

# ***APPENDIX A***

---

***COMMISSIONER BRUCE & ASSISTANT SECRETARY DEER  
LETTERS***

Feb-24-04 12:25pm

From: Alexander, Berkeley, Williams &amp; Weathers LLP 610 848 7080

T-678 P.002/007 F-708



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. 20247

IN REPLY REFER TO:

FEB 18 1972

Mr. Nicholas Villa and the  
 IONE BAND OF INDIANS  
 c/o Mrs. Bernice Villa  
 Route 1, Box 191  
 Ione, California 95640

Dear Mr. Villa:

In January of this year the Bureau of Indian Affairs received a letter from Robert J. Donovan, the Director of the California Rural Indian Land Project. That letter requested that the United States agree to accept title to a certain forty acre tract of land near Ione, California and to hold that land in trust for the Ione Band of Indians.

Since then the Bureau of Indian Affairs has learned that the Ione Band has filed suit in Amador County Superior Court to quiet and perfect title in their names. It has been informed that the Indians continue to desire that the land ultimately be taken by the United States and held in trust status.

The Secretary of the Interior recognizes his authority under 25 U.S.C. 465 to

"acquire, through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights or surface rights to lands, within or without existing reservations,"

The Secretary also recognizes that, there having been no vote pursuant to 25 U.S.C. 478 by the Ione Indians, the provisions of 465 apply to them. The Secretary also recognizes that obtaining a tribal or community land base for the Ione Band is a part of his policy of Indian self-determination and cultural identification.

EXHIBIT E

- 2 -

Federal recognition was evidently extended to the Ione Band of Indians at the time that the Ione land purchase was contemplated. As stated earlier, they did not reject the Indian Reorganization Act and thus are eligible for the purchase of land under this act. The Sacramento Area Office of the Bureau of Indian Affairs should determine that the land is merchantable and free of encumbrance. I am directing the Sacramento Area Office to assist in the preparation of a document containing a membership roll and governing papers which conform with the Indian Reorganization.

As the Commissioner of Indian Affairs, I therefore, hereby agree to accept by relinquishment of title or gift the following described parcel of land to be held in trust for the Ione Band of Miwok Indians:

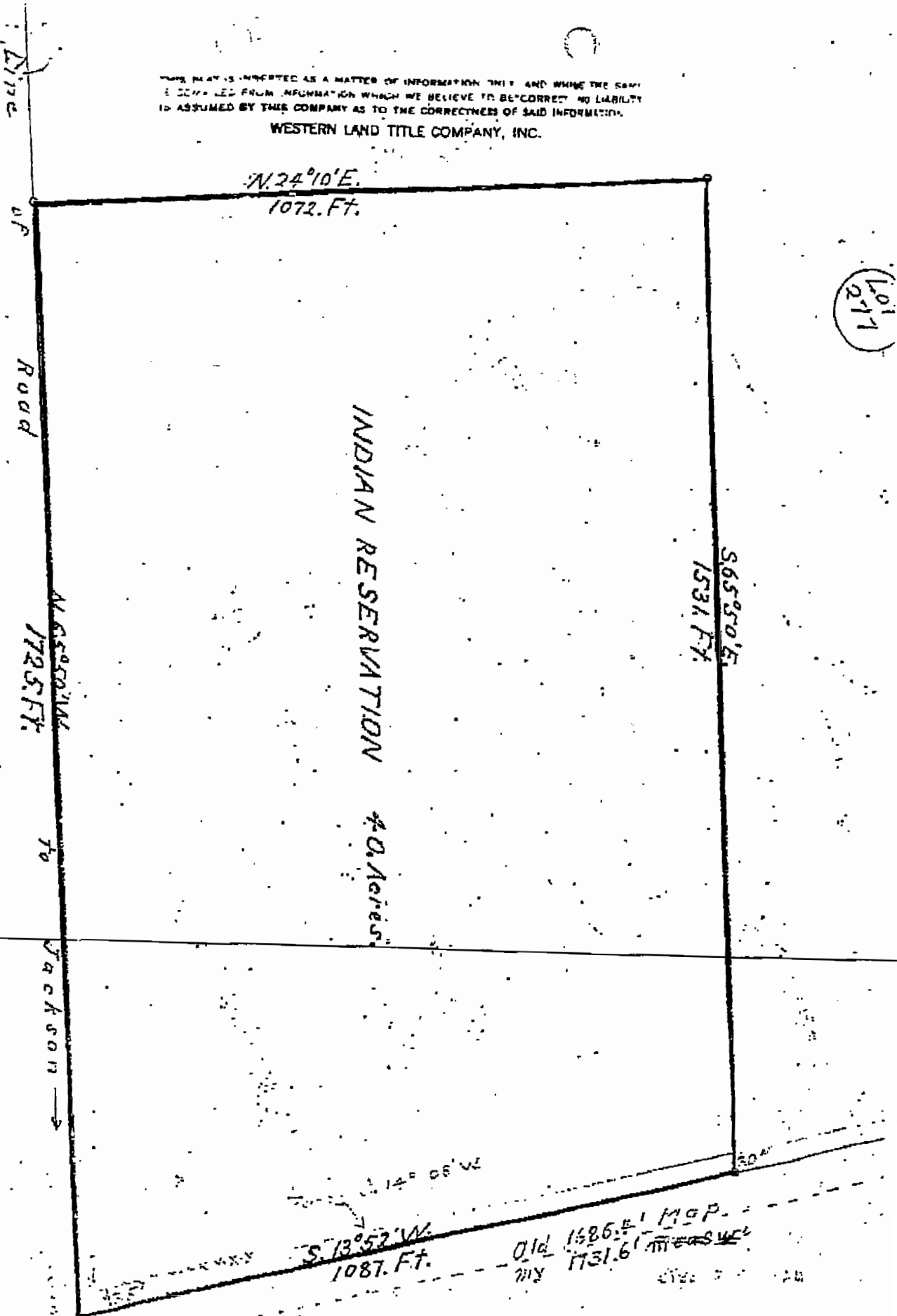
Beginning at the point of intersection of the center line of the County Road to Jackson, with the Westerly line of the fifty-two acre tract of land owned by Anthony Meach, Armando Dellaringa, Rocco Dellaringa, and Albert Dellaringa, as recorded in Book 130 Official Records, Amador County, California page 98; thence following the center line of said County Road, North sixty-five degrees, fifty minutes West (N. 65° 50' W.) One thousand seven hundred twenty-five (1725), feet to a point; thence at right angles, North twenty-four degrees, ten minutes East (N. 24° 10' E) One thousand seventy two (1072) feet to a point; thence at right angles, South sixty-five degrees, fifty minutes East (S. 65° 50' E) One thousand five hundred thirty one (1531) feet to the West boundary of the said property of Anthony Meach, Armando Dellaringa, Rocco Dellaringa and Albert Dellaringa; thence following said boundary line, South fourteen degrees, eight minutes West (S. 14° 08' W) One thousand eighty-seven (1087) feet to the point of beginning.

Sincerely,

*Racine R. Brown*  
Commissioner

THIS MAP IS INSERTED AS A MATTER OF INFORMATION ONLY AND WHILE THE SAME IS DERIVED FROM INFORMATION WHICH WE BELIEVE TO BE CORRECT NO LIABILITY IS ASSUMED BY THIS COMPANY AS TO THE CORRECTNESS OF SAID INFORMATION.

WESTERN LAND TITLE COMPANY, INC.



Lot 1 of 2

Old 1626.51 Map. by 1731.61



United States Department of the Interior

MADE IN AMERICA

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

MAR 22 1994

The Honorable Nicholas Villa, Jr.  
Chief, Ione Band of Mivok  
P.O. Box 1152  
Ione, California 95640

Dear Mr. Villa,

I am writing regarding our meeting on October 28, 1993 and subsequent discussions with Congressman Doolittle. In that meeting I agreed to clarify the United States' political relationship of the Ione Band of Mivok, as well as Mr. Louis Bruce's 1972 letter regarding the tribe's political status and its historic land base.

Upon review of the matter, I am now reaffirming the portion of Commissioner Bruce's letter which reads:

The Secretary also recognizes that obtaining a tribal community land base for the Ione Band is a part of his policy of Indian self-determination and cultural identification. \*\*\* Federal recognition was evidently extended to the Ione Band of Indians at the time that the Ione land purchase was contemplated. \*\*\* As the Commissioner of Indian Affairs, I therefore, hereby agree to accept by relinquishment of title or gift the following described parcel of land to be held in trust for the Ione Band of Mivok Indians. (See Bruce letter attached)

As Assistant Secretary of Indian Affairs I hereby agree to accept the parcel of land designated in the Bruce letter to be held in trust as territory of the Tribe. As I stated during the October meeting, the Tribe will henceforth be included on the list of "Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs," last published in the Federal Register on October 21, 1993.

I am hereby directing the Bureau of Indian Affairs and specifically the Sacramento Area Office to deal with the tribe accordingly. The Bureau will maintain contact with the tribe to address the relevant details. I extend my personal congratulations and look forward to working with you and your people.

*Ada E. Deer*

Ada E. Deer  
Assistant Secretary - Indian Affairs

04/29/2003 TUE 12:58 FAX 2284321112

Sheehan Law Firm

003

Memorandum

JUL 14 1994

To: Area Director, Sacramento Area Office

From: Ada Dear <sup>Ada E. Dear</sup>  
Assistant Secretary - Indian Affairs

Subject: Recognition of Ione Band of Indians

This is in response to your memorandum of April 26, 1994 requesting clarification of my letter of March 22, 1994. You raised issues of Land, Tribal Government, Tribal Membership, and Funding.

Before addressing these issues specifically, it should be made clear that the intent of my letter was to recognize the entire group of Miwok Indians associated with the land in Amador County. It was not my intent to recognize one or the other factions currently existing under separate leaders, nor do we believe there are in fact two separate groups.

LAND

In my letter of March 22, 1994, while I agreed in principle to accept that parcel of land referred to in the Bruce letter and which the Federal court in 1972 ruled belonged to various named members of the band, this does not mean that the Bureau will presently begin a process of taking this land into Federal Trust. At the March 24, 1994, meeting with Mr. Villa, it was made clear that clear title was essential before the property could be taken into trust. The title to this land is not clear and its ownership is currently the subject of litigation. This litigation must be resolved before the land could be considered for possible trust status. In addition, land cannot be taken into trust without a request from the band.

As an alternative, it may be more expedient if land elsewhere could be taken into trust for the band and declared a reservation if the band can identify and acquire title to suitable property in the area. Further, we would like to assure the Ione Band and its members that land held by individual members is not subject to being taken away from them and put into trust for a group after the group is recognized. Individually-owned lands could only be placed in trust with the agreement of the owners. Any parcel required will be in keeping with the land acquisition standards established by the U.S. Justice Department and 25 C.F.R. Part 151.

It is recognized that at this point, the Ione Band will be temporarily without trust land. Other tribes without land have been recognized either by Congress or through the

EXHIBIT

1

(5)

Bureau's acknowledgment process and, after recognition, lands were identified and taken into trust for them. While the land search for the Ione Band is underway, please begin to assist the Ione Band of Indians in becoming organized.

#### TRIBAL GOVERNMENT

It was not my intent to displace Mr. Harold E. Burris as the Tribal Chairman of the Ione Band of Indians nor to cause him legal problems with the land in which he has part ownership and where he currently resides. As your memorandum states, since 1975, the Bureau of Indian Affairs has recognized Mr. Harold E. Burris as the Tribal Chairman of the Ione Band of Indians. The recognition of Mr. Burris as Chairman is to continue until the tribe decides otherwise.

I recommend that an interim council be formed incorporating leaders from both sides, if possible. I would also recommend that if the two groups cannot agree on an interim council that a mediator be used to help resolve the differences between the groups. The interim council would be recognized by the government as representing the group for purposes of dealing with the Bureau on administrative and funding matters and particularly with developing and adopting a constitution. Once a constitution is adopted, a permanent council and leadership would be elected.

The individuals at the Buena Vista Rancheria of Me-Wuk Indians of California should be contacted to determine whether they would be interested in joining with this new tribe. Ms. Lucille Lucero is the officially recognized spokesperson of the Buena Vista Rancheria.

#### MEMBERSHIP

An essential initial step to fully organizing a tribal government and a full relationship with the Federal government is the development of a preliminary membership roll of the tribe. This roll would serve to define the voters on the tribal constitution. The roll should be based on descent from the Miwok families historically associated with the Ione band, as defined by base documents agreed to between the Bureau and the group's leadership. Any base roll should include the families of those adjudged in the 1972 lawsuit as having an interest in the land, as well as the descendants of those on the 1915 list which are still maintaining relations with the Ione Band. This preliminary roll would be subject to Secretarial review and approval. Once a constitution is adopted, the membership criteria and procedures in the constitution would govern the membership.

#### FUNDING

Plans are in place to have the Ione Band to receive "New Tribes" funding for FY 1996. As you know, it takes time to integrate a new tribe into the budget process. If additional funds for this purpose can be found either in the FY 1995 budget or perhaps by special appropriation from Congress, they will be made available. Until regularly budgeted funds become available, please provide the Ione Band as much help as possible given the budget constraints.

cc: Superintendent, Central California Agency  
Deputy Regional Solicitor, Pacific Southwest Region

SECRETARY'S SURNAME  
SECRETARY'S READING FILE (2)

SURNAME/BLA RF/101A RF/400 RF/REGISTRY 440A/HOLDUP  
LFDUFFIELD: pj: 07/11/94 BLUE DISK/IONEL