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# United States Department of the Interior

**BUREAU OF INDIAN AFFAIRS**  
Central California Agency  
650 Capitol Mall, Suite 8-500  
Sacramento, CA 95814-4710

IN REPLY REFER TO

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RES  
FOIA #BIA2011-00677

Cheryl A. Schmit  
Post Office Box 355  
Penryn, CA 95663

JUN 7 2011

Dear Ms. Schmit:

This letter is in response to your Freedom of Information Act (FOIA) request dated March 21, 2011 and received in our office on April 1, 2011, requesting copies of, "*Documentation on the Big Sandy Rancheria: Lands and title, tribal enrollment, populations, a historic and anthropological tie to Indian lands outside the exterior boundaries of the Rancheria and proof of tribal governance over lands and members.*" On April 25, 2011 a partial response was sent out in response to this FOIA from the Pacific Regional Office of Bureau of Indian Affairs. This FOIA has been assigned control number BIA2011-00677, please refer to this number on all correspondence pertaining to this request.

The Central California Agency Branch of Realty has located approximately 207 directly responsive documents in our Realty and Tribal Operations Branches.

**Requests:**

- Copy of deed an any and all Indian Agent correspondence regarding the purchase of the original 280 acres in 1909 establishing the Big Sandy Rancheria;
- A copy of any and all of the Indian Agent correspondence with Mono or Paiute Indians, BIA official or private and state land owners pertaining to the purchase of the 280 acres in 1909 which preceded the establishment of the Big Sandy Rancheria and its individuals;
- Any historical and/or anthropological documentation of the Tribe's traditional home land location – i.e. Indian Agent reports of the Mono residing in Inyo County or neighboring counties in Nevada; and
- Any documentation that identifies or discusses the circumstances or events of: why the Big Sandy Band was identified with the Paiute and counted in the 1920 census with that group.

**Response:**

No documents responsive to the requests were found in the files of the Branch of Tribal

Operations.

The following responsive documents were located in our Branch of Realty:

- Copy of original deed, dated July 15, 1909, 2 pages;
- Map of Tract No. 2060 Big Sandy Rancheria, 1 page;
- Title Certificate for Big Sandy Rancheria, dated April 14, 1966, 2 pages;
- Congressional Report No. 602 Authorizing the Secretary of the Interior to Convey Certain Land to the Big Sandy Rancheria, California, dated July 24, 1961, 3 pages;
- Allotment or Estate Record, Big Sandy Rancheria, 1 page;
- Letter to Leonard Hill, Superintendent, from Vernon Brooks, regarding survey of Big Sandy Rancheria and boundaries, dated March 23, 1955, 1 page;
- Letter to Vernon Brooks, from J.N. Lowe, regarding response to survey inquiry, dated April 7, 1955, 1 page.

**Request:**

- **Any record of tribal membership or organization leading up to the establishment of the Big Sandy Rancheria in 1909 to present.**

**Response:**

- 1989 Indian Service Population and Labor Force Estimates, Bureau of Indian Affairs, January 1989, 2 pages;
- 1991 Indian Service Population and Labor Force Estimates, Bureau of Indian Affairs, January 1991, 2 pages;
- Report on Service Population and Labor Force, Big Sandy Rancheria, dated March 29, 1991, 2 pages;
- 1993 Indian Service Population and Labor Force Estimates, Bureau of Indian Affairs, 2 pages;
- Report on Service Population and Labor Force, Big Sandy Rancheria, dated April 1993, 1 page;
- 1995 Indian Service Population and Labor Force Estimates, Bureau of Indian Affairs, 2 pages;
- Report on Service Population and Labor Force, Big Sandy Rancheria, dated April 1996, 1 page;
- Reservation and Population Summaries, California Indian Reservations November 1996, 1 page;
- Indian Labor Force Survey Form for Big Sandy Rancheria, date received December 18, 1998, 2 pages;

- Indian Labor Force Survey Form for Big Sandy Rancheria, 1999 calendar year, 2 pages;
- Local estimates of Resident Indian population and labor force market information on male Indians living on-or-near reservation, 1999, 3 pages;
- Local estimates of Resident Indian population and labor force market information on female Indians living on-or-near reservation, 1999, 3 pages;
- Local estimates of Resident Indian population and labor force market information on male and female Indians living on-or-near reservation, 1999, 3 pages;
- Indian Labor Force Survey Form for Big Sandy Rancheria, 2001 calendar year, 2 pages;
- Indian Labor Force Survey Form for Big Sandy Rancheria, 2003 calendar year, 4 pages;
- Indian Labor Force Survey Form for Big Sandy Rancheria, 2005 calendar year, 2 pages;
- 2005 Indian Service Population and Labor Force Estimates, Bureau of Indian Affairs, 2 pages (previously submitted);

**Request:**

- **Any documentation of political and economic governance exercised by the residents of the land held in the name of the United States in Trust for the Indians of California:**

**Response:**

- Indian Tribes, Bands and Communities Which Voted to Accept or Reject the Terms of the Indian Reorganization Act, the Dates when Elections Were Held and The Votes cast, September, 1946, 8 pages;
- Memo to Congressman B.F. Sisk and the Bureau of Indian Affairs from Chairman of the Big Sandy Rancheria Council, dated June 3, 1956, concerning the Tribe's opposition to the Rancheria Termination bill, 1 page;
- Letter to Leonard Hill, Bureau of Indian Affairs, from Chairman, Big Sandy Rancheria Council, dated June 4, 1956, concerning the Rancheria termination bill, 1 page;
- Summary Report On Tribal Enactments For Period May 16, 1953, Through August 31, 1961, 2 pages;
- Correspondence to Wilbur Beecher, from Ten Broeck Williamson, dated February 10,

1965, regarding proposed Articles of Association, 1 page;

- Correspondence to Mr. Wilbur Beecher, President Big Sandy Association, from Ten Broeck Williamson, Area Tribal Operations Officer, Bureau of Indian Affairs, dated May 3, 1966, with draft Big Sandy Association Articles of Association of Nonprofit Association and enacted Articles of Association attached, distributee names have been redacted in accordance with Exemption 6, 15 pages;
- Correspondence to Wilbur Beecher, from Ten Broeck Williamson, dated December 21, 1966, regarding the annual meeting of members of the Big Sandy Association, 1 page;
- Correspondence to Reed Clegg, Fresno County Welfare Department, from Ten Broeck Williamson, Bureau of Indian Affairs, dated November 7, 1967, requesting he speak to distributees regarding property ownership, 1 page;
- Correspondence to G.B. Gard, Fresno County Assessor, from Ten Broeck Williamson, Bureau of Indian Affairs, dated November 7, 1967, requesting he speak to distributees regarding property ownership, 1 page;
- Correspondence sent to all distributees, from Ten Broeck Williamson, undated, requesting attendance at a meeting on the Rancheria, on November 17, 1967. Distributee names redacted, in accordance with Exemption 6, 1 page;
- Correspondence to Mr. Albert Moore, President Big Sandy Association, from Ten Broeck Williamson, Area Tribal Operations Officer, Bureau of Indian Affairs, dated February 2, 1967, regarding petitions received to modify the Big Sandy Rancheria Distribution Plan. Names have been redacted, in accordance with Exemption 6, 1 page;
- Correspondence to Big Sandy Distributees, from Ten Broeck Williamson, dated March 9, 1966, regarding official establishment of a post distribution organization to accept title to and administer properties to be retained in group ownership, 1 page;
- Correspondence to Mr. E. Skroch, Regional Solicitor, from Ten Broeck Williamson, dated March 18, 1966, regarding the adoption of Articles of Association, 1 page;
- Correspondence to Richard Burchell, Superintendent, Bureau of Indian Affairs, from Emma Charlie, Planning Intern, Indian Planning Consortium, dated July 14, 1980, regarding the Big Sandy Rancheria Constitution and Bylaws, 1 page;
- Correspondence to Ronald Jaeger, Superintendent, Central California Agency, Bureau of Indian Affairs, from Daniel Lewis, President, Big Sandy Association, dated March 15, 1983, regarding the formation of a constitution committee, and attached Draft

Constitution of the Big Sandy Band of Indians, 17 pages;

- Correspondence from Silas Ortley, to Geraldine Alec, Chairperson, dated March 8, 1985, responding to the Tribe's March 5, 1985 request, 1 page;
- Letter to Judith Albietz, Attorney at Law, from Dale Risling, Sr., Superintendent, dated September 14, 2000, concerning the Liquor Ordinance of the Big Sandy Rancheria, Ordinance No. 0014, with attachments, 14 pages;
- Memorandum dated September 15, 2000, to Regional Director, from Superintendent, transmitting the liquor ordinance for approval and publication in the Federal Register, 12 pages;
- Memorandum dated November 17, 2000, to Deputy Commission, Indian Affairs, from Regional Director, recommending approval of the Tribe's liquor ordinance, 1 page;
- Federal Register publication, volume 66, number 18, Friday, January 26, 2001, notices regarding the Tribe's liquor ordinance, 4 pages;

**Request:**

- **Any and all documentation demonstrating tribal government organization, i.e. a tribal constitution with date of approval, membership role**

**Response:**

- Documents pertaining to tribal membership and enrollment are withheld due to provisions outlined in exemption 6.
- Letter to Geraldine Alec, Chairperson, from Donna Folster, Superintendent, regarding the family tree charts of 12 individuals, dated May 22, 1985. Withheld Exemption 6, 1 page;
- Letter to Geraldine Alec, Chairperson, from Thomas Whitford, Sr., Superintendent, dated January 25, 1985, regarding family tree charts of individuals. Withheld Exemption 6, 2 pages;
- Memo to Realty from Tribal Operations, Central California Agency, regarding Big Sandy Distribution Plan, dated October 4, 1967. Withheld Exemption 6, 2 pages;
- Letter date March 24, 1989, to Silas Ortley, Tribal Enrollment Specialist, from Jeanette Sample, Big Sandy tribal member, requesting information on the Tribe's Constitution and membership enrollment list, address and telephone number have been redacted in accordance with Exemption 6, 1 page;
- Letter dated May 15, 1989, to Jeanette Sample, Big Sandy tribal member, from Michael

Smith, Superintendent, responding to questions regarding a Constitution, address has been redacted in accordance with Exemption 6, 1 page;

- Letter dated March 17, 1989, to Iliene Cape, Chairperson of the Big Sandy Rancheria, from Virginia Carpenter, Acting Superintendent, information the Tribe that the authorization period to call a Secretarial Election has expired, 1 page;
- Memo dated October 30, 1986, From the Branch of Tribal Operations to the Acting Superintendent, concerning the expiration of the time frame for authorization to conduct a Secretarial Election, 1 page;
- Letter to Tom Whitford, Superintendent, from Acting Assistant Secretary, concerning review and adoption of the proposed Constitution, 12 pages;
- Letter to Dale Risling, Superintendent, from Wilbur Beecher, Tribal Chairperson, formally requesting that the Tribe's name be updated, dated July 11, 1986, 1 page;
- Copy of a Revised Tribal Constitution presented to the Big Sandy Rancheria and General Council, by the members of the Constitution Committee, dated June 1996, 10 pages;
- Copy of a Revised Tribal Constitution presented to the Big Sandy Rancheria and General Council, by the members of the Constitution Committee, dated December 1997, 15 pages;
- Copy of the Constitution of the Big Sandy Rancheria, adopted February 21, 2000, 9 pages;
- Letter to Dale Risling, Sr., Superintendent, from Wilbur Beecher, Chairperson, regarding updating Tribe's official name in the Federal Register, dated February 8, 2001, with attached Constitution, 10 pages;
- Letter to Ronald Jaeger, Superintendent, Central California Agency, from Daniel Lewis, President of the Big Sandy Association dated March 15, 1983, requesting technical assistance pertaining to the Tribe's draft Constitution, 1 page with attachment of Constitution, 16 pages;
- Letter to Richard Burchell, Superintendent, Central California Agency, from Emma Charlie, Planning Intern, Indian Planning Consortium of Central California, transmitting Constitution and Bylaws of the Big Sandy Rancheria, 1 page;
- Communication Referral sheet from Silas Ortley, Tribal Enrollment Specialist, dated May 2, 1986, concerning development of a voters lists to vote on Constitution and provided sample ordinances to the Tribe, 1 page;

- Letter to Eileen Cape, Big Sandy Rancheria, from Thomas Whitford, Superintendent, dated January 10, 1986, concerning written comments to the Tribe's Constitution and membership ordinance, 2 pages;
- Letter to Silas Ortle, Tribal Enrollment Specialist, from Geraldine Alec, Chairperson, Big Sandy Rancheria, providing a draft membership ordinance for Big Sandy Rancheria and requesting Agency review, dated May 10, 1985, 7 pages;
- Correspondence to Connie Lewis, Chairperson Big Sandy Rancheria, from Raymond Fry for Dale Risling, Superintendent Bureau of Indian Affairs, dated April 15, 2003, regarding adoption of a revised constitution, 3 pages.

As a result of our review of these files, we have found that there is a privacy interest in sections of these records. These sections have been redacted or withheld. Exemption 6 of the FOIA (5 USC §552) (b)(6)) permits an agency to withhold "personal and medical files and similar files that disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Under FOIA Exemption 6, a record subject to privacy interests may be withheld if the public interest outweighs the privacy interest in the record. We do not see evidence in your request to attest to the public interest outweighing the privacy interest of the individuals in releasing these sections of the records.

The processing of this FOIA was less than \$30.00 and in accordance with Department policy the fees will be waived.

In addition to myself, this decision was made in consultation with Karen Koch, Esq., Assistant Regional Solicitor, Office of the Solicitor, Pacific Southwest Region. Because our response is deemed a partial denial due to the Exemptions above, you may appeal this denial to the FOIA Appeals Officer. The FOIA Appeals Officer must receive your FOIA appeal no later than 30 workdays from the date of this letter denying your fee waiver request. Appeals arriving or delivered after 5 p.m. E.T., Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing and addressed to:

Freedom of Information Act, Appeals Officer  
Department of the Interior  
Office of the Solicitor  
1849 C Street, North West  
MS-6556  
Washington, D.C. 20240

You must include with your appeal copies of all correspondence between you and the bureau concerning your FOIA request, including a copy of your original FOIA request and this denial letter. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. The appeal should be marked, both on the envelope and the face of the letter, with the legend, "FREEDOM OF INFORMATION APPEAL." Your letter should include in as much detail as possible any reason(s) why you believe the bureau's response is in error."

Should you have any questions, please do not hesitate to contact Elizabeth Jackson, FOIA Coordinator, at (916) 930-3777.

Sincerely,

A handwritten signature in black ink, appearing to read 'Troy Burdick', with a stylized flourish at the end.

Troy Burdick  
Superintendent

Attachment

cc: Doug Garcia, FOIA Coordinator, Pacific Regional Office  
Laura Cloud, FOIA Program Specialist, Central Office  
Javin Moore, Alternate FOIA Coordinator, Central California Agency