (BIA) to Sylvia Burley, copy to Yakima Dixie

February 11, 2005 letter from the Department of Interior, Acting Assistant Secretary - Indian Affairs, Michael D. Olson to Yakima K. Dixie, copy to Sylvia Burley

July 19, 2005 letter from Janice L. Whipple-DePina, (BIA) to Sylvia Burley, copy to Yakima Dixie

These letters reflect, among other things, a long-standing effort to encourage the tribe to organize itself and establish tribal leadership. During the past year to 18 months, the Commission has made quarterly distributions and directed them to Ms. Burley, because she continued to be recognized as the chairperson (3-26-04 letter) or person of authority within the tribe (2-11-05 letter) with whom the BIA conducted business. The July 19, 2005 letter, however, reflects the BIA's decision that the lack of a recognized tribal government or leadership now causes it sufficient concern that it must suspend the above referenced PL 93-638 contract in order to

"safeguard federal funds and until such time as the tribes becomes formally organized and a tribal government is re-established."

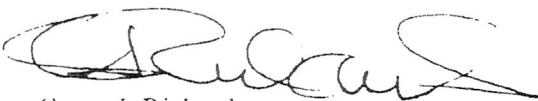
This most recent action and the position of the BIA regarding tribal leadership and organization leave us with no alternative, but to withhold funds until such time as there exists sufficient tribal government organization and leadership to allow the BIA to conduct government-to-government relations with the tribe - either through a recognized tribal chair or representative.

We take this action pursuant to our RSTF trustee responsibilities under Section 4.3.2.1 of the Tribal-State Gaming Compact (the Compact). In taking this action, we want to be clear that there is no question of the tribe's eligibility to receive RSTF distributions, and that we have neither authority over nor responsibility for the composition of tribal government or leadership. However, we believe that our trustee status under the Compact demands that we ensure the RSTF distributions go to the Tribe for the benefit of the Tribe and not merely to an individual member. We have not received any direction in this regard from the BIA, but in situations involving tribal leadership disputes and or tribal organizational problems, we take our lead from the actions and positions of the BIA. We take no position regarding the future form of tribal government, nor the selection of tribal leadership. We look forward to being able to make distributions as soon as the Tribe's leadership and organizational status is resolved to a degree sufficient to allow the BIA to resume government-to-government relations.

Distributions from the RSTF will remain in the fund until such time as the current situation is resolved, and the Commission is notified of resolution, at which time withheld distributions will be forwarded to the Tribe with appropriate accrued interest.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Cyrus J. Rickards  
Chief Counsel

Cc: Peter Glick

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**EXHIBIT “7”**



STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

**GAMBLING CONTROL COMMISSION**

DEAN SHELTON, CHAIRMAN

JOHN CRUZ

ALEXANDRA VUKSICH

2399 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833-4231

P.O. BOX 526013  
Sacramento, CA 95852-6013

(916) 263-0700  
(916) 263-0499 Fax

June 27, 2006

Sylvia Burley  
California Valley Miwok Tribe  
10601 Escondido Place  
Stockton, CA 95212

Via Facsimile and U.S. Mail

**Re: California Valley Miwok Tribe – Revenue Sharing Trust Fund Distribution**

Dear Ms. Burley:

Your June 19, 2006, letter to Chairman Dean Shelton has been referred to me for response.

For reasons that have been made clear in previous correspondence and in pleadings in the recent interpleader action filed by the California Gambling Control Commission (the Commission) regarding distributions from the Revenue Sharing Trust Fund (RSTF) designated for the benefit of the California Valley Miwok Tribe (the Tribe), the Commission cannot, in keeping with its Trustee responsibilities under the Tribal-State Gaming Compact (the Compact), Sections 4.3.2 (a)(ii) and 4.3.2.1 (b), send the distribution to you as the representative of the Tribe. The monies will continue to be held in the Revenue Sharing Trust Fund (RSTF) and will be sent to the Tribe as soon as there is either a federally-recognized Tribal government, or the Bureau of Indian Affairs recognizes a representative or person of authority within the Tribe, for all purposes.

In your letter you assert that the Tribe is being treated "unequally" in violation of the California and federal constitutions. However, as you are aware, the Tribe is not similarly situated with other RSTF tribes. The Tribe has no recognized tribal government nor representative or person of authority recognized for all purposes by the BIA. The copy of the BIA Tribal Leaders Directory, which you included in your letter, only serves to underline that fact. Unlike all the other tribes listed, the Tribe has no listed Tribal Chairperson. Moreover, as you are aware, there is an ongoing dispute as to who is the actual person of authority within the Tribe.

Again, let me make clear that the Commission has no interest in the RSTF funds being withheld. However, we do have a duty under the Compact to make our best efforts to see that the funds are sent to an authorized representative of the Tribe.



From our perspective, this is not presently possible. Therefore, we respectfully deny your request to forward the RSTF distribution to you as the Tribe's representative.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Rickards", written over a horizontal line.

Cyrus J. Rickards  
Chief Counsel

cc: Dean Shelton  
Philip E. Thompson

**EXHIBIT “8”**



IN REPLY REFER TO

## United States Department of the Interior

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

JAN 29 2007

**CERTIFIED MAIL NO. 7002 3150 0005 2284 7789**  
**RETURN RECEIPT REQUESTED**

Ms. Silvia Burley  
10601 Escondido Place  
Stockton, California 95212

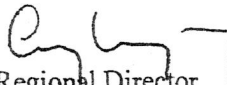
Dear Ms. Burley:

This letter is in response to your letter dated January 3, 2007, in which you requested on behalf of the California Valley Miwok Tribe (Tribe), "aka" as the Sheep Ranch Rancheria that a lump sum payment be scheduled for the Tribe's FY-2007 P.L. 93-638.

The Bureau of Indian Affairs' (Bureau) current position is that the Tribe lacks a governing body duly recognized by the Bureau and that you are recognized as a "person of authority" within the Tribe. Furthermore, the Superintendent, Central California Agency and his staff have implemented a plan to assist the Tribe with its organizational efforts. I believe that it is essential for both the Tribe and the Bureau that this organizational process be completed.

Therefore, until the organizational process of the Tribe is completed, I am exercising my discretion to continue to impose a quarterly payment schedule for the Tribe's FY-2007 contract as expressly authorized by P.L. 93-638 (25 U.S.C. § 450j(b) and § 450l(b)).

Sincerely,

  
Regional Director

cc: Superintendent, Central California Agency

TAKE PRIDE  
IN AMERICA 

**EXHIBIT “9”**

JUN 04 2007 17:38 FR CA GAMBLING CNTRL COM916 263 0499 TO 916155773215

P.02/23



STATE OF CALIFORNIA

GAMBLING CONTROL COMMISSION

2399 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833-4231  
(916) 283-0700 Phone  
(916) 283-0489 Fax  
www.cgcc.ca.gov

Arnold Schwarzenegger, Governor

DEAN SHELTON, CHAIRMAN

JOHN CRUZ

STEPHANIE SHIMAZU

ALEXANDRA VUKSICH

Date: June 4, 2007

Karla D. Bell  
Sanders Bell LLP  
4712 Admiralty Way, Suite 580  
Marina del Rey, California 90292

Via Facsimile and U.S. Mail

Re: California Valley Miwok Tribe

Dear Ms. Bell:

Thank you for your letter of April 6, 2007. Also, please reference the letter of March 20, 2007 from your client, Silvia Burley, to Chairman Dean Shelton.

I have reviewed the materials you provided. In particular, I have focused on the January 29 and April 2, 2007 letters from the Bureau of Indian Affairs (BIA, Bureau), Pacific Regional Director to Silvia Burley (Attachments A, B.)

These letters make clear that, however dissatisfied the Bureau may be with the lack of progress in organizing the Tribe and despite the fact that the BIA does not consider the Tribe to be an "organized Indian Tribe," it considers Ms. Burley the "authorized representative of the Tribe with whom government-related business is conducted." (Attachment B, p. 4.) Other correspondence is consistent with that conclusion: letters dated February 2 and March 28, 2007 from the Superintendent, Central California Agency (BIA) to Silvia Burley dealing with the Tribe's Mature Status, Aid to Tribal Government Program contract. (Attachment C.) Finally, we are in possession of the Regional Director's Response to Interested Parties Motion to Dismiss, dated January 26, 2007 in the Interior Board of Indian Appeals (IBIA) matter, Chadd Everone and Velma Whitebear v. Pacific Regional Director, IBIA Docket Number IBIA 06-70-A. (Attachment D.) That matter involved a challenge to a decision of the Regional Director overruling the decision of the Superintendent of the Central California Agency to deny renewal of the Tribe's Indian Self-Determination Act contract based on the fact that the Tribe did not have an organized government. In the pleading, counsel for the Regional Director refers to Ms. Burley as a "person of authority" and as a "spokesperson" for the Tribe, echoing the characterizations of the both the Regional Director and the Superintendent in the above referenced and attached correspondence.

As we view the above referenced correspondence, Ms. Burley continues to be the Tribal representative with whom the federal government conducts government-to-government relations. As we have indicated in prior correspondence, the California Gambling Control Commission's (Commission) authority under the Tribal-State Gaming Compacts with regard to Revenue Sharing Trust Fund distributions is limited by the language of Compact Section 4.3.2.1, which provides, among other things that the Commission "shall serve as trustee of the fund." Further, it provides: "The Commission shall have no discretion with respect to the

JUN 04 2007 17:38 FR CA GAMBLING CNTRL COM916 263 0499 TO 916155773215 P.03/23

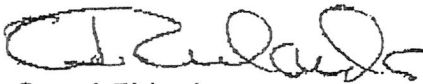
use or disbursement of the trust funds. Its sole authority shall be to serve as a depository of the trust funds and to disburse them on a quarterly basis to Non-Compact Tribes." (Section 4.3.2.1(b).) Section 4.3.2(a)(i) defines "Non-Compact" tribes as federally-recognized tribes operating fewer than 350 Gaming devices and deems them third-party beneficiaries of Tribal-State Gaming Compacts. Since there is no dispute that the California Valley Miwok Tribe is a federally-recognized tribe, the Commission has viewed its discretion in disbursing funds to be limited to a determination whether the funds were in fact going to the Tribe. In cases such as the instant situation, in which there exists no federally-recognized tribal government the Commission looks to whether there exists a person of authority within the tribe or a tribal representative with whom the federal government conducts government-to-government relations. The correspondence referenced above convinces us that Silvia Burley is such person and that government-to-government correspondence is consistently directed to her and/or the Tribe at the following address: 10601 Escondido Place, Stockton, California.

Therefore, it is the intention of the Commission to resume sending quarterly Revenue Sharing Trust Fund payments to the Tribe at the Stockton address, including payments withheld, with interest. We will start the process to effectuate these payments on or about June 25, 2007.

We feel constrained to note however, that this commitment is not without limits. The BIA has expressed not only its frustration with the inability of the Tribe to resolve its dispute regarding the composition of the Tribe's governing body, but has made clear that failure to resolve this dispute may lead to a re-evaluation of its government-to-government relationship with the Tribe. (Attachment B, pp. 3, 4.) If that situation were to eventuate, the Commission would have to re-evaluate whether it could continue to make quarterly RSTF disbursements in light of its trustee responsibilities under the Compact.

Thank you for your patience in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,



Cyrus J. Rickards  
Chief Counsel

Cc: Silvia Burley  
10601 Escondido Place  
Stockton, CA 95212

Chadd Everone  
2140 Shattuck Ave., #802  
Berkeley, CA 94704

JUN 04 2007 17:38 FR CA GAMBLING CNTRL COM916 263 0499 TO 916155773215

P.04/23

Yakima Dixie  
11178 Sheep Ranch Road  
P.O. Box 41  
Sheep Ranch, CA 95250

Superintendent, Central California Agency  
Bureau of Indian Affairs  
650 Capitol Mall B-500  
Sacramento, CA 95814

Regional Director  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Bcc: Steve Giorgi  
Richard Ross  
Terry Giau  
Sara Drake  
Chris Gallardo

**EXHIBIT “10”**





STATE OF CALIFORNIA

**GAMBLING CONTROL COMMISSION**

39 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833-4231  
(916) 263-0700 Phone  
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June 26, 2007

Via Facsimile and U.S. Mail

Ms. Karla D. Bell  
Sanders Bell LLP  
4712 Admiralty Way, Suite 580  
Marina del Rey, CA 90292

Re: California Valley Miwok Tribe

Dear Ms. Bell:

Since we last wrote on June 4, 2007, the Commission staff (Commission) has had a chance to carefully review the District Court decision in *California Valley Miwok Tribe v. United States*, 424 F.Supp.2d 197 (D.D.C. 2006). As a result of this review, in particular the factual recitations regarding the status of the Tribe, we have come to the conclusion that our decision to distribute Revenue Sharing Trust Funds (RSTF) as articulated in the June 4, 2007 letter must be reconsidered.

In the above matter, the California Valley Miwok Tribe (the Tribe) filed suit against the federal government, alleging that the Bureau of Indian Affairs (BIA) violated the Indian Reorganization Act by not recognizing a proposed Tribal constitution. The court granted the government's motion to dismiss finding that the Tribe failed to state a claim upon which relief could be granted. The matter is on appeal to the Court of Appeals for the District of Columbia Circuit.

In our June 4, 2007 correspondence, we indicated that we would make distributions to the tribe if there were a person recognized by the BIA as an "authorized representative of the Tribe with whom government-to-government business is conducted." We have pointed to documents that indicate that Silvia Burley is such a person. Notwithstanding our past position, what gives us concern and what gave the trial court concern in the above case is that not only is there no recognized Tribal constitution, and hence no tribal leadership recognized by the BIA, but that the Tribe as claimed by Ms. Burley to be constituted fails to include or protect the interests of a significant number of potential members. The BIA has asserted in the above litigation that its refusal to recognize the tribal government is based on the ground

that the Tribe has failed to take necessary steps to protect the interests of its potential members. (See 424 F.Supp.2d at 202.) Further, this concern was shared by the court which pointed out: "At the inception of this suit, Ms. Burley and her two daughters were seeking approval of a tribal constitution that conferred tribal membership upon only them and their descendants. . . . The Tribe now proposes a revised constitution that includes non-Burley descendants, and it has submitted a list of 29 possible members, but the government estimates that the greater tribal community which should be included in the reorganization process may exceed 250 members." (424 F. Supp.2d 197 at 203, fn 7.) Thus it is clear that not only the BIA and the District Court, but also Ms. Burley herself, have concluded that the present Tribal membership is not representative of the potential membership.

We reiterate that we have no authority to determine the "appropriate" Tribal membership. We do not by this letter endorse or dispute Ms. Burley's right of membership or claim of Tribal leadership, nor do we endorse or dispute that of Mr. Yakima Dixie. In fact, the legitimacy or lack thereof of those respective positions has no direct bearing on our decision. As we have made clear in past correspondence, the Commission has absolutely no authority to determine the appropriate leadership or membership of the Tribe and takes no position on these matters. However, it is clear from the factual recitations contained in the District Court decision that not only is there no recognized Tribal government, there is no basis upon which to conclude that should RSTF money be sent to the Tribe its use will be determined by a Tribal government recognized by the BIA in carrying out its statutory responsibility that can "ensure that the interests of all tribe members are protected during organization and that governing documents reflect the will of a majority of the Tribe's members." (424 F.Supp.2d 197 at 202.)

The Commission would be derelict in its trust responsibilities under Section 4.3.2.1(b) of the Tribal-State Gaming Compact if it knowingly distributed the money to a group of individuals, however eligible, which did not comprise a representative Tribal membership. Withholding of the funds will not cause them to be dissipated. Once the BIA has recognized a Tribal government and Tribal leadership, the Commission will take immediate steps to distribute the funds.

Thank you for your patience in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,



DEAN SHELTON  
Chairman

Ms. Karla D. Bell  
June 26, 2007  
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