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Honorable Dean Mike
Chairman, Twenty-Nine Palms Band
of Mission Indians
46-200 Harrison Place
Coachella, California 92236

Dear Chairman Mike:

On August 30, 2004, the Superintendent, Southern California Agency submitted the Twenty-Nine Palms Band of Mission Indian's (Tribe) Revenue Allocation Plan and Per Capita Ordinance (RAP) to this office for review and approval. In accordance with the Indian Gaming Regulatory Act (IGRA) 25 U.S.C. § 2701 et seq., and 25 CFR 290, Tribal Revenue Allocation Plans, we have reviewed the RAP adopted by Twenty-Nine Palms Ordinance No. 051304A on May 14, 2004.

The Superintendent also forwarded a copy of the Twenty Nine Palms Band of Mission Indians Revenue Allocation Plan that was adopted by the Tribe on September 20, 1996. The Agency has been unable to locate a copy of that RAP, or its approval and because the Tribe has indicated that the RAP adopted on May 14, 2004 replaces all previous plans, we have proceeded with our review of this RAP.

It is our determination that the RAP complies with IGRA and the regulations in 25 CFR Part 290. Therefore, pursuant to 25 U.S.C. § 2710 (b)(3)(B), and the authority delegated to the Deputy Assistant Secretary - Policy and Economic Development by 210 DM 8.2 is hereby approved.

Under the RAP the Tribe proposes to utilize the funds in the following manner:

- 9.6% Tribal Government Operations and Programs
- 5.7% Tribal Gaming Commission
- 3.9% Other Tribal Government Operations
- 30% General Welfare of the Tribe or its Members
- 21.5% Per Capita Distributions
 - .3% Trust Accounts
 - 8.1% Housing, Child Care, Retirement Plan and Medical
 - .1% Training and Tuition
- 50% Tribal Economic Development
- 5.2% Charitable Contributions
- 5.2% Fund the Operation of Local Government Services

Section 7.a. provides that all members of the Tribe shall be eligible to receive per capita distributions.

Section 7.c. provides that the funds of minors and legal incompetents may be withdrawn for the benefit of the health, education and welfare of the minor or legal incompetent when such needs are not met from other sources or upon a finding of special need by the General Council. A detailed request of the needs must be in writing and submitted to the General Council. The parents or legal guardian shall maintain records in sufficient detail to account for the expenditures of the funds.

Section 9 provides that the Tribe will advise each tribal member of the tax liability of the per capita payments at the time of payment and shall withhold all applicable taxes in accordance with Internal Revenue Services (IRS) tax laws and regulations.

Section 10 provides that the General Council shall enforce and resolve any disputes arising from the allocation of net revenues and the distribution of per capita payments.

If you have any questions regarding this matter, please contact Ms. Nancy Pierskalla, Office of Indian Gaming Management, at (202) 219-4066.

Sincerely,



Deputy Assistant Secretary-
Policy and Economic Development

cc: Pacific Regional Director
Southern California Agency



United States Department of the Interior

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

IN REPLY REFER TO:

BIA-2010-00148

OCT 23 2009

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

Dear Ms. Schmit:

This is a partial response to your Freedom of Information Act (FOIA) letter received on October 21, 2009, in which you requested copies of Ordinance Prescribing Allocation and Distribution of Net Revenues from Gaming Activities for Twenty Nine Palms Band of Mission Indians. FOIA control number 2010-00148 has been assigned to this request, please refer to this FOIA control number in any future correspondence.

We have enclosed records that are responsive to your request:

1. A copy of letter dated October 6, 2004, from Honorable Dean Mike, Chairman, Twenty-Nine Palms Band of Mission Indians, stating their Tribal Revenue Allocation Plans were reviewed and was adopted in Ordinance No. 051304A on May 14, 2004. Two pages.
2. Copy of the Code of Federal Regulations, Title 25- Indians, Chapter I, Part 290, Tribal Revenue Allocation Plans, Section 290.1 Purpose, for your information. One page.

You may appeal this response, in accordance with 43 CFR §2.28, by writing to:

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

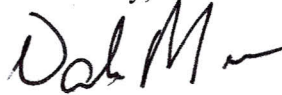
You must include with your appeal copies of all correspondence between you and the bureau concerning your FOIA request, including a copy of your original FOIA request and this denial letter. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. The appeal should be marked both on the envelope and the face of the letter, with the legend, "FREEDOM OF INFORMATION

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APPEAL.” Your letter should include in as much detail as possible any reason(s) why you believe the bureau’s are in error.

Should you have any questions, please contact Douglas Garcia, Regional FOIA Coordinator at (916) 978-6052, and Shirley Lincoln, Regional Tribal Operations Specialist, at (916) 978-6963.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Garcia", with a stylized flourish at the end.

Regional Director

cc: Regional FOIA Coordinator,
Pacific Region