



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
801 NORTH QUINCY STREET  
SUITE 300  
ARLINGTON, VA 22203

STATE OF CALIFORNIA; TAHA	)	Notice of Request for Withdrawal of
SALEH, SHOP N SAVE MARKET,	)	Decision and Order for Clarification
AND THE COALITION OF	)	
RETAILERS; AND TULARE	)	
COUNTY, CALIFORNIA,	)	
Appellants,	)	
	)	Docket Nos. IBIA 11-067
v.	)	11-068
	)	11-071
PACIFIC REGIONAL DIRECTOR,	)	
BUREAU OF INDIAN AFFAIRS,	)	
Appellee.	)	October 18, 2012

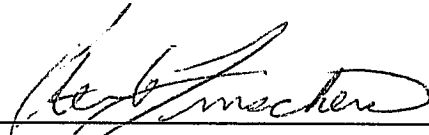
The State of California (State); Taha Saleh, Shop N Save Market, and the Coalition of Retailers; and Tulare County, California (County) (collectively, Appellants) have each appealed to the Board of Indian Appeals (Board) from a January 4, 2011, decision (Decision) of the Pacific Regional Director (Regional Director), Bureau of Indian Affairs (BIA), to approve the acceptance into trust of approximately 40.00 acres of land located in Tulare County, California, by the United States for the Tule River Indian Tribe of the Tule River Reservation, California (Tribe).

On October 16, 2012, the Board received a letter from the Chairman of the Tribe requesting that the Regional Director's decision be withdrawn and these appeals dismissed without prejudice.<sup>1</sup> The Board construes the Tribe's request for "withdrawal" of the Decision as a request for the Board to vacate the Decision and dismiss the appeals. It is not clear from the Tribe's request, however, whether the Tribe wishes to have the matter remanded to the Regional Director for further consideration of the trust application, or if the Tribe wishes to withdraw the trust application entirely, in which case there would be no remand.

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<sup>1</sup> The letter does not indicate that it was served on any of the interested parties. The Board reminds the parties that copies of all pleadings filed with the Board must be served on all interested parties. *See* Order Setting Briefing Schedule, Apr. 14, 2011, at 2 (citing 43 C.F.R. §§ 4.310(b)); *see also* 43 C.F.R. § 4.27(b) (prohibition against ex parte communication). A copy of the letter is enclosed for the benefit of the interested parties.

On or before November 19, 2012, the Tribe is requested to submit to the Board a statement making clear its intent with regard to its request for the "withdrawal" of the Decision. The Tribe shall serve the statement on the interested parties, as shown on the Board's attached distribution list, and file a certificate or affidavit evidencing service concurrently with the statement furnished to the Board. Within 15 days of receipt of the Tribe's statement, interested parties may file responses.

  
\_\_\_\_\_  
Steven K. Linscheid  
Chief Administrative Judge

Enclosure

Distribution: See attached list.

Distribution: 11-067, 11-068 and 11-071

Jennifer T. Henderson  
Deputy Attorney General  
State of California  
P.O. Box 944255  
Sacramento, CA 94244-2550

Michael V. Brady, Esq.  
For Taha Saleh, Shop N Save Market,  
and the Coalition of Retailers  
Brady & Vinding  
400 Capitol Mall, Suite 2640  
Sacramento, CA 95814

Kathleen Bales-Lange, Esq.  
Tulare County Counsel  
County Civic Center  
2900 W. Burrel  
Visalia, CA 93291

Cathy Christian, Esq.  
Special Counsel for Tulare County  
Nielson Merksamer Parinello  
Gross & Leoni LLP  
1415 L Street, Suite 1200  
Sacramento, CA 95814

Chairman  
Tule River Indian Tribe  
P.O. Box 589  
Porterville, CA 93258

California State Clearinghouse  
Office of Planning & Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

Superintendent  
Central California Agency, BIA  
650 Capitol Mall, Suite 8-500  
Sacramento, CA 95814

Pacific Regional Director  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Pacific Southwest Regional Solicitor  
Office of the Solicitor  
U.S. Department of the Interior  
2800 Cottage Way, Room E-1712  
Sacramento, CA 95825

*docketed*



# TULE RIVER INDIAN TRIBE OF CALIFORNIA

RECEIVED

OCT 16 2012

OFFICE OF HEARINGS AND APPEALS  
BOARD OF INDIAN APPEALS

October 15, 2012

Steven K. Linscheid, Chief Administrative Judge  
Interior Board of Indian Appeals  
Office of Hearings and Appeals  
U.S. Department of the Interior  
801 N. Quincy Street, Suite 300  
Arlington, VA 22203

**Re: State of California, et al., v. Pacific Regional Director, et al.  
Tule River Indian Tribe - 40 acres  
Interior Board of Indian Appeals Docket Nos.: IBIA 11-067, 11-068, 11-071**

Dear Judge Linscheid:

The Tule River Indian Tribe of California ("Tribe") requests for dismissal without prejudice of any proceedings before the Interior Board of Indian Appeals concerning the Tule River Airpark and/or the decision of the Pacific Regional Office concerning the Tule River Airpark, dated January 4, 2010.

The Tribe also requests the withdrawal of the decision of the Pacific Regional Office to accept the Tule River Airpark in trust for the Tribe, dated January 4, 2010.

Thank you for your consideration, and please contact me if you have any questions concerning these requests.

Sincerely,

*Neil Peyron*  
Neil Peyron, Chairman  
2012 OCT 23 AM 10:16  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

