

Dehesa Valley Community Council, Inc.
P.O. Box 1631
El Cajon, CA 92022
protectdehesa@aol.com

Appeal Notice of Decision
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Interior Board of Indian Affairs
U. S. Department of Interior
801 N. Quincy Street Suite 300
Arlington, Virginia 22203

Kevin Washburn
Asst. Secretary of Indian Affairs
1849 C. Street, NW MS- 4140 MIB
Washington D. C. 20240
Fax: 202-208-5585

Amy Dutschke, Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA. 95826
Fax: 916 978 6099

**RE: APPEAL TO THE INTERIOR BOARD OF INDIAN AFFAIRS ON THE SYCUAN
BAND OF THE KUMEYAAY NATION
NOTICE OF DECISION OF OCTOBER 19, 2012**

Dear Interior Board of Indian Affairs, Assistant Secretary Indian Affairs Washburn and Regional Director Dutschke,

I am writing this letter on behalf of the *Dehesa Valley Community Council, Inc.* (DVCC) The purpose of this letter is to file an Appeal to the Notice of Decision made and never received by DVCC as part of the distribution list (October 19, 2012) to take approximately 1,357 acres in trust.

The Pacific Regional Office of the Bureau of Indian Affairs (BIA) has ***failed to notify*** the DVCC of the October 19, 2012 Notice of Decision to acquire 1,357 acres in trust. The DVCC was not included as an interested party on the distribution list attached to the Notice of Decision. Patricia Riggs, Secretary of DVCC discovered the Notice of Decision had been issued when she called to speak with Arvada Wolfin of the Pacific Regional Office of the BIA.

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On November 26, 2012, Patricia Riggs, Secretary, DVCC called Ms. Arvada Wolfin and asked if the Notice of Decision for the application of the Sycuan Band was final, she replied it was final on November 19, 2012 and asked why I wanted to know. I then told her we had not received notification of the NOD from the BIA and according to previous communications with BIA sighting the Freedom of Information Act, DVCC was to receive all information on land acquisitions by the Sycuan Band. Ms. Wolfin asked me if we were going to appeal the Decision. She then asked me to fax a letter and copies of letters to BIA concerning the Freedom of Information Act. She then told me after she had received the information a decision would be made on the extension. Lory Walls, President DVCC, faxed a letter dated November 27, 2012 to Ms. Wolfin.

Patricia Riggs called Ms. Wolfin the week of December 3, 2012 to follow up on letter and decision. No return call. The week of December 10, 2012 Ms. Wolfin called to say DVCC extension had been denied and she would be sending a letter and Patricia could call her if she had any questions. Patricia call Ms. Wolfin several times the last December 17, 2012. **No telephonic response or letter has been received.**

The distribution list attached to the Notice of Decision of October 19, 2012 listed 28 names of elected officials, State and Local Agencies. It did not list the DVCC. In June of this year, the United States Supreme Court's decision in *Match-E-Be-Nash-She-Wish Band of Pottawatomí Indians v. Patchak* made clear that local land-owners and citizens groups like DVCC regardless of their participatory rights under the trust and gaming statutes have "standing" to challenge BIA decisions. Further, the Court's decision in *Patchak* vastly expands who can challenge trust decisions and when. The DVCC, its members and its supporters, have prudential standing. Therefore we file this Appeal to the Notice of Decision made on October 19, 2012.

The BIA overtime has continued to disregard the significant and legitimate interests of DVCC expressed in comment in the above referenced Fee to Trust Application and National Environmental Protection Act processes. Our organization has participated in these administrative processes even while recognizing that the BIA accepted our letters but made no effort to read or give them the consideration they deserved. The current fee to trust regulations now appear to be inconsistent if not irrelevant as to whether the DVCC has a right to comment in the multiple federal processes for taking land out of the regulatory authority of the state and county. Our interests are reasonable as we are directly and indirectly, economically, environmentally and aesthetically affected by this trust decision.

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Therefore, DVCC Appeals the BIA's decision of October 19, 2012 for all of the reasons that we submitted in the March 12, 2012 letter to the Pacific Regional Office of the Bureau of Indian Affairs. (See Attached Letter dated March 12, 2012)

Sincerely,



Lory Walls – President
DVCC, Inc.
619-445-5472

**CC: NOTICE OF DECISION DISTRIBUTION LIST ATTACHED
LETTERS SENT CERTIFIED**

**ATTACHMENT: PHOTOCOPY OF CERTIFIED RECITES TO EACH PARTY ON THE
DISTRIBUTION LIST AND TO ADDRESSEES**