

EXHIBIT A



IN REPLY REFER TO:

United States Department of the Interior

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

DEC 04 2008

CERTIFIED MAIL NO. 7006 3450 0002 4647 5049
RETURN RECEIPT REQUESTED

John M. Peebles, Esq.
Fredericks Peebles & Morgan LLP
Attorneys at Law
1001 Second Street
Sacramento, CA 95814

CERTIFIED MAIL NO. 7006 3450 0002 4647 5056
RETURN RECEIPT REQUESTED

Judith A. Shapiro, Esq.
Attorney for Appellants
2001 N Street, Suite 100
Sacramento, CA 95814

CERTIFIED MAIL NO. 7006 3450 0002 4647 5032
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Darcie L. Houck, Esq.
Fredericks Peebles & Morgan LLP
Attorneys at Law
1001 Second Street
Sacramento, CA 95814

Subject: Timbisha Tribal Council Composition for Government-to-Government Purposes

Dear Mr. Peebles, Ms. Shapiro, and Ms. Houck:

The purpose of this correspondence is to inform you of my decision regarding the Notice of Appeal dated March 17, 2008, which was filed By John M. Peebles, Esq., Attorney for Ed Beaman, Virginia Beck, and Cleveland Casey, and the Notice of Appeal dated November 13, 2008, filed by Judith A. Shapiro, Esq., on behalf of Mr. Joe Kennedy, Ms. Madeline Esteves, and Ms. Pauline Esteves, pursuant to 25 CFR § 2.9 (a).

The Notice of Appeal dated March 17, 2008, concerned the Bureau of Indian Affairs, Central California Agency, Superintendent's (Superintendent) decision of February 29, 2008, acknowledging the results of

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a General Council meeting held on January 20, 2008 concerning the composition of the Tribal Council.

The Notice of Appeal dated November 13, 2008, concerned the Superintendent's October 17, 2008, decision to acknowledge the results of a General Council meeting held on September 20, 2008 concerning the composition of the Tribal Council.

Based on the record before me, I affirm the Superintendent's decision of October 17, 2008, to acknowledge the results of a Special meeting of the Timbisha Shoshone General Council held on September 20, 2008. Therefore, for the government to government purposes, I recognize the following individuals as the official tribal representatives of the Timbisha Tribal Council:

George Gholsen, Chairman
Wallace Eddy, Vice-Chairman
Madeline Esteves, Secretary/Treasurer
Margaret Cortez, Council Member
Pauline Esteves, Council Member

This decision affirming the Superintendent's decision of October 17, 2008, regarding the composition of the Tribal Council, renders moot the Notice of Appeal dated March 17, 2008, which was filed By John M. Peebles, Esq., Attorney for Ed Beaman, Virginia Beck, and Cleveland Casey.

By correspondence dated December 2, 2008, and December 3, 2008, a request was received from Darcie Houck on behalf of the members of the Tribal Council who were acknowledged by the Superintendent's decision of October 17, 2008, asking that my decision affirming the Superintendent's decision be made effective immediately pursuant to 25 CFR 2.6. Section 2.6 provides that decisions may be immediately finalized by the Department due to reasons relating to public safety, protection of trust resources, or other public exigency. Ms. Houck cites correspondence from the Assistant Secretary – Indian Affairs, dated June 29, 2007, which grants the Timbisha Shoshone Tribe status as an "Affected Indian Tribe" (AIT) pursuant to the Nuclear Policy Waste Act (NPWA). She includes declarations stating in paragraph 6 that: "In order to participate in the Yucca Mountain Project the Tribe must have a licensing system network ("LSN") website certified by the NRC immediately, and the Tribe must intervene and file its contentions regarding the Yucca Mountain Project with the NRC by December 22, 2008." Ms. Houck also declares that consultants are unsure whom they should consult with and will cease work on the Yucca Mountain Project if internal Tribal issues are not resolved.

In the June 29, 2007 correspondence from the Assistant Secretary, the Tribe was granted AIT status in the Yucca Mountain Project because effects of the Project may be both substantial and adverse to the Tribe. Based on the Tribe's AIT status, and the deadlines for participation in the Yucca Mountain Project, I find there are grounds for making my decision recognizing the composition of the Tribal Council immediately effective pursuant to 25 CFR 2.6 in order that the Tribe may protect trust resources through participation in the licensing process for the Yucca Mountain Project. Accordingly, the Department immediately recognizes the Tribal Council representatives listed above for government-to-government purposes.

This decision may be appealed to the Interior Board of Indian Appeal, 801 North Quincy Street, Arlington, Virginia 22203 in accordance with regulations in 43 CFR§ 4.310 4.340. Your Notice of appeal to the Board must be signed by you or your attorney and must be mailed within 30 days of the date you receive this decision. It should clearly identify the decision being appealed. If possible, attach a copy of the decision. You must send copies of your Notice of Appeal to (1) The Assistant Secretary - Indian Affairs, 4160 MIB, U.S. Department of the Interior, 1849 C Street, N. W. Washington, D.C. 20240, (2) each interested party known to you, and (3) this office. Your Notice of Appeal sent to the Board of Indian Appeals must certify that you have sent copies to these parties. If you file a Notice of Appeal, the Board of Indian Appeals will notify you of further appeal procedures. If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a Notice of Appeal.

Sincerely,



Regional Director

cc: Superintendent, Central California Agency

EXHIBIT B



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Central California Agency
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814

IN REPLY REFER TO

FEB 29 2008

Mr. Joe Kennedy, Chairman
Timbisha Shoshone Tribe
785 North Main Street, Suite Q
Bishop, California 93514

Dear Mr. Kennedy:

The purpose of this correspondence is to provide a response to your written request dated February 4, 2008, wherein you requested that I, as Agency Superintendent, acknowledge or recognize all actions of the Timbisha Shoshone General Council at the special General Council meeting held on January 20, 2008.

In light of the recent actions at that meeting, where the General Council voted to ratify the November 13, 2007, General Election, actions and authority of the Tribal Council subsequent to August 25, 2007, and the interpretation of what constitutes a resignation from the Tribal Council, I hereby rescind my letter dated December 14, 2007.

Therefore, the Bureau of Indian Affairs, Central California Agency, recognizes the following individuals to be official tribal representatives of the Timbisha Shoshone Tribal Council:

Joe Kennedy, Chairman
Margaret Armitage, Vice-Chairman
Madeline Esteves, Secretary/Treasurer
Margaret Cortez, Council Member
Pauline Esteves, Council Member

Please contact Carol Rogers-Davis, Tribal Operations Officer, at (916) 930-3794 should you require further assistance in this matter.

Sincerely,

Troy Burdick
Superintendent

cc: Acting Regional Director, Pacific Region, Bureau of Indian Affairs

REC'D MAR 08 '08

EXHIBIT C



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Central California Agency
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814-4710

IN REPLY REFER TO

Mr. Joe Kennedy
Timbisha Shoshone Tribe
Post Office Box 206
Death Valley, California 92328

OCT 17 2008

Mr. George Gholson
1349 Rocking W Drive
Bishop, California 93514

RECEIVED OCT 21 2008

Dear Mr. Gholson and Mr. Kennedy:

The purpose of this correspondence is to provide a response to documentation submitted on September 26, 2008, regarding the removal of Mr. Joe Kennedy, Chairman of the Timbisha Shoshone Tribe, at a General Council meeting held September 20, 2008, in Las Vegas, NV.

The Central California Agency is also in receipt of documentation submitted by Mr. Joe Kennedy on October 1, 2008, and supporting documentation in regards to the recent actions taken during the September 20, 2008, General Council meeting.

Article VIII, Section 3. (b) of the Tribe's constitution states that Special meetings of the General Council may be called by the Tribal Chairperson or by any member of the General Council who submits a petition with ten (10) signatures of General Council members to the Tribal Council requesting a special meeting. It is evident this process was followed in accordance with the Tribe's constitution; however, the validity of (2) two handwritten signatures were challenged by the Tribal Council, which declined to call a meeting of the General membership to recall and replace the Chairman.

After review of the General Council Meeting Petition and of the two (2) printed names and signatures, it can be documented that the same individuals printed and signed their names in the same manner for a General Council meeting previously held in January 2008, under similar circumstances. Therefore, I believe there was no basis to deny the petition given the fact that the same two (2) signatures had been accepted by the Tribal Council in a previous meeting and acknowledge the petition as valid.

Because the Tribal Council declined to call a meeting, the General Council moved forward and continued the process of holding the September 20, 2008, meeting to conduct business. According to meeting minutes, a hand vote was taken to remove Joe Kennedy as Tribal Chairman. The results were 91-Yes, 29-No, 16-Abstain.

From this vote, a further ballot vote was disseminated to voting members. Each member was instructed to write "Removal of Joe Kennedy" on the ballot. Once this process was completed, the ballots were counted and reconciled. The results of the vote on the resolution to remove Joe Kennedy as Tribal Chairperson were as follows: 130-Yes, 5-No, 1-Abstain.

The Tribe has reported that it has 252 voting members in which 136 participated, constituting a quorum. In accordance with Article VIII, Section 3.(c), No business shall be transacted in the absence of a quorum. A majority of the voting member's of the General Council shall constitute a quorum at all Council Meetings. Therefore, the results of the General Council meeting confirm that a quorum was established.

During this time, it was acknowledged that Ms. Margaret Armitage had resigned as Vice-Chairperson; therefore, opening up nominations for the Tribal Chairperson and Vice Chairperson seats. Oral nominations were taken for both positions. The person receiving the highest number of votes would be the Tribal Chairperson and the person receiving the second higher number votes would be the Vice-Chairperson. In conclusion, the total of each of the counts were reconciled. Minutes of the meeting reflect the results as George Gholson, Chairman with 106 votes, Wallace Eddy- 53 votes, Jacob Parra-50 votes and Ed Beaman-27 votes. Therefore, it was concluded that George Gholson would serve as the Tribe's Chairman and Wallace Eddy, Vice-Chairman.

After careful review of the above General Council actions taken at the September 20, 2008, General Council meeting, I am acknowledging the actions taken by the General Council at this meeting. Therefore, the Bureau of Indian Affairs, Central California Agency will recognize the following individuals to be official tribal representatives of the Timbisha Shoshone Tribal Council with the understanding that this council may change due to mandated elections in November 2008.

George Gholson, Chairman
Wallace Eddy, Vice-Chairman
Madeline Esteves, Secretary/Treasurer
Margaret Cortez, Council Member
Pauline Esteves, Council Member

It is my sincere hope that this acknowledgement of General Council actions will bring stability to the Tribe and I strongly encourage the Tribal Council to work together for the benefit of all tribal members.

Please contact Carol Rogers-Davis, Tribal Operations Officer at (916) 930-3794, should you have additional questions, or need further assistance.

Sincerely,



Troy Burdick
Superintendent

EXHIBIT D



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Central California Agency
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814-4710

IN REPLY REFER TO

OCT 20 2008

CERTIFIED MAIL NO. 7001 2510 0009 4494 1869
RETURN RECEIPT REQUESTED

Mr. Joe Kennedy
HC 72 Box 05002
Dyer, Nevada 89010

002 435

Dear Mr. Kennedy:

The purpose of this correspondence is to provide you with information concerning 25 CFR, Part 2-Appeals From Administrative Actions, following a letter issued to Mr. George Gholson and yourself, dated October 17, 2008, wherein the Bureau of Indian Affairs, Central California Agency (Agency), acknowledged recent actions taken at a General Council meeting held September 20, 2008.

We inadvertently left out the Appeal procedures and are providing you with a copy of Part 2-Appeals from Administrative Actions. The decision may be appealed to the Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, W-2820, Sacramento, California 95825. In accordance with the regulations in 25 CFR Part 2 (copy enclosed). Your notice of appeal must be filed in this office within 30 days of the date you receive this decision. The date of filing or notice is the date it is post marked or the date it is personally delivered to this office. Your notice of appeal must include your name, address and telephone number. It should clearly identify the decision to be appealed. If possible, attach a copy of the decision. The notice of appeal and the envelope which it is mailed, should be clearly labeled "NOTICE OF APPEAL." The notice of appeal must list the names and address of the interested parties known to you and certify that you have sent them copies of the notice.

You must also send a copy of your notice to the Regional Director, at the address given above.

If no timely appeal is filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.

If you have any questions, please do not hesitate to contact Carol Rogers-Davis, Tribal Operations officer at (916) 930-3794, should you have any questions in regard to this matter.

Sincerely,



Troy Burdick
Superintendent

Enclosure

EXHIBIT E



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Central California Agency
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814-4710

IN BRIEF REFER TO

OCT 21 2008

To Whom It May Concern:

The purpose of this correspondence is to provide notice that my decision of October 17, 2008, to acknowledge the actions taken by the General Council of the Timbisha Shoshone Tribe on September 20, 2008, is not yet effective.

Consistent with 25 CFR 2.6, my decision shall not be effective until the time for filing a notice of appeal has expired and no notice of appeal has been filed. A notice of appeal must be filed within 30 days from receipt of my decision, in accordance with 25 CFR 2.9. Consistent with 25 CFR 2.19, if my decision is timely appealed, the Regional Director shall render a written decision regarding the appeal within 60 days. A decision by the Regional Director may thereafter be appealed within 30 days after its issuance to the Interior Board of Indian Appeals (IBIA), consistent with 25 CFR 2.19.

Regulations governing appeals to the IBIA at 43 CFR Part 4, provide that no decision of a BIA official that is subject to appeal will be considered final so as to constitute agency action unless made effective by a decision and order of the IBIA, at which time the agency decision may be considered final and effective pursuant to 43 CFR 4.314.

Therefore, for purposes of government-to-government relations, the recognized Tribal Council for the Timbisha Shoshone Tribe continues to be:

Joe Kennedy, Chairman
Margaret Armitage, Vice-Chairman
Madeline Esteves, Secretary/Treasurer
Margaret Cortez, Council Member
Pauline Esteves, Council Member

Should you have any question in this matter, please contact my office at (916) 930-3776.

Sincerely,

Troy Burdick
Superintendent

EXHIBIT F



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814-4710

IN REPLY REFER TO

NOV 10 2008

Mr. Joe Kennedy, Chairman
Timbisha Shoshone Tribe
P.O. Box 206
Death Valley, California 92328-0206

Dear Mr. Kennedy:

The purpose of this correspondence is to clarify that, for government-to-government purposes, the Bureau of Indian Affairs (BIA) continues to recognize Mr. Joe Kennedy, Mr. Ed. Beaman, Ms. Madeline Esteves, Ms. Virginia Beck, and Mr. Cleveland Casey, members of the Tribal Council of the Timbisha Shoshone Tribe that were in office prior to the General Council meeting of January 20, 2008, as the governing body of the Tribe. The results of subsequent Tribal elections have been acknowledged by the BIA. However, as explained below, these decisions to acknowledge Tribal action are not final for the Department of the Interior until the opportunity for appeal is exhausted. Consequently, until decisions regarding acknowledgment of recent Tribal election activities are final, the BIA continues to recognize Mr. Kennedy and Mr. Beaman, and the Council seated prior to January 20, 2008, for purposes involving the Federal government.

Previously, by correspondence dated February 29, 2008, I acknowledged the actions by the Timbisha Shoshone General Council at a Special General Council meeting held on January 20, 2008, wherein the General Council voted to ratify the November 13, 2007, General Election, seating Margaret Armitage and Margaret Cortez. Consequently, my decision of February 29, 2008 to acknowledge the results of January 20, 2008 meeting was appealed and therefore is not yet final.

On October 17, 2008, I provided my response to documentation submitted on September 26, 2008, regarding the removal of Mr. Joe Kennedy, Chairman of the Timbisha Shoshone Tribe, at a General Council meeting held September 20, 2008 and acknowledged the actions taken at the September 20, 2008 meeting. Consequently, my decision of October 17, 2008, is again subject to appeal in accordance with 25 CFR, Part 2.

Both of my prior decisions to acknowledge the General Council's election actions are subject to appeal in accordance with 25 CFR, Part 2, which provides that no decision I make is effective until the time for filing a notice of appeal has expired and no notice of appeal has been filed within the 30 day period for filing an appeal. If my decision is

timely appealed, the Regional Director must then render a written decision regarding the appeal within 60 days. A decision by the Regional Director may thereafter be appealed to the Interior Board of Indian Appeals (IBIA). Regulations at 43 CFR Part 4 govern appeals to the IBIA, and provide that no decision of a BIA official that is subject to appeal will be considered final so as to constitute agency action unless made effective by a decision and order of the IBIA.

To summarize, both my February 29, 2008 and October 17, 2008 decisions are subject to appeal to the Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825 in accordance with regulations at 25 CFR part 2 (copy enclosed). Any notice of appeal must be filed in this office within 30 days of the date you receive this decision. The date of filing your notice of appeal is the date it is postmarked or the date it is personally delivered to this office. Your notice of appeal must include name, address and telephone number. It should clearly identify the decision to be appealed. If possible, attach a copy of the decision. The notice of appeal and the envelope which it is mailed should be clearly labeled "NOTICE OF APPEAL." The notice of appeal must list names and addresses of the interested parties known to you and certify that you have sent them copies of the notice. You must also send a copy of your notice to the Regional Director, at the address given above. If no timely appeal is filed, these decisions will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.

If you have any questions, please do not hesitate to contact Carol Rogers-Davis, Tribal Operations Officer, at (916) 930-3794.

Sincerely,



Troy Burdick
Superintendent

cc: Regional Director, Pacific Region, Bureau of Indian Affairs
John M. Peebles, Esq. 1001 Second Street, Sacramento, CA 95814
Mike Anderson, Esq. 300 Independence Ave., SE, Washington, D.C. 20003
Judith A. Shapiro, Esq. 6856 Eastern Ave., NW, Ste. 206, Washington, D.C 20012
Timbisha Shoshone Tribe, P.O. Box 206, Death Valley, CA 92328

EXHIBIT G



IN REPLY REFER TO:

United States Department of the Interior

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

DEC 04 2008

CERTIFIED MAIL NO. 7006 3450 0002 4647 5049
RETURN RECEIPT REQUESTED

John M. Peebles, Esq.
Fredericks Peebles & Morgan LLP
Attorneys at Law
1001 Second Street
Sacramento, CA 95814

CERTIFIED MAIL NO. 7006 3450 0002 4647 5056
RETURN RECEIPT REQUESTED

Judith A. Shapiro, Esq.
Attorney for Appellants
2001 N Street, Suite 100
Sacramento, CA 95814

CERTIFIED MAIL NO. 7006 3450 0002 4647 5032
RETURN RECEIPT REQUESTED

Darcie L. Houck, Esq.
Fredericks Peebles & Morgan LLP
Attorneys at Law
1001 Second Street
Sacramento, CA 95814

Subject: Timbisha Tribal Council Composition for Government-to-Government Purposes

Dear Mr. Peebles, Ms. Shapiro, and Ms. Houck:

The purpose of this correspondence is to inform you of my decision regarding the Notice of Appeal dated March 17, 2008, which was filed by John M. Peebles, Esq., Attorney for Ed Beaman, Virginia Beck, and Cleveland Casey, and the Notice of Appeal dated November 13, 2008, filed by Judith A. Shapiro, Esq., on behalf of Mr. Joe Kennedy, Ms. Madeline Esteves, and Ms. Pauline Esteves, pursuant to 25 CFR § 2.9 (a).

The Notice of Appeal dated March 17, 2008, concerned the Bureau of Indian Affairs, Central California Agency, Superintendent's (Superintendent) decision of February 29, 2008, acknowledging the results of

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a General Council meeting held on January 20, 2008 concerning the composition of the Tribal Council.

The Notice of Appeal dated November 13, 2008, concerned the Superintendent's October 17, 2008, decision to acknowledge the results of a General Council meeting held on September 20, 2008 concerning the composition of the Tribal Council.

Based on the record before me, I affirm the Superintendent's decision of October 17, 2008, to acknowledge the results of a Special meeting of the Timbisha Shoshone General Council held on September 20, 2008. Therefore, for the government to government purposes, I recognize the following individuals as the official tribal representatives of the Timbisha Tribal Council:

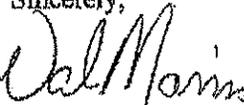
George Gholsen, Chairman
Wallace Eddy, Vice-Chairman
Madeline Esteves, Secretary/Treasurer
Margaret Cortez, Council Member
Pauline Esteves, Council Member

This decision affirming the Superintendent's decision of October 17, 2008, regarding the composition of the Tribal Council, renders moot the Notice of Appeal dated March 17, 2008, which was filed By John M. Peebles, Esq., Attorney for Ed Beaman, Virginia Beck, and Cleveland Casey.

By correspondence dated December 2, 2008, and December 3, 2008, a request was received from Darcie Houck on behalf of the members of the Tribal Council who were acknowledged by the Superintendent's decision of October 17, 2008, asking that my decision affirming the Superintendent's decision be made effective immediately pursuant to 25 CFR 2.6. Section 2.6 provides that decisions may be immediately finalized by the Department due to reasons relating to public safety, protection of trust resources, or other public exigency. Ms. Houck cites correspondence from the Assistant Secretary - Indian Affairs, dated June 29, 2007, which grants the Timbisha Shoshone Tribe status as an "Affected Indian Tribe" (AIT) pursuant to the Nuclear Policy Waste Act (NPWA). She includes declarations stating in paragraph 6 that: "In order to participate in the Yucca Mountain Project the Tribe must have a licensing system network ("LSN") website certified by the NRC immediately, and the Tribe must intervene and file its contentions regarding the Yucca Mountain Project with the NRC by December 22, 2008." Ms. Houck also declares that consultants are unsure whom they should consult with and will cease work on the Yucca Mountain Project if internal Tribal issues are not resolved.

In the June 29, 2007 correspondence from the Assistant Secretary, the Tribe was granted AIT status in the Yucca Mountain Project because effects of the Project may be both substantial and adverse to the Tribe. Based on the Tribe's AIT status, and the deadlines for participation in the Yucca Mountain Project, I find there are grounds for making my decision recognizing the composition of the Tribal Council immediately effective pursuant to 25 CFR 2.6 in order that the Tribe may protect trust resources through participation in the licensing process for the Yucca Mountain Project. Accordingly, the Department immediately recognizes the Tribal Council representatives listed above for government-to-government purposes.

This decision may be appealed to the Interior Board of Indian Appeal, 801 North Quincy Street, Arlington, Virginia 22203 in accordance with regulations in 43 CFR§ 4.310 4.340. Your Notice of appeal to the Board must be signed by you or your attorney and must be mailed within 30 days of the date you receive this decision. It should clearly identify the decision being appealed. If possible, attach a copy of the decision. You must send copies of your Notice of Appeal to (1) The Assistant Secretary - Indian Affairs, 4160 MIB, U.S. Department of the Interior, 1849 C Street, N. W. Washington, D.C. 20240, (2) each interested party known to you, and (3) this office. Your Notice of Appeal sent to the Board of Indian Appeals must certify that you have sent copies to these parties. If you file a Notice of Appeal, the Board of Indian Appeals will notify you of further appeal procedures. If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a Notice of Appeal.

Sincerely,

Regional Director

cc: Superintendent, Central California Agency

EXHIBIT H



United States Department of the Interior

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

DEC 22 2008

John M. Peebles, Esq.
Darcie L. Houck, Esq.
Fredericks Peebles & Morgan LLP
Attorneys at Law
1001 Second Street
Sacramento, CA 95814

Jeffrey R. Keohane
George Forman
Forman & Associates
4340 Redwood Highway, Suite E352
San Rafael, CA 94903

Judith A. Shapiro, Esq.
2001 N Street, Suite 100
Sacramento, CA 95814

Subject: Timbisha Tribal Council Composition for Government-to-Government Purposes;
Rescission of Subject Decision issued December 4, 2008 (attached)

This correspondence rescinds my decision of December 4, 2008, affirming the Bureau of Indian Affairs, Central California Agency, Superintendent's (Superintendent) decision of October 17, 2008.

The October 17, 2008 Superintendent decision acknowledged the results of a Special meeting of the Timbisha Shoshone General Council held on September 20, 2008. A Notice of Appeal dated November 13, 2008, of the Superintendent's decision did not include a statement of reasons. Consistent with regulations at 25 CFR 2.10, appellants were afforded 30 days after filing the Notice of Appeal to file a statement of reasons.

Accordingly, my December 4, 2008, decision is rescinded and nullified. A statement of reasons may be filed within 30 days, but no later than January 23, 2008, respecting the November 13, 2008, appeal of the Superintendent's decision of October 17, 2008.

Sincerely,

Wah Mani
Regional Director

EXHIBIT I



IN REPLY REFER TO:

United States Department of the Interior

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

FEB 17 2009

CERTIFIED MAIL NO. Z 155 874 769
RETURN RECEIPT REQUESTED

John M. Peebles, Esq.
Fredericks Peebles & Morgan LLP
Attorneys at Law
1001 Second Street
Sacramento, CA 95814

Dear Mr. Peebles

The purpose of this correspondence is to inform you of my decision regarding the Notice of Appeal (Appeal) dated March 17, 2008, filed pursuant to 25 Code of Federal Regulations (CFR) Part 2, by John M. Peebles, Attorney for Ed Beaman, Virginia Beck, and Cleveland Casey (Appellants), from the Bureau of Indian Affairs, Central California Agency, Superintendent's decision of February 29, 2008, wherein the Superintendent rescinded his letter dated December 14, 2007, and recognized the results of a November 13, 2008 General election conducted by Joe Kennedy and Madeline Esteves. The February 29, 2008 decision recognized the following individuals to be official tribal representatives of the Timbisha Shoshone Tribal Council: Joe Kennedy, Chairman; Margaret Armitage, Vice-Chairman; Madeline Esteves; Secretary/Treasurer, Margaret Cortez; Council Member and Pauline Esteves, Council Member (Kennedy Council).

The Appeal was received on March 18, 2008 and the Appellants' Statement of Reasons was received on April 16, 2008; both were timely filed pursuant to 25 CFR § 2.10. The Administrative Record from the Bureau of Indian Affairs, Central California Agency, Superintendent (Superintendent) was received on December 3, 2008 at this office.

The Appellants are seeking reversal of the Superintendent's decision of February 29, 2008 and assert that the Tribe's Tribal Council consisting of Ed Beaman, Madeline Esteves, Doug Gholson, Virginia Beck and Cleveland Casey, should be recognized. Appellants assert that, as a result of a competing November 13, 2007 General election conducted by Ed Beaman, Virginia Beck and Cleveland Casey, Doug Gholson, Virginia Beck and Cleveland Casey were elected to the three expired terms of the Tribal Council.

We have carefully reviewed the administrative record and documents provided by the parties. Based on our analysis, I am reversing the Superintendent's decision of February 29, 2008,

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because the actions taken by Tribal Council members Joe Kennedy and Madeline Esteves lacked a quorum of the Tribal Council. Therefore, the Bureau of Indian Affairs continues to recognize the Tribal Council that was in place prior to the Superintendent's February 29, 2008 decision, consisting of: Joe Kennedy, Chairman, Ed Beaman, Vice-Chairman, Madeline Esteves, Secretary/Treasurer, Virginia Beck, Executive Council Member, Cleveland Lyle Casey, Executive Council Member. We present our analysis as follows:

Finding of Facts

On July 9, 2007 charges were filed by General Council members Wallace Eddie and Margaret Cortez against Tribal Council members Ed Beaman and Virginia Beck requesting their removal from the Timbisha Shoshone Tribal Council (Tribal Council).

On July 21, 2007, the Tribal Council of the Timbisha Shoshone Tribe conducted a Tribal Council meeting at Fish Lake Valley. The Tribal Council members present at the meeting were; Joe Kennedy, Chairman, Virginia Beck, Madeline Esteves, Lyle Casey and on the phone was Ed Beaman. A quorum of the Tribal Council was established. The charges filed by General Council members; Margaret Cortez and Wallace Eddy against Tribal Council members Ed Beaman and Virginia Beck were discussed. Ed Beaman stated that he did not get the July 9, 2007 letter and Virginia Beck said she received her letter on July 20, 2007. Therefore, no removal action was taken by the Tribal Council and the request for removal of Ed Beaman and Virginia Beck from the Tribal Council filed by the General Council members was rescheduled for the next Tribal Council meeting on August 25, 2007 at Bishop, California.

On August 25, 2007, the Tribal Council of the Timbisha Shoshone Tribe conducted a duly called monthly Tribal Council Meeting at Bishop, California. The minutes of the Tribal Council meeting indicate the following members of the Tribal Council were present; Joe Kennedy, Chairman, Ed Beaman, Virginia Beck, Madeline Esteves, and Lyle Casey. A quorum of the Tribal Council was established.

On August 31, 2007, Chairman, Joe Kennedy sent a letter addressed to the Superintendent informing him of the events that occurred during the Tribal Council meeting on August 25, 2007, and of the charges filed against Council members Virginia Beck and Ed Beaman. He explained that in accordance with the Tribe's Constitution, Article XI, Section 1, 3, the Tribal Council member who is the subject of a removal request, shall not vote nor serve in his or her capacity as a Tribal Council member in the removal proceedings. Therefore, their request to vote on each other's removal was denied. Shortly after, both Ed Beaman and Virginia Beck walked out of the meeting. Joe Kennedy indicated that Ms. Armitage replaced Virginia Beck in order to continue with the Tribe's business.

On September 22, 2007, Ed Beaman, Vice-Chairman, Cleveland Lyle Casey and Virginia Beck called a Special Tribal Council meeting to address the actions taken at the August 25, 2007 meeting. The following resolutions were passed: Resolution #2007-24 declared the attempted illegal removal of Ed Beaman and Virginia Beck null and void; Resolution #2007-25 declared the duly recognized Tribal Council as Joe Kennedy, Ed Beaman, Madeline Esteves, Virginia Beck, and Cleveland Casey, and declared purported Resolution #2007-23 signed by Joe Kennedy

and Madeline Esteves, setting a date for the General Election, null and void; Resolution #2007-26 amended certain provisions of the Timbisha Shoshone Election Ordinance, applicable only to the 2007 General Election, in order to facilitate a General Election in compliance with the Constitution; Resolution #2007-28 appointed an Election Board to supervise and carry out the General Election.

October 15, 2007, letter from Vice-Chairman, Ed Beaman, via facsimile, addressed to the Superintendent requesting a letter stating who the Bureau of Indian Affairs recognizes as the Tribal Council of the Timbisha Shoshone Tribe. A letter dated September 25, 2007, was also attached, addressed to the General Council responding to improper removal actions taken at the August 25, 2007 Tribal Council meeting.

October 29, 2007, letter from Joe Kennedy, Chairman addressed to the Superintendent regarding Virginia Beck and Ed Beaman's relinquishment of their Tribal Council position on August 25, 2007. Included were Virginia Beck and Ed Beaman's removal charges, which were submitted to members of the General Council.

On November 13, 2007, as a result of a dispute within the Tribal Council two General Elections were held; one by Joe Kennedy, Madeline Esteves and Margaret Armitage conducted by Mark Thompson, Indian Dispute Resolution Services, in which 117 ballots were cast with Joe Kennedy, Margaret Cortez, Margaret Armitage, and Pauline Esteves receiving the highest number of votes; the other by Ed Beaman, Virginia Beck and Cleveland Lyle Casey conducted by Joslyn Chvala, of Daniels, Phillips, Vaughan, & Bock in which 55 votes were cast with Doug Gholson, Cleveland Lyle Casey, and Virginia Beck receiving the highest number of votes.

November 15, 2007, a copy of a letter from Ed Beaman to the Timbisha Shoshone Election Committee, appealing the Tribe's November 13, 2007 General Election conducted by the Kennedy Council, alleging that the election was not conducted pursuant to the Tribe's Constitution and Election ordinance.

December 3, 2007, letter from Ed Beaman, addressed to the Superintendent regarding the Election Board's report of the Tribe's 2007 General election conducted by Daniels, Phillips, and Vaughan for Ed Beaman, Virginia Beck and Cleveland Casey was valid and recognized the new elected members of the Tribal Council as: Doug Gholson, Cleveland Lyle Casey, and Virginia Beck, with 55 votes cast in the election. The Election Board found that the election conducted by the Kennedy Council was invalid and void.

December 3, 2007, Mark Thompson, Indian Dispute Resolution Services, Inc. sent a facsimile, to the Superintendent regarding the November 13, 2007 Kennedy Council's Election Results. The purpose of the Memorandum was to certify the results of the Timbisha Shoshone Election conducted by Indian Dispute Resolution Services, Inc. in coordination with the Tribal Council Election Board. The results identified the Election procedures that were followed, 117 absentee ballots cast, total votes for each candidate, and that no appeals were received. The results showed that the new council consisted of Joe Kennedy, Margaret Armitage, Margaret Cortez, and Pauline Esteves.

December 4, 2007, Barbara Durham, Election Board Chairman, sent a facsimile to the Superintendent, providing the Report of Tribal Election and Addendum to Kennedy Council Report of Tribal Election held November 13, 2007, certifying the results to be true and correct. Further, stating that four (4) General Council members were elected to the Tribal Council and the purported vacant Vice-Chairman position will be filled at the first Tribal Council meeting to be held on December 15, 2007.

December 11, 2007, letter from Joe Kennedy addressed to the Superintendent, providing additional documentation and the history of where the Tribe was up to that point. Included was documentation regarding legal cases concerning issues similar to Timbisha and what constituted a resignation.

December 14, 2007, letter from the Superintendent in response to Mr. Kennedy's letter of December 11, 2007, regarding the purported resignation of Ed Beaman, Vice Chairman, and Virginia Beck, Executive Council Member at a Tribal Council meeting held August 25, 2007, and the annual general election conducted on November 13, 2007. The Superintendent, after review of the documents submitted, was unable to recognize any of the actions initiated by the Beaman Council or the Kennedy Council. As a result of the above, for the purposes of continuing the government-to-government relationship with the Tribe, the Superintendent continued to recognize the last duly elected Tribal Council as follows:

Joe Kennedy, Chairman
Ed Beaman, Vice-Chairman
Madeline Esteves, Secretary/Treasurer
Virginia Beck, Executive Council Member
Cleveland Lyle Casey, Executive Council Member

In addition, the Superintendent recommended that the Tribe conduct a special general election to comply with the provisions of the Tribe's Constitution for an annual general election to fill the three expired positions, and that Ed Beaman and Madeline Esteves positions should be held over until November 2008.

December 14, 2007, letter via facsimile from Joe Kennedy responding to the Superintendent's letter of December 14, 2007, objecting to the Superintendent's request for a Special Election and listing the duly elected tribal council elected on November 13, 2007 as follows: Joe Kennedy, Margaret Cortez, Margaret Armitage, Madeline Esteves and Pauline Esteves. (2007 Kennedy Council)

December 17, 2007, letter from Lyle Casey to the Agency Superintendent responding to his December 14, 2007, decision not recognizing the actions taken at a Special meeting of the Tribal Council held September 22, 2007, and subsequent election organized and executed by the Ed Beaman, Virginia Beck and Cleveland Lyle Casey.

January 11, 2007, Notice of Appeal filed by Jack Duran, Attorney on behalf of his clients: Joe Kennedy, Margaret Armitage, Margaret Cortez, Madeline Esteves and Pauline Esteves. The appeal was from the December 14, 2007 decision of the Superintendent for failing to

acknowledge the Tribal Council's determination that Mr. Ed Beaman and Ms. Virginia Beck resigned their tribal council positions at an August 25, 2007 Tribal Council meeting and failing to acknowledge the November 13, 2007, General Council Election whereby Joe Kennedy, Margaret Armitage, Margaret Cortez, Madeline Esteves and Pauline Esteves were elected to serve as members of the Timbisha Shoshone Tribal Council.

January 18, 2008, memorandum from the Superintendent to the Regional Director, transmitting the January 11, 2008 Notice of Appeal filed by Jack Duran, Attorney on behalf of his clients: Joe Kennedy, Margaret Armitage, Margaret Cortez, Madeline Esteves and Pauline Esteves. The Superintendent indicated that the Appellant's Statement of Reason, upon receipt, will be forwarded to this office along with the administrative record.

January 20, 2008, a Special meeting of the General Council was held in Hesperia, CA, to address the results of the November 13, 2007 Tribal Council Elections and to seek approval of specific actions that would stabilize the Tribe's government.

February 4, 2008, letter from Joe Kennedy to the Superintendent in which he updated the Superintendent on the most recent actions that occurred with the Timbisha Shoshone Tribe and notifying him of a special meeting of the General Council held on January 20, 2008, at Hesperia, CA. The purpose of the meeting was to find out what the General Council of the Tribe wanted and what direction they felt was appropriate for the Timbisha. In support of the actions taken by Joe Kennedy, Madeline Esteves and Margaret Armitage, the General Council voted and enacted four (4) Tribal Resolutions as follows: Resolution No. 2008-01, Ratifying the Joe Kennedy, Madeline Esteves and Margaret Armitage's November 13, 2007 General Election; Resolution No. 2008-02 Ratifying the Actions and Authority of the Tribal Council Subsequent to August 25, 2007; Resolution No. 2008-03 Interpreting What Constitutes a Resignation from the Tribal Council; Resolution No. 2008-04 Authorizing the Tribal Council to Pursue Prospective Gaming Developers. Furthermore, the Agency Superintendent was requested to recognize all actions adopted by the Timbisha Shoshone General Council at the January 20, 2008 Special General Council Meeting.

February 29, 2008, the Superintendent, reversed his December 14, 2007 decision and issued a new letter recognizing the actions of the General Council during a January 20, 2008, General Council meeting, wherein the General Council voted to ratify: Tribal Resolutions No. 2008-01, ratifying the Joe Kennedy, Madeline Esteves and Margaret Armitage's November 13, 2007 General Election; Tribal Resolutions No. 2008-02 ratifying the Actions and Authority of the Tribal Council Subsequent to August 25, 2007; Tribal Resolutions No. 2008-03 Interpreting What Constitutes a Resignation from the Tribal Council. Based on the above actions of the General Council the Superintendent recognized the results of the Joe Kennedy, Madeline Esteves and Margaret Armitage's November 13, 2007 election as follows:

Joe Kennedy, Chairman
Margret Armitage, Vice-Chairman
Madeline Esteves, Secretary/Treasurer
Margret Cortez, Executive Council Member
Pauline Esteves, Executive Council Member

APPLICABLE TRIBAL LAW

The Tribe is organized and governed under the Constitution of the Timbisha Shoshone Indian Tribe adopted by its membership on February 17, 1986. In analyzing the parties' positions, it is appropriate to look to the Tribe's Constitution as it relates to the actions taken by the parties

Article IV, Section 1, provides that, the powers of the government of the Tribe shall be divided into three distinct branches; the General Council, the Tribal Council and the Tribal Judiciary. No branch, group or person charged with the exercise properly belonging to one of these branches shall exercise any powers belonging to one of the other branches, except as otherwise specified in this document.

Article IV, Governing Body, Section 2, provides that, the governing body of the Tribe shall be the General Council. The General Council shall consist of all tribal members sixteen (16) years of age or older. All members of the General Council shall be able to vote at all General Council meetings and all tribal elections, referenda, initiatives, recalls and repeals.

Article V, Section 1, General Council, a., provides in part that, all powers of the Tribe shall be vested in the General Council, subject to any limitations imposed upon such powers delegated to the Tribal Council, etc..

Article V, Section 1, General Council, b., provides that, The General Council shall exercise its powers of self-government through initiative, referendum, repeal and recall powers as set forth in this document.

Article V, Section 1, General Council, c., provides in part that, the following powers shall be exclusively reserved to the General Council. All powers that are not expressly mentioned in this document or which are not expressly delegated in this document by the General Council to the Tribal Council or any other officer or agency of the Tribe, shall not be abridged but shall be reserved to the General Council.

Article V, Section 3, Reserved Powers of General Council, provides that, the Tribal Council shall have all appropriate powers necessary to implement specific provisions of this document and to effectively govern tribal affairs. All powers heretofore vested in the Tribe, but not specifically referred to in this document, shall not be abridged, but shall be reserved to the General Council.

Article VII, Duties of Officers Section 1, a., provides in part that, the Chairman shall have the following duties:

1. To preside at all meetings of the Tribal and General Councils;
2. To vote at Tribal and General Council meeting only when it is necessary to break a tie vote;

8. The Chairperson shall hold no other Tribal Office or engage in private remunerative employment which may pose a conflict of interest with the Tribe's enterprise or business activities during his term of office;

Article VIII, Meetings Section 1, provides that, all meetings of the General or Tribal Councils shall be open to all tribal members, except in those cases where the matter under discussion would invade the privacy of an individual tribal member.

Article VIII, Meetings Section 2, provides in part that, all meeting of the Tribal Council shall be held in accordance with the following provisions:

a. A majority of the members of the Tribal Council shall constitute a quorum at all Council meetings. No business shall be conducted in the absence of a quorum.

Article VIII, Meetings Section 3(b), provides that Specials meetings of the General Council may be called by the Tribal Chairperson or by any member of the General Council who submits a petition with ten (10) signatures of the General Council members to the Tribal Council requesting a special meeting. The notice in regard to any special meetings shall be given at least three (3) days prior to the meeting and shall specify the purpose of the meeting.

Article X, Vacancies Section 1, Tribal Council shall fill the vacancy by appointment of a General Council member who qualifies for candidacy for the vacant position. If more than twelve (12) months remain in the vacant term a special election shall be held to fill the vacant position. Such a special election shall be held within thirty (30) days after the Tribal Council declares the position vacant.

Article XI, Removal, Section 1, 1., provides in part that, any member of the Tribe can request removal of any Tribal Council member by submitting a written statement of charges to the Chairperson, etc... Such written statement must be received by the accused Council member no later than ten (10) days before the next regular Council meeting at which he or she is to appear.

Section 1, 2., provides that, at the next regular Tribal Council meeting following the submission of such written statement, the charging party shall present his or her allegations and proof against the accused member of the Tribal Council, and the accused member shall be given an opportunity to reply to all charges by presenting his or her allegations and proof to the Tribal Council.

Section 1, 3., provides that, after hearing all the charges and proof presented by both sides, the Tribal Council shall take a vote on whether the accused member shall be removed from office. If a majority of the Tribal Council vote to remove the accused Council member, his or her seat shall be declared vacant. The Tribal Council member who is subject to the removal request shall not vote nor serve in his or her capacity as a Tribal Council member in the removal proceedings.

DISCUSSION

Review of the minutes of the Tribal Council monthly meeting of August 25, 2007, indicates a quorum had been established with all five (5) Tribal Council members present to, among other things, address removal charges filed by Wallace Eddy, to allow Ed Beaman and Virginia to refute the alleged charges and for the Tribal Council to vote on the matter. Only Wallace Eddy, one of the two General Council members who had filed the charges and requested the removal of Ed Beaman and Virginia Beck from the Tribal Council was present along with 30 General Council members. Ed Beaman and Virginia Beck requested that the removal action be conducted in Executive Session, but the General Council members present opposed their request. Before the charges were presented, a dispute ensued on whether or not Ed Beaman and Virginia Beck could vote on each others removal; Chairman Kennedy referred the matter to the General Council members for a decision. The General Council voted not to allow Ed Beaman and Virginia Beck to vote on each others removal; Chairman Kennedy announced the motion carried. Ed Beaman and Virginia Beck along with Cleveland Lyle Casey left the meeting and did not return. Upon the departure of Tribal Council members Ed Beaman and Virginia Beck along with Cleveland Lyle Casey from the meeting, Chairman, Kennedy stated that Ed Beaman and Virginia Beck leaving before responding to the charges meant they were guilty of the charges. A motion was made by Madeline Frank, General Council member, to remove Ed Beaman and Virginia Beck from the Tribal Council, and seconded by Pauline Esteves, General Council member; however, no vote was taken and the motion died. Another motion was made by Barbara Durham, General Council member, to replace Virginia Beck with Margaret Armitage, General Council member, seconded by Pauline Esteves, General Council member, by a vote of 11 for, 0 against, 0 abstain; the motion carried. Following the motion, Margaret Armitage took a place at the Tribal Council table as an Executive Council member.

The Tribe's Constitution provides specific procedures governing the removal of Tribal Council members. Article XI, Removal, Section 1, Et seq. of the Tribe's Constitution clearly specifies the procedures governing the removal of Tribal Council members, and further specifies that the Tribal Council shall take a vote on whether the accused member shall be removed from office and explicitly states that the Removal of Tribal Council members is delegated to the Tribal Council and not to the General Council. The record indicates that no vote was taken by the Tribal Council to remove Ed Beaman or Virginia Beck from the Tribal Council as required by the Tribe's Constitution. Therefore, Ed Beaman and Virginia Beck both remain members of the Tribal Council.

With the departure of Tribal Council members Ed Beaman, Virginia Beck, and Cleveland Casey, only Joe Kennedy and Madeline Esteves, two of the five Tribal Council members, remained; a quorum no longer existed. No further business of the Tribal Council should have been conducted because Joe Kennedy and Madeline Esteves were the only two of the five Tribal Council members who remained and they did not constitute a quorum. Any action by the Tribal Council without a quorum is a violation of Article VII, Section 2 a., of the Tribe's Constitution, which provides in part, No business shall be conducted in the absence of a quorum.

As the record indicates, two Tribal Councils emerged claiming to be the leadership of the Tribe: Joe Kennedy, and Madeline Esteves, and the other Tribal Council consisting of Ed Beaman,

Virginia Beck and Lyle Casey. Both Tribal Councils conducted separate meetings to prepare for the November 2007 General election. On November 13, 2007, both Tribal Councils conducted their own annual General elections. The record indicates that 55 Tribal members voted in the Beaman Council election and 171 Tribal members voted in the Kennedy Council's election. The Superintendent on December 14, 2007 refused to recognize either election and recommend that the Tribe conduct a special general election to comply with the provisions of the Tribe's constitution for an annual general election to fill the three expired positions.

Joe Kennedy, and Madeline Esteves, on January 20, 2008 conducted a duly noticed General Council meeting at Hesperia, CA; the purpose of the meeting was to seek the Tribe's approval, in particular, the Tribal Council meeting of the August 25, 2007 and the Joe Kennedy and Madeline Esteves' General election results of November 13, 2007. However, as discussed above and based on the record, the actions of August 25, 2007 violated several provisions of the Tribe's Constitution.

CONCLUSION

As the record indicates, the August 25, 2007 actions by Chairman Kennedy and the General Council members were beyond the scope of their constitutional authority and far exceed their powers in their attempts to remove Ed Beaman and Virginia Beck. The ratification of these actions by the General Council on January 20, 2008, was inappropriate and also was beyond their constitutional authority, and these actions clearly violated Ed Beaman and Virginia Beck's rights to due process. Furthermore, it would be inappropriate for the Bureau of Indian Affairs to recognize tribal actions that violate provisions of Tribal laws.

For the reason stated above I am reversing the Superintendent's February 29, 2008 decision. Consequently, the Bureau of Indian Affairs continues to recognize Joe Kennedy, Chairman, Ed Beaman, Vice-Chairman, Madeline Esteves, Secretary/Treasurer, Virginia Beck, Executive Council Member, Cleveland Lyle Casey, Executive Council Member, which was the governing body of the Tribe that was recognized prior to the February 29, 2008 decision.

Please be advised that there is also a pending appeal regarding the November 2008 General election of the Tribe, with answers of interested parties due by February 24, 2009, and a decision is likely to be issued shortly thereafter.

This decision may be appealed to the Interior Board of Indian Appeals, 801 North Quincy Street, Arlington, Virginia 22203 in accordance with regulations in 43 CFR§ 4.310-4.340. Your Notice of appeal to the Board must be signed by you or your attorney and must be mailed within 30 days of the date you receive this decision. It should clearly identify the decision being appealed. If possible, attach a copy of the decision. You must send copies of your Notice of Appeal to (1) The Assistant Secretary - Indian Affairs, 4160 MIB, U.S. Department of the Interior, 1849 C Street, N. W. Washington, D.C. 20240, (2) each interested party known to you, and (3) this office. Your Notice of Appeal sent to the Board of Indian Appeals must certify that you have sent copies to these parties. If you file a Notice of Appeal, the Board of Indian Appeals will notify you of further appeal procedures. If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a Notice of Appeal.

Sincerely,

A handwritten signature in cursive script that reads "Dale Martin". The signature is written in black ink and is positioned above the typed name.

Regional Director

cc: See Enclosed Distribution List

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