

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CALIFORNIA VALLEY MIWOK TRIBE,
federally recognized tribe,
14807 Avenida Central
La Grange, California 95329,

MILDRED FERN BURLEY
14807 Avenida Central
La Grange, California 95329,

SILVIA FAWN BURLEY
14807 Avenida Central
La Grange, California 95329,

RASHEL KAWEHILANI REZNOR
14807 Avenida Central
La Grange, California 95329,

ANJELICA JOSETT PAULK
14807 Avenida Central
La Grange, California 95329,

TRISTIAN SHAWNEE WALLACE
14807 Avenida Central
La Grange, California 95329,

DAVEEN RONELLE WILLIAMS
14807 Avenida Central
La Grange, California 95329,

DARYL STEVEN BURLEY
14807 Avenida Central
La Grange, California 95329,

WILLIAM DAVID BURLEY JR. III
14807 Avenida Central
La Grange, California 95329,

and,

MICHELE DENISE BURLEY
14807 Avenida Central
La Grange, California 95329,

Civ No. -

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

v.

DEB HAALAND, U.S. Secretary of the Interior, in her official capacity, Department of the Interior 1849 C Street, N.W. Washington, DC 20240,

BRYAN NEWLAND, Assistant Secretary for Indian Affairs, in his official capacity, Department of the Interior 1849 C Street, N.W. MS-4660-MIB Washington, DC 20240,

AMY DUTSCHKE, Regional Director, Bureau of Indian Affairs, in her official capacity, Pacific Regional Office – Bureau of Indian Affairs 2800 Cottage Way, Room W-2820 Sacramento, CA 95825,

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. Plaintiffs, the California Valley Miwok Tribe (“Tribe”), by and through and upon resolution of its General Council, and select enrolled members—Mildred Burley, Silvia Burley, Rashel Kawehilani Reznor, Anjelica Josett Paulk, Tristian Shawnee Wallace, Daryl Steven Burley, William David Burley III, Michele Denise Burley, Daveen Ronelle Williams (collectively the “Plaintiffs”)—file this Complaint against Defendants the United States Department of the Interior and agency officials including Deb Haaland,

Brian Newland, Amy Dutschke, Harley Long, Carol Rogers-Davis, and unknown Does 1-10, in their official capacities as officers and employees of the Bureau of Indian Affairs (“Defendants” or “BIA” or the “Agency”), and allege as follows:

2. Despite established legal precedent, its role as a trustee to Indian polities, and historical and binding Indian law principles that should guide the BIA’s better judgment, Defendants have recklessly trod into the thicket of tribal membership head-long. Defendants devised an unprecedented method to undermine tribal sovereignty by employing a regulatory process that has long deviated from the bedrock notice-and-comment rulemaking requirements of federal law while also violating the United States Constitution.
3. Specifically, Defendants’ actions overstep the boundary into intratribal matters and unnecessarily interfere with an Indian tribe’s right to self-government and self-determination. They achieve this by employing a regulatory procedure that was promulgated without notice-and-comment, and by using those regulations to determine ancestral and race-based criteria for the Agency to select individuals it deems to meet Agency-created membership criteria, rather than that based on tribal law. These selected individuals are then permitted to participate in the formation of a tribal constitution and tribal law for an already existing federally recognized Indian tribe.
4. Such actions contravene the notice-and-comment rulemaking mandate of the Administrative Procedure Act. Furthermore, Defendants’ actions also violate the Fourteenth and Fifteenth Amendments of the U.S. Constitution by establishing a governmentally determined race-based qualification for participation in the creation of

tribal law, governing documents, and in an electoral, federally administered referendum for the “reorganization” or “organization” of a federally recognized tribal government’s constitution or governing documents.

5. Over nearly twenty years, and as addressed in several lawsuits, the Agency has taken numerous actions with respect to the California Valley Miwok Tribe. However, no regulation, statute, court order, or judgment mandates or authorizes Defendants to utilize the “Certificate of Degree of Indian Blood” form (sometimes called a “CDIB card”), or the Agency’s related unpublished procedures. There is no authority permitting the Agency to use those procedures or rely on Certificate of Degree of Indian Blood information to determine whether an individual, regardless of their membership status in an Indian tribe, meets the Agency-created ancestral lineage criteria sufficient to participate in the “organization” or reorganization of a *currently* federally recognized Indian tribe.
6. The use of the Certificate of Degree of Indian Blood has been widely criticized since its introduction and, notably, no regulation dictates its use or scope.
7. For nearly four decades, Defendants have bypassed notice and-comment rulemaking regarding the Certificate of Degree of Indian Blood, despite recognizing its necessity for legitimizing any use of Certificate of Degree of Indian Blood. In the early 2000s, over a span of more than dozen years, Defendants attempted to promulgate regulations concerning the Certificate of Degree of Indian Blood but ultimately abandoned these efforts.
8. Simply put, no authority mandates or permits Defendants to use the Certificate of Degree

of Indian Blood form, nor Defendants’ unpublished Certificate of Degree of Indian Blood procedures and racial criteria, to determine whether any individual meets the federally established ancestral-lineage-criteria sufficient to participate in the reformation of a *currently* federally recognized Indian tribe. Defendants’ procedure bears a disturbing resemblance to the infamous and reprehensible, “scratch test” employed by the BIA to assess whether “Indians” were “civilized enough” to manage their own property during the Allotment Era over a century ago.

9. Even if the Certificate of Degree of Indian Blood form and its related procedures could be justified for determining an individual’s compliance with federally established ancestral lineage criteria sufficient for participating in the reformation of a *currently* federally recognized Indian tribe, Defendants have violated the Administrative Procedure Act by not promulgating regulations for use of the Certificate of Degree of Indian Blood in the manner described in this matter or in *any process*.
10. This Court must conclude that use of the Certificate of Degree of Indian Blood, both generally, and in this instance, contravenes the Administrative Procedure Act’s mandate that such rules be promulgated in accordance with notice-and-comment rulemaking.
11. This Court should halt Defendants’ unconstitutional racial practices against Indigenous peoples before the BIA extends a legacy of oppression that is antithetical to contemporary federal policies and Supreme Court precedent.

JURISDICTION

12. This Court has jurisdiction under Article III, section 2, of the United States Constitution and under 28 U.S.C. § 1331 because the claims in this action arise under the Constitution

and laws of the United States including under federal common law.

13. Declaratory relief is authorized pursuant to the Declaratory Judgments Act, 28 U.S.C. §§ 2201-2202, and the All Writs Act, 28 U.S.C. § 1651.
14. The actions and decisions of Defendants are reviewable under the Administrative Procedure Act, 5 U.S.C. §§ 553 and 701-706 (“APA”). Specifically, Defendants have consented to suit, the Defendant’s actions are reviewable by the Court, and a remedy is available under the various provisions of the APA, including 5 U.S.C. § 702 (providing for judicial review of agency action under the APA), 5 U.S.C. § 704, 5 U.S.C. § 705, and 5 U.S.C. §§ 706(2)(A), 706(2)(B), and 706(2)(C). In reviewing Defendants’ actions this Court “shall decide all relevant question of law, interpret constitutional and statutory provisions and determine the meaning of applicability of the terms of an agency action.”

VENUE

15. Venue is proper in the District of Columbia under 28 U.S.C. § 1391(e) because the Defendant officials reside in this district and the challenged agency decision was made in this district. *See generally, Alabama v. U.S. Army Corps of Eng’rs*, 304 F. Supp. 3d 56, 62 (D.D.C. 2018).
16. There is a strong nexus of the claims at issue in this case to the District of Columbia because Plaintiff’s claims here “focus on the interpretation of federal statutes.” *Greater Yellowstone Coalition v. Bosworth*, 180 F. Supp. 2d 124, 128-29 (D.D.C. 2001).
17. Furthermore, “[t]he Government cannot reasonably claim to be inconvenienced by litigating in this district; after all, this is its home forum.” *Stewart v. Anzar*, 308 F. Supp. 3d 239, 248 (D.D.C. 2018).

18. The interpretation of the Administrative Procedure Act, Indian Reorganization Act (IRA), the Agency's statutory authority, and the Plaintiffs' constitutional arguments and rights under the Constitution have broad-reaching, national policy implications and therefore the Plaintiffs' choice of venue has a substantial nexus to Defendants headquarters federal district court.
19. Therefore, the venue is proper in this Court.

PARTIES

20. California Valley Miwok Tribe is a federally recognized Indian tribe appearing on all annual announcements since the enactment of P.L. 103-454, 108 Stat 4791 (1994) as well as in United States Federal Register notices reporting a government-to-government relationship with and extending services to Indian tribes, dating back to 1972. *See* "American Indians and Their Federal Relationship, Department of Interior," BIA (1972); *see also* Notice, Indian Tribal Entities that have a Government-to-Government Relationship with the United States, 44 Fed Reg 7235, 7236 (Feb. 6, 1979), EX 3 60 Fed. Reg. 9250 (Feb. 16, 1995); 67 Fed. Reg. 46328, 46328 (Jul. 12, 2002) (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California); 89 Fed. Reg. 944, 944 (Jan. 8, 2024). *See also*, Exhibit 1 (Letters of May and June 2002 between tribe and BIA following procedure that a recognized tribal government provides notice to the United States of its name change). The United States conferred tribal status and officially recognized the Tribe's organization as a distinct political entity in 1935. *See California Valley Miwok Tribe v United States*, No. Civ. S-A2-09L2 FCD GCH at 2 (Memo & Order Jul 1, 2004).

21. The Tribe was not terminated under the California Rancheria Act, Pub. L. No. 85-671, 72 Stat. 619 (1958). The United States has represented in various court filings that the Tribe was not terminated. *See, e.g., California Valley Miwok Tribe v United States* No. Civ. S-A2-09L2 FCD GCH, n.4 (Memo & Order Jul 1, 2004).
22. The United States Circuit Court for the District of Columbia noted that the United States accepted one or more individual Plaintiffs as members of the Tribe. *See Cal. Valley Miwok Tribe v. United States*, 515 F.3d 1262 (D.C. Cir. 2008).
23. The Tribe is made up of duly enrolled members pursuant to the Tribe's enrollment ordinance. Those identified in the following paragraphs have chosen to participate in this matter.
24. Plaintiff Mildred Burley is a duly enrolled member of the Tribe pursuant to the Tribe's enrollment ordinance. Mrs. Burley is a full-blooded Miwok Indian and is one of the last known speakers of the Miwok language in North America.
25. Plaintiff Silvia Burley is a duly enrolled member of the Tribe pursuant to the Tribe's enrollment ordinance and governing document. Ms. Burley has also been recognized as a member and leader of the Tribe by both Defendants and courts.
26. Rashel Kawehilani Reznor is a duly enrolled member of the Tribe pursuant to the Tribe's enrollment ordinance and governing document.
27. Plaintiff Anjelika Paulk is a duly enrolled member pursuant to the Tribe's enrollment ordinance and governing document.
28. Tristian Shawnee Wallace is a duly enrolled member pursuant to the Tribe's enrollment ordinance.

29. Daryl Steven Burley is a duly enrolled member pursuant to the Tribe's enrollment ordinance.
30. William David Burley III is a duly enrolled member pursuant to the Tribe's enrollment ordinance.
31. Michele Denise Burley is a duly enrolled member pursuant to the Tribe's enrollment ordinance.
32. Daveen Ronelle Williams is a duly enrolled member pursuant to the Tribe's enrollment ordinance.
33. Defendant United States Department of the Interior is a department of the executive branch of the United States Government reporting directly to the President of the United States.
34. Defendant Deb Haaland is the Secretary of the Department of the Interior ("Secretary") and is sued in her official capacity.
35. Defendant Brian Newland is the Assistant Secretary for Indian Affairs in the Department of the Interior overseeing the Bureau of Indian Affairs ("AS-IA") and is sued in his official capacity.
36. Defendant Amy Dutschke is the Pacific Region Director for the Bureau of Indian Affairs reporting to Assistant Director – Indian Affairs Brian Newland ("Director") and is sued in her official capacity.

FACTS AND GENERAL ALLEGATIONS

37. Plaintiffs incorporate paras. 1-14 in these facts and general allegations.

38. The California Valley Miwok Tribe is recognized by the United States as a sovereign Indian tribe.
39. The Tribe's federal recognition predates the Indian Reorganization Act. On April 5, 1916, the United States acquired approximately one acre of land at Sheep Ranch, California, for homeless Indians, using funds allocated by Congress for such purchases.
40. In 1934 Congress enacted the Indian Reorganization Act, Pub. L. 73-383, 48 Stat. 984 (1934) ("IRA"), "to conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes."
41. The Tribe withstood attempts by the United States Bureau of Indian Affairs ("BIA") efforts to terminate it under the California Rancheria Act, Pub. L. 85-671, 72 Stat. 619, 85 Cong. (1958).
42. "Congress has expressly repudiated the policy of terminating recognized Indian tribes...." Pub. L. 103-454, § 103(5), 108 Stat. 4791 (1994), 25 U.S.C. § 479a Note. Absent an Act of Congress to the contrary, Indian tribes retain their inherent sovereign authority to establish their own membership criteria and to admit or deny membership to any individual. No Act of Congress divested the California Valley Miwok Tribe of California of its sovereign right to establish membership criteria or to admit or deny membership to any individual.

43. The United States has acknowledged certain individual Plaintiffs as possessing “Indian status” recognizing their enrollment as tribal members and engaging in federal relations with them periodically.
44. Defendants accepted the Tribe’s June 2002 resolution, by and through several Plaintiffs in this matter, which changed the name of the Tribe from Sheep Ranch Rancheria to the California Valley Miwok Tribe.
45. Furthermore, Defendants have engaged relations with the Tribe, through several Plaintiffs in this matter, by entering into multiple contracts under the Indian Self Determination Act, Pub. L. 93-638 (“ISDA” or “638”).
46. Under Section 16 of the Indian Reorganization Act, an Indian tribe “shall have the right” to reorganize its government by adopting “an appropriate constitution and bylaws.” 25 U.S.C. § 5123(a).
47. Technical revisions to IRA Section 16 in 2004 added subdivision (h) to expressly acknowledge that Indian tribes retain the sovereign right to be governed by traditions and customs, written documents of their choosing, or any other means of political organization. *See* 25 U.S.C. § 5123(h).
48. Defendants promulgated regulations to implement IRA Section 16 at Title 25, Part 81, of the Code of Federal Regulations (“CFR”). According to these regulations, a request for the Secretary’s assistance in reorganizing the Tribe’s government must be made by the tribal government itself or a majority of the members of the Tribe. 25 C.F.R. §§ 81.6, 81.57(b).

49. Based on information and belief, Defendants currently lack a request from the Tribe or a valid request from any petitioner to conduct or assist in the conducting of a Secretarial Election under IRA Section 16 or according to 25 CFR Part 81.
50. From October 2021 until January 2023, Defendants held two organizational meetings and introduced a process by which individuals believing they had ancestral ties to the Tribe could submit application using the Certificate of Degree of Indian Blood form, along with related processes described by Defendants.
51. On or about, October 29, 2021, the Tribe discovered that the Bureau of Indian Affairs, Central California Agency posted a Public Notice to its internet website. That Notice purports to call an “initial meeting” to “determine eligibility to participate in organization of the Tribe” on or about November 30, 2021, at 1:30 p.m. Exhibit 2.
52. On November 30, 2021, the Agency held an online meeting to describe the process it will follow to organize California Valley Miwok Tribe under the Indian Reorganization Act to draft a tribal constitution.
53. The Agency stated that its effort to organize the California Valley Miwok Tribe under an IRA constitution is pursuant to directives contained in the 2015 Decision by then-Assistant Secretary – Indian Affairs Kevin Washburn, which set forth criteria to determine which persons are eligible to participate in organization of the Tribe and set a procedure for such organization.
54. Based on information known to the Plaintiffs, at or about the time of the November 20, 2021, meeting Defendants described the following procedures:

- a. Persons claiming to be eligible for membership in the Tribe must download a Certificate of Degree of Indian Blood (“CDIB”) form from the Agency’s website, complete the form, and submit the form with supporting documentation to the Agency by January 14, 2022.
 - b. The Agency will determine whether the person has demonstrated lineal descent from:
 - i. Persons listed on the August 13, 1915, Census of Indians at or near Sheep Ranch, Calaveras County, California;
 - ii. Descendants of Mabel Hodge Dixie; or
 - iii. Jeff Davis, listed on the June 6, 1935, Approved List of Voters for Indian Reorganization Act of Sheep Ranch Rancheria, Calaveras County, California.
 - c. If the Agency determines a person to be ineligible, under the above criteria, a person may appeal against that decision under the disenrollment regulations of 25 C.F.R. Part 62.
 - d. The Agency will hold a meeting of all persons it independently determines to be eligible for membership for the purposes of drafting and ratifying a constitution.
55. At the November 2021 meeting BIA described the process it will use to organize the Tribe under an IRA Constitution.
- 1) Each individual wanting to be an eligible participant must submit a Certificate of Degree of Indian Blood application to BIA by January 14, 2022. The CDIB will be used to determine lineal descendency.

- 2) BIA's evaluation of the CDIB must show the applicant is a lineal descendant from one of three groups:
 - a. An individual on the August 13, 1915, census;
 - b. An individual on the June 6, 1935, approved list of voters (only Jeff Davis); or
 - c. Descendants of Mabel Hodge Dixie.
 - 3) The Superintendent will issue a determination of eligibility to each applicant based on the CDIB within sixty days.
 - 4) An applicant receiving an unfavorable determination will have thirty days to appeal against the decision following the procedures in 25 CFR Part 62.
 - 5) BIA will organize a meeting of eligible participants for a Secretarial Election under 25 CFR Part 81.
56. Procedures described by Defendants on or about November and December 2021 are neither established in the 2015 Washburn Decision, any other decision nor do they conform to the BIA's regulations under 25 C.F.R. Part 81 for Secretarial Election Procedures and are not found in any publicly available document.
57. All Plaintiffs submitted their applications on or about January 14, 2022, for the second time in two years.
58. The Agency received an unknown number of applications on or before January 12, 2022.
59. The Agency did not issue a Certificate of Degree of Indian Blood determination in accordance with any previously used form or format or procedure to the Plaintiffs.

60. The Agency instead issued letters to individuals that submitted applications stating that such individuals were, or were not, eligible to participate in the Agency's organization process. Those letters stated that individuals who were determined not to be eligible to participate may appeal to the Agency's decision under 25 CFR Part 61. True and correct copies of an exemplar letter the Agency issued to Plaintiffs are attached hereto as Exhibits 3.
61. The Agency received and responded to an unknown number of appeals from the letters the Agency issued in response to individuals that submitted Certificate of Degree of Indian Blood forms but were determined by the Agency to be not eligible to participate in the Agency's organization process.
62. The Agency continues to possess all Plaintiffs' application documents, from both instances that Plaintiffs submitted application without returning them to Plaintiffs.
63. On or about May 31, 2022, Assistant Secretary – Indian Affairs issued a Letter, purportedly modifying the 2015 Decision.
64. On or about September 30, 2022, the Central California Agency ("Agency") issued a public notice that it "plans to assist the California Valley Miwok Tribe, aka Sheep Ranch Rancheria (Tribe) with organization of a formal government structure by individuals who are eligible to participate in such a process."
65. In that same announcement, the Agency required individuals to register for a virtual meeting held on November 28, 2022, where the Agency would "provide information concerning the organizing process and procedures that will be used to determine eligibility to participate in organization of the Tribe based on applicable Department and

Bureau decisions regarding organization of the Tribe.” No reference to the applicable decisions was provided. The agency also did not cite any statutory or regulatory authority to conduct the publicly noticed process.

66. The Agency held a virtual meeting on November 28, 2022.
67. On November 29, 2022, the Agency issued a public notice that the Agency “plans to assist the [Tribe] with organization of a formal government structure by individuals who are eligible to participate in such a process, consistent with the December 30, 2015, decision by the Assistant Secretary – Indian Affairs, as revised May 31, 2022, by the Assistant Secretary – Indian Affairs.” The Agency required “a descendant of a person listed on [one of four government documents that] want to be considered for participation in the organization process [to submit] the Certificate of Degree of Indian Blood (CDIB) form along with supporting documentation....” The Agency required all such persons to “show lineal descendency” from one of four groups or individuals. The Agency established a deadline for all submissions on January 12, 2023. Again, the agency did not cite any statutory or regulatory authority to conduct the process or to use Certificate of Degree of Indian Blood in the process. A true and correct copy of the public notice is attached hereto as Exhibit 4.
68. On July 31, 2023, the Agency issued a public notice that it intended to hold the “next organizational meeting for the [Tribe]” on August 30, 2023, “in person at the Calaveras County Fairgrounds, with a virtual option for those who cannot attend in person.” The Agency limited participation in the meeting to those individuals who produced a “photo ID” and who had received a letter from the Agency determining that the individual was

“eligible to participate.” The Agency further limited the opportunity to ask questions or make statements to “those eligible to participate in the Organization of the [Tribe].” A true and correct copy of the public notice is attached hereto as Exhibit 5. The Agency prohibited individual participants from being represented by counsel.

69. The Agency stated its purpose for the August 30, 2023, meeting was “to discuss the process in which a proposed governing document will be developed to move forward to an eventual petition for a Secretarial Election.”
70. On August 30, 2023, the Agency held a meeting at the Calaveras County Fairgrounds, and virtually, for the purpose of establishing a process by which a proposed governing document would be developed in preparation for an eventual petition for Secretarial Election.
71. The Agency controlled the format, content, and subjects of the August 30, 2023, meeting. During that meeting the Agency:
 - A. Stated its decision that the Agency would form a Constitution Committee from a list of individuals the Agency determined were eligible to participate in a Secretarial Election who expressed interest in participating on the Constitution Committee before the end of the meeting.
 - B. Stated its decision that the Agency would select, at random, individuals to participate on the Constitution Committee by September 8, 2023.
 - C. Stated its decision that the Agency would participate in meetings of the Constitution Committee.

- D. Stated its decision that the Agency would direct the Constitution Committee to consider one of two starting places for drafting a governing document, and that individuals the Agency determined were eligible to participate in a Secretarial Election may indicate a preference for one of those two starting places before the end of the meeting.
 - E. Stated its decision that the governing document drafted by the Constitution Committee would be circulated to individuals the Agency determined were eligible to participate in a Secretarial Election.
 - F. Stated its decision that the Agency would use the governing document drafted by the Constitution Committee as the foundation for a petition for a Secretarial Election.
 - G. Stated its decision that the remedy for individuals objecting to the governing document drafted by the Constitution Committee was to not sign a petition for Secretarial Election. *See* Exhibit 6 at page 23. (transcript of Aug. 30, 2023, Organizing Meeting).
72. On September 14, 2023, the Plaintiffs, through counsel, requested the names of individuals the Agency appointed to the Constitution Committee and information related to the Constitution Committee's meetings. The Plaintiffs also requested copies of the presentation and transcript from the August 30, 2023, meeting. Defendants replied on September 15, 2023, but refused to answer Plaintiffs' questions about the Constitution Committee.

73. On September 18, 2023, the Plaintiffs, through counsel, again requested the names of individuals the Agency appointed to the Constitution Committee and information related to the Constitution Committee's meetings. Defendants did not respond.
74. On September 29, 2023, the Plaintiffs, through counsel, issued a final request for the names of individuals the Agency appointed to the Constitution Committee and information related to the Constitution Committee's meetings. Almost two weeks later, Defendants replied that no individuals had been appointed to the Constitution Committee but withheld any further information.
75. In and or around January 2024, by Defendants selected eight (8) individuals for its constitutional committee, and on about January 18, 2024, Defendants held a virtual meeting of its selected individuals of the constitutional committee to "Develop Proposed Constitution." Exhibit 7.
76. No regulation dictates the use or scope of Certificate of Degree of Indian Blood, defines Defendants' procedures for issuing a CDIB, or describes the criteria Defendants apply.
77. For almost four decades, Defendants have never completed Notice and Comment Rulemaking regarding any process for the use of Certificate of Degree of Blood. Defendants are aware that rulemaking is necessary to legitimize the use of Certificates of Degree of Indian Blood for *any* purpose. Beginning in approximately 1999, Defendants attempted to promulgate regulations concerning the Certificate of Degree of Indian Blood, but they ultimately abandoned the effort by 2014. At no time during the Defendants' effort to promulgate regulations did Defendants propose rules for using the Certificate of Degree of Indian or Alaskan Blood for the purposes alleged in this matter.

78. In 1986, the Interior Board of Indian Appeal found that notice that notice and comment rulemaking is necessary to make the CDIB procedures lawful. *Underwood v Dep. Asst. Sec.*, 14 IBIA 3 (1986). The Agency is well-aware that the Interior Board of Indian Appeals has found that that CDIBs were solely to facilitate determining eligibility of persons for federal programs and its use even for purposes that arose out of that use and practice was questionable without notice and comment rulemaking.
79. Indeed, the BIA lacks the authority to issue an order or directive to use the Certificate of Indian Blood procedure without notice and comment rulemaking, as neither Supreme Court precedent nor any express act of Congress grants it this power.
80. Nonetheless, the BIA now divines from the penumbras of various documents and judicial *dicta*, that the BIA must “reorganize” the Tribe through an off-brand use of the Certificate of Degree of Indian Blood procedure. Defendants required individuals to involuntarily submit Certificate of Degree of Indian Blood applications for Defendants’ review to determine whether they may participate in reformation of the Tribe’s government.
81. The use of the Certificate of Degree of Indian Blood has long been criticized for its use generally and Defendants are well aware that notice and comment rulemaking are necessary to make its use lawful for *any* purpose. There are no regulations governing Defendants’ use of a federally created Certificate of Degree of Indian Blood to determine ancestral lines for participation in federally supervised electoral processes or to determine ancestral participation in tribal processes to reform the government of a federally recognized Indian tribe.

82. The Certificate of Degree of Indian Blood is an internal device of the Bureau of Indian Affairs created and implemented without public notice or comment and in this case is a racial classification chosen by Defendants not the Tribe itself.
83. There is no general congressional authority for Defendants to issue Certificates of Degree of Indian Blood, instead Congress has, from time-to-time provided that eligibility for benefit is based on a specific degree of blood quantum in which Defendants have chosen to implement the statutory directive by issuing a Certificate of Degree of Indian blood.
84. There is no reference to “Certificates of Degree of Indian Blood” at all in Title 25 of the Code of Federal Regulations or in the Statutes at Large.
85. Because there is no mandate by Congress to the BIA or any agency to create or continue to issue Certificates of Degree of Indian Blood for the purpose of choosing participation in federally supervised activities based on race, such action is violative of the Constitution.
86. A determination of ancestry may be implied by congressional definitions of “Indian” and “Alaska Native” that use blood quantum. None of those definitions generally apply to whether an individual may be a member of the Tribe, and none of those definitions apply to a tribal request for Secretarial election under the IRA. In other words, the United States designation of “Indian status” is a derivative of the hallmarks of an Indian tribal entities’ determination, under tribal law, that an “Indian” is a member of a polity with which the United States is conducting relations.
87. No provision of the current Bureau of Indian Affairs Manual refers to the policy or procedures of the Certificate of Indian Blood for purposes described herein.

88. The Agency has, at times, represented that the Certificates of Degree of Indian Blood are granted for the convenience of the government, solely at the assistant secretary's discretion, to facilitate its work in determining eligibility of persons for federal programs. *See generally Underwood v. Deputy Asst. Sec.*, 14 IBIA 3 (Jan 31, 1986).
89. Since at least 1986 the agency knew that notice and comment rulemaking were required to use the Certificate of Degree of Indian Blood procedure for *any purpose*. "The procedures and rules by which this determination is made [using a Certificate of Degree of Indian Blood form], including the evidentiary standards employed, are known only by BIA, not by those persons affected. These are truly 'hidden regulations,' available only to and known by only the initiated few." *See generally Underwood v. Deputy Asst. Sec.*, 14 IBIA 3, 21 (Jan 31, 1986).
90. The Agency pursued notice and comment rulemaking related to the collection of information under a Certificate of Degree of Indian Blood process, proposing a rule and seeking comment April 18, 2000. Certificate of Degree of Indian or Alaska Native Blood, 65 Fed. Reg. 20775 (Apr. 8, 2000).
91. Despite issuing the draft and seeking comments, the BIA has never finalized those regulations.
92. In 2003, the BIA extended the comment period due to requests from tribes and individuals. Certificate of Degree of Indian or Alaska Native Blood Information Collection, 68 Fed. Reg. 7800, 7800 (Feb. 18, 2003).
93. By 2006, the BIA stated the further delay was due to "various reasons." Notice of Submission of Information Collection, 73 Fed. Reg. 8054, 8055 (Feb. 12, 2008);

Certificate of Degree of Indian or Alaska Native Blood Information Collection, 71 Fed. Reg. 2268, 2268 (Jan. 13, 2006).

94. The 2006 Federal Register notice states “This collection was originally approved and assigned OMB Control No. 1076–0153 when it was submitted with a proposed rulemaking, 25 CFR Part 70, which was published in the Federal Register on April 18, 2000 (66 FR 20775). The proposed rulemaking has not been finalized due to various reasons. **We received numerous negative comments from individuals and Indian tribal governments.** We, therefore, are rewriting the proposed rule.” [emphasis added].
95. In 2007, Defendants again request further comment for the Certificate of Degree of Indian Blood proposed rule. “One comment was received during or before the close of the public comment period of December 31, 2007. Comment: We received one comment regarding (1) who needs to fill out the form? Is it to be used only for new recognition applications or for all enrolled persons; (2) does this establish a new “blood” requirement, i.e., 1/8 or 1/4; and (3) do not reinvent Enrollment for those who have already done it but have reasonable requirements for new enrollees or those denied.” The Agency then responds to the comment, stating, among other things “The Certificate of Degree of Indian or Alaska Native Blood does not establish a new “blood” requirement. Rather, CDIBs are used by individuals who want to document their Indian or Alaska native ancestry and degree of Indian blood. **CDIBs do not establish membership in any Indian or Alaska Native tribe.** (3) A CDIB is not an enrollment document. Tribes determine their own membership, and the BIA does not enroll tribal members.” [emphasis added].

96. There has been no federal action to move the regulations forward, and even requests for renewals of collection disappeared from the Federal Register after 2014.
97. While the Certificate of Degree of Indian Blood form and processes are used for other purposes including as required by existing tribal law to assist specific tribal government to determine membership eligibility, it has not been used by the United States without a federal statute or tribal law authorizing its use.
98. The Department of the Interior's semi-annual rulemaking agendas between 2000 and 2011 included the proposal to adopt regulations regarding Certificate of Degree of Indian and Alaska Native Blood. The effort was finally withdrawn on Feb. 1, 2011. All the way up until the Fall 2020 semi-annual agenda, Defendants reported that it had "not yet determined" legal authority for the rulemaking. Moreover, Defendants responded "none" to "Information Collection Request" forms to OMB in 2020 and 2021 when queried about "Authorizing Statutes" or "Citations for New Statutory Requirement. Exhibit 8.
99. Defendants are aware of the unreliability of Indian blood quantum information. In the background section of the 2000 draft regulations, BIA noted:
- "Some early Bureau and tribal records do not indicate degrees of Indian blood or are inconsistent. Changes and corrections have been made to these records without an indication of who made the change or the basis upon which they were made. Errors occurred when individuals submitted delayed or amended birth certificates and delayed death certificates as documentation for Indian blood certification. Amended birth documents often contain unreliable birth data, or data that was received long after the original birth certification has been issued." 65 Fed. Reg. at 20776.
100. Defendants' use of Certificate of Degree of Indian Blood procedures to determine eligibility of individuals to reorganize the California Valley Miwok Tribe is inconsistent

with the little publicly available information about the intended use of Certificates of Degree of Indian Blood in this matter. And, it is at best, an off-brand use of the Certificate of Degree of Indian Blood that constitutes a legal wrong suffered by the Plaintiffs requiring review by the Court because it (1) violates and impacts rights and privileges held by Plaintiffs, (2) violates the basic tenets of Indian affairs of self-government and self-determination afforded the Plaintiffs as members of the California Valley Miwok Tribe, a federally recognized Tribe, and (3) violates the U.S. Constitution.

101. The Indian Reorganization Act and its accompanying regulations provide that:

Any Indian tribe shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, and any amendments thereto, which shall become effective when— (1) ratified by a majority vote of the adult members of the tribe or tribes at a special election authorized and called by the Secretary under such rules and regulations as the Secretary may prescribe; and (2) approved by the Secretary pursuant to subsection (d) of this section.

Indian Reorganization Act Section 16. [emphasis supplied].

102. The IRA Section 19 states “The term “Indian” as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe....”
103. Plaintiffs admonish that each federally recognized Tribe “determines whether an individual is eligible for membership.” See <https://www.doi.gov/tribes/enrollment> last visited March 26, 2024.
104. Such an announcement by Defendants is consistent with the notion that “it is equally well settled that, absent Congressional restrictions, an Indian tribe has the power to determine its own membership, at least for purely internal purposes. See *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 54-57 (1978).

105. While, in the specific instance of membership determinations, it is well settled that Congress may, and in some cases, has made membership determinations for purposes of distribution of tribal property under the control of the United States no statute grants Defendants authority to exercise its powers of control over membership determinations. *Martinez v. Southern Ute Tribe*, 249 F.2d 915, 920 (10th Cir. 1957), cert. den., 356 U.S. 960, 78 S. Ct. 998, 2 L. Ed. 2d 1067, reh. den., 357 U.S. 924, 78 S. Ct. 1374, 2 L. Ed. 2d 1376. More specifically, in this matter, no statute grants the use of the Certificate of Degree of Indian Blood to determine participation by ancestry in a process that is internal and inherently driven by tribal law to create tribal law and a new governing document.
106. In fact, Defendants' Certificate of Degree of Indian Blood application process has chosen individuals that have not been members of the Tribe to participate in Defendants' process to reform the Tribe.
107. Upon information and belief, Plaintiffs have reason to believe that at least one individual may be participating in Defendants' Certificate of Degree of Indian Blood application process, despite the fact, based on the individual's own admission under oath in a court of law, that he is not a member of the California Valley Miwok Tribe.
108. Furthermore, upon information and belief, Plaintiffs have reason to believe that at least one individual that is participating in Defendants' Certificate of Degree of Indian Blood application process is not a member of the Plaintiff Tribe because that individual sought enrollment in the California Valley Miwok tribe, pursuant to Plaintiff Tribe's enrollment ordinance, in the mid-2000s, but later withdrew his application.

109. Plaintiffs have reason to believe that at least seven (7) individuals who have never been members of any Indian tribe, including Plaintiff Tribe, and were issued Certificate of Degree of Indian Blood determination letters under the Agency’s Certificate Degree of Indian Blood process, in this matter—as described above—that purportedly entitles them to participate in reforming the Tribe’s government and create tribal law.
110. The Agency’s use of the Certificate of Degree of Indian Blood to determine which individuals met Indian ancestral requirements determined *solely* by the Agency to participate in the reorganization, or organization, of the Tribe is the first time the Agency has used the Certificate of Degree of Indian Blood and its unnoticed processes for such purpose.

FIRST CLAIM FOR RELIEF

(Violation of the Administrative Procedure Act—Rule Making

5 U.S.C. §§ 553, 702, 704, & 706)

111. Plaintiffs incorporate by reference each fact and allegation in this Complaint.
112. Congress established the Administrative Procedure Act (“APA”) to control agency rulemaking, adjudication, and other decision-making.
113. Under the APA, broadly applicable rules and regulations must be adopted through notice-and-comment rulemaking that enables public review of the agency’s proposal and ensures the agency is accountable to public opinion.
114. The APA requires federal agencies to publish a “[g]eneral notice of proposed rule making” in the Federal Register and, after such notice, to “give interested persons an opportunity to participate in the rule making” through submission of comments, views, or

arguments. 5 U.S.C. 553(b), (c). Section 553 reflects Congress's commitment to "public participation and fairness to affected parties." *Dia Nav. Co. v. Pomeroy*, 34 F.3d 1255, 1265 (3d Cir. 1994) (quoting *Batterton v. Marshall*, 648 F.2d 694, 705 (D.C. Cir. 1980)).

115. Compliance with § 553 is essential to the scheme of administrative governance established by the APA. Procedures promulgated under § 553 reflect Congress's view that informed decision making requires agency decisions to afford interested persons an opportunity to communicate their views to an agency because openness, explanation, and participatory democracy in rulemaking assures legitimacy of administrative norms. *Transport Assoc. of America v. Dept. of Trans.*, 900 F.3d 369 (D.C. Cir. 1990).
116. The use of Certificate of Degree of Indian Blood is not excepted under § 553(a) and rulemaking cannot be avoided under § 553(b)(A) because rights and interests of Plaintiffs as members of a federally recognized Indian tribe are at stake.
117. Defendants have broadly applied and used the Certificate of Degree of Indian Blood for thousands of individual applicants over decades to assist in their determination of eligibility for statutory benefits and services that are based on Indian Status but never to determine whether individuals may participate in the formation of tribal law for an already federally recognized Tribe nor for participation in an Agency-assisted organization of a tribal government nor has the BIA ever used the CDIB form or procedures to determine if the individuals have Indian status under tribal law.

118. Defendants required Plaintiffs and other individuals to submit an application for a Certificate of Degree of Indian Blood to participate in Defendants' Agency-initiated process to form or reform the Tribe's governance system.
119. The use of the Certificate of Degree of Indian Blood as alleged in this Complaint constitutes a "rule" under the Administrative Procedure Act.
120. Defendants have broadly applied and used the Certificate of Degree of Indian Blood form and the related unpublished procedures for thousands of individual applicants over decades to assist in Defendants' determination of eligibility for statutory benefits and services but never to determine ancestral lines to select individuals the Agency deems to meet Agency-created criteria to allow those individuals to participate in the formation of a constitution and tribal law for an already and currently federally recognized Tribe.
121. Defendants have not published rules or regulations pertaining to the Certificate of Degree of Indian Blood form or procedures through notice-and-comment rulemaking for any purpose.
122. There are also no published rules or regulations that apply the Certificate of Degree of Indian Blood to any part of the IRA, which forms the basis for an Indian tribe to request the Secretary to approve its form of government.
123. Defendants' requirement that individuals submit Certificate of Degree of Indian Blood applications was part of a process Defendants designed, without notice and comment rulemaking, to reform the California Valley Miwok Tribe's governance system under the Indian Reorganization Act or other law or policy.

124. Defendants' Certificate of Degree of Indian Blood form and related processes violate the Administrative Procedure Act because Defendants are applying general rules, requirements, and procedures without notice-and-comment rulemaking in what the Interior Board of Indian Appeals calls "hidden regulations."
125. The Agency's use of the Certificate of Degree of Indian Blood, without notice and comment rulemaking, is an underground regulation of "general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy" that impacts Plaintiffs' rights in violation of the Administrative Procedure Act, § 553.

SECOND CLAIM FOR RELIEF

(Violation of U.S. Constitution Fourteenth (Equal Protection) and Fifteenth Amendments (Race-Based voting preference))

126. Plaintiffs incorporate by reference each fact and allegation in this Complaint.
127. "A tribe which has been recognized [by Congress or administrative procedures] may not be terminated except by an Act of Congress." Pub. L. 103-454, 108 Stat. 4791, 103d Cong. (1994), Sec. 103(4).
128. The California Valley Miwok Tribe, formerly known as the Sheep Ranch Rancheria, was never terminated by an act of Congress including in accordance with the California Rancheria Act of 1958. Public Law 85-671(72 Stat. 619).
129. Federal recognition of an Indian tribe is based on political association, not race. Necessarily, membership or citizenship in an Indian tribe derives from the inherent political authority as sovereign polities separate from the United States. Thus, Indian

status is derived from political association is that which is recognized by the United States vis-a-vis individuals.

130. As the Supreme Court admonishes, “[a]ncestry can be a proxy for race.” *Rice v. Cayetano*, 528 U.S. 495, 496 (2000).
131. Agency action that uses an individual’s ancestry as a proxy for voter qualification, to participate in an electoral event determined necessarily by Defendants, then organized and administered by Defendants, based on a process that used ancestry to determine whether an individual possesses Indian status violates the Fourteenth and Fifteenth Amendments to the U.S. Constitution.
132. Defendants request to non-Indians and non-Tribal Indians for completed Certificate of Degree of Indian Blood applications including its form, as required to be certified as voters in Defendant’s novel reorganization or organization of an already federally recognized Indian tribes fundamentally racialized action.
133. The Supreme Court of the United States has held that non-federally recognized individuals organized and funded by a state for purposes of a constitutional ratification vote may not restrict eligibility to vote on the bases of race. *Rice v. Cayetano*, 528 U.S. 495 (2000). This is especially the case when racialized categorization is not derived from an Indian tribal entity’s inherent power over members or citizens but that of the state or federal government.
134. Upon the BIA’s determination that the California Valley Miwok Tribe was required to organize or reorganize, Defendants created a process that mandated those that wished to participate in the Agency-created process to submit an application that included a

completed Certificate of Degree of Indian Blood form which Defendants would use to determine tribal ancestry, and in turn, use that ancestry to determine eligibility to participate in the creation of tribal law and eligibility to vote for tribal governing documents in an election that Defendants would administer and oversee.

135. Defendants' process did not allow for members of the Tribe, regardless of race, to participate in Defendants' process for reforming the Tribe's government.
136. The Certificate of Degree of Indian Blood has no relation to whether an applicant individual has rights flowing from a federally recognized Indian tribe, a lawful political entity under tribal law, which includes that tribe's laws and rules related to membership.
137. Defendants' use of the Certificate of Degree of Indian Blood form and processes to identify individuals eligible to participate and vote in the creation of tribal law and formation of governing documents for the Tribe is a race-based federal determination prohibited by the Fourteenth and Fifteenth Amendments. Stated another way, at best use of the Certificate of Degree of Indian Blood form and processes is a *de facto* determination whether an applicant individual is or is not a non-Indian-individual ineligible for the benefits and services provided by the United States, and therefore ineligible to participate in the Agency's action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that the Court:

1. Declare Defendants' use of the Certificate of Degree of Indian Blood, including its instructions, form, and procedures, in the absence of notice-and-comment rulemaking, to be a violation of the APA.

2. Alternatively, declare that Defendants use of Certificate of Degree of Indian Blood procedures as described in this complaint, without notice and comment rulemaking, to determine eligibility to create a federally recognized Indian tribe's law and governance system violates the APA.
3. Declare that Defendants have engaged in conduct that deprives Plaintiff Tribe of its rights by using the unnoticed Certificate of Degree of Indian Blood to determine ancestry to participate in a federal process to create a federally recognized tribe's tribal law and governance system depriving the federally recognized tribe, the California Valley Miwok Tribe, Fourteenth, rights under the U.S. Constitution.
4. Declare that Defendants have engaged in conduct that deprives individual Plaintiffs of their rights because the use of the Certificate of Degree of Indian Blood to determine ancestry for participation in a federal process to create law and governance for a federally recognized Indian tribe violates the individual Plaintiffs' Fourteenth and Fifteenth Amendment rights as Indians, as well as their Fourteenth Amendment rights as citizens of the United States to be free from unlawful and discriminatory action on bases of race.
5. Declare and Order Defendants to cease and desist from using the Certificate of Degree of Indian Blood form or processes, for these purposes, without first completing notice-and-comment rulemaking and promulgating regulations in accordance with the APA.
6. Declare and Order Defendants to cease and desist from using the Certificate of Degree of Indian Blood form or process to determine eligibility of individuals to create tribal law or a governance system for a federally recognized tribe.
7. Issue injunctive relief to prevent further application of the CDIB criteria until a compliant

rulemaking process is completed.

8. Order Defendants to set aside their actions to reorganize the Tribe using the Certificate of Degree of Blood Quantum or related process used in this matter.

Dated: April 2, 2024

Respectfully submitted,

PEEBLES KIDDER BERGIN & ROBINSON LLP

By: 

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*Attorneys for the California Valley Miwok
Tribe*

Exhibit 1

ORIGINAL

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
Office of Indian Tribal Governments



TAX EXEMPT AND
GOVERNMENT ENTITIES DIVISION

Internal Revenue Service
750 B Street, Suite 1630
San Diego, CA 92101-8131

July 16, 2001

California Valley Miwok Tribe
Attn: Silvia Burley
1055 Winter Court
Tracy, CA 95376

Dear Ms. Burley:

After receiving confirmation of your tribe's name change from the United States Department of the Interior, the Internal Revenue Service made a name change for the previously known Sheep Ranch Tribe of Me-Wuk Indians, EIN 94-3340635. The new name shall read California Valley Miwok Tribe. The name change did not necessitate a new Employer Identification Number (EIN).

Please call me if I can answer or help clarify any questions you may have regarding this matter.

Sincerely,

E. Williamson
INDIAN TRIBAL GOVERNMENT SPECIALIST

TOTAL P. 02

Internal Revenue Service

Indian Tribal Governments

750 B. Street STE 1630
ITG: 7283
San Diego, CA 92101-8131
Fax: 619 230-8150

To: Olivia Burley From: Emily Williamson
 Fax: (209) 834-0318 Phone: 619 230-8165 xtn 126
 Phone: (209) 834-0197 Pages: 2
 Re: Name Change Date: 7/16/01

Urgent For Review Please Reply Confidential

Comments: Let me know if you need changes to the wording of the letter by 12:30pm. If I don't hear from you, I'll assume it meets with your approval. I'll mail the original to your attention.

CONFIDENTIALITY NOTICE

Emily

This communication is intended for the sole use of the individual to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient, or the employee or agent for the delivering of this communication to the intended recipient, are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by telephone call, return the communication to the address above via the United Postal Service. Thank You.

ORIGINAL

California Valley Miwok Tribe

aka: Sheep Ranch Rancheria of Me-Wuk Indians of California

1055 Winter Court, Tracy, California 95376

Phone: (209) 834-0197

srrancheria@thegrid.net

Fax: (209) 834-0318

CaliforniaValleyMiwokTribe@thegrid.net

Tribal Council

GOVERNINING BODY OF THE CALIFORNIA VALLEY MIWOK TRIBE

aka

"Sheep Ranch Rancheria of Me-Wuk Indians of California"

RESOLUTION OF May 07, 2001

R-1-5-07-2001

RESOLUTION AUTHORIZING SUBMISSION OF A REQUEST TO CHANGE THE NAME OF THE TRIBE "SHEEP RANCH RANCHERIA OF ME-WUK INDIANS OF CALIFORNIA" TO THE "CALIFORNIA VALLEY MIWOK TRIBE" AND TO REQUEST THAT IT BE PUBLISHED INTO THE FEDERAL REGISTER

- Whereas,** The Sheep Rancheria of Me-Wuk Indians is a federally recognized Tribe as acknowledged in the Federal Register/Vol. 63, No. 250/Wednesday, December 30, 1998/Notices 71941 and having the immunities and privileges available to them by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations and obligations as a tribe, and
- Whereas,** The Tribal Council of the Sheep Ranch Rancheria of Me-Wuk Indians of California has adopted "Draft B of March 6, 2000, Constitution of the California Valley Miwok Tribe formerly known as the ("Sheep Ranch Rancheria of Me-Wuk Indians of California") (Constitution) as its interim Tribal Constitution and governing document of the Tribe; and
- Whereas,** The Tribal Council of the Sheep Ranch Rancheria of Me-Wuk Indians of California desires to formally change the name of the Tribe from "Sheep Ranch Rancheria of Me-Wuk Indians of California" to the "California Valley Miwok Tribe; and
- Whereas,** The Tribal Council of the Sheep Ranch Rancheria of Me-Wuk Indians of California has declared under ARTICLE I - NAME of "Draft B of March 6, 2000, Constitution of the California Valley Miwok Tribe formerly known as the ("Sheep Ranch Rancheria of Me-Wuk Indians of California") (Constitution) that it's name shall be the "California Valley Miwok Tribe", and

R-1-5-07-2001

Whereas, The Tribal Council of the Sheep Ranch Rancheria of Me-Wuk Indians of California desires to effect this name change as soon as is possible.

NOW THEREFORE BE IT RESOLVED that the Sheep Ranch Rancheria of Me-Wuk Indians of California hereby requests that the United States, Department of the Interior, Bureau of Indian Affairs formally change the name of the Tribe from "Sheep Ranch Rancheria of Me-Wuk Indians of California" to the "California Valley Miwok Tribe" and that all appropriate agencies be notified and that the name change be appropriately published in the Federal Register, and.

BE IT FURTHER RESOLVED that until the Tribe's name is formally changed and included into the Federal Register, the Tribe will continue to operate and be known as the California Valley Miwok Tribe aka "Sheep Ranch Rancheria of Me-Wuk Indians of California, and

BE IT FINALLY RESOLVED the Tribal Council of the California Valley Miwok Tribe aka "Sheep Ranch Rancheria of Me-Wuk Indians of California" hereby authorizes Silvia F. Burley, Chairperson, to take whatever action is necessary to effect the name change of the Tribe.

CERTIFICATION

This is to certify that the above matter was considered and heard at a duly noticed meeting of the California Valley Miwok Tribe aka "Sheep Ranch Rancheria of Me-Wuk Indians of California", Tribal Council at which time a quorum was present, held on this day, May 07, 2001, and that this resolution was adopted by a vote of 3 in favor, 0 opposed, and 0 abstaining.

ATTEST:

Silvia Burley
Silvia Burley, Chairperson
California Valley Miwok Tribe aka "Sheep Ranch Rancheria of Me-Wuk Indians of California"

5/07/2001
Date

Anjelica Paulk
Anjelica Paulk, Vice-Chairperson
California Valley Miwok Tribe aka "Sheep Ranch Rancheria of Me-Wuk Indians of California"

05/07/01
Date

Rashel Reznor
Rashel Reznor, Secretary/Treasurer
California Valley Miwok Tribe
aka "Sheep Ranch Rancheria of Me-Wuk Indians of California"

05/07/2001
Date



Exhibit 2

COVID-19 Updates and Information Following guidance from the White House, Centers for Disease Control and Prevention...

 An official website of the United States government [Here's how you know](#)

U.S. Department of the Interior
Indian Affairs

MENU

California Valley Miwok Tribe - Organization Information

Overview

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Tribes Served

Agencies

Contact Us

Welcome to the California Valley Miwok Tribe informational page. On this page you will find information regarding activities to organize and guide eligible participants through the process of organization.

- [IBIA 19-088 Order Soliciting Response](#)
- [IBIA 19-088 Order Concerning Jurisdiction](#)
- [IBIA 19-088 Order Dismissing Appeal](#)

PUBLIC NOTICE

December 1, 2021

Certificate of Degree of Indian Blood (CDIB) form can be found by [clicking here](#).

The Bureau of Indian Affairs, Central California Agency (Bureau) plans to assist the California Valley Miwok Tribe, aka Sheep Ranch Rancheria (Tribe) with organization of a formal government structure by individuals who are eligible to participate in such a process, consistent with the December 30, 2015 decision by the Assistant Secretary – Indian Affairs.

The first step in the organization process is to identify individuals who are eligible to participate. If you believe you are a descendant of a person listed below and want to be considered for participation in the organization process, please submit the **Certificate of Degree of Indian Blood (CDIB)** form along with supporting documentation to the email address CVMT-CDIB@bia.gov, or by mail to:

Bureau of Indian Affairs - Central California Agency

Attn: CVMT

650 Capitol Mall, Suite 8-500

Sacramento, CA 95814

It is required that the CDIB form be signed and dated by the submitter or it will not be considered for eligibility. The deadline for submitting the CDIB form and supporting documentation is **January 14, 2022**. Any mailed submission must be postmarked by that date.

To be eligible, a person must show lineal descendancy from one of the following groups or individuals below:

1. August 13, 1915, Census of Indians at or near Sheep Ranch, Calaveras County, California, which lists the following individuals:

- Peter Hodge
- Annie Hodge
- Malida Hodge (Daughter of Peter and Annie Hodge)
- Lena Hodge (Daughter of Peter and Annie Hodge)
- Tom Hodge (Son of Peter and Annie Hodge)
- Andy Hodge (Son of Peter and Annie Hodge)
- Jeff Davis*
- Betsey Davis
- Mrs. Limpey
- John Tecumchey
- Pinkey Tecumchey
- Mamy Duncan (Step-Granddaughter of Jeff Davis)

2. Descendants of Mable Hodge Dixie

3. June 6, 1935, Approved List of Voters for Indian Reorganization Act of Sheep Ranch Rancheria, Calaveras County, California, which lists the individual Jeff Davis*.

**For the purposes of determining eligibility, the Office of Federal Acknowledgement has determined that John/Johnny Jeff is not the son of Jeff Davis.*

The Bureau will review all timely received submissions and provide written decisions concerning the eligibility or ineligibility of all individuals who have submitted descendancy verification (CDIB) forms including the information identified above that is necessary to determine organization eligibility. Individuals determined eligible will be notified by letter from the Bureau. Individuals determined to not be eligible will be notified of their right to appeal the determination pursuant to relevant provisions of 25 Code of Federal Regulations Part 62, concerning adverse enrollment actions. After rendering final decisions regarding timely filed appeals, the Bureau will notify all individuals determined to be eligible to participate in the organization of the Tribe and will provide additional information for the organization process, including actions the eligible group is required to perform.

For more information regarding eligibility and necessary documentation, please contact Carol Rogers-Davis, Tribal Operations Officer, by email at Carol.Rogers-Davis@bia.gov.

Previous Public Notices

This and previous notices were also published in area newspapers and can found here:

- [October 28, 2021 Notice of Initial Informational Meeting](#)
- [December 1, 2021 Notice for Eligible Individuals](#)

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Indian Affairs



1849 C Street NW
Washington, DC 20240



[indianaffairs.gov](https://www.indianaffairs.gov)

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PUBLIC NOTICE

California Valley Miwok Tribe, aka Sheep Ranch Rancheria Organization

The Bureau of Indian Affairs, Central California Agency (Bureau) plans to assist the California Valley Miwok Tribe, aka Sheep Ranch Rancheria (Tribe) with organization of a formal government structure by individuals who are eligible to participate in such a process, consistent with the December 30, 2015 decision by the Assistant Secretary – Indian Affairs.

The first step in the organization process is to identify individuals who are eligible to participate in the organization process. If you believe you are a descendant of a person listed below and want to be considered for participation in the organization process, please submit, the Certificate of Degree of Indian Blood (CDIB) form along with supporting documentation to the following email address:

CVMT-CDIB@bia.gov

If you wish to mail in your CDIB form and supporting documentation, mail to:

Bureau of Indian Affairs - Central California Agency

Attn: CVMT

650 Capitol Mall, Suite 8-500

Sacramento, CA 95814

The deadline for submitting the CDIB form and supporting documentation is *January 14, 2022*. Any mailed submission must be postmarked by that date.

In order to be eligible, a person must show lineal descendency from one of the following groups or individuals below:

1. August 13, 1915, Census of Indians at or near Sheepranch, Calaveras County, California, which lists the following individuals:
 1. Peter Hodge
 2. Annie Hodge
 3. Malida 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 (Step-Granddaughter of Jeff Davis)
2. June 6, 1935, Approved List of Voters for Indian Reorganization Act of Sheep Ranch Rancheria, Calaveras County, California, which lists this individual:
 1. Jeff Davis
3. Descendants of Mable Hodge Dixie

For the purposes of determining eligibility for participation, the Office of Federal Acknowledgement has made a determination that John/Johnny Jeff is not the son of Jeff Davis.

Please note: it is required that the CDIB form be signed and dated by the submitter or it will not be considered for eligibility.

The Bureau will review all timely received submissions and will provide written decisions concerning the eligibility or ineligibility of all individuals who have timely submitted decendancy verification (CDIB) forms including the information identified above that is necessary to determine organization eligibility. Individuals determined eligible will be notified by letter from the Bureau. Individuals determined to not be eligible will be notified of their right to appeal the determination pursuant to relevant provisions of 25 Code of Federal Regulations Part 62, concerning adverse enrollment actions. After rendering final decisions regarding timely filed appeals, the Bureau will notify all individuals determined to be eligible to participate in the organization of the Tribe and will provide additional information for the organization process, including actions the eligible group is required to perform.

You may obtain the CDIB form by going to the following webpage:
<https://www.bia.gov/regional-offices/pacific/central-california-agency/cvmt>

or use the QR Code below:



The webpage will provide a link the CDIB form needed to determine eligibility.

The deadline for submitting the CDIB form and supporting documentation is *January 14, 2022*. Any mailed submission must be postmarked by that date.

You may also contact Carol Rogers-Davis, Tribal Operations Officer by email at Carol.Rogers-Davis@bia.gov for more information regarding documentation you must submit for the Bureau to determine your eligibility to participate in organization of the Tribe or you can go to the webpage above.

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:
EXECUTIVE DIRECTION

13 MAR 2023

CERTIFIED MAIL NO. 7022 3330 0001 7736 8620
RETURN RECEIPT REQUESTED



Dear [REDACTED]

The purpose of this correspondence is to advise you that the Bureau of Indian Affairs (Bureau), Central California Agency (Agency), received your Request for a Certificate of Degree of Indian Blood or Alaska Native Blood (CDIB) Form OMB Control #1076-0153, and supporting documentation, submitted in response to the Bureau's Public Notice to assist the California Valley Miwok Tribe (Tribe) with organization of a formal government structure. Your request was received on or ahead of the January 12, 2023, deadline and is considered timely filed. The Notice states you must be listed on or be a lineal descendant of a person listed on one of the documents (Eligible Groups) identified by the Assistant Secretary - Indian Affairs, December 30, 2015, decision, as amended by the Assistant Secretary - Indian Affairs May 31, 2022, decision.

The Agency has completed its review of your CDIB Form and supporting documentation. The review conducted is based upon the examination of available evidence currently before the Agency. Your CDIB form reflects you are claiming eligibility through your father, however, there is no father listed on your birth certificate. You did not provide any official documentation acceptable to the Secretary of the Interior required to establish your relationship to an ancestor in the Eligible Groups. Documentation could include your birth certificate that legally identifies your father, hospital, clinic, doctor's or midwife's records, baptismal certificate, notarized affidavit of paternity signed by your father, probate findings, decree issues by a Court of competent jurisdiction that identifies your father, or DNA results. Without credible evidence to legally identify your parentage the Agency is unable to establish your family ancestry.

Based on the Agency's research, the documentation you presented does not support your claim to be a direct lineal descendant to any individual listed in the Eligible Groups printed in the Public Notice. Consequently, it has been determined that you do not meet the eligibility criteria to participate in the organization of the Tribe.

This decision may be appealed in accordance with the regulations in 25 Code of Federal Regulations (CFR) Part 62 (copy enclosed). An appeal must be in writing and must be filed with the Superintendent, Central California Agency, Bureau of Indian Affairs, 650 Capitol Mall, Suite 8-500, Sacramento, CA 95814.

The appeal will be forwarded by the Superintendent to the Regional Director, Pacific Region, Bureau of Indian Affairs, for a determination.

Your notice of appeal must be filed with the Agency **within 30 days of the date you receive this** decision. The date of filing your notice of appeal is the date it is postmarked or the date it is personally delivered to the Agency. Your notice of appeal must include your name, address and telephone number. It should clearly identify the decision being appealed. If possible, attached a copy of the decision and documents you believe support your appeal. The notice of appeal and the envelope which it is mailed should be clearly labeled "**NOTICE OF APPEAL**".

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.

Should you have a question please contact me or Carol Rogers-Davis, Tribal Operations Officer, at (279) 444-0323, or by email at harley.long@bia.gov or carol.rogers-davis@bia.gov respectively.


Sincerely,

A handwritten signature in black ink, appearing to read "Harley Long", with a stylized flourish at the end.

Harley Long
Superintendent

Exhibit 4

COVID-19 Updates and Information [Following guidance from the White House, Centers for Disease Control and Prevention...](#)

 An official website of the United States government [Here's how you know](#)
U.S. Department of the Interior

Indian Affairs

MENU

California Valley Miwok Tribe - Organization Information

Overview

Welcome to the California Valley Miwok Tribe informational page. On this page you will find information regarding activities to organize and guide eligible participants through the process of organization.

Programs and Services

Tribes Served

PUBLIC NOTICE

Agencies

November 29th, 2022

Contact Us

The Bureau of Indian Affairs, Central California Agency (Bureau) plans to assist the California Valley Miwok Tribe, aka Sheep Ranch Rancheria (Tribe) with organization of a formal government structure by individuals who are eligible to participate in such a process, consistent with the [December 30, 2015 decision by the Assistant Secretary - Indian Affairs](#), as revised [May 31, 2022, by the Assistant Secretary - Indian Affairs](#).

The first step in the organization process is to identify individuals who are eligible to participate in the organization process. If you believe you are a descendant of a person listed on one of the documents below and want to be considered for participation in the organization process, please submit, the [Certificate of Degree of Indian Blood \(CDIB\)](#) form along with supporting documentation to the following email address: CVMT-CDIB@bia.gov

If you wish to mail in your CDIB form and supporting documentation, mail to:

Bureau of Indian Affairs - Central California Agency

Attn: CVMT

650 Capitol Mall, Suite 8-500

Sacramento, CA 95814

The deadline for submitting the CDIB form and supporting documentation is *January 12, 2023*. Any mailed submission must be postmarked by that date.

In order to be eligible, a person must show lineal descendancy from one of the following groups or individuals below:

1. [August 13, 1915, Census of Indians at or near Sheepranch, Calaveras County, California](#)
2. [June 6, 1935, Approved List of Voters for Indian Reorganization Act of Sheep Ranch Rancheria, Calaveras County, California](#)
3. [The Heirs of Mable Dixie \(the sole Indian resident of the Rancheria eligible to vote on its termination in 1967\) as identified by OHA in 1971, and their descendants](#)
4. [Descendants of the Miwok Indians listed on the Indian Census Roll for Calaveras County, dated June 30, 1929](#)

Please Note: it is required that the CDIB form be signed and dated by the submitter, or it will not be considered for eligibility.

The Bureau will review all timely received submissions and will provide written decisions concerning the eligibility or ineligibility of all individuals who have timely submitted decendancy verification (CDIB) forms including the information identified above that is necessary to determine organization eligibility. Individuals determined eligible will be notified by letter from the Bureau. Individuals determined to not be eligible will be notified of their right to appeal the determination pursuant to relevant provisions of 25 Code of Federal Regulations Part 62, concerning adverse enrollment actions. After rendering final decisions regarding timely filed appeals, the Bureau will notify all individuals determined to be eligible to participate in the organization of the Tribe and will provide additional information for the organization process, including actions the eligible group is required to perform.

You may obtain the CDIB form by clicking [here](#).

The deadline for submitting the CDIB form and supporting documentation is January 12, 2023. Any mailed submission must be postmarked by that date.

You may contact Carol Rogers-Davis, Tribal Operations Officer, by email at Carol.Rogers-Davis@bia.gov, Harley Long, Superintendent, at harley.long@bia.gov, or you may call (279) 444-0323 for more information regarding documentation you must submit for the Bureau to determine your eligibility to participate in organization of the Tribe.

Previous Public Notices

This and previous notices were also published in area newspapers and can found here:

- [September 30, 2022 Notice of Informational Meeting](#)

Interior Board of Indian Appeals (IBIA) Decisions

- [IBIA 19-088 Order Soliciting Response](#)
- [IBIA 19-088 Order Concerning Jurisdiction](#)
- [IBIA 19-088 Order Dismissing Appeal](#)

BUREAU OF INDIAN AFFAIRS
CERTIFICATE OF DEGREE OF INDIAN OR ALASKA NATIVE BLOOD
INSTRUCTIONS

All portions of the Request for Certificate of Degree of Indian or Alaska Native Blood (CDIB) must be completed. You must show your relationship to an enrolled member(s) of a federally recognized Indian tribe, whether it is through your birth mother or birth father, or both. A federally recognized Indian tribe means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community which appears on the list of recognized tribes published in the Federal Register by the Secretary of the Interior (25 U.S.C. § 479a-1(a)).

- Your degree of Indian blood is computed from lineal ancestors of Indian blood who were enrolled with a federally recognized Indian tribe or whose names appear on the designated base rolls of a federally recognized Indian tribe.
- You must give the maiden names of all women listed on the Request for CDIB, unless they were enrolled by their married names.
- A Certified Copy of a Birth Certificate is required to establish your relationship to a parent(s) enrolled with a federally recognized Indian tribe(s).
- If your parent is not enrolled with a federally recognized Indian tribe, a Certified Copy of your parent's Birth or Death Certificate is required to establish your parent's relationship to an enrolled member of a federally recognized Indian tribe(s). If your grandparent(s) were not enrolled members of a federally recognized Indian tribe(s), a Certified Copy of the Birth or Death Certificate for each grandparent who was the child of an enrolled member of a federally recognized Indian tribe is required.
- Certified copies of Birth Certificates, Delayed Birth Certificates, and Death Certificates may be obtained from the State Department of Health or Bureau of Vital Statistics in the State where the person was born or died.
- In cases of adoption, the degree of Indian blood of the natural (birth) parent must be proven.
- **Please return your request and supporting documents to the Agency from whom you receive services.** Incomplete requests will be returned with a request for further information. No action will be taken until the request is complete.

Exhibit 5

July 31, 2023

Notice is hereby given that the next organizational meeting for the California Valley Miwok Tribe will be held **August 30, 2023, at 2:00 PM**. The meeting will be held in person at the Calaveras County Fairgrounds, with a virtual option for those who cannot attend in-person.

The meeting will be held at the following address:

Calaveras County Fairgrounds, Mark Twain Hall

2465 Gun Club Road

Angels Camp CA 95222

The hall will open at 12:30 PM to allow members of the eligible groups to sign-in and take their seats. Please be advised only those individuals who received letters stating they are members of the eligible groups consistent with the Assistant Secretary – Indian Affairs December 30, 2015, decision, as amended May 31, 2022, will be allowed to participate. Should you require assistance to attend the meeting you will be allowed to bring one person into the hall to assist you. ***Be further advised anyone participating in the meeting will be required to show a photo ID. It is strongly recommended you bring a copy of your letter stating you are eligible to participate. All individuals must sign in, including those aiding someone participating the meeting.***

If you are unable to attend in-person, email CVMT-CDIB@bia.gov to request information to register virtually.

It is the purpose of this meeting to discuss the process in which a proposed governing document will be developed to move forward to an eventual petition for a Secretarial Election. This meeting is not to conduct a Secretarial Election. A portion of the meeting will allow for questions and answers. Please note only those eligible to participate in the Organization of the California Valley Miwok Tribe will be permitted to ask questions or make statements.

Should you have a question, please contact Harley Long, Superintendent, at harley.long@bia.gov, or Carol Rogers-Davis, Tribal Operations Officer, at carol.rogers-davis@bia.gov, or by phone at (279) 444-0323



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
Executive Direction

31 JUL 2023

NOTICE OF ORGANIZATIONAL MEETING FOR THE CALIFORNIA VALLEY MIWOK TRIBE

AUGUST 30, 2023 - 2:00 PM

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED],

This letter serves as your notice of the next organizational meeting for the California Valley Miwok Tribe to be held August 30, 2023, at 2:00 PM. The meeting will be held in person at the Calaveras County Fairgrounds, with a virtual option for those who cannot attend in-person.

The meeting will be held at the following address:

Calaveras County Fairgrounds
Mark Twain Hall
2465 Gun Club Road
Angels Camp CA 95222

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If you are unable to attend in-person, email CVMT-CDIB@bia.gov to request information to register virtually.

It is the purpose of this meeting to discuss the process in which a proposed governing document will be developed, to move forward to an eventual petition for a Secretarial Election. This meeting is not to conduct a Secretarial Election. A portion of the meeting will allow for

questions and answers, please note only those eligible to participate in the Organization of the California Valley Miwok Tribe will be permitted to ask questions or make statements.

Should you have a question, please contact me at harley.long@bia.gov, or Carol Rogers-Davis, Tribal Operations Officer, at carol.rogers-davis@bia.gov, by phone at 279.444.0323, or you may write to the above address.

Sincerely,

A handwritten signature in black ink, appearing to read "Harley Long". The signature is fluid and cursive, with the first name "Harley" being more prominent than the last name "Long".

Harley Long
Superintendent

Exhibit 6

CALIFORNIA VALLEY MIWOK TRIBE
ORGANIZATIONAL MEETING

August 30, 2023

Held at:
Calaveras County Fairgrounds
Mark Twain Hall
2465 Gun Club Road
Angels Camp, California
and remotely via teleconference

Brooke Silvas, CSR 10988
1017488



(310) 207-8000 Los Angeles	(415) 433-5777 San Francisco	(949) 955-0400 Irvine	(858) 455-5444 San Diego
(310) 207-8000 Century City	(408) 885-0550 San Jose	(760) 322-2240 Palm Springs	(800) 222-1231 Carlsbad
(916) 922-5777 Sacramento	(800) 222-1231 Martinez	(702) 366-0500 Las Vegas	(800) 222-1231 Monterey
(951) 686-0606 Riverside	(818) 702-0202 Woodland Hills	(702) 366-0500 Henderson	(516) 277-9494 Garden City
(212) 808-8500 New York City	(347) 821-4611 Brooklyn	(518) 490-1910 Albany	(914) 510-9110 White Plains
(312) 379-5566 Chicago	00+1+800 222 1231 Paris	00+1+800 222 1231 Dubai	001+1+800 222 1231 Hong Kong

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CALIFORNIA VALLEY MIWOK TRIBE
ORGANIZATIONAL MEETING

August 30, 2023
2:00 p.m.

Held at:
Calaveras County Fairgrounds
Mark Twain Hall
2465 Gun Club Road
Angels Camp, California
and remotely via teleconference

Reported by:
Brooke Silvas
CSR 10988
Job No. 1017488

1 CALAVERAS COUNTY FAIRGROUNDS, CALIFORNIA

2 AUGUST 30, 2023

3
4 HARLEY LONG: Good afternoon, everyone.
5 Can we take our seats.

6 My name is Harley Long. I'm the
7 superintendent of the Bureau of Indian Affairs,
8 Central California Agency.

9 I'm joined on stage today by Carol
10 Rogers-Davis, Tribal Operations Officer. Bibiana
11 Sparks of Acorn, who is facilitating the virtual
12 portion of this meeting. I would like to welcome
13 everyone to the California Valley Miwok Tribe's
14 organization meeting.

15 We are going to start off today by
16 inviting Anthony Wilson up to offer a prayer over
17 these proceedings.

18 ANTHONY WILSON: Thank you, Creator, for
19 letting us all join here today. Thank you for
20 giving us a safe trip. Pray for those that are at
21 home, that they are all healthy and well. Pray for
22 our elders that are here that have been watching
23 this go on for a long time. I pray for the young
24 that are here that we all take this journey together
25 and do the best for our people. I pray for the

1 four-legged and our plant relatives outside that
2 they keep us healthy and nourished so we can do
3 great things. Keep our minds well and our vision
4 straight.

5 HARLEY LONG: Thank you, Anthony.

6 We are here today for the Bureau of Indian
7 Affairs to provide an overview of the next step in
8 the organization of the California Valley Miwok
9 Tribe.

10 I want to apologize for not standing
11 today. I injured my leg, and it prevents me from
12 standing for long periods of time right now.

13 At the conclusion of my presentation,
14 members of the eligible groups, as defined by
15 Assistant Secretary Indian Affairs Washburn's 2015
16 decision, as amended by Assistant Secretary Indian
17 Affairs Newland's 2022 Decision, will have the
18 opportunity to make statements and ask questions.

19 Before I begin, I am going to go over -- I
20 am going to cover some housekeeping and ground rules
21 for today's meeting. First, please be advised the
22 audio of this meeting is being recorded and is being
23 transcribed for the record. If you need to use the
24 restroom, please use the restroom nearest today's
25 entrance to minimize distractions. In case of an

1 emergency, please proceed to the nearest exit. You
2 can see there are two up here and there's two in the
3 rear. We ask that everyone please silence cell
4 phones. Be respectful and courteous. Speak one
5 person at a time. Only those eligible to
6 participate may participate. And different opinions
7 are welcome. Disagreements may occur today;
8 however, we must -- they must be done respectfully,
9 without negative behavior. Give feedback openly and
10 address the process, not individuals. And limit
11 side conversations. It is important that we try to
12 limit those as much possible, as the microphones
13 will pick up and the transcriber who is attending
14 virtually will be able to hear what is being said
15 into the microphone.

16 I will be going over the process the
17 Bureau of Indian Affairs will be assisting the
18 Tribal Community navigate as it moves into the next
19 phase of the organization of the tribe. It is a
20 very similar process to the processes used when
21 assisting other tribes within the Pacific Region
22 organize, which includes identifying a committee to
23 develop a governing document of the California
24 Valley Miwok Tribe and suggestions on how to begin
25 this process. At the close of the meeting, you will

1 be asked to select which option you prefer from the
2 options listed on the options selection form you
3 received. And if interested, submit the interest
4 form to be considered being selected for the
5 constitution committee.

6 As many of you are very aware, the tribe
7 has been embroiled in disputes for nearly 25 years,
8 leading to multiple BIA decisions, decisions from
9 the Interior Board of Indian Appeals, and the
10 Assistant Secretary of Indian Affairs, and the
11 federal courts. All leading to the 2015 decision of
12 Assistant Secretary Washburn, as amended by
13 Assistant Secretary Newland in 2022. Amongst other
14 things, the 2015 decision directed the Bureau of
15 Indian Affairs Pacific Regional Director to sure --
16 to ensure any governing document developed and
17 accepted by the tribe was done so in a manner that
18 was inclusive of the entire tribal community.
19 Through that lens, the Bureau is now working with
20 you as you all have been determined eligible to
21 participate in the organization of the tribe as
22 outlined by the Assistant Secretary's decisions.
23 Coming together, while focusing on the future of the
24 California Valley Miwok Tribe, it is in everyone's
25 best interest for generations to come.

1 The Central California Agency will now
2 assist the tribe in developing a proposed governing
3 document. This process will begin by establishing a
4 constitutional committee. Each of you should have
5 received an interest form while signing in today.
6 If you are interested in participating as a member
7 of the constitutional committee, please complete the
8 form and place it in the box near the front
9 entrance. For those participating virtually, my
10 staff has emailed you the form and provided you
11 while registering -- well, to the email you provided
12 while registering for this meeting. Interest sheets
13 may be emailed to me for consideration. A committee
14 of eight individuals will be selected from the
15 interest sheets received. The individuals selected
16 will be notified by the Central California Agency,
17 and the names of those on the committee will be
18 posted on the agency's website.

19 To provide the committee with the tools to
20 be successful in developing a constitution, a
21 contracted moderator will be present to assist the
22 committee work through any possible disagreements.
23 And agency staff will be present to provide any
24 technical assistance requested by the committee.
25 This process will be committee-driven, with the

1 assistance of the agency as requested. Members of
2 the committee will be encouraged to engage with the
3 greater tribal community to obtain input on the
4 proposed governing document and bring it back to the
5 table.

6 The goal of the constitutional committee
7 is to ensure that the governing document drafted
8 clearly articulates these key points amongst others:
9 Provide -- that it provides a framework for the
10 exercise of a political authority by the tribe.
11 Identifies the governing body of the tribe.
12 Identifies and allocates powers and processes of the
13 tribe. For example, tribal court, separation of
14 duties and authorities. And identifies the
15 requirements for tribal membership.

16 The constitutional committee will be
17 selected by September 8, 2023. As such, anyone
18 interested in joining the committee must express
19 their interest no later than September 1, 2023,
20 either by emailing me at the address listed above or
21 by submitting the form today. To assist the
22 constitutional committee, it must be decided where
23 their starting point will be. This will be decided
24 today. Everyone attending today, whether it be
25 online or in person, has been provided a sheet

1 listing the starting options for organizing the
2 tribe. The committee can begin from scratch and
3 write an entirely new document or -- or the tribal
4 community can decide to use the 2019 constitution,
5 the last constitution to be voted on by the
6 community, as its starting point. Utilizing the
7 2019 constitution as a starting point does not mean
8 the tribe must use the document word for word. The
9 constitutional committee can adjust this document to
10 reflect the will of the community as they represent
11 their discussions with the community.

12 At the close of today's meeting, those
13 attending in person will be asked to drop the option
14 sheet of their choice in the box near the entrance.
15 And those online will have until midnight tonight to
16 submit their selection via e-mail to
17 CVMT-CDIB@bia.gov. My staff has emailed those
18 attending virtually the form, which they can
19 complete and submit. The form will not be counted
20 if the email is received after midnight Pacific
21 Time.

22 Unfortunately, I can only provide a
23 timeline for the establishment of the constitutional
24 committee which will be established by September 8,
25 2023. At which point, the Central California Agency

1 will work to set the first meeting of the committee.
2 During this time, the committee will be encouraged
3 to reach out to the greater tribal community to
4 identify the community's desire as it relates to the
5 proposed constitution consistent with the option
6 selected today. The committee must work together to
7 develop a constitution, identify a petition
8 spokesperson, and collect signatures on the
9 petition. It should be noted that the petition,
10 once it begins circulating, must have the required
11 signatures within one year of the first signature.
12 The Central California Agency can assist in this
13 process. Upon submitting the petition, it can take
14 up to 280 days for the approval of the document by
15 the Regional Director.

16 We will now take questions and comments on
17 this process. Please note, questions related to
18 ongoing litigation cannot be addressed at this time.
19 Should you raise any questions concerning the
20 ongoing litigation, you will be reminded that it
21 cannot be addressed, and it will count towards your
22 time. If you would like to speak, please approach
23 one of the two microphones in front of the room and
24 wait to be asked for your comment. If you are
25 attending virtually, please use the hand raise

1 feature. We will be rotating through the two
2 microphones and those attending virtually. Before
3 starting your comment, please state your first and
4 last name for the record, after which your time will
5 begin. You are allowed three minutes.

6 Finally, only those determined to be
7 eligible to participate may make comments or ask
8 questions. If it is determined you are not eligible
9 to participate, you will be asked to stop. If
10 someone refuses to stop, they will then be asked to
11 leave.

12 We now open the floor.

13 ANTOINETTE DEL RIO: Can you hear me?

14 HARLEY LONG: Yes.

15 ANTOINETTE DEL RIO: Perfect. So I have a
16 few questions. How will -- you say that you guys
17 will choose. Is there a determining factor for the
18 committee? Also, when they are on the committee,
19 are there specific duties and functions that they
20 will have besides creating it or to work off of? Do
21 you have any of those procedures in place already or
22 is that something that you're going to create?

23 HARLEY LONG: So we will be looking at the
24 application -- or the interest forms and reviewing
25 those. There is no specific criteria. We did not

1 want to limit that. Anybody who is interested
2 should be able to express their interest and have
3 the opportunity to participate.

4 ANTOINETTE DEL RIO: Perfect.

5 HARLEY LONG: With regard to how we're
6 going to -- policies and procedures, we will
7 probably sit down together and discuss how the
8 meeting should work. The main responsibility is to
9 work with the greater tribal community, bring those
10 ideas to the table, and be willing to attend
11 meetings. There would be -- I would imagine there
12 would be several meetings.

13 ANTOINETTE DEL RIO: Yes. Because part of
14 that is if there are any disputes within that, I
15 want to make sure whoever is sitting in on that
16 committee is protected and able to share and voice
17 those opinions. So having those in place for
18 everybody to feel open to do that would be
19 wonderful.

20 HARLEY LONG: Right. And we will have a
21 moderator there to assist in those types of
22 disagreements.

23 ANTOINETTE DEL RIO: Perfect.

24 HARLEY LONG: That way -- and it will be
25 an outside contracted company that specializes in

1 these types of situations, where they can work with
2 the group to ensure everybody can be open and honest
3 and share their opinions.

4 ANTOINETTE DEL RIO: Perfect. And will
5 you be giving everybody a copy of the 2019
6 constitution that you were referring or is that
7 something that -- can you email it to everybody or
8 mail it, so that way they have a better
9 understanding? Or is that when we voted on for the
10 secretarial election that was for the greater
11 community?

12 HARLEY LONG: It will be -- if that option
13 is chosen, we will post it on the web page so people
14 can take a look at it. But it was the same
15 constitution that was voted on in 2019.

16 ANTOINETTE DEL RIO: But you are requiring
17 these to be submitted to you by midnight tonight.

18 HARLEY LONG: The option.

19 ANTOINETTE DEL RIO: And it's not on the
20 website right now for them to view this
21 constitution?

22 HARLEY LONG: No, it's not.

23 ANTOINETTE DEL RIO: Is there a way that
24 it can be uploaded before midnight?

25 HARLEY LONG: We hadn't planned for that.

1 ANTOINETTE DEL RIO: Okay.

2 HARLEY LONG: And I don't know that we
3 will be back to the office in time to post it.

4 ANTOINETTE DEL RIO: Okay. Just -- just
5 out of curiosity.

6 HARLEY LONG: Right.

7 ANTOINETTE DEL RIO: Thank you for moving
8 forward with our tribe to do this step.

9 HARLEY LONG: Thank you.

10 SPEAKER: Could you state your name.

11 ANTOINETTE DEL RIO: My name is Antoinette
12 Del Rio. I am the acting chairperson for our tribe.

13 BRIANA SANCHEZ: My name is Briana
14 Sanchez. I'm the acting vice-chair for the tribe.
15 My question is, once you select your committee, the
16 meetings that you're going to be holding, will those
17 be held during business hours? Will they be evening
18 meetings? Weekends? Because I'm sure that will
19 help people determine whether or not they want to
20 even submit for -- for being on that committee.

21 HARLEY LONG: We will coordinate with
22 them. So there's not a set time yet for that
23 reason. As I want people to feel that they can
24 express their interest, and that we will be working
25 around -- it is easier to work around eight people's

1 schedules than 300.

2 BRIANA SANCHEZ: Thank you very much.

3 HARLEY LONG: Yes.

4 Kathryn Yates on Zoom.

5 KATHRYN YATES: Yes. Kathryn Yates here.

6 I am calling because I don't see in the e-mail any
7 attachment for the form that you stated is being
8 handed out in person. Is my first question. So
9 when will that form come to me and others that are
10 online? But also, would I be able to apply even
11 though I'm only -- only able to attend virtually for
12 that committee because I am out of state?

13 HARLEY LONG: The answer is yes, you can
14 express your interest to participate. And we can
15 see if we can accommodate a virtual option for that.

16 As far as the forms go, they should have
17 been sent within the last 20 minutes. If you
18 haven't received it, you might check your junk mail
19 to see if it came in that way. Otherwise, we
20 will -- we will double-check that at the conclusion
21 of this meeting to make sure that they get out.

22 KATHRYN YATES: Thank you. I'll check
23 right now. That's all I had.

24 HARLEY LONG: Thank you.

25 JUAN SANDOVAL: Juan Sandoval. Look at

1 all these Miwoks. I'm happy to see all you guys
2 here, man. It makes me proud. Okay. I don't know
3 nothing about the 2019 constitution, but I know
4 Velma was involved in that. And Velma really helped
5 me when I was a kid, you know. I was going to go to
6 prison. And I was b- -- I got busted. The judge
7 locked me up. So I was trying to go to CAMC. And
8 my record wouldn't -- they didn't want to give me no
9 money. Velma pulled some strings and got me to be a
10 truck driver. Changed my life around. So I owe a
11 lot to Velma. And I know a lot of people disrespect
12 Velma when she wasn't here. But if it wasn't for
13 Velma, a lot of us wouldn't be here. So if the
14 2019 -- if that was Velma's work, I will vote for
15 that work right there. I have no idea what it says.
16 I want to see what it says first. But that's
17 Velma's legacy. We want to be here for Velma.
18 Unless it was for Velma. And I got loyalty. And
19 we're Miwoks. We got loyal. That's all we've got.
20 They took our land. They took our shit. Right?
21 But we got to be loyal. And we have to show some
22 respect to Velma. You know. Velma Whitebear. All
23 right. Thank you.

24 HARLEY LONG: Thank you.

25 We will now turn it to Pete Ramirez on

1 Zoom.

2 PETE RAMIREZ: Hello. Good evening -- or
3 good afternoon. I looked in my e-mail. And I also
4 have not received the application that you're
5 speaking of and that you're saying is in person.
6 And so if they could please resend that to me, I
7 would appreciate it. And have you guys set a
8 criteria or some type of qualifications for this
9 committee that you're setting up? Is it just going
10 to be a random pick? What is -- how is the process
11 for picking the eight individuals?

12 HARLEY LONG: There are no qualification
13 requirements to be on the constitutional committee.
14 We will review the interest forms. And based on how
15 many we receive, it will probably be more of a
16 random selection.

17 For getting you the forms, we are working
18 on that. I would -- we are sending those to the
19 e-mail that you used to register for the meeting.
20 Check that and the junk folder to see if you have
21 got it. If you have not received it, we will be
22 double-checking that at the conclusion of the
23 meeting.

24 PETE RAMIREZ: Yes, I did check my junk
25 mail, as Kathryn was talking. I looked at my

1 in-box, and I have not received anything. So there
2 could be a glitch in your system. I did register on
3 Monday for the -- for this virtual meeting. So I'm
4 sure you guys have my e-mail address. Yes. I have
5 not received letters -- the letter that you guys --
6 the paperwork that you guys are having in person.

7 HARLEY LONG: Understood. And we will
8 have to -- we will have to research that at the
9 conclusion of the meeting.

10 PETE RAMIREZ: Thank you.

11 HARLEY LONG: Thank you.

12 GILBERT RAMIREZ JR.: Hello. My name is
13 Gilbert Ramirez Jr. I was an existing tribal
14 council member at one point. Just so you guys know,
15 there is a lot of verbiage in there that Chadd put
16 into that 2019 constitution. A lot of it isn't
17 Velma's will. It was something that Chadd put in
18 there. So please be advised and be aware that that
19 constitution really needs to be looked at. And I
20 know I haven't had a chance to voice to everybody
21 here. But the ones that I have kept in contact
22 with, I've also let you guys know that this
23 constitution needs to be worked on. And it needs
24 some fresh eyes. So as you guys as the council,
25 this is a good time for this committee and for

1 everybody here to voice your opinion on that
2 verbiage on there. Because there's a lot of
3 verbiage in there that Chadd put in there
4 under-handing this council or that council, but when
5 I was on that council. So please, please, really,
6 whoever gets chosen, speak your mind. Read that
7 constitution. Read the verbiage word for word.
8 Because a lot of it in there is benefiting Chadd
9 Everone. So please. That's all I have to say.
10 Thank you.

11 HARLEY LONG: Thank you.

12 Go ahead.

13 TAMMY MORA: Good afternoon. Tammy Mora,
14 acting secretary, California Valley Miwok Tribe. I
15 just want to say -- to reiterate what Gilbert Jr.
16 said, but also to confirm earlier you said that we
17 will be working off of that document and making --
18 that is part of the committee's responsibility,
19 right? That is not what is going to be voted on.
20 They will be working off of that if they choose
21 that. If that is chosen, that document will be
22 worked off of and amendments can be made at that
23 time before it is circulated around to get
24 signatures.

25 HARLEY LONG: It will be up to the

1 constitutional committee what to do with that. So
2 they could look at it and say, let's just vote on
3 this document. That would be up to them. There is
4 no reason that can't be. And that could circulate.
5 But that would be up to then the general community,
6 to look at it and make sure that is what they want
7 to vote on when they are signing the petition. But
8 you are correct. That is what I'm envisioning as a
9 starting point. Rather than re-create the wheel,
10 you can look at what is good in that document and
11 keep those things. And what -- what you choose to
12 change would be up to that committee and their
13 conversations with the greater tribal community.

14 TAMMY MORA: Okay. Thank you.

15 HARLEY LONG: Uh-huh.

16 MARGE GROW-EPPARD:

17 MARGE GROW-EPPARD: Is this one on?

18 HARLEY LONG: Yes.

19 MARGE GROW-EPPARD: Good afternoon. My
20 name is Marge Grow-Eppard. I'm kind of concerned
21 about the 2019 also that Buster was mentioned.
22 Because on 2019, Chadd Everone had eliminated the
23 whole Jeff family. So I want to reread this before
24 I sign anything that would annihilate. Because
25 there was some sabotage going on from Chadd. And it

1 better not affect my next seven generations of
2 Jeffs. Because that's one of the main families.
3 And so I'm here. I'm trying not to be aggressive.
4 But when we were at the tribal meetings, we really
5 were not respected as the Jeff family. They said,
6 you're not on this enrollment. And I want to make
7 darn sure -- I'm really -- I'm really watching how I
8 speak right now because it brings back bad memories
9 of how he treated us. And so I'm not up here for
10 me. I'm up here for my children, my grandchildren,
11 and the next seven generations. Because I'm not
12 going to be on this Turtle Island much longer. And
13 I want to make darn sure that my family is taken
14 care of as Jeffs. Thank you.

15 HARLEY LONG: Thank you.

16 ANTOINETTE DEL RIO: I just wanted to make
17 a comment on the 2019 constitution to everybody.
18 That that is something -- what Juan stated is
19 correct -- that Velma had worked on. That we all
20 had worked on. But we also currently, as a greater
21 community that attended the Buena Vista tribal
22 meetings, we went through that line for line and
23 edited. So we do have the corrections with your
24 guys' voices that attended those meetings. And
25 we're going to continue to meet every third Saturday

1 of every month at the Buena Vista location, unless
2 stated otherwise, at 11:00. We can bring this up
3 again and hear your guys' voices on anything that
4 needs to be changed. Because you're right, this
5 affects our next generations. But the document that
6 they are referring to, the 2019 constitution, that
7 is what we went forward with with the secretarial
8 election. That we -- everybody voted on. We were
9 right there. And at that time, we already let go of
10 Chadd working with us. So that is our voices. But
11 they're right. Gilbert Ramirez Jr. is correct.
12 There is a lot of verbiage on there that we needed
13 to change. And that is what we did. That is -- we
14 worked with you guys on line for line. And we don't
15 mind doing it again.

16 HARLEY LONG: Can you please state your
17 name.

18 ANTOINETTE DEL RIO: Antoinette Del Rio,
19 chair- -- acting chairperson.

20 HARLEY LONG: Thank you.

21 AMORA STEVENOT: Hello. My name is Amora
22 Stevenot. I just had a question. We were going
23 back and forth about the two different choices. And
24 obviously we do not have the previous constitution
25 available for us to review at this moment. I don't

1 think that's fair to all of the people that are new
2 and don't have that information so that we can make
3 a just decision. But I also wanted to question
4 the -- if we were going to rewrite the constitution
5 from scratch, you talked about there would be a
6 process that you would help us go through. So what
7 does that process look like if we only have a year
8 to go from beginning to end?

9 HARLEY LONG: So it is not a year to go
10 from beginning to end.

11 AMORA STEVENOT: Okay.

12 HARLEY LONG: Once there is a document
13 created, a petition will be cycled through. And
14 correct me if I'm wrong, Carol. 51 percent of those
15 eligible to participate would need to sign that
16 petition for it to be submitted to the Bureau to
17 request a secretarial election. That -- those
18 51 percent of the signatures -- those signatures
19 have to be collected within one year of the first
20 signature. It can take as long as is necessary to
21 create the document. There is no time frame on
22 that. That's why I wasn't allowed -- I was not able
23 to provide a time frame on how long this whole
24 process will take. I understand your concern. And
25 that was not something that I had thought of about

1 the constitution. My thought was that a majority
2 of -- there was a large number of people who voted
3 on that 2019 constitution. And that was provided at
4 that time so people would be aware of it. We can do
5 what we can to get it online today. But I don't
6 know that that can happen, unfortunately. But
7 that -- again, that is a starting point. So if
8 there's multiple times throughout this process --
9 the secretarial election process where you don't
10 have to agree with the constitution. One, you don't
11 have to sign the petition. And, two, you don't have
12 to vote for it. You can vote to reject it. And --
13 so I mean, those are two times right there. I would
14 also encourage as many people as possible to -- to
15 submit the interest form to participate in that
16 process. My thought process about bringing up that
17 2019 constitution was it's a starting point. And
18 rather than starting from scratch and not looking at
19 that, it was a way to look at it and see what needs
20 to be changed or what -- what was agreed upon by the
21 greater community.

22 AMORA STEVENOT: So with the guidance
23 process, whichever is chosen, what does -- what
24 would the outline of that look like? Where --
25 speaking as someone who hasn't written a

1 constitution, where would you get that information
2 or guide us through the process of doing that? Is
3 there a formal outline that says, here is how you
4 make a mission statement or vision statement. Here
5 is what the expectations of the constitution that
6 other tribes have used or our recommendations. Like
7 how will that process work?

8 HARLEY LONG: Because this is a
9 committee-driven process, not bureau-driven, if the
10 committee chooses to request a training, we work
11 with them to find someone to do a training. Whether
12 it be us who have dealt with these before. And if
13 that wasn't sufficient, we can hire an outside
14 source to provide that type of information to them.
15 The process how we get through would be a broad
16 outline from us and then more detailed by the
17 committee on how they want to get through that
18 process.

19 AMORA STEVENOT: How frequent would the
20 check-backs be or would there be a recommendation
21 like once the committee meets for the first time, it
22 starts to establish the constitution itself? We
23 want to gain feedback from the tribal members
24 themselves. So what would the frequency of that be
25 when you're writing the constitution?

1 HARLEY LONG: That would be up to the
2 committee and the moderator. My staff will be
3 available to attend those meetings based on what can
4 be arranged between the committee and the moderator.
5 I would like to have a moderator there to get
6 through those more difficult issues where there may
7 be a disagreement between the committee. But -- and
8 working on their schedule -- I can't tell you what
9 their schedule looks like. I can tell you that I
10 will ask my staff to be available based upon those
11 eight people and the moderator.

12 AMORA STEVENOT: Okay. Thank you.

13 HARLEY LONG: Thank you.

14 BRIANA SANCHEZ: Briana Sanchez. You
15 mentioned that we would need 51 percent of the
16 eligible participants to sign the petition in order
17 to move forward once the document has been created.
18 Do you have a hard count so far of how many people
19 are eligible to participate in this process?

20 HARLEY LONG: It is -- I believe 288 is
21 the exact number.

22 BRIANA SANCHEZ: 288 people?

23 HARLEY LONG: Yes. That were determined
24 to be eligible.

25 BRIANA SANCHEZ: Thank you. And will you

1 be providing a copy of that list at some point?

2 HARLEY LONG: That hasn't been discussed.

3 BRIANA SANCHEZ: Okay.

4 HARLEY LONG: There has been concerns
5 about publishing that type of list during the
6 secretarial election process. You -- the list will
7 be needed by the -- whoever is chosen to be the
8 spokesperson to know -- to make sure that you get
9 the correct signatures. Because then we have to go
10 back and look at that. Whether it will be made
11 completely public or not, I don't have an answer for
12 that. That is something that I would probably have
13 to discuss with our solicitor's office on what can
14 be released or not.

15 BRIANA SANCHEZ: Okay. Thank you.

16 HARLEY LONG: Uh-huh.

17 MARGE GROW-EPPARD: Marge Grow-Eppard.
18 Since there is a concern with the new ones about
19 this September 1st, would you be willing to extend
20 that deadline to September 5th, since
21 September 4th is a holiday? Well, this whole
22 weekend is a holiday. Because we don't want them to
23 get overwhelmed with trying to get all of this
24 information. And it gives us time to be able to
25 help them, if you could please extend that for them.

1 HARLEY LONG: The interest sheets or the
2 options?

3 MARGE GROW-EPPARD: What my cousin said
4 that she didn't get the paperwork. Then it has to
5 be in by September 1st.

6 HARLEY LONG: We could go until Tuesday.
7 I could adjust that.

8 MARGE GROW-EPPARD: Could you?

9 HARLEY LONG: For the interest forms?

10 MARGE GROW-EPPARD: Yes. Is it the
11 interest forms? Yes.

12 HARLEY LONG: Yeah. I can do that.

13 MARGE GROW-EPPARD: Thank you.

14 HARLEY LONG: It will be -- it will close
15 at 4:30 on Tuesday. And I'll make that adjustment.

16 MARGE GROW-EPPARD: Should we -- should we
17 try later? Is the -- okay. Thank you.

18 HARLEY LONG: It can't go later than that,
19 only because we need to make a decision in order to
20 get things moving.

21 MARGE GROW-EPPARD: It's just you complied
22 so quickly, I thought, dang it, I should have asked
23 for longer.

24 HARLEY LONG: It was a reasonable request.
25 We will turn to Pete Ramirez on Zoom

1 again.

2 PETE RAMIREZ: Oh, hello. I agree with
3 what Marge was saying. I thought that maybe we
4 should give the tribal community a little bit more
5 time to be able to read this document. Also,
6 because we fought really hard to get these 1929
7 census to be part of the -- of the constitution of
8 the tribal community that would be accepted to form
9 this tribe, that was always a big hardship for us
10 was because the -- it was so limited amount of
11 people. With that said, when you guys choose these
12 eight people, I would really, really hope that you
13 include people from each family. There's a lot of
14 families that really belong to this tribe and we're
15 not allowed to be part of it. So when picking this
16 committee, I really, really suggest that you look at
17 the family lines of the people who are applying and
18 try to get the greater community in this first eight
19 people, not just one family or two families. Give
20 an opportunity for each family to be -- have a say
21 in this. Because when they go back to the community
22 to let them know what we're doing, you will reach
23 the greater community by including more of the
24 families and not just a limited amount. Thank you.

25 HARLEY LONG: Thank you.

1 Do we have any more comments either in the
2 room or online?

3 All right. Well, this will conclude
4 today's meeting.

5 Oh, we have one more person who raised
6 their hand. So I'm going to turn to Kathryn Yates
7 on Zoom.

8 KATHRYN YATES: I just wanted to say that
9 I looked through all of my e-mail, and I do not have
10 your form. Hopefully --

11 HARLEY LONG: We will be looking at that
12 here shortly.

13 KATHRYN YATES: Okay. Thank you.

14 HARLEY LONG: Thank you.

15 So this will conclude today's meeting.
16 And this is an important step towards the tribe's
17 organization. This is a big step. Together we can
18 move forward to create a strong governing document
19 that can guide the tribe today and for future
20 generations. I want to remind everybody to please
21 submit their interest forms. That will -- the date
22 on the screen is incorrect now. That will be
23 Tuesday at 4:30 p.m. Anything received after
24 4:30 p.m. will not be considered. And that will be
25 by the e-mail date stamp. And that can be to me

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DEPOSITION OFFICER'S CERTIFICATE

STATE OF CALIFORNIA)
) SS.
COUNTY OF RIVERSIDE)

I, BROOKE SILVAS, a certified shorthand reporter for the State of California, do hereby certify:

That the said meeting was taken down by me remotely in stenotype at the time and place therein stated and thereafter reduced to typewriting under my direction, and that the deposition transcript is a true and correct record of the proceedings here held.

I further certify that I am not of counsel or attorney for any of the parties hereto or in any way interested in the event of this cause and that I am not related to any of the parties thereto.

Dated: September 6, 2023

BROOKE SILVAS
CSR No. 10988

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7:17,19;8:24; 26:19,20,21;27:5 set (3) 9:1;13:22;16:7 setting (1) 16:9 seven (2) 20:1,11 several (1) 11:12 share (2) 11:16;12:3 sheet (2) 7:25;8:14 sheets (3) 6:12,15;27:1 shit (1) 15:20 shortly (1) 29:12 show (1) 15:21 side (1) 4:11 sign (4) 19:24;22:15; 23:11;25:16 signature (2) 9:11;22:20 signatures (6) 9:8,11;18:24; 22:18,18;26:9 signing (2) 6:5;19:7 silence (1) 4:3 similar (1) 4:20 sit (1) 11:7 sitting (1) 11:15 situations (1) 12:1 solicitor's (1) 26:13 someone (3) 10:10;23:25;24:11 source (1) 24:14 Sparks (1) 2:11 Speak (4) 4:4;9:22;18:6;20:8 SPEAKER (1) 13:10 speaking (2) 16:5;23:25 specializes (1) 11:25 specific (2) 10:19,25 spokesperson (2)	9:8;26:8 staff (5) 6:10,23;8:17;25:2, 10 stage (1) 2:9 stamp (1) 29:25 standing (2) 3:10,12 start (1) 2:15 starting (9) 7:23;8:1,6,7;10:3; 19:9;23:7,17,18 starts (1) 24:22 state (4) 10:3;13:10;14:12; 21:16 stated (3) 14:7;20:18;21:2 statement (2) 24:4,4 statements (1) 3:18 step (4) 3:7;13:8;29:16,17 STEVENOT (6) 21:21,22;22:11; 23:22;24:19;25:12 stop (2) 10:9,10 straight (1) 3:4 strings (1) 15:9 strong (1) 29:18 students (1) 30:3 submit (6) 5:3;8:16,19;13:20; 23:15;29:21 submitted (2) 12:17;22:16 submitting (2) 7:21;9:13 successful (1) 6:20 sufficient (1) 24:13 suggest (1) 28:16 suggestions (1) 4:24 superintendent (1) 2:7 sure (9) 5:15;11:15;13:18; 14:21;17:4;19:6; 20:7,13;26:8 system (1)	17:2 T table (2) 7:5;11:10 talked (1) 22:5 talking (1) 16:25 TAMMY (3) 18:13,13;19:14 technical (1) 6:24 third (1) 20:25 though (1) 14:11 thought (5) 22:25;23:1,16; 27:22;28:3 three (1) 10:5 throughout (1) 23:8 timeline (1) 8:23 times (2) 23:8,13 today (14) 2:9,15,19;3:6,11; 4:7;6:5;7:21,24,24; 9:6;23:5;29:19; 30:11 today's (5) 3:21,24;8:12;29:4, 15 together (5) 2:24;5:23;9:6; 11:7;29:17 tonight (2) 8:15;12:17 took (2) 15:20,20 tools (1) 6:19 towards (2) 9:21;29:16 training (2) 24:10,11 transcribed (1) 3:23 transcriber (1) 4:13 treated (1) 20:9 Tribal (16) 2:10;4:18;5:18; 7:3,13,15;8:3;9:3; 11:9;17:13;19:13; 20:4,21;24:23;28:4,8 Tribe (20) 3:9;4:19,24;5:6,	17,21,24;6:2;7:10, 11,13;8:2,8;13:8,12, 14;18:14;28:9,14; 29:19 tribes (2) 4:21;24:6 Tribe's (2) 2:13;29:16 trip (1) 2:20 truck (1) 15:10 try (3) 4:11;27:17;28:18 trying (3) 15:7;20:3;26:23 Tuesday (3) 27:6,15;29:23 turn (3) 15:25;27:25;29:6 Turtle (1) 20:12 two (8) 4:2,2;9:23;10:1; 21:23;23:11,13; 28:19 type (3) 16:8;24:14;26:5 types (2) 11:21;12:1 U under-handing (1) 18:4 Understood (1) 17:7 Unfortunately (2) 8:22;23:6 Unless (2) 15:18;21:1 up (15) 2:16;4:2,13;9:14; 15:7;16:9;18:25; 19:3,5,12;20:9,10; 21:2;23:16;25:1 uploaded (1) 12:24 Upon (3) 9:13;23:20;25:10 use (5) 3:23,24;8:4,8;9:25 used (3) 4:20;16:19;24:6 Utilizing (1) 8:6 V Valley (5) 2:13;3:8;4:24; 5:24;18:14 Velma (11)	15:4,4,9,11,12,13, 17,18,22,22;20:19 Velma's (3) 15:14,17;17:17 verbiage (5) 17:15;18:2,3,7; 21:12 via (1) 8:16 vice-chair (1) 13:14 view (1) 12:20 virtual (3) 2:11;14:15;17:3 virtually (6) 4:14;6:9;8:18; 9:25;10:2;14:11 vision (2) 3:3;24:4 Vista (2) 20:21;21:1 voice (3) 11:16;17:20;18:1 voices (3) 20:24;21:3,10 vote (5) 15:14;19:2,7; 23:12,12 voted (6) 8:5;12:9,15;18:19; 21:8;23:2 W wait (1) 9:24 Washburn (1) 5:12 Washburn's (1) 3:15 watching (2) 2:22;20:7 way (5) 11:24;12:8,23; 14:19;23:19 web (1) 12:13 website (2) 6:18;12:20 weekend (1) 26:22 Weekends (1) 13:18 welcome (2) 2:12;4:7 wheel (1) 19:9 whichever (1) 23:23 Whitebear (1) 15:22 whole (3)
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19:23;22:23;26:21				
willing (2)	2			
11:10;26:19				
Wilson (2)	2:43 (1)			
2:16,18	30:12			
within (5)	20 (1)			
4:21;9:11;11:14;	14:17			
14:17;22:19	2015 (3)			
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4:9	2019 (13)			
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11:19	15:3,14;17:16;19:21,			
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work (12)	2022 (2)			
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11:8,9;12:1;13:25;	2023 (4)			
15:14,15;24:7,10	2:2;7:17,19;8:25			
worked (5)	25 (1)			
17:23;18:22;	5:7			
20:19,20;21:14	280 (1)			
working (7)	9:14			
5:19;13:24;16:17;	288 (2)			
18:17,20;21:10;25:8	25:20,22			
write (1)				
8:3	3			
writing (1)				
24:25	30 (1)			
written (1)	2:2			
23:25	300 (1)			
wrong (1)	14:1			
22:14				
Y	4			
Yates (7)	4:30 (3)			
14:4,5,5,22;29:6,8,	27:15;29:23,24			
13	4th (1)			
year (4)	26:21			
9:11;22:7,9,19	5			
years (1)				
5:7	51 (3)			
young (1)	22:14,18;25:15			
2:23	5th (1)			
	26:20			
Z				
Zoom (4)	8			
14:4;16:1;27:25;				
29:7	8 (2)			
	7:17;8:24			
1				
1 (1)				
7:19				
11:00 (1)				
21:2				
1929 (1)				
28:6				
1st (2)				
26:19;27:5				

California
Valley
Miwok
Tribe

ORGANIZATION
INFORMATION

CALAVERAS COUNTY
FAIRGROUNDS

FOR ASSISTANCE WITH
VIRTUAL ATTENDANCE

PLEASE CALL

949.861.5954

OR

949.861.5955

Welcome & Prayer

PLEASE NOTE ONLY THOSE ELIGIBLE TO PARTICIPATE IN THE ORGANIZATION OF THE CALIFORNIA VALLEY MIWOK TRIBE WILL BE PERMITTED TO ASK QUESTIONS OR MAKE STATEMENTS.

Agenda

August 30, 2023

Presented by
Bureau of Indian Affairs,
Central California Agency

Introduction and Ground Rules

Purpose

Background and Moving Forward

Development of Proposed Governing
Document

Time frames

Questions

Selection of Options for Organization

Conclusion

Introduction and Ground Rules

August 30, 2023

GROUND RULES

Silence Cell Phones

Be Respectful & Courteous

Only Speaker at a Time

Only Those Eligible to Participate May Participate
and Different Opinions are Welcome

Disagreements May Occur But Must Be Done
Respectfully Without Negative Behavior

Give Feedback Openly and Address the Process
Not Individuals

Limit Side Conversations

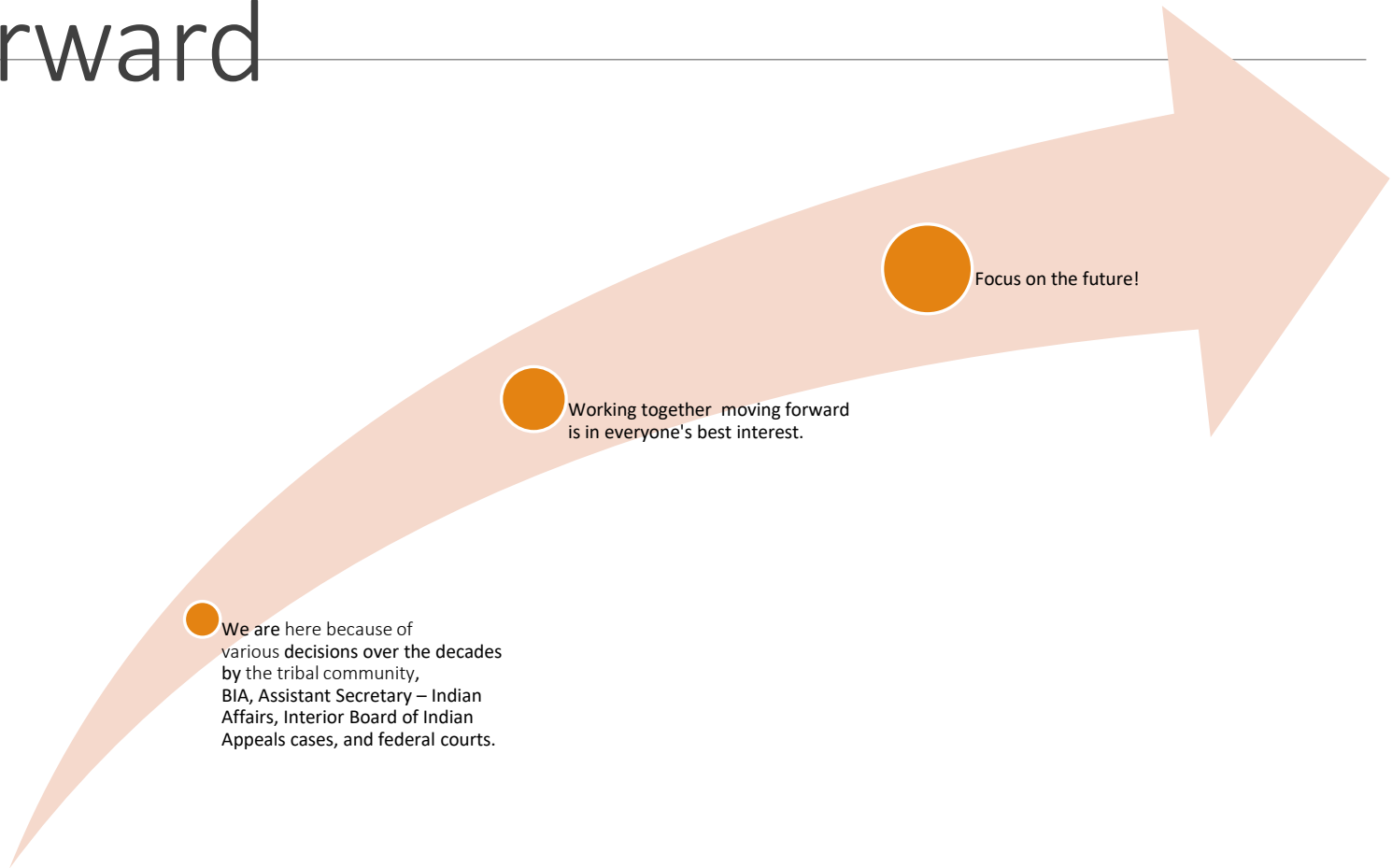
**Anyone that does not abide by the ground rules may be
asked to leave and will miss their opportunity to
participate in todays meeting.**

Purpose

It is the purpose of this meeting to discuss the options and process in which a proposed governing document will be developed to move forward to an eventual petition for a Secretarial Election to formally organize the Tribe.

BIA is using similar process as before when assisting other Tribes in formal organization.

Background & Moving Forward



● We are here because of various decisions over the decades by the tribal community, BIA, Assistant Secretary – Indian Affairs, Interior Board of Indian Appeals cases, and federal courts.

● Working together moving forward is in everyone's best interest.

● Focus on the future!

Development of Proposed Governing Document

- Create Constitutional Committee (Committee). Committee will create proposed governing document for adoption by eligible participants through a Secretarial election process.
- BIA to select Committee based on interest sheets.
- BIA to post on its webpage who was selected for the Committee;

**ONLY THOSE ELIGIBLE TO PARTICIPATE IN THE ORGANIZATION OF THE CALIFORNIA VALLEY MIWOK TRIBE
WILL BE CONSIDERED FOR PARTICIPATION ON THE COMMITTEE.**

Developing Proposed Governing Document

Committee will be facilitated by outside moderator and receive technical assistance from BIA.

Committee will be encouraged to engage with the tribal community to obtain input on the proposed governing document.

Development of Proposed Governing Document

- Provides framework for the exercise of political authority by the Tribe;
- Identifies the governing body of the Tribe;
- Identifies and allocates powers and processes of the Tribe (ie: tribal court, separation of duties and authorities);
- Identifies the requirements for tribal membership

**ONLY THOSE ELIGIBLE TO PARTICIPATE IN THE ORGANIZATION OF THE CALIFORNIA VALLEY MIWOK TRIBE
WILL BE CONSIDERED FOR PARTICIPATION ON THE COMMITTEE.**

Interest Sheets for Committee Selection

Committee will be comprised of 8 people.

To be considered for the Committee submit an interest sheet today or by e-mail to

harley.long@bia.gov

Deadline to submit interest sheets is:

September 1, 2023

Options for Organization

Create new governing document

Or

Work off 2019 Constitution

Selection of Options

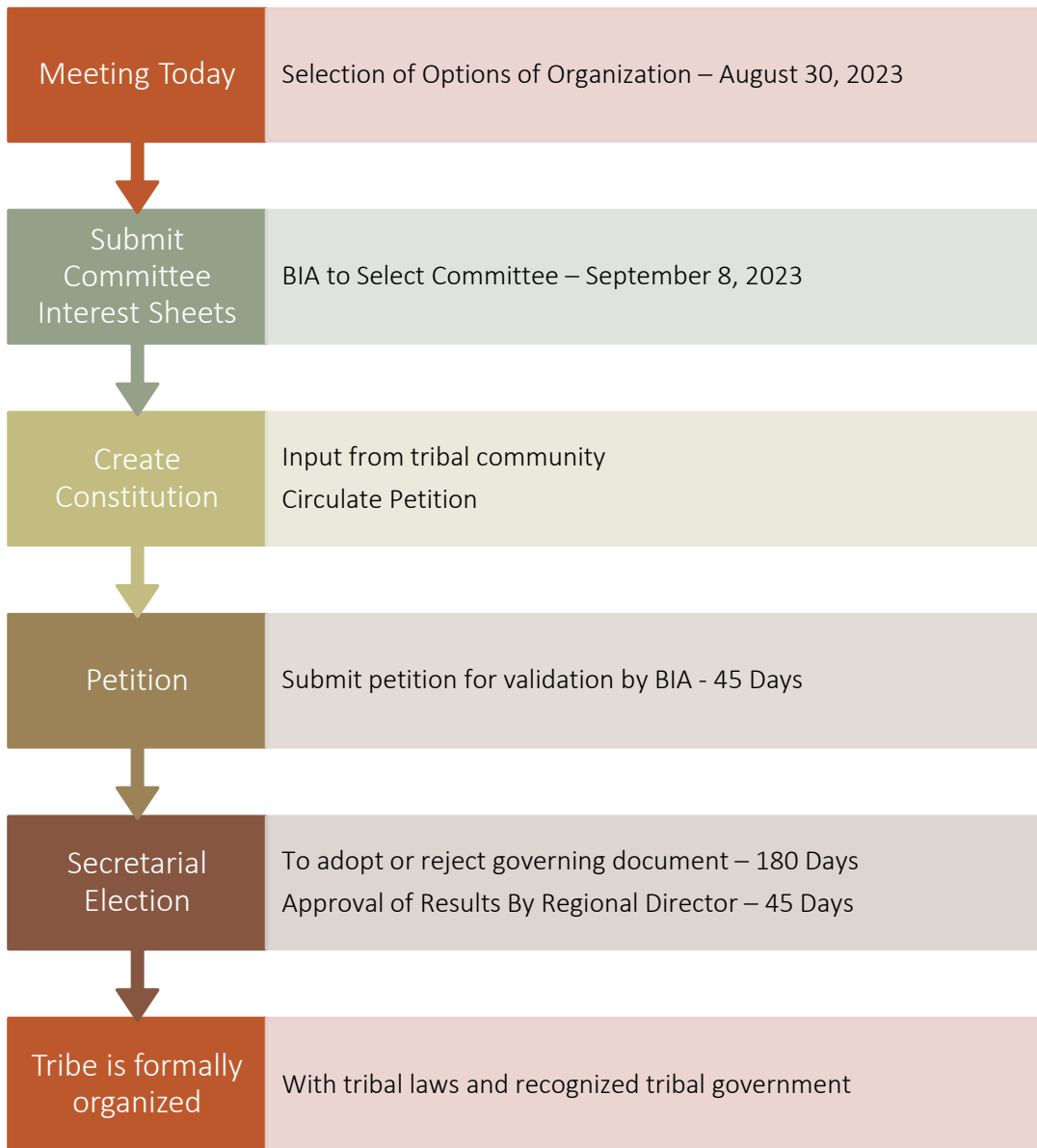
In-Person Attendees select your option and submit to BIA's collection box as you leave meeting today.

Virtual Attendees select your option e-mail their selection to:

CVMT-CDIB@bia.gov

Must be emailed by midnight TODAY, August 30, 2023

Timeline



Comments & Questions?

Comments Are Limited To Only Those Individuals Determined Eligible to Participate

Comments Are Limited To 3 Minutes

Please Clearly State Your First and Last Name for the Record

For Assistance with virtual attendance Please Call

949.861.5954

or

949.861.5955

Conclusion

Virtual participants can submit which option they prefer for organization by sending an e-mail to:

CVMT-CDIB@bia.gov

Must email by midnight TODAY, August 30, 2023

Interest sheets can be turned in today or submitted by e-mail to:

harley.long@bia.gov

All interest sheets must be received by:

Must email by, September 1, 2023

Exhibit 7

California Valley Miwok Tribe Constitution Committee

JANUARY 18, 2024,
VIRTUAL MEETING

HIERARCHY OF UNITED STATES AND TRIBAL LAWS

LAW	MADE BY	CAN BE CHANGED BY
<p>U.S. Constitution</p> 	<p>U.S. People represented by their States</p> 	<p>2/3 vote of all State</p> 
<p>U.S. Statues</p> 	<p>U.S. Congress</p> 	<p>Majority vote of Congress</p> 
<p>Tribal Constitution</p> 	<p>Tribal Members</p> 	<p>Amendment with Vote of the Tribe Members</p> 
<p>Tribal Ordinance</p> 	<p>Tribal Business Committee</p> 	<p>Vote of Tribal Business Committee</p> 
<p>Tribal Resolution</p>	<p>Tribal Business Committee</p> 	<p>Vote of Tribal Business Committee</p> 

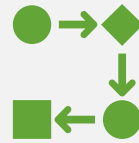
Developing Proposed Constitution

Sets forth tribal powers and fundamental governing principles and promotes order in the conduct of tribal affairs;

Protects the rights of tribal members and protects the rights of person subject to tribal jurisdiction;

Protects resources, values, and culture of the tribe by setting forth in writing the tribe's powers and functions.

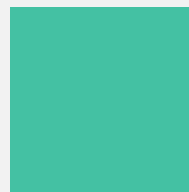
Developing Proposed Constitution



Tribal driven process. Look for areas of consensus and areas that need improvement.



It is important **to engage with the tribal community** to obtain **input on the proposed governing document** all throughout this process.



Common to have various drafts or versions of the proposed Constitution document throughout the drafting process.

Constitutional Considerations

- Use clear, concise, consistent language throughout entire document.
- Use language that is commonly understood using terms that are understood in one way (Use: Tribal Council not just Council because it could mean General Council, Elders Council, etc).
- Some Tribes' Constitutions include a definitions section for clarity.
- Pay attention and be deliberate with the words
 - example: may or shall
 - example: qualified voter vs eligible voter

Constitutional Considerations



Do I understand how this process would work as described in the Constitution?



Do I understand how the Tribe would go about changing or amending this document?



How many Ordinances/Bylaws are we creating per this Constitution?



Are Articles labeled correctly and in order? Review for content, flow and grammar (avoid typos).

Constitutional Considerations

Need technical and legal review by BIA staff and BIA's Solicitors to obtain BIA approval. BIA cannot approve a Constitution that is contrary to Federal law.

Example:

- References to Tribes having criminal jurisdiction might not obtain Federal approval depending on language because Congress granted criminal jurisdiction in California to the State per Public Law 83-280 (67 Stat. 588).

Constitutional Drafting



How do you want to create it? Will it be a shared document?



Identify who on this Committee will be responsible for creating proposed document (who is typing it)?



Tracking comments, suggestions and edits?



Tracking versions of document

Sample Constitutions

Publicly available tribal Constitutions that can be shared without redactions.

[idc-001884.pdf \(SECURED\) \(bia.gov\)](#)

[wqs-tribal-tas-jst-application-exhibit-c.pdf \(epa.gov\)](#)

[hvt-constitution-and-bylaws.pdf \(hoopa-nsn.gov\)](#)

[BLR_Constitution.pdf \(bluelakerancheria-nsn.gov\)](#)

Comments & Questions

BIA is here to provide technical assistance and support as requested.

Contact: Harley Long, Superintendent
Carol Rogers-Davis, Tribal Operations Officer
(279) 444-0323

Exhibit 8

Display additional information by clicking on the following: All Brief and OIRA conclusion
 Abstract/Justification Legal Statutes Rulemaking FR Notices/Comments IC List Burden Misc.
 Common Form Info. Certification
[View Information Collection \(IC\) List](#) [View Supporting Statement and Other Documents](#)
 Blank fields in records indicate information that was not collected or not collected electronically prior to July 2006.

Please note that the OMB number and expiration date may not have been determined when this Information Collection Request and associated Information Collection forms were submitted to OMB. The approved OMB number and expiration date may be found by clicking on the Notice of Action link below.

View ICR - OIRA Conclusion

OMB Control No: 1076-0153 **ICR Reference No:** 200004-1076-001
Status: Historical Active **Previous ICR Reference No:**
Agency/Subagency: DOI/BIA **Agency Tracking No:**
Title: Request for Certificate of Degree of Indian or Alaska Native Blood, 25 CFR Part 70
Type of Information Collection: Existing collection in use without an OMB Control Number **Common Form ICR:** No
Type of Review Request: Regular **Conclusion Date:** 06/19/2000
OIRA Conclusion Action: Approved without change **Date Received in OIRA:** 04/19/2000
[Retrieve Notice of Action \(NOA\)](#)
Terms of Clearance:

	Inventory as of this Action	Requested	Previously Approved
Expiration Date	07/31/2003	07/31/2003	
Responses	287,400	0	0
Time Burden (Hours)	433,500	0	0
Cost Burden (Dollars)	0	0	0

Abstract: This part specifies the requirements for the documentation of degree on Indian blood and uniform standards by which we may issue, amend, or invalidate a Certificate of Degree of Indian or Alaska Native Blood. The Bureau issues CDIBs to assist individuals in establishing their eligibility for programs and services based upon their status as American Indians and/or Alaska Natives.

Authorizing Statute(s): None
Citations for New Statutory Requirements: None

Associated Rulemaking Information

RIN: **Stage of Rulemaking:** **Federal Register Citation:** **Date:**

Federal Register Notices & Comments

Did the Agency receive public comments on this ICR? No

Number of Information Collection (IC) in this ICR: 1

IC Title	Form No.	Form Name
Request for Certificate of Degree of Indian or Alaska Native Blood, 25 CFR Part 70		

ICR Summary of Burden

	Total Approved	Previously Approved	Change Due to New Statute	Change Due to Agency Discretion	Change Due to Adjustment in Estimate	Change Due to Potential Violation of the PRA
Annual Number of Responses	287,400	0	0	287,400	0	0
Annual Time Burden (Hours)	433,500	0	0	433,500	0	0
Annual Cost Burden (Dollars)	0	0	0	0	0	0

Burden increases because of Program Change due to Agency Discretion: Yes

Burden Increase Due to:

Burden decreases because of Program Change due to Agency Discretion: No

Burden Reduction Due to:

Short Statement:

Annual Cost to Federal Government: \$0

Does this IC contain surveys, censuses, or employ statistical methods? No

Is the Supporting Statement intended to be a Privacy Impact Assessment required by the E-Government Act of 2002? No

Is this ICR related to the Affordable Care Act [Pub. L. 111-148 & 111-152]? Uncollected
 Is this ICR related to the Dodd-Frank Wall Street Reform and Consumer Protection Act, [Pub. L. 111-203]? Uncollected
 Is this ICR related to the American Recovery and Reinvestment Act of 2009 (ARRA)? Uncollected
 Is this ICR related to the Pandemic Response? Uncollected

Common Form ICR: No

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous language that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8 (b)(3) about:
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected.
- (i) It uses effective and efficient statistical survey methodology (if applicable); and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item by leaving the box unchecked and explain the reason in the Supporting Statement.

Certification Date: 04/19/2000



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61768

Federal Register / Vol. 85, No. 190 / Wednesday, September 30, 2020 / Notices

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Qualified Indian persons who are seeking preference in employment with the BIA and IHS.

Total Estimated Number of Annual Respondents: 5,000 per year, on average.

Total Estimated Number of Annual Responses: 5,000 per year, on average.

Estimated Completion Time per Response: 30 minutes.

Total Estimated Number of Annual Burden Hours: 2,500 hours.

Respondent's Obligation: A response is required to obtain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour

Burden Cost: \$6,920.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2020-21559 Filed 9-29-20; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/A0A501010.999900 253G; OMB Control Number 1076-0153]

Agency Information Collection Activities; Certificate of Degree of Indian or Alaska Native Blood

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before November 30, 2020.

ADDRESSES: Send your comments on the information collection request (ICR) by mail to Ms. Laurel Iron Cloud, Chief, Division of Tribal Government Services, Office of Indian Services, Bureau of Indian Affairs, 1849 C Street NW, Mail Stop 4513 MIB, Washington, DC 20240; facsimile: (202) 208-5113; email: laurel.ironcloud@bia.gov. Please reference OMB Control Number 1076-

0153 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Ms. Laurel Iron Cloud, telephone (202) 513-7641.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The BIA is seeking renewal of this information collection conducted under the numerous laws authorizing BIA to administer program services to Indians, provided that the individual possess a minimum degree of Indian or Alaska Native blood. When applying for program services authorized by these laws, an applicant must provide acceptable documentation to prove that he or she meets the minimum required degree of Indian or Alaska Native blood. Currently, the BIA certifies an individual's degree of Indian or Alaska Native blood if the individual can provide sufficient information to prove

his or her identity and prove his or her descent from an Indian ancestor(s) listed on historic documents approved by the Secretary of the Interior that include blood degree information. To obtain the Certificate of Degree of Indian or Alaska Native Blood, the applicant must fill out an application form and provide supporting documents.

Title of Collection: Request for Certificate of Degree of Indian or Alaska Native Blood.

OMB Control Number: 1076-0153.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals.

Total Estimated Number of Annual Respondents: 100,000 per year, on average.

Total Estimated Number of Annual Responses: 100,000 per year, on average.

Estimated Completion Time per Response: 1.5 hours.

Total Estimated Number of Annual Burden Hours: 150,000.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Once.

Total Estimated Annual Nonhour Burden Cost: \$400,000.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2020-21558 Filed 9-29-20; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[190A2100DD/AAKC001030/A0A51010.999900]

Land Acquisitions; Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Assistant Secretary—Indian Affairs has made a final determination to acquire 1,427.78 acres, more or less, (commonly known as "Camp 4") into trust for the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California. Congress affirmed that this property is

Display additional information by clicking on the following: All Brief and OIRA conclusion

Abstract/Justification Legal Statutes Rulemaking FR Notices/Comments IC List Burden Misc.

Common Form Info. Certification

[View Information Collection \(IC\) List](#) [View Supporting Statement and Other Documents](#)

Please note that the OMB number and expiration date may not have been determined when this Information Collection Request and associated Information Collection forms were submitted to OMB. The approved OMB number and expiration date may be found by clicking on the Notice of Action link below.

View ICR - OIRA Conclusion

OMB Control No: 1076-0153 **ICR Reference No:** 202103-1076-003
Status: Active **Previous ICR Reference No:** [201712-1076-002](#)
Agency/Subagency: DOI/BIA **Agency Tracking No:**
Title: Request for Certificate of Degree of Indian or Alaska Native Blood (CDIB)
Type of Information Collection: Extension without change of a currently approved collection **Common Form ICR:** No
Type of Review Request: Regular **Conclusion Date:** 11/16/2021
OIRA Conclusion Action: Approved with change **Date Received in OIRA:** 03/26/2021
[Retrieve Notice of Action \(NOA\)](#)
Terms of Clearance: OMB approves this ICR for three years. Before submitting a renewal package, the agency needs to work to find other means to transmit documentation in addition to mailing them. Please provide an update on efforts to do so before submission of the renewal.

	Inventory as of this Action	Requested	Previously Approved
Expiration Date	11/30/2024	36 Months From Approved	11/30/2021
Responses	100,000	0	100,000
Time Burden (Hours)	150,000	0	150,000
Cost Burden (Dollars)	4,000,000	0	4,000,000

Abstract: As authorized by law, BIA provides a form which allows applicants to receive documentation of degree of Indian blood and uniform standards by which we issue, amend, or invalidate a CDIB.

Authorizing Statute(s): US Code: [25 USC 13](#) Name of Law: The Snyder Act of 1921
 US Code: [25 USC 46 et seq.](#) Name of Law: Indian Reorganization Act of 1934
 US Code: [25 USC 450 et seq.](#) Name of Law: Indian Self-Determination and Education Assistance Act as amended
 US Code: [25 USC 458aa et seq.](#) Name of Law: Tribal Self-Governance Act
 US Code: [25 USC 2001 et seq.](#) Name of Law: Education Amendments of 1978
 Statute at Large: [61 Stat. 731](#) Name of Statute: The Act of August 4, 1947
 US Code: [25 USC 21](#) Name of Law: Indian Child Welfare Act
 US Code: [25 USC 2007](#) Name of Law: BIA Programs
 US Code: [25 USC 2201](#) Name of Law: 10. Land Consolidation
 US Code: [43 USC 1601-1624](#) Name of Law: Alaska Native Claims Settlement Act of December 18, 1971

Citations for New Statutory Requirements: None

Associated Rulemaking Information

RIN:	Stage of Rulemaking:	Federal Register Citation:	Date:
	Not associated with rulemaking		

Federal Register Notices & Comments

60-day Notice:	Federal Register Citation: 85 FR 61768	Citation Date: 09/30/2020
30-day Notice:	Federal Register Citation: 86 FR 16236	Citation Date: 03/26/2021

Did the Agency receive public comments on this ICR? No

Number of Information Collection (IC) in this ICR: 1

IC Title	Form No.	Form Name
Request for Certificate of Degree of Indian or Alaska Native Blood (CDIB)	None	Request for Certificate of Degree of Indian or Alaska Native Blood

ICR Summary of Burden

	Total Approved	Previously Approved	Change Due to New Statute	Change Due to Agency Discretion	Change Due to Adjustment in Estimate	Change Due to Potential Violation of the PRA
Annual Number of Responses	100,000	100,000	0	0	0	0

Annual Time Burden (Hours)	150,000	150,000	0	0	0	0
Annual Cost Burden (Dollars)	4,000,000	4,000,000	0	0	0	0

Burden increases because of Program Change due to Agency Discretion: No

Burden Increase Due to:

Burden decreases because of Program Change due to Agency Discretion: No

Burden Reduction Due to:

Short Statement:

Annual Cost to Federal Government: \$6,205,500

Does this ICR contain surveys, censuses, or employ statistical methods? No

Does this ICR request any personally identifiable information (see OMB Circular No. A-130 for an explanation of this term)? Please consult with your agency's privacy program when making this determination. Yes

Does this ICR include a form that requires a Privacy Act Statement (see 5 U.S.C. §552a(e)(3))? Please consult with your agency's privacy program when making this determination. Yes

Is this ICR related to the Affordable Care Act [Pub. L. 111-148 & 111-152]? No

Is this ICR related to the Dodd-Frank Wall Street Reform and Consumer Protection Act, [Pub. L. 111-203]? No

Is this ICR related to the American Recovery and Reinvestment Act of 2009 (ARRA)? No

Is this ICR related to the Pandemic Response? No

Agency Contact: Ashley Fry 202 208-5808 ashley.fry@bia.gov

Common Form ICR: No

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous language that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8 (b)(3) about:
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected.
- (i) It uses effective and efficient statistical survey methodology (if applicable); and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item by leaving the box unchecked and explain the reason in the Supporting Statement.

Certification Date: 03/26/2021



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