



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

19 DEC 2023

Silvia Burley
14807 Avenida Central
La Grange, CA 95255

via E-mail: silburley@yahoo.com

Dear Mrs. Burley:

This letter is regarding a November 29, 2023, letter to the Bureau of Indian Affairs (BIA), Central California Agency (Agency), from Peter Lepsch, an attorney with Peebles Kidder Bergin & Robinson, LLP. Mr. Lepsch purports to represent "the only duly enrolled members of the Tribe." Mr. Lepsch has long represented the interests of the group led by Silvia Burley in federal and administrative proceedings. I note that Mr. Lepsch's claims regarding his client's status as the only members of, and the governing body of, the California Valley Miwok Tribe have been repeatedly rejected by the Assistant Secretary and federal courts.

Mr. Lepsch stated that his clients "will not assist the Agency in identifying individuals who are willing to participate in drafting a new constitution for the Tribe." It is not clear to me, however, that Mr. Lepsch represents the individual interests of all the members of the group. In fact, the evidence suggests he does not. After the August 30, 2023, organizational meeting, two members of the group submitted interest forms to participate in the Constitutional drafting committee (one of whom subsequently withdrew his interest form). The Agency is therefore reaching out directly to individuals associated with the group he represents and who participated in the August 30, 2023, California Valley Miwok Tribe Organizational Meeting to inquire about their willingness to participate in development of the Constitution. You are part of the Eligible Groups defined by the AS-IA Washburn Decision of 2015, as modified by the AS-IA Newland decision of 2022, and have an opportunity to serve on the Committee whose goal is to create tribal laws that could direct the future of the Tribe. If you are interested, please e-mail me at harley.long@bia.gov.

It is important for you to understand that a lack of response from or participation by any members of the Eligible Groups will not invalidate the Tribe's organizational process. Contrary to Mr. Lepsch's statement in his letter, neither Assistant Secretary Washburn nor Assistant Secretary Newland *mandated* the participation of his clients. What is required, and what BIA has done, is to ensure that active efforts have been made to give all members of the Eligible Groups the *opportunity* to take part in the initial organization of the Tribe.

Lastly, development of a Constitution is an important step towards formal organization, whereby the governing body of the Tribe could make decisions how to best provide services and benefits to its tribal community. Should you have a question, please contact me by phone at (279) 444-0323, by email at harley.long@bia.gov.

Sincerely,

Harley Long
Superintendent

cc: Amy Dutshcke, Regional Director (via email: amy.dutshcke@bia.gov)