

Stand Up For California!

“Citizens making a difference”

www.standupca.org

P. O. Box 355
Penryn, CA. 95663

September 18, 2013

Ms. Darrell Strayhorn
Freedom of Information Act
Department of the Interior
Office of the Solicitor
1840 C Street NW, MS 6556
Washington, D. C. 20240

RE: FREEDOM OF INFORMATION ACT APPEAL Control NO. FOIA 2013 -01919

Dear Ms. Strayhorn,

On August 20, 2013, I requested documents under the Freedom of Information Act (FOIA). On September 12, 2013, I received a response to my request in a letter signed by the Acting Regional Director. I appeal the partial denial of my request.

The Bureau of Indian Affairs (BIA) withheld one document totaling 2 pages on the basis that Exemption 5 of the FOIA (4U.S.C. Section 552(b)(5)) allows an agency to withhold “inter-agency or intra-agency memorandums or letters which would not be available by law to a party...in litigation with the agency.”

I understand BIA’s position, but Exemption 5 does not allow an agency to withhold records created by or shared with a third party, or whose source is not a government agency. Exemption 5 allows predecisional records to be kept within the agency in a manner similar to the attorney-client privilege. However, records created by a third agency, are no longer privileged and cannot be withheld under Exemption 5. Accordingly, to the extent that the BIA relies on Exemption 5 to withhold records from or shared with a third party, or otherwise released outside of the BIA, at any point in time, that reliance is misplaced and I renew my request for those records.

The U. S. Justice Department provides a FOIA Guide. The May 2004 publication clearly explains the threshold issue under Exemption 5. The U. S. Supreme Court ruled in 2001 in the *Department of the Interior v Klamath Water Users Protective Ass’n* in a unanimous decision, that Exemption 5 did not encompass communications between the

Department of the Interior and several Indian tribes which, in making their views known to the Department on certain matters of administrative decision-making, not only had “their own albeit entirely legitimate interests in mind”, but also were “seeking a Government benefit at the expense of other applicants.”

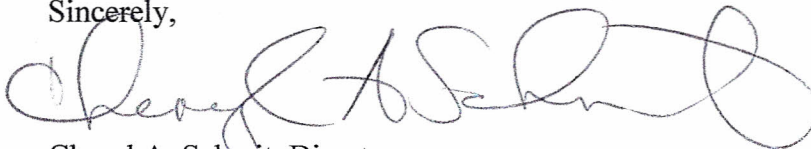
In this immediate case, the Santa Ynez Band of Chumash Indians are paying members of the “California Fee to Trust Consortium” (Consortium). The Consortium is a workgroup of approximately 60 California tribes and BIA personnel who since 1998 have worked to streamline the process by which tribes can secure landholdings that are protected by trust status. In the July 10—11, 2013, Consortium quarterly meeting minutes discussion of “FOIA/Administrative appeals” were determined to be taking up too much time of the Consortiums employees. The Consortium’s solution was to have tribes write “Confidential” on documents that tribes or the Consortium did not want to share. (See page 5 of June 10, 2013, Dear Fee-To-Trust Consortium Members and July 10-11, 2013 meeting minutes – last attachment).

This notion of tribes writing “*confidential on documents*” is inconsistent with the FOIA regulations in at least two ways, (1) Tribes have no authority to determine what can or cannot be shared under the FOIA guidelines and (2) the Consortium is a mix of tribes and BIA personnel, clearly a third party that cannot seek a Government benefit at the expense of other applicants or affected parties. Documents regarding the Tribal Consolidation Area (TCA) were shared with or created by the Consortium. Thus, records submitted to the agency by the Tribe(s)/Consortium, as “outside consultants,” do not qualify for attorney work product and deliberative process privilege protection in this immediate instance.

In recent time, *Stand Up For California* has filed an administrative appeal and after receiving no response from the BIA has had to file a complaint in federal district court. The BIA has ultimately produced all documents responsive to my requests. At the same time, there is no reason why reaching that result should entail delay, litigation and the payment of attorney fees. *Accordingly, I again request that the BIA produce the withheld documents.*

Thank you for your consideration of this appeal. If you have questions, please contact me at (916) 663-3207

Sincerely,



Cheryl A. Schmit, Director
916 663 3207
cherylschmit@att.net
www.standupca.org

Attachments:

August 20, 2013, Stand Up For California FOIA Request

August 21, 2013, BIA post card acknowledges the receipt – Control No. BIA 2013-01919

August 27, 2013, Acknowledges and lists items for duplication costs

September 12, 2013, Response to FOIA, (partial denial)

June 10, 2013, Dear Fee-To-Trust Consortium Members and July 10-11, 2013 meeting minutes

Stand Up For California!
“Citizens making a difference”

www.standupca.org

P. O. Box 355
Penryn, Ca. 95663

August 20, 2013

Douglas Garcia
FOIA Coordinator
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA. 95825

Re: Freedom of Information Act Request

Dear Mr. Garcia:

We are writing to request documents pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.*, and pursuant to the Department of the Interior FOIA regulations, 43 C.F.R. § 2.11-2.20. *Stand Up For California* requests a copy of:

A copy of any and all documents submitted by the Santa Ynez Band of Chumash Indians that accompanied and supported the Proposed Land Consolidation and Acquisition Plan of 11,500 ac. in Santa Ynez, Santa Barbara County

A copy of any and documents within the BIA that were reviewed in conjunction with the approval of the Proposed Land Consolidation and Acquisition Plan of 11,500 ac. in Santa Ynez, Santa Barbara County

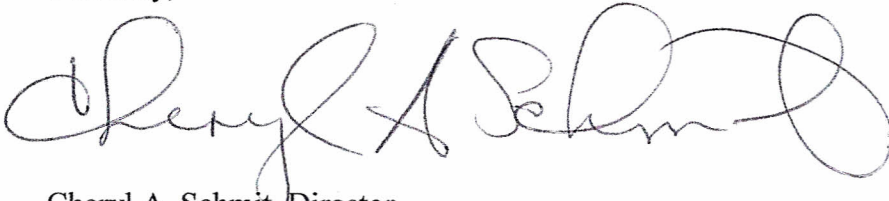
Copies of all records regardless of form or format of any and all memos, emails, telephone messages, letters or internal documents that outline the criteria by which a decision is made for the approval of the Proposed Land Consolidation and Acquisition Plan of 11,500 ac. in Santa Ynez, Santa Barbara County

In the event any of the requested documents are not dis-closable in their entirety, we request that you release any material that may be separated and released. For any documents or portions thereof that are determined to be exempt from disclosure, we request that you state with specificity the legal and factual grounds for withholding documents or portions of documents.

Copies of all records regardless of form or format

We are willing to pay up to \$50.00. Should the cost exceed this amount contact from your office advising us of the total amount would be appreciated giving us the opportunity to revise our request. We would greatly appreciate a prompt response to this request. We request that you provide the responsive records in electronic format if available. Thank you for your assistance

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl A. Schmit". The signature is fluid and somewhat stylized, with a large initial "C" and a long, sweeping underline.

Cheryl A. Schmit, Director
916-663-3207
cherylschmit@att.net
www.standupca.org



United States Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

AUG 21 2013

This acknowledges the receipt of your
Freedom of Information Act (FOIA) requested
dated August 20, 2013

This request has been assigned FOIA Control
No. BIA 2013 01919

The Pacific Region will be processing your
request and will advise you of your response
within 20 workdays.

If you have any questions, please feel free to
contact Douglas Garcia, FOIA Coordinator at
(916) 978-6052, or Janice Whipple-DePina,
Alternate FOIA Coordinator at (916) 978-6077.

Sincerely,

FOIA Coordinator



United States Department of the Interior

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

IN REPLY REFER TO:

FOIA 2013-01919

AUG 27 2013

Cheryl A. Schmit, Director
Stand Up For California
P.O. Box 355
Penryn, CA 95663

Dear Mrs. Schmit:

We are acknowledging and responding to your Freedom of Information Act (FOIA) request that was received on August 21, 2013. We have assigned FOIA control number 2013-01919 to this request, please refer to the number in any future correspondence.

You had requested us to search for the following:

A copy of any and all documents submitted by the Santa Ynez Band of Chumash Indians that accompanied and supported the Proposed Land Consolidation and Acquisition Plan of 11,500 acres in Santa Ynez, Santa Barbara County.

A copy of any and documents within the BIA that were reviewed in conjunction with the approval of the Proposed Land Consolidation and Acquisition Plan of 11,500 acres in Santa Ynez, Santa Barbara County.

Copies of all records regardless of form or format of any and all memos, emails, telephone messages, letters or internal documents that outline the criteria by which a decision is made for the approval of the proposed Land Consolidation and Acquisition Plan of 11,500 acres in Santa Ynez, Santa Barbara County.

In your request you have authorized fees associated with processing this request up to \$50.00 without further authorization. We have determined your request category to be a commercial user. Commercial user requestors are charged fees for cost incurred in document search, review and duplication. The fee for processing this request is estimated as follows:

Document search/review and duplication:

Managerial	2 hours @ \$15.00 per ¼ hour	\$ 120.00
Duplication	400pages @ \$0.15 per page	\$ 60.00
Total		\$ 180.00

Please send a check or money order for \$180.00 made payable to DOI-BIA-FOIA. To ensure proper credit, please send a cashier check or money order and include the reference number FC 13 01919 on your payment. Mail check or money order to:

Bureau of Indian Affairs – Fiscal Services - Collections
12220 Sunrise Valley Drive
Reston, VA 20191

It is possible that the fee for processing may be reduced if we are provided a more narrowed scope for your request. If you would like to narrow your request, please send a revised letter detailing the request. Also provide the amount you are willing to pay. If we do not receive payment or a revised request within 20 workdays for the date of this letter, we will consider that the requestor is no longer interested in pursuing this request and will close the file (43 CFR 2.17(b)).

We are withholding one document totaling two (2) pages, pursuant to Exemption 5 of the FOIA (5 U.S.C. § 552 (b) (5)) (Deliberative Process Privilege). Exemption 5 allows an agency to withhold "inter-agency or intra-agency memorandums or letters which would not be available by law to a party ... in litigation with the agency." The deliberative process privilege protects the decision-making process of government agencies and encourages the frank discussion of legal and policy issues.

"As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
(OGIS) 8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <http://ogis.archives.gov>
Telephone: 202-741-5770
Facsimile: 202-741-5769
Toll-free: 1-877-684-6448"

You may appeal this response in accordance with 43 CFR §2.28. The FOIA Appeals Officer must receive your FOIA appeal no later than 30 workdays from the date of this final letter responding to your FOIA 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 address to:

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

You must include with your appeal, copies of 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 ACT APPEAL". Your letter should include in as much detail as possible any reasons why you believe the Bureau's response is in error.

Should you have any additional questions, please contact Douglas Garcia, Regional FOIA Coordinator, at (916) 978-6052 or Janice Whipple-DePina, Alternate FOIA Coordinator, at (916) 978-6077.

Sincerely,



Regional Director

Attachment: FC 13 01919 Bill of Collection

cc: Chairperson, Santa Ynez Reservation
Superintendent, SCA
FOIA Coordinator, SCA
OFM - BIA



United States Department of the Interior

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

SEP 12 2013

FOIA 2013-01919

Cheryl A. Schmit, Director
P.O. Box 355
Penryn, CA 95663

Dear Mrs. Schmit:

We are responding to your Freedom of Information Act (FOIA) request that was received on August 21, 2013. We have assigned FOIA control number 2013-01919 to this request, please refer to the number in any future correspondence.

You had requested us to search for the following:

A copy of any and all documents submitted by the Santa Ynez Band of Chumash Indians that accompanied and supported the Proposed Land Consolidation and Acquisition Plan of 11,500 acres in Santa Ynez, Santa Barbara County.

A copy of any and documents within the BIA that were reviewed in conjunction with the approval of the Proposed Land Consolidation and Acquisition Plan of 11,500 acres in Santa Ynez, Santa Barbara County.

Copies of all records regardless of form or format of any and all memos, emails, telephone messages, letters or internal documents that outline the criteria by which a decision is made for the approval of the proposed Land Consolidation and Acquisition Plan of 11,500 acres in Santa Ynez, Santa Barbara County.

The total charges were estimated at \$180.00, which were paid in full on September 4, 2013 with the receipt of your check. The total was calculated as follows: 400 pages x .15 = \$60.00, 2 hours of search and review time at \$15.00 per ¼ hour = \$120.00. The requested documents are enclosed (CD). Additionally, we are withholding one document totaling two (2) pages, pursuant to Exemption 5 of the FOIA (5 U.S.C. § 552 (b) (5)) (Deliberative Process Privilege). Exemption 5 allows an agency to withhold "inter-agency or intra-agency memorandums or letters which would not be available by law to a party ... in litigation with the agency." The deliberative process privilege protects the decision-making process of government agencies and encourages the frank discussion of legal and policy issues.

In addition to me, the official(s) responsible for this denial is Arvada Wolfin, Supervisory Realty Specialist. This decision was made in consultation with Kevin Mack, Pacific Southwest Region, Office of the Solicitor.

"As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
(OGIS) 8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <http://ogis.archives.gov>
Telephone: 202-741-5770
Facsimile: 202-741-5769
Toll-free: 1-877-684-6448"

You may appeal this response in accordance with 43 CFR §2.28. The FOIA Appeals Officer must receive your FOIA appeal no later than 30 workdays from the date of this final letter responding to your FOIA 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 address to:

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

You must include with your appeal, copies of 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 ACT APPEAL". Your letter should include in as much detail as possible any reasons why you believe the Bureau's response is in error.

Should you have any additional questions, please contact Douglas Garcia, Regional FOIA Coordinator, at (916) 978-6052 or Janice Whipple-DePina, Alternate FOIA Coordinator, at (916) 978-6077.

Sincerely,

A handwritten signature in blue ink that reads "Amy Wlitschke". The signature is written in a cursive style with a large initial 'A'.

Regional Director



IN REPLY REFER TO:

Fee-to-Trust

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

JUN 10 2013

The California Fee-to-Trust Consortium is a workgroup of California tribes and BIA personnel who, in 1998, began work to streamline the process by which tribes can secure landholdings that are protected by trust status. The California Fee-to-Trust Consortium has made it possible for the federal government to manage tribal trust applications in a more timely and consistent way.

Dear Fee to Trust Consortium Members:

The California Fee-to-Trust Consortium has scheduled its next quarterly meeting for July 10-11, 2013 at Tuolumne Rancheria's Black Oak Casino and Resort, 19400 Tuolumne Road North, Tuolumne, CA 95379.

To accommodate early arrival, a block of rooms has been set aside for the evening of July 9, 2013 with departure as late as July 12, 2013 under "BIA Fee-to-Trust Meeting" at a rate of \$77.00 plus hotel/occupancy tax per night. Reservations can be made at 877-747-8777.

For your information and planning purpose we provide the following Airport information:

- Columbia (commuter, small planes etc.) 13 miles from casino (209) 533-5685
- Modesto (United Airlines flights) 59 miles from casino
- Oakland Airport (all commercial airlines) 124 miles from casino
- Sacramento Airport (all commercial airlines) 126 miles from casino

Enclosed is a tentative agenda for the upcoming quarterly meeting for your review and input. Additionally, we are including copies of the "draft" minutes from our previous quarterly meeting that was held on April 10, 2013.

If you have any questions, please contact Lorrae Russell, at (916) 978-6071 or Arvada Wolfin, at (916) 978-6069. You may also contact us at the following email addresses: Lorrae.Russell@bia.gov, or Arvada.Wolfin@bia.gov.

Sincerely,

Regional Director

Enclosures



California Fee to Trust Consortium

Quarterly Meeting
Wednesday and Thursday, July 10-11, 2013
Black Oak Casino and Resort
Tuolumne, CA

DRAFT AGENDA

Wednesday, July 10:

- | | |
|-------------------------|---|
| 8:30 a.m. – 9:00 a.m. | Breakfast Served |
| 9:00 a.m. – 9:15 a.m. | Welcome by Host Tribe – Kevin A. Day, Tribal Chairman |
| | Blessing |
| 9:15 a.m. – 9:30 a. m. | Consortium Advisory Committee Chairman |
| | <ul style="list-style-type: none">• Welcome to new Tribes• Roll Call• Approve minutes from the April 10, 2013 meeting |
| 9:30 a.m. – 10:00 a.m. | Presentation by Tuolumne Band of Me-Wuk Indians |
| 10:00 a. m – 11:00 a. m | Presentation by Agua Caliente – Margaret Parks |
| 11:00 a.m. – 11:30 a.m. | BIA reports: |
| | <ul style="list-style-type: none">• Budget/Positions• Status of Pending Fee-to-Trust Applications• Environmental report |
| 11:30 a.m. – 11:45 a.m. | Legislative Updates by Michael Anderson |
| 11:45 a.m. – 12:00 p.m. | New Business
Set next meeting |
| 12:00 p.m. – 1:00 p.m. | Lunch provided |

1:00 p.m. – 5:00 p.m.

Training for consortium members on what to look for when buying land. What does a title report look like and what does it mean?

- Title subjects to be covered
 - Preliminary Reports vs. Commitments
 - Key Elements
 - Acceptable Exceptions
 - Solicitor's Process
 - Title Co Process

Thursday, July 11:

Training Continued

8:30 a.m. – 12:00 p.m.

Training will include a discussion of the following items that are pertinent to the fee to trust process. Tribes can learn about the process, what works best or what doesn't.

- Addressing 25 CFR 151 Factors
- Notices (New Proposed Changes)
- Environmental
 - Challenges
 - Frequent flaws
- Review Process (Realty Portion)
 - What constitutes a complete application
- Submission Requirements & Tips
- Engaging with Local Community
 - Best practices
 - Timing
- New Leasing Regulations
 - Business
 - Residential
 - Wind and Solar

12:00 p.m. – 1:00 p.m.

Lunch on your own

1:00- 5:00

CIFFMC Annual Meeting DRAFT>>>Not sure on this yet
The California Indian Forest and Fire Management Consortium would like to meet with current and potential members.

Fee to Trust Consortium
April 10, 2013

Welcome-Chairman Robert Smith
Opening Prayer-Sycuan elder

Welcome-Chairman Danny Tucker welcome. They used to only have 1 square mile, but now they have many. FTTC is an important organization, we are the original caretakers-handled the land/fires, etc. Support this organization 100%.

Welcome new Tribe-Berry Creek and Wilton Rancheria
Roll Call-24 Tribes present, quorum established
Approval of Minutes from 01092013, made by Beth Barona, seconded by Sandra Mechoopda-all in favor, none opposed, no abstentions.

Advisory Committee Elections-
Nominations Robert Smith made by Beth Barona, seconded by Silver. Motion San Pasqual

Nominations for southern-Michael Contreras, seconded by Barona, Close Barona, seconded by Manzanita, all in favor, none opposed, no abstentions.

Nominations for two central California positions
Mechoopda nominated Dry Creek by Sandra, seconded by Brenda, all in favor, no abstentions.

Nomination of Sandra of Mechoopda made by Silver, seconded by all in favor, none opposed, no abstentions.

BIA Reports

Kevin Bearquiver-Budget/Positions-going over 2014 budget, continuing resolution passed, we have another half of the money coming. Sequestration-all Tribes received letter with amount, Tribes have called and are concerned with the amounts. Make sure those numbers are right-the number took in to account one time funding, shouldn't have been included in the total. (Roads money, high priority money-etc) Susanville put up a proposal-said the money should be taken off the top, then give us the rest of the money that aren't a part of our TPA. Money has been appropriated sitting at CCA

Lorrae-everything is up in the air, don't really know how much the other half of the money is going to be. TPA should be close to correct, but don't know about other funding stream. Salary benefits are all standard. FOIA is costing a lot for duplications-their program doesn't get the money. They can give them the documents on disc, but still takes time to scan all the documents. (Comment should notify the Tribe when there is a FOIA request). (Comment-so we didn't hire that clerical position?) There is a freeze on hiring now. (Comment-is there going to be

extended leaves that will be taken now and June-furloughs that will affect our FTT applications?) they are proposing that no one exceed 22 days, like to keep at 10 days. 2013 all reductions to BIA will be about 20% in the Pacific Region. They have 2012 money (\$3 million). (Comment)-since this committee is funded by Tribes, shouldn't this consortium be exempt from all this? The Tribes haven't done an amendment on their resolutions. That staff that is getting paid from us shouldn't be affected. The PRO should be fine, because they have cut back already no cell phones, etc. Regardless they want everyone to take time off. KB the regulations don't allow you to pick and choose which employees will be furloughed, it is illegal. Would it be helpful to have a Resolution from this body? ***San Pasqual makes that motion, seconded by Tuolumne, all in favor, none opposed, no abstentions.

Question-do Tribes that pay in to the Consortium get priority on their applications? Supposed to, will send them a letter asking them to pay up.

The resolutions had the wrong 3 year listed. If you want to be included in 2014, then need new or altered resolution.

Arvada-we had 10 positions, got 4 filled. Can't hire though.

Status of pending FTT applications

ALTA commitments/Complete application- getting a lot of preliminary reports, make sure you get ALTA commitments, a lot are doing e policies, and the links will be sent too-easier when putting packet together. Comment-is there a preferred company? BIA/Kim-can't tell you who to use, had an issue with First American. Chicago Title has been successful. Open commitments are tough now. Chicago doesn't put an expiration. The preliminary can be useful in the beginning, to make sure it is fruitful. Once you submit, make sure it is a commitment. Katze comment-should bring in these people at the next quarterly meeting. These are questions that come in for Patchek etc. Dore Comment-she agrees and should bring in Title examples for us to know what to look out for. Comment Katze, also bring in Karen and see if she could share top 5 problems that we can avoid. Mechoopda can take the lead on inviting the insurance underwriters to come to the next meeting. Aaron with Morongo said he can get a title rep or officer in to come in and take questions. Get reps from north and south.

Discussion FOIA/Administrative appeals-had 4 gaming and 15 FOIA stacks and stacks everywhere, those took up all their time. Write "confidential" if we don't want things shared when they are FOIA'd.

Environmental report-Chad Broussard, 2/3rds his time has been done doing Administrative appeals and FOIA's. 1/3 of his time been working on a lot of Phase I's, working on 5 some now while he is down here. Been very busy but the FOIA's are taking so much time. Comment-who are doing all these requests? Neighbors? Tribes? Stand up for California. WHY are we having high paid salaried people

working on these clerical things? We need to utilize the administrative staff, but limited.

Legislative Update from Michael Anderson-Kamala Harris/Attorney General sent some disturbing letters to Tribes. She has been seen as as an upcoming Senator or Governor, we need to have a good or solid relationship with her. She did an amicus brief sided with Tribes for baby Veronica case. Olin Jones. AG office comment on FTT applications. Sara Drake has been writing these letters, no supervision of her. There are higher officials involved. Kamala has been opposing FTT applications even non gaming lands. Thinks it should be a means test-once a Tribe receives a certain amount of land or success then they shouldn't get any more. IRA and 151 broad. AG responds to San Pasqual application 29 acre parcel-medical clinic, fire station, administration- AG wrote "should be denied because inconsistent with purposes of 25 USC Sec 465." Other tribes received similar letters. She is saying that it should only be land lost in allotment process. They lost 1215 acres, and now they have 1380 acres so they should be fine. She thinks that they are successful so these laws don't apply. They can do all this stuff on fee land. Litigation threat. 29 palms comment too.

We should seek a meeting with the AG; Olin Jones will set up a meeting. She may not even know these letters are going out from her office? How do we get these reversed? A large based letter request will help. He has offered that we can meet with her assistant Wreckler. Meeting should take place in the next few weeks in either Sacramento or San Francisco. They said they are 5 months out for a meeting with the Tribes.

Comment-Manzanita, did AG take a stand on Enterprise? Did Jerry Brown weigh in on this?

Comment-Pala, had a meeting 1.5 years ago and met with her in Rincon, and she said she wasn't aware of it. Now looks like her staff is doing staff that she doesn't know about.

Comment-Brenda, was that a Kauffman letter? Yes.

Comment-Kazhe, was this SP in response to EA? Cloverdale received a similar letter in response to EIS. Our Tribe would like to attend and will bring letter as well.

Comment- Dore, my blood is boiling, this is very serious. While each Tribe should do it individually, but us as a group need to respond to this, need to show them the history, then the legal issues, then show some examples. We can only govern FTT land. We need to contact the governor's office Cynthia.

LEGISLATIVE update HR 279, HR 666. 666 ratifies all prior transactions. Senate side more difficult, many oppose. Washburn has ended that wait period, takes land in trust immediately-great new policy. Can't game immediately, may have to do

environmental, but land will go in trust. Colusa/Chukchnasi- dropped suits against Enterprise and North Fork. Quiet Title Act no longer applies; Patchek now can sue up to 6 years after land is in trust.

Landmark case for Alaska Tribes, they weren't eligible to take lands in Trust, court ruled in favor of 4 Tribes. Secretary can now accept applications. Will probably be appealed. There will be an angry backlash on the hill.

Leasing Regulations Training-Kimberly Yearyean, cut the new regulations and broke in to sections. Hearth Act-providing all Tribes to do their own regs on trust lands, then dept has 120 days to make a decision on those regulations. Graton is the only Tribe that has done their own regulations. Email her if we want a copy of Graton's. Theirs are only for business, they will submit residential later. Substantial revisions that will be made. Time frames set in place now. Which documents are required, and will help. The Tribes can negotiate residential rates now, without an appraisal now, have flexibility. Residential lease, 30 day time frame. Include lease violations, and business leases. BIA approval not needed for permits anymore.

Strategic Planning-Kevin Bearquiver, we have drafts for; Natural Resources, Human Services, don't have Real Estate or Fee to Trust yet. Can email to Tribe-has to go in 3 sections from Dale Morris. Incorporated Interior's plan. Explains how they work in California. Have org charts in there. Outline Goals and Priorities. Doing the editing and finalizing now. Still a real rough draft. Only have 2 copies here. Give Chad email if you want it forwarded.

Mechoopda would like to meet the new appraiser.

New Business/Next meeting

Brenda-suggest that we do training sessions again. Do day and half, if people don't want to do the training, they can only do the half day the rest can stay the whole time.

Tuolumne has offered to host next quarterly meeting July 10, 2013.