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August 7, 2019

Certified Mail 7018 3090 0000 0609 0199
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: NOTICE OF APPEAL OVER DIRECTOR AMY DUTSCHKE DECISION ON
INA JACKSON'S STATUS ON MOORETOWN PLAN.**

Dear Board of Indian Appeals:

Per Director Amy Dutschke's response and decision to my appeal and the guidance given by Tribal Government Officer Harley Long I would like to file an Appeal with the Board of Indian Appeals and the Assistant Secretary of Indian Affairs. As stated in §4.332 (a) of title 43 of the Code of Federal Regulations. Please accept this as my notice of appeal.

FULL IDENTIFICATION OF CASE

In June of 2018 I reached out to Sacramento Office to get clarification on the definition of "Wife" in the Mooretown Distribution Plan (Exhibit 8). It was brought up by people outside of the Bureau of Indian Affairs (BIA) that the definition of "Wife" in the plan was of that, a wife only. The distribution was always understood that Ina Jackson was a distributee on the Mooretown Rancheria Plan and that she and Robert Jackson shared in distribution. In all communication with the BIA over the years Mooretown Rancheria has always recognized there were four distributees and not three. With people stating she was only a wife and not a

distributee made Ina Jackson's family reach out the BIA as this was written by that agency and only BIA can define the meaning of "Wife" in the Mooretown Rancheria Distribution Plan.

From June 2018 to about October 2018 Ina Jackson's family was in communication with the Sacramento and the D.C. Headquarters Office (Exhibit 10). An official request was emailed on July 9, 2018 (Exhibit 13) to Director Amy Dutschke and Harley Long with a July 13, 2018 reply from Amy confirming they received the letter. On August 27, 2018 Michelle Jefferson emailed me stating that her Supervisor stated that she was only a "wife" and that she was not a distributee. Ina Jackson's family informed the Sacramento Office that according to *25 CFR Sub Chapter V Part 242-California Rancherias and Reservation Distribution of Assets § 242.10* (Exhibit 2) stated that it would list the names of the distributees and dependent members of their immediate families. Per Director Amy Dutschke phone conversation and email from Amy on September 13, 2018 she would have the Office of the Solicitor review. After October 23, 2018 all communication with the Sacramento Office stopped. On December 20, 2018 a letter was sent via email (Exhibit 14) asking the Sacramento Office to please respond to my request for a determination. All records over the months that showed Ina Jackson was a distributee was sent to their office. The records were from the FOIA Request that was completed on September 17, 2018. (Exhibit 15 Emails from Kelly Meacham). Anita Personius with the BIA replied that the letter would be logged and confirmed receipt of letter. On February 21, 2019 Superintendent Troy Burdick emailed me and stated a response to my request was mailed.

On February 25th, 2019 I received a letter from Superintendent Troy Burdick (Exhibit 12) regarding my request to determine if Ina Jackson was a distributee or not. Superintendent Burdick stated his office has determined that Ina Jackson was not a distributee but a dependent

on the plan. On February 25, 2019 I wrote my appeal to Amy Dutschke and provided all records and information that showed why Ina Jackson did not qualify as a dependent and that she shared in distribution with Robert Jackson and that the definition of "Wife" should be the same as distributee (Exhibit 15). On March 12, 2019 a letter was sent from the BIA Acknowledging receipt of my Appeal (Exhibit 16). On May 8, 2019 I had not received a response from Director Amy Dutschke office and decided to contact them via phone. I was directed to speak with Harley Long. Mr. Long informed me that my appeal was on his desk for review and he had not had time to get to it. I asked how long it would take because the time to reply was over 60 days; by 25 CFR § 2.19. According to 25 CFR § 2.18 "Appeal from inaction of official" I would need to file that with their office. Mr. Long informed me that he would get to it and if they get a letter from me then they will just extend it out for another 60 days. On May 8, 2019 I sent a letter "Inaction of Official Notice" to Director Amy Dutschke (Exhibit 17). On May 21, 2019 a letter was written and sent to me from Director Amy Dutschke informing me that I would have a decision by the close of business (4:30pm) on or before July 12, 2019 (Exhibit 18).

As of July 17, 2019 I had not received any communication via email, phone or mail on the decision of Ina Jackson status and the definition of "Wife". I sent an email to all parties that have been involved on email communication and letters asking for a determination of my appeal. Harley Long replied back to me on the same day (Exhibit 10) with the attachment of the letter (Exhibit 19) that he stated was sent Certified Mail on July 12, 2019. When reviewing the Certified Mail tracking number it showed it was not sent out until July 15th and arrived on that day at the USPS at 11:51pm. After reviewing the letter I found that there were no appeal rights provided and reached back out to Harley Long about this via email. Mr. Long stated that no

appeal rights were presented in the Regional Director's July 12, 2019 correspondence to me because listing Ina Jackson as a Dependent decision was made and finalized on the Federal Register in 1961. He attached CFR Title 43 VOL 1 part 4 and stated that it was for my reference. I replied back to Mr. Long and explained that The Distribution plan (Exhibit 8) does not state anywhere that Ina Jackson is a dependent as well as the Federal Register Volume 26 August 1, 1961 ; 6875 (Exhibit 20) only list the names from the Distribution Plan and does not state that Ina Jackson was a dependent. I stated that my request was to define the meaning of "Wife" in the Distribution Plan as nowhere in the plan states she was a dependent as well as all communication up to when it was published in the Federal Register Volume 26 August 1, 1961. I explained again that according to 25 CFR § 242.2 (Exhibit 2) the definition of a dependent states that Ina Jackson would have had to receive more than one half of the distributees support. I pointed out again all of the evidence I have provided that was from the BIA's own records that proves Ina Jackson did not receive more than half of Robert Jackson's support as well as letters written by Robert and Ina Jackson and sent to the BIA. On July 29, 2019 I had not heard back from Mr. Long and sent email asking if he had time to review my reply and to confirm that I may appeal Director Amy Dutschke response as he only sent me information for my reference. Mr. Long replied back on July 29, 2019 and at that time provided the correct appeal rights and guidance to follow. In the email written by Mr. Long on the 29th and 19th I noticed that Mr. Long used Ms. Instead of Mrs. when refereeing to my grandmother. I replied and advised Mr. Long for the record that it was Mrs. Jackson and not Ms. as she was married to Robert Jackson for over 34 years before the Rancheria Act and Distribution Plan. Mr. Long was aware that they were married so referring to my grandmother as an unknown married women was incorrect. I also stated for the record to Mr. Long again and for the final time that the Sacramento Office has only

defined the definition of "Wife" as a dependent but in all evidence, policies and regulations she did not qualify as a dependent and that the definition of "Wife" should be distributee in this case as she was not 2nd class to her husband nor property but they were one unit.

STATEMENT OF REASONS

I. U.S. Court of Appeals, 9th Circuit Williams v. Clay Gregory, Troy Burdick, Etc...

NO 0417482

Exhibit 1 attached, Court records show that in 1987, Mooretown Rancheria had an "open meeting" where the Rancheria organized a tribal roll. It was determined at that meeting that direct descendants of the four distributees would be lineal members. The Rancheria sent the BIA a copy of the attendance list. In 1998, Mooretown Rancheria sent the BIA a copy of its Constitution and enrollment list limiting tribal membership to lineal descendants of the four 1959 distributees. Per records between Mooretown Rancheria and the BIA it was always under the impression that the four distributees were Robert Jackson, Ina Jackson, Fred Taylor and Kate Archuleta. Now the BIA is stating that there were only three distributees. BIA Central California Agency and Director Amy Dutschke are using their opinion on her being listed as "Wife" equals dependent and not Statutory Construction.

II. Distribution Plan

STATEMENT OF REASON NO.1;

Superintendent Troy Burdick and Amy Dutschke stated that Ina Jackson was listed as "Wife" of Robert Jackson and that Ina Jackson would be considered a "dependent member" as defined by 25 CFR § 242.2 (c), as they existed at that time (June 9, 1959) Exhibit 2 attached. *Per 25 CFR § 242.2: Dependent members was defined as, as used in the phrase "dependent members of their immediate families", includes all persons for whose support the distributee is legally liable according the laws of the State of California and who are related by blood or adoption or by marriage, including common law or customary marriage, who are domiciled in the household of the distributee, and who receive more than one-half of their support from such distributee.*

RESPONSE TO STATEMENT NO.1;

Per Exhibit 3 attached shows that both Robert and Ina Jackson received old age security payments and they both have lived on land for 18 years. Per Exhibit 4 and 5 attached shows that Robert and Ina Jackson both worked on the land jointly and their request was for a clear fee simple title to the land they occupied. Per Exhibit 6 attached shows where BIA Commissioner Jenkins acknowledged Robert and Ina were concerned over the distribution of Mooretown and assured them that their interest at Mooretown will be protected. These records would show that Ina Jackson did not receive more than half of Roberts support but it was 50/50 when it came to working on land and income as well as the BIA stating they would protect both their interest. So legal definition of her being a "dependent member" would not qualify her as one because she did not receive more than one-half of Robert Jackson's support. The BIA had all records before the distribution to know this as well as it was acknowledged by BIA Officials.

STATEMENT OF REASON NO.2;

Superintendent Burdick and Director Amy Dutschke underlined section 2(b) of Public Law 85-671 (Exhibit 7 attached) where any Indian who feels that he is unfairly treated in the proposed distribution of the property shall be given an opportunity to present his views and arguments for the consideration of the Secretary. They stated that the distribution was voted on and no one appealed the distribution plan.

RESPONSE TO STATEMENT NO.2;

Ina Jackson and Robert Jackson by this time had been married for about 42 years (Exhibit 11 attached). On the Plan for Distribution of Mooretown Rancheria (Exhibit 8 attached) it did not define Ina Jackson as a dependent but as a "Wife". The current law at the time in the state of California (Exhibit 9 attached), *California Civil Code Family Chapter Section 161a Community Property. The respective interests of the husband and wife in community property during continuance of the marriage relation are present, existing and equal interests under the management and control of the husband as is provided in sections 172 and 172a of the Civil Code. This section shall be construed as defining the respective interests and rights of husband and wife in community property.* Community Property means that all assets purchased or acquired by a couple during their marriage are owned equally by both of them. It is the case regardless of how the asset is titled. Ina Jackson would not have known she would have to appeal that her name was listed as "Wife" as it would be assumed she was a distributee based off of the California laws, and according to the 25 CFR § 242.2 she would not be defined as a dependent member because her current status would have been a distributee by legal definition. According to the 25 CFR § 242.2 (b) (Exhibit 2 attached) definition "*Distributee*" means any Indian who is entitled to receive, under a plan prepared

pursuant to section 2 of the Act of August 18, 1958.(72 Stat, 619), any assets of a rancheria or reservation. Ina Jackson was an Indian, shared jointly in distribution of the land, helped improve the land and was a residence of the land. Ina Jackson's status as Indian recorded on Census Roll of the Indians of California under the Act of May 18, 1928: Roll Number 8982-6997 "Mooretown Rancheria Plan" (Exhibit 21)

III. Letters to the Bureau of Indian Affairs

STATEMENT OF REASON NO.3:

Superintendent Burdick stated that the letter attached Exhibit 3 and 4 only indicated that they (Robert and Ina Jackson) worked the land together and made improvements as husband and wife. And that there is no explicit request in the letters that they are requesting title to the land as separate individual grantees or distributees.

RESPONSE TO STATEMENET NO.3:

In the letters (Exhibit 3 and 4 attached) it states and reference to Public Law 85-671 that the undersigned (Robert and Ina Jackson) summarize their reasoning for asking for a clear fee simple title to the land they are occupying. In the closing of letter it states again *"Therefore it has been our hope for years to one day have clear title to the land we occupy, that we could rest assured we own our home and to protect our investment and labor we have expended here."* Robert and Ina Jackson should not have had to request title to the land as separate individual's grantees or distributees as by this time they had been married for about 42 years, Under California Family Civil Code Chapter 3 § 161a. (Exhibit 9 attached) this would have been considered community property and they would share in distribution jointly and as one unit. As

well as the directions for distribution by BIA did not point out Ina Jackson would not be considered a distributee as the legal definition of what each Indian would be considered by 25 CFR § 242.2 (Exhibit 2 attached) would make her believe she would be a distributee in part with Robert Jackson.

STATEMENT OF REASON NO.4;

Amy Dutschke stated in her response to my appeal that Ina Jackson is not listed as a distributee, but her relationship "Wife" to Robert Jackson, the named distributee, is listed by her name, thereby indicating she is a dependent member as defined by 25 CFR § 242.2 Definitions (c). As well as the proclamation terminating its relationship with the Mooretown Rancheria was published in the Federal Register, August 1, 1961, FR 6875, thereby finalizing for the U.S. the plan for the distribution of assets of the Mooretown Rancheria listing Ina Jackson as a Dependent Member.

RESPONSE TO STATEMENT NO.4;

The Distribution Plan list Ina Jackson as "Wife" to Robert Jackson. Next to her name is not dependent member as the legal definition by 25 CFR § 242.2 voids her from being considered a dependent member. At the time this Distribution was written the definition of "Wife" according to California Law was they would be equal parties and share in distribution as one unit. The Distribution Plan did not state anywhere she was considered a dependent, so there would be no reason to file an appeal or object to the plan. The Federal Register, August 1, 1961, FR 6875 never stated Ina Jackson was a dependent. For Amy Dutschke to state that is fraudulent. All legal terminology and definitions Ina Jackson being listed as "Wife" places her

as a distributee. She was not property of Robert Jackson nor was she considered second class to her husband.

RELIEF SOUGHT

Ina Jackson's family would like for the Board of Indian Appeals or the Assistant Secretary of Indian Affairs to review all evidence and records over the distribution of Mooretown Plan and make the determination that Ina Jackson was a distributee and not just a "wife". All records and evidence provided has shown that Ina Jackson did not qualify as a dependent and her being listed as "wife" would make her the same as her husband Robert Jackson and that is a distributee. The definition of "wife" has been the request of the Jackson family this entire time. For some to say she was only a wife on the plan is incorrect. For some to say she was a dependent on the plan is incorrect because she was not a dependent to Robert Jackson as all of the evidence provided has proven that. At no time has anyone with the BIA been able to provide any record from the Distribution Plan or Memorandums that shows Ina Jackson was stated to be a dependent or that a "Wife" being labeled on the plan would be considered a dependent. All the records obtained by the BIA has only shown that Ina Jackson was just as much as a distributee as Robert Jackson and that she was acknowledged on multiple letters from the BIA that her rights would be protected. She is under Parcel 1 with Robert Jackson as one Unit. Robert Jackson did not vote as a single person but voted with Ina Jackson as one unit, they shared in this distribution so at the time since it did not state Ina Jackson was a dependent member there would have been no reason for Robert and Ina Jackson to question her being listed as "Wife".

I pray that the Board of Indian Appeals and/or the Assistant Secretary of Indian Affairs find that all records and evidence provided proves that Ina Jackson was a distributee and that her name being listed as "Wife" was only acknowledging that was her status to Robert Jackson and in that they shared in distribution and were both considered distributees. We also pray that Statuary Construction is utilized and that the final resolution to this appeal brings closure to this issue in that Ina Jackson was a distributee and our family can move forward.

Very truly yours,



Attachments

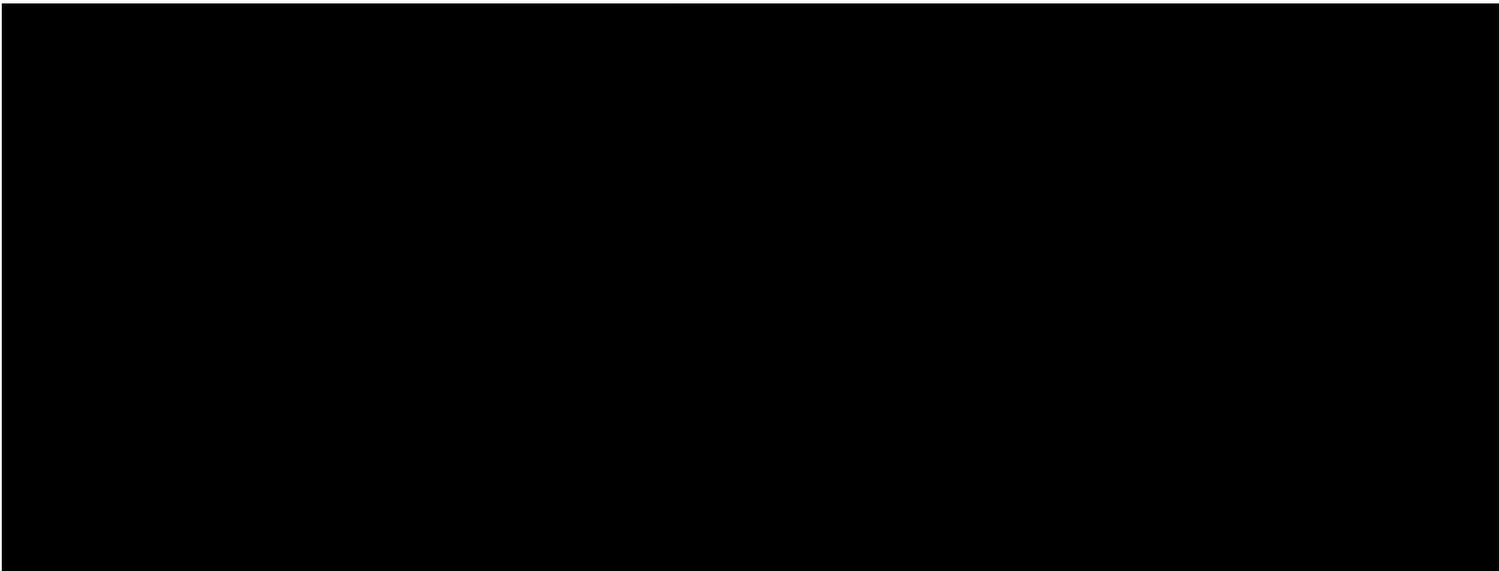
Cc:

Assistant Secretary of Indian Affairs Tara Kutuk Mac Lean Sweeny
Certified Mail 7018 3090 0000 0609 0182

Director Amy Dutschke, Pacific Region Office
Certified Mail 7018 3090 0000 0609 0175

U.S. Congresswomen Deb Haaland, 1st District of New Mexico
Certified Mail 7018 3090 0000 0609 0168

U.S. Senator James Lankford, United States Senator for Oklahoma
Certified Mail 7018 3090 0000 0609 0151



490 F.3d 785

Danny L. WILLIAMS; Beverly A. Clark-Miller; Freddie A. Gramps, Jr.; Carrie Jean Pedrini-Pierson; Christine Marie Dobis; Cindy Lusk Wicklander; Claudia Gramps; Gary Lee Seek; Jacqueline Marie Conn; Davida E. Gramps; Julia Jarvis Wicklander; Lavonne Tracy Woods Gramps; Lawrence Ira Seek; Rhonda Leann Corkin; Richard Wicklander; Ricky Dale Gramps; Ronald Seek; Rose Shumard Wicklander; Roxanne Gramps; Russell D. Gramps; Susanne Gramps; Teresa Marie Liske; Vivian Sebring; Junior Dale Edwards; Shirley Faye Underwood; Cherrie Marie Clark; Teresa Juanita Clark, Coy Eugene Clark; Clinton Wayne Staton; Georgia May Burdick Georgia May Burdick Honroth; Robert Allen Honroth; Robert Stanley Roth; Clifford Miles Burdick; Michelle Rene Burdick Michelle Rene' Burdick Shields; Pamela Sue Burdick Pamela Sue Burdick Terry; Richard Miles Burdick; Bonita Lynn Burdick Chambers; George Ronad Burdick; Georgina Danyel Burdick; Kasey Brook Burdick; Neville Brand Burdick; Emma Jean Timmons Tuttle; Lawrence Tuttle; Karen Tuttle Wesr; Raymond Tuttle; David Fields; Ellen Seek; Larry Graques, Sr.; Richard W. Graves; Charles M. Graves; Pearl W. Wagner; Melba Ellen Razo; Charles Wesley Graves; Larry Graves, Jr.; Fran Hawkins; Lori Watkins; Leanna Graves; Kim Graves; Ronald Ardel Graves; Joann Parsons; Janice Kaye Wright; Cristina Lynn Wilson; Sue Brown Denise; Rickie Dean Wilson; David Lee Wilson, Plaintiffs-Appellants,

v.

Kevin GOVER, Defendant, and Clay Gregory, Regional Director of the Pacific Region of the Bureau of Indian Affairs; Troy Burdick, Superintendent

of the Central California Agency of the Bureau of Indian Affairs; United States of America; Aurene Martin, as Acting Assistant Secretary of the Interior for Indian Affairs; Neal McCaleb, as Assistant Secretary of the Interior for Indian Affairs, Defendants-Appellees.

[490 F.3d 786]

No. 04-17482.

United States Court of Appeals, Ninth Circuit.

Argued and Submitted November 14, 2006.

Filed June 20, 2007.

[490 F.3d 787]

Dennis G. Chappabitty, Sacramento, CA, for the appellants.

Kristi C. Kapetan (argued), Assistant U.S. Attorney, Fresno, CA, and Debora G. Luther (briefed), Assistant U.S. Attorney, Sacramento, CA, for the appellees.

Appeal from the United States District Court for the Eastern District of California; William B. Shubb, Chief District Judge, Presiding, D.C. No. CV-01-02040-WBS.

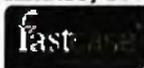
Before: ANDREW J. KLEINFELD and SIDNEY R. THOMAS, Circuit Judges, and RONALD B. LEIGHTON, District Judge.

KLEINFELD, Circuit Judge.

This case is controlled by the proposition that an Indian tribe has the power to decide who is a member of the tribe.

Facts

Plaintiffs claim that they are descended from people who were named as members of the Mooretown Rancheria Indian tribe in either a 1915 census or a 1935 tribal voter list. "Rancherias are numerous small Indian reservations or communities in California, the



lands for which were purchased by the Government (with Congressional authorization) for Indian use from time to time in the early years of [the twentieth] century — a program triggered by an inquiry (in 1905-06) into the landless, homeless or penurious state of many California Indians."¹ In 1958, the Mooretown Rancheria consisted of two separated 80 acre parcels of land in Butte County, California, near Oroville.

Congress adopted the California Rancheria Termination Act in 1958 in order to distribute rancheria lands to individual Indians.² The Act provided for the conveyance of rancheria assets, with unrestricted title, to the individual Indians living there, if a majority of the Indians voting approved. Before conveyance, the Act required the government to survey the land owned by the rancheria, construct or improve the roads serving the rancheria, install or rehabilitate irrigation, sanitation, and domestic water systems, and exchange land held in trust for the rancheria.³ The

[490 F.3d 788]

Indians who received the assets would not thereafter be entitled to the services provided by reason of Indian status.⁴

Two families occupied the two 80 acre parcels constituting the Mooretown Rancheria. In 1959, the families voted for termination of Mooretown Rancheria and distribution of its land under the Act, and the government distributed the parcels to the members of those families. In 1979, members of thirty-four terminated tribes, including Mooretown Rancheria, filed a class action seeking restoration of tribal status for rancherias. In 1983, the government entered into a consent decree in a class action, restoring the Mooretown Rancheria as a federally-recognized rancheria and Indian tribe.⁵

The Bureau of Indian Affairs ("BIA") invited the plaintiffs and class members at Mooretown Rancheria to a meeting in June 1984. At the meeting, BIA officers explained that each individual landowner could reconvey his or her land to the United States to be held in trust (avoiding taxes and local regulation but subjecting the land to some federal control), or not, as they chose, and that the tribe could form a government. No one chose to put their land in trust and the tribal members at the meeting chose not to organize a tribal government.

Three years later, sentiments had changed. In October 1987, tribal members organized a tribal meeting. They invited all direct descendants of the people who lived at Mooretown Rancheria when it was terminated in 1959, the BIA, and anyone else interested in attending. The BIA did not organize the meeting and no one from the BIA attended the meeting. The lead plaintiff in this case did attend the meeting. At the October 1987 meeting, Mooretown Rancheria decided to organize a tribal government. Soon afterward, Mooretown Rancheria adopted a tribal constitution. According to the constitution, tribal membership consisted of the four people to whom Mooretown Rancheria was distributed upon termination in 1959, their dependents, and lineal descendants of those distributees and their dependents.

The problem that led to this lawsuit is that the plaintiffs got squeezed out of full tribal membership. A 1998 tribal resolution further narrowed full tribal membership to "only those members who are direct lineal descendants of the four distributees." Other tribal members were "reclassified" by the resolution as "adoptee members." Thus, although the plaintiffs are Concow-Maidu Indians descended from people who have lived at Mooretown Rancheria for a very long time, they lack the rights of full members of the Mooretown Rancheria tribe. This does not affect their status as Indians for the purpose

of federal governmental benefits conferred on Indians. But it does affect their tribal voting rights. Depending on tribal decisions, it may also affect their right to a share of the revenues generated by tribal casinos and other tribal activities.

Plaintiffs sued officials of the Department of the Interior, Bureau of Indian Affairs. They did not sue Mooretown Rancheria. The district court dismissed the case on a motion to dismiss and for summary judgment, and plaintiffs appeal.

[490 F.3d 789]

Analysis

Plaintiffs have an insuperable problem with their case. An Indian tribe has the power to define membership as it chooses, subject to the plenary power of Congress.⁶ Nor need the tribe, in the absence of Congressional constraints, comply with the constitutional limitations binding on federal and state governments when it exercises this and other powers. In 1978, the Supreme Court held in *Santa Clara Pueblo v. Martinez* that "[a]s separate sovereigns pre-existing the Constitution, tribes have historically been regarded as unconstrained by those constitutional provisions framed specifically as limitations on federal or state authority."⁷ Even where there is some legal constraint on tribes, "without congressional authorization, the Indian Nations are exempt from suit."⁸ "[T]he tribes remain quasi-sovereign nations which, by government structure, culture, and source of sovereignty are in many ways foreign to the constitutional institutions of the Federal and State governments."⁹

Doubtless because of these well-established limitations, plaintiffs style their complaint as against the BIA, rather than the tribe. They have two theories.

First, plaintiffs argue that the BIA violated the Administrative Procedure Act by adopting a "rule" without the required notice and comment procedure.¹⁰ The district court rejected this argument, finding that the BIA never promulgated any "rule." We agree.

It is unclear what "rule" plaintiffs suppose that the BIA promulgated. Plaintiffs note that when the *Hardwick* stipulated class action judgment restored a number of terminated rancherias, BIA memoranda mentioned using the lists of people to whom the rancherias were distributed upon termination, their dependents, and their lineal descendants as a starting point for determining the tribal membership rolls. If the BIA had promulgated such a rule providing for tribal membership, it putatively would impair the claims of plaintiffs in this case, who are descendants of people who appear in the 1915 tribal census and 1935 tribal voter roll, but are not descendants of the distributees.

But the BIA carefully avoided promulgating any such rule or policy, respecting the right of the various restored rancherias to define their own memberships. In 1984, the BIA invited the known *Hardwick* plaintiffs and class members to a meeting

[490 F.3d 790]

where it told them about the *Hardwick* settlement and offered to help them form a tribal government, if they chose to do so. The eleven people who came to the Mooretown Rancheria meeting chose not to organize a formal government. In 1987, Mooretown Rancheria invited the BIA — not the other way around — to an "open meeting," where the Rancheria organized a tribal roll. The invitation, apparently from a member of Mooretown Rancheria, was addressed to direct descendants of the four distributees, but expressly stated that the meeting was "open" and "anyone interested in attending is welcome."

No one from the BIA attended the 1987 meeting. The lead plaintiff in this case did attend. Plaintiffs do not claim that Mooretown Rancheria organized behind their backs. At the meeting, Mooretown Rancheria organized a tribal government. The Rancheria sent the BIA a copy of the attendance list. The BIA provided neither a membership list nor membership criteria. In 1998, Mooretown Rancheria sent the BIA a copy of its Constitution and Enrollment List,¹¹ limiting tribal membership to lineal descendants of the four 1959 distributees.

We cannot identify anything the BIA did that constitutes promulgating a "rule" under the Administrative Procedure Act. The BIA never told Mooretown Rancheria who should qualify for tribal membership. When the BIA invited people to a meeting in 1984, it addressed the invitation, "Dear Plaintiff and Class member." The phrase "class member" referred to the *Hardwick* class action. When Mooretown Rancheria organized, some of the plaintiffs were members. But when in 1998, Mooretown Rancheria decided to limit tribal membership to "only those members who are direct *Lineal Descendants* of the four distributees,"¹² those plaintiffs were squeezed out. Uncontradicted evidence establishes that Mooretown Rancheria itself squeezed them out, and that it did not act at the behest of the BIA.

Under *Santa Clara Pueblo*,¹³ Mooretown Rancheria had the power to squeeze the plaintiffs out, because it has the power to define its own membership. It did not need the BIA's permission and did not ask for it, and the BIA never purported to tell it how to define its membership. Plaintiffs argue that the BIA had a policy amounting to a "rule"¹⁴ that tribal membership in restored rancherias ought to consist of the original distributees and their lineal descendants. We find no evidence of any such policy in the record. And given a tribe's sovereign authority to define its own membership, it is unclear how the BIA could have any such policy.

Plaintiffs's best evidence of a BIA policy is its 1984 invitation, which was addressed, "Dear Plaintiff and Class member." Plaintiffs also point to scattered remarks in

[490 F.3d 791]

BIA documents that suggest the BIA looked to the "distributees and heirs" language of the *Hardwick* stipulated class action judgment when it decided whom it should contact about reviving other restored rancherias. The *Hardwick* stipulated judgment defined the class as distributees of each rancheria and their "Indian heirs, legatees or successors in interest." Plaintiffs can only point to the address, and do not purport to challenge the class definition upon which the BIA based the address. The letter did not suggest any tribal membership criteria, did not result in any organization of Mooretown Rancheria (which chose at that time not to reorganize), and did not coincide with the membership criterion that squeezed plaintiffs out when Mooretown Rancheria eventually adopted the membership criterion fourteen years later.

The record does not establish that the BIA had any "rule" governing tribal membership or suggesting tribal membership criteria in restored rancherias. It does not establish that the BIA had any rule— or that Mooretown Rancheria followed any rule— regarding who could attend tribal meetings and participate in organizing a tribal government. And without a "rule," there can be no violation of the Administrative Procedure Act notice and comment requirements for rules.

Second, plaintiffs argue that the BIA denied them due process of law under the Fifth Amendment because BIA action deprived them of tribal membership. As explained above, nothing in the record supports this allegation. Also, no facts could be proved that would establish such a deprivation. *Santa Clara Pueblo* and its predecessors establish that "[a] tribe's right to

define its own membership for tribal purposes has long been recognized as central to its existence as an independent political community."¹⁵ For this reason, the BIA could not have defined the membership of Mooretown Rancheria, even if had tried.

Plaintiffs suggest that we should distinguish *Santa Clara Pueblo* because the Santa Clara Pueblo were a continuously existing tribe,¹⁶ while Mooretown Rancheria was terminated and restored. Such a distinction would be unsound, because it would deprive restored tribes of the power to determine their own membership. Nothing in the *ratio decidendi* of *Santa Clara Pueblo* supports such a distinction. Throughout the twentieth century, tribal organization or the lack thereof presented the members of Mooretown Rancheria with both benefits and detriments, and from time to time their decisions and preferences varied. The termination and restoration of Mooretown Rancheria does not justify depriving it of its sovereign power to define its membership when it organized a tribal government in 1987.

AFFIRMED.

Notes:

* Clay Gregory is substituted for his predecessor, Ronald Jaeger, as Regional Director [formerly known as "Area Director"] of the Pacific Region [formerly, the Sacramento Area Office] of the Bureau of Indian Affairs, pursuant to Fed. R.App. P. 43(c)(2).

** Troy Burdick is substituted for his predecessor, Dale Risling, as Superintendent of the Central California Agency of the Bureau of Indian Affairs, pursuant to Fed. R.App. P. 43(c)(2).

*** The Honorable Ronald B. Leighton, United States District Judge for the Western District of Washington, sitting by designation.

1. *Duncan v. United States*, 229 Ct.Cl. 120, 667 F.2d 36, 38 (1981).

2. California Rancheria Termination Act, Pub.L. No. 85-671, 72 Stat. 619 (1958).

3. California Rancheria Termination Act, Pub.L. No. 85-671, § 3, 72 Stat. 619, 620 (1958) (as amended by Pub.L. No. 88-419, 78 Stat. 390 (1964)). *See also Hopland Band of Pomo Indians v. United States*, 855 F.2d 1573, 1574 (Fed.Cir.1988).

4. California Rancheria Termination Act, Pub.L. No. 85-671, § 10(b), 72 Stat. 619, 621 (1958) (as amended by Pub.L. No. 88-419, 78 Stat. 390 (1964)). *See also Hopland Band of Pomo Indians v. United States*, 855 F.2d 1573, 1575 (Fed.Cir.1988).

5. *Hardwick v. United States*, No. C 79-1710 SW (N.D.Cal.1983).

6. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 72, 98 S.Ct. 1670, 56 L.Ed.2d 106 (1978) ("A tribe's right to define its own membership for tribal purposes has long been recognized as central to its existence as an independent political community."). *See Adams v. Morton*, 581 F.2d 1314, 1320 (9th Cir.1978) ("[U]nless limited by treaty or statute, a Tribe has the power to determine tribal membership."), *accord, Apodaca v. Silvas*, 19 F.3d 1015 (5th Cir.1994) (per curiam); *Smith v. Babbitt*, 100 F.3d 556 (8th Cir.1996); *Ordinance 59 Assn. v. United States Dept. of the Interior*, 163 F.3d 1150 (10th Cir.1998). *See also, Felix S. Cohen*, Handbook of Federal Indian Law 98-100, 133-37 (1942).

7. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 56, 98 S.Ct. 1670, 56 L.Ed.2d 106 (1978) (Marshall, J.). *Santa Clara Pueblo* cites *Roff v. Burney*, 168 U.S. 218, 18 S.Ct. 60, 42 L.Ed. 442 (1897). In *Roff*, the Supreme Court held that the "only restriction on the power" of an

Indian tribe "to legislate in respect to its internal affairs is that such legislation shall not conflict with the Constitution or laws of the United States." *Roff v. Burney*, 168 U.S. 218, 222, 18 S.Ct. 60, 42 L.Ed. 442 (1897).

8. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 56, 98 S.Ct. 1670, 56 L.Ed.2d 106 (1978).

9. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 71, 98 S.Ct. 1670, 56 L.Ed.2d 106 (1978).

10. 5 U.S.C. § 551.

11. Mooretown Rancheria is not organized under the Indian Reorganization Act, so the BIA did not require it to provide these materials.

12. Mooretown Rancheria, Resolution 98-218, Reclassification of Membership in Accordance With the Constitution of the Mooretown Rancheria, February 18, 1998 (emphasis in original).

13. *Santa Clara Pueblo v. Martinez* 436 U.S. 49, 56, 98 S.Ct. 1670, 56 L.Ed.2d 106 (1978).

14. 5 U.S.C. § 551(4) ("`rule' means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing").

15. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 72, 98 S.Ct. 1670, 56 L.Ed.2d 106 (1978).

16. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 98 S.Ct. 1670, 56 L.Ed.2d 106 (1978).

SUBCHAPTER V—TERMINATION OF FEDERAL-INDIAN RELATIONSHIPS

SUBCHAPTER V—TERMINATION OF FEDERAL-INDIAN RELATIONSHIPS [ADDED]

PART 242—CALIFORNIA RANCHERIAS AND RESERVATIONS—DISTRIBUTION OF ASSETS

Sec.	
242.1	Purpose and scope.
242.2	Definitions.
242.3	Plan of distribution.
242.4	General notice.
242.5	Objections to plan.
242.6	Referendum.
242.7	Beneficial interest.
242.8	Organized rancheria or reservation.
242.9	Rancheria or reservation business corporation.
242.10	Proclamation.

AUTHORITY: §§ 242.1 to 242.10 issued under sec. 12 of the Act of August 18, 1958 (72 Stat. 619).

SOURCE: §§ 242.1 to 242.10 appear at 24 F.R. 4658, June 9, 1959.

§ 242.1 Purpose and scope.

The purpose of this part is to provide policies and procedures governing the distribution of the assets of the following rancherias and reservations in the State of California: Alexander Valley, Auburn, Big Sandy, Big Valley, Blue Lake, Buena Vista, Cache Creek, Chicken Ranch, Chico, Cloverdale, Cold Springs, Elk Valley, Guidiville, Graton, Greenville, Hopland, Indian Ranch, Lytton, Mark West, Middletown, Montgomery Creek, Mooretown, Nevada City, North Fork, Paskenta, Picayune, Pinoleville, Potter Valley, Quartz Valley, Redding, Redwood Valley, Robinson, Rohnerville, Ruffeys, Scotts Valley, Smith River, Strawberry Valley, Table Bluff, Table Mountain, Upper Lake and Wilton.

§ 242.2 Definitions.

As used in this part, terms shall have the meanings set forth in this section.

(a) "Adult Indian" means any Indian who is an adult under the laws of the State in which he is domiciled.

(b) "Distributee" means any Indian who is entitled to receive, under a plan prepared pursuant to section 2 of the Act of August 18, 1958 (72 Stat. 619), any assets of a rancheria or reservation.

(c) "Dependent members", as used in the phrase "dependent members of their immediate families", includes all persons for whose support the distributee is legally liable according to the laws of the State of California and who are related by blood or adoption or by marriage, including common law or customary marriage, who are domiciled in the household of the distributee, and who receive more than one-half of their support from such distributee.

(d) "Formal assignment" means any privilege of use and/or occupancy of the real property of a rancheria or reservation which is evidenced by a document in writing.

(e) "Informal assignment" means any privilege or claim of privilege of use and/or occupancy of the real property of a rancheria or reservation, not based on an instrument in writing.

§ 242.3 Plan of distribution.

The plan of distribution to be prepared under section 2 of the Rancheria Act shall be in writing and may be prepared by those Indians who hold formal or informal assignments on the rancheria or reservation involved, or by those Indians who have or claim to have some special relationship to the particular rancheria or reservation involved, not shared by Indians in general, or may be prepared by the Secretary of the Interior after consultation with such Indians. Any such plan must be approved by the Secretary before submission to the distributees for approval. Such plan shall provide for a description of the class of persons who shall be entitled to participate in the distribution of the assets and shall identify, by name and last known address, those persons to be distributees under the plan and dependent members of their immediate family.

§ 242.4 General notice.

When the Secretary has approved a plan for the distribution of the assets of a rancheria or reservation, a general



§ 242.5

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notice of the contents of such plan shall be given in the following manner:

(a) Service by regular mail, or in person, of a copy of the plan to those who participated in the drafting of the plan, and to the distributees named in the plan.

(b) Service by regular mail, or in person, of a copy of the plan to all other persons who have indicated by a letter addressed to the Area Director that they claim an interest in the assets of the rancheria or reservation involved.

(c) Posting a copy of the plan in a public place on the rancheria or reservation, and in the Post Office serving the rancheria or reservation.

§ 242.5 Objections to plan.

Any Indian who feels that he is unfairly treated in the proposed distribution of the property of a rancheria or reservation as set forth in a plan prepared and approved under § 242.3 may, within 30 days after the date of the general notice, submit his views and arguments in writing to the Area Director, Bureau of Indian Affairs, P.O. Box 749, Sacramento, California. The Area Director shall act for persons who are minors or non compos mentis if he finds that such persons are unfairly treated in the proposed distribution of the property. Such views and arguments shall be promptly forwarded by the Area Director for consideration by the Secretary.

§ 242.6 Referendum.

After consideration by the Secretary of all views and arguments, the plan or a revision thereof, and a notice of a referendum meeting, shall be sent by registered mail, return receipt requested, to each distributee. Thereafter, the Secretary shall cause a referendum to be held at a general meeting of the distributees, at the time and place set forth in the notice of the meeting. Any adult Indian distributee may indicate his acceptance or rejection of the plan by depositing his ballot in a ballot box at the meeting place or by mailing his ballot to the Area Director, Bureau of Indian Affairs, P.O. Box 749, Sacramento, California, clearly marked on the envelope the rancheria or reservation referendum for which the ballot is being submitted. All ballots which are mailed shall be posted so as to be received at least two days before the date set for the referendum meeting. Ballots received thereafter shall not be

accepted. At the close of the meeting all ballots shall be counted; and if the plan is approved by a majority of the adult Indian distributees, it shall be final and shall take effect on the date approved.

§ 242.7 Beneficial interest.

Upon approval of a plan or a revision thereof by the Secretary of the Interior, and acceptance by a majority of the adult Indian distributees, the distributees listed in the plan shall be the final list of Indians entitled to participate in the distribution of the assets of the rancheria or reservation and the rights or beneficial interests in the property of each person whose name appears on this list shall constitute vested property which may be inherited or bequeathed but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such property.

§ 242.8 Organized rancheria or reservation.

When a plan for the distribution of the assets of a rancheria or reservation organized under section 16 of the Indian Reorganization Act (25 U.S.C. 476) shall have been approved and adopted at a referendum held for the purpose, the governing body of such constitutional rancheria or reservation shall cause a final financial statement to be prepared, including a certificate that all the obligations and debts of said rancheria or reservation have been liquidated or adjusted and that all the assets have been or are simultaneously therewith conveyed to persons or groups authorized by law to receive them which may include any organization under State law. The constitution of the group shall upon receipt of a satisfactory certificate of completion be revoked by the Secretary.

§ 242.9 Rancheria or reservation business corporation.

When a plan for the distribution of the assets of a tribal business corporation has been approved and adopted by a referendum held for the purpose, the Board of Directors, or equivalent, of such Indian business corporation shall cause a final financial statement to be prepared and submitted to the Area Director, including a certificate that all the obligations and debts of said corporation have been liquidated or adjusted and that all the assets of such corporation have been or

§ 242.10

Title 25--Chapter I

§ 242.10

are simultaneously therewith conveyed to persons or corporations authorized by law to receive them. The charter of the group shall upon receipt of a satisfactory certificate of completion be revoked by the Secretary.

§ 242.10 Proclamation.

When the provisions of a plan have been carried out to the satisfaction of the Secretary, he shall publish in the **FEDERAL REGISTER** a proclamation declaring that the special relationship of the United States to the rancheria or reservation and to the distributees and the dependent members of their immediate families is terminated. The proclamation shall list the names of the distributees and dependent members of their immediate families who are no longer entitled to any services performed by the United States for Indians because of their status as Indians.



IN REPLY REFER TO:
Tribal Programs
103.3

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
Sacramento Area Office
P. O. Box 749
Sacramento 4, California



APR 9 1958

AIR MAIL

Commissioner, Bureau of Indian Affairs

Washington 25, D. C.

Attention: Legislative Associate
Commissioner

Dear Sir:

Inasmuch as Mooretown Rancheria has been the subject of correspondence between you and Congressman Engle and since there is the possibility that the rancheria may be added to the Rancheria Bill, the following information is furnished.

Mooretown Rancheria is located about one and one-half miles from the town of Feather Falls in Butte County, California. It consists of two eighty acre tracts, one-half mile apart. The eastern tract was purchased in 1915 from the Central Pacific Railway. It is presently occupied by Mr. Fred Taylor who, according to the enclosed statement, has lived continuously on the rancheria since prior to its purchase by the Federal Government. The second house on this tract belongs to Mr. Taylor's step-daughter, Mrs. Katy Archuleta, who presently lives in the neighboring town of Oroville but whose non-Indian husband, and occasionally some of their children, continue to occupy the house.

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The western tract, which was set aside by Executive Order of June 6, 1894, has been occupied for the past eighteen years by Mr. and Mrs. Robert Jackson. Mr. Engle's letter to you of March 18, 1958, refers to a letter of February 4, 1958, written on behalf of Mr. Jackson by a son-in-law, Herman Steidel. Enclosed are copies of a letter written in 1954 and on January 9, 1958, also in Mr. Jackson's behalf.

Both portions of the rancheria are presently served with adequate roads. Both the Taylor and the Jackson homes have electricity and obtain domestic water from good springs which have been developed and are pumped to the houses. Both residents have rights to irrigation water from a ditch crossing the rancheria. Both Mr. and Mrs. Jackson and Mr. Taylor receive Old Age Security payments



from the Butte County Welfare Department. The exterior boundaries of the rancheria were surveyed by this office in March of 1954. The land is used primarily for home sites and is not arable except for a small garden plot adjoining each house. Should title to the rancheria be transferred to the resident occupants, no particular problems or difficulties are foreseen except the possible need for internal surveys. A work sheet such as was furnished for other rancherias in the group is enclosed.

Sincerely yours,

A handwritten signature in cursive script that reads "Leonard M. Hill".

Area Director

Enclosures 5

September 15, 1958



United States
Department of the Interior
Bureau of Indian Affairs
Sacramento Area Office
Sacramento 4, California

Dear Sirs:

In reference to Public Law 85-671, we, the undersigned, summarize our reasons for asking for a clear fee simple title to the land we are occupying.

I, Robert Jackson and my wife Ina Jackson, have lived here at Mooretown Rancheria as sole residents for nineteen years.

At the time we took up our residence here, there was only a small cabin in run-down condition on the place. We made necessary repairs so that we could live in it. There were also a few fruit trees in neglected condition that required work to make them produce again.

As I was still able to work at that time, we saved and started to make improvements. We started a new house which we completed over the years. We also planted our fruit trees and cleared a large garden area and fenced it in.

During our years here we also had electricity brought in to the place and ran our house wires. As there were interruptions in the water supply, we had to build a small reservoir and install a pressure system. This supplies water to our house.

Two years ago we added a bathroom to our house and had kitchen gas installed which we use for cooking and the water heater.

All this has been accomplished through our own hands over the years. We have endeavored to make a home for ourselves according to the best of our means and ability, without any help.



- 2 -

As early as 1948, when we first contacted the Bureau of Indian Affairs in reference to securing a trust patent, the former area director, Walter Wohlke, gave us the right to make improvements, and assured us they would be safe.

Therefore it has been our hope for years to one day have clear title to the land we occupy, that we could rest assured we own our home and to protect our investments and labor we have expended here.

Sincerely yours,

Signed Robert Jackson
Robert Jackson

Signed Ina Jackson
Ina Jackson

Written by Herman Steidl
Herman Steidl
2705 Fay Way
Croville, California

Walz
By

March 15, 1959



United States
Department of the Interior
Bureau of Indian Affairs
Washington 25, D.C.

Dear Sirs:

In reference to Public Law 85-671, under section 2, we, the undersigned, summarize our reasons for asking for a clear fee simple title to the land we are occupying.

I, Robert Jackson and my wife Ina Jackson, have lived here on Mooretown Rancheria as sole residents for nineteen years.

At the time we took up our residence here, there was only a small cabin in run-down condition on the place. We made necessary repairs so that we could live in it. There were also a few fruit trees in neglected condition that required much work to make them produce again.

As I was still able to work at that time, we saved and started to make improvements. We started a new house which we completed over the years. We also planted new fruit trees and cleared a large garden area and fenced it in.

During our years here we also had electricity brought in to the place and had our house wired. As there were interruptions in our supply of water, we had to build a small reservoir and install a pressure system. This supplies water to our house.

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620

Two years ago we added a bathroom to our house and had butane gas installed which we use for cooking and the water heater.

All this has been accomplished through our own means over the years. We have endeavored to make a home for ourselves according to the best of our means and ability, without any help.

As early as 1948, when we first contacted the Bureau of Indian Affairs in reference to securing a trust patent, the former area director, Walter Wohlke, gave us the right to make improvements, and assured us they would be safe.



- 2 -

Therefore it has been our hope for years to one day have clear title to the land we occupy, that we could rest assured we own our home and to protect our investments and labor we have expanded here.

Sincerely yours,

Signed Robert Jackson
Robert Jackson

Signed Ina Jackson
Ina Jackson

Mooretown Indian Rancheria
Feather Falls, Star Route
Oroville, California

Prepared by Ferman Steidl
Ferman Steidl

Tribal Programs
3492-59

FILE COPY
SURNAME:

<i>Wah</i>
<i>managan</i>

Mr. Robert Jackson
Mooretown Indian Rancheria
Feather Falls, Star Route
Oreville, California

Dear Mr. Jackson:

We know that you and your wife are concerned over the distribution of the assets of the Mooretown rancheria. Let us reassure you that you will not lose any of the investments you have made on this land. There are other Indians who are claiming certain portions of one of the two eighty-acre plots which make up the rancheria, but we do not think their claims involve any of the interests you have on this property.

All of the Indians who have any interest on the rancheria must make a plan for the distribution of the land. This plan must be approved by the Secretary of the Interior and accepted by everyone who will receive a parcel of the land. If the Indians need any help in making the plan, our Area Director in Sacramento has been given the authority to assist them. We must have the distribution plan sent to us for study before we can determine whether the proposed distribution of the land is equitable.

We are sending Mr. Leonard M. Hill, the Area Director, a copy of your letter of March 15. He will assist you and the other Indians of the rancheria in making your plan if you feel you need his help. We want to assure you and your wife again that your interests at Mooretown will be protected.

Sincerely yours,

Commissioner

cc: AD, Sacramento
350

Do not file
Return to
Branch of Tribal
Programs

CARBON FOR INDIAN OFFICE



PFWalzigbm 3-27-59

BIA Surname
Chrony
Mailroom
Holdup

PUBLIC LAW 85-671

AN ACT

To provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes.

[August 18, 1958; H. R. 2824]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lands, including minerals, water rights, and improvements located on the lands, and other assets of the following rancherias and reservations in the State of California shall be distributed in accordance with the provisions of this Act: Alexander Valley, Auburn, Big Sandy, Big Valley, Blue Lake, Buena Vista, Cache Creek, Chicken Ranch, Chico, Cloverdale, Cold Springs, Elk Valley, Guidiville, Graton, Greenville, Hopland, Indian Ranch, Lytton, Mark West, Middletown, Montgomery Creek, Mooretown, Nevada City, North Fork, Paskenta, Picayune, Pinoleville, Potter Valley, Quartz Valley, Redding, Redwood Valley, Robinson, Rohnerville, Ruffeys, Scotts Valley, Smith River, Strawberry Valley, Table Bluff, Table Mountain, Upper Lake, Wilton.

SEC. 2. (a) The Indians who hold formal or informal assignments on each reservation or rancheria, or the Indians of such reservation or rancheria, or the Secretary of the Interior after consultation with such Indians, shall prepare a plan for distributing to individual Indians the assets of the reservation or rancheria, including the assigned and the unassigned lands, or for conveying such assets to a corporation or other legal entity organized or designated by the group, or for conveying such assets to the group as tenants in common. The Secretary shall provide such assistance to the Indians as is necessary to organize a corporation or other legal entity for the purposes of this Act.

(b) General notice shall be given of the contents of a plan prepared pursuant to subsection (a) of this section and approved by the Secretary, and any Indian who feels that he is unfairly treated in the proposed distribution of the property shall be given an opportunity to present his views and arguments for the consideration of the Secretary. After such consideration, the plan or a revision thereof shall be submitted for the approval of the adult Indians who will participate in the distribution of the property, and if the plan is approved by a majority of such Indians who vote in a referendum called for that purpose by the Secretary the plan shall be carried out. It is the intention of Congress that such plan shall be completed not more than three years after it is approved.

(c) Any grantee under the provisions of this section shall receive an unrestricted title to the property conveyed, and the conveyance shall be recorded in the appropriate county office.

(d) No property distributed under the provisions of this Act shall at the time of distribution be subject to any Federal or State income tax. Following any distribution of property made under the provisions of this Act, such property and any income derived therefrom by the distributee shall be subject to the same taxes, State and Federal, as in the case of non-Indians: Provided, That for the purpose of capital gains or losses the base value of the property shall be the value of the property when distributed to the individual, corporation, or other legal entity.



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SEC. 3. Before making the conveyances authorized by this Act on any rancheria or reservation, the Secretary of the Interior is directed:

(a) To cause surveys to be made of the exterior or interior boundaries of the lands to the extent that such surveys are necessary or appropriate for the conveyance of marketable and recordable titles to the lands.

(b) To complete any construction or improvement required to bring Indian Bureau roads serving the rancherias or reservations up to adequate standards comparable to standards for similar roads of the State or subdivision thereof. The Secretary is authorized to contract with the State of California or political subdivisions thereof for the construction or improvement of such roads and to expend under such contracts moneys appropriated by Congress for the Indian road system. When such roads are transferred to the State or local government the Secretary is authorized to convey rights-of-way for such roads, including any improvements thereon.

(c) To install or rehabilitate such irrigation or domestic water systems as he and the Indians affected agree, within a reasonable time, should be completed by the United States.

(d) To cancel all reimbursable indebtedness owing to the United States on account of unpaid construction, operation, and maintenance charges for water facilities on the reservation or rancheria.

(e) To exchange any lands within the rancheria or reservation that are held by the United States for the use of Indians which the Secretary and the Indians affected agree should be exchanged before the termination of the Federal trust for non-Indian lands and improvements of approximately equal value.

SEC. 4. Nothing in this Act shall abrogate any water right that exists by virtue of the laws of the United States. To the extent that the laws of the State of California are not now applicable to any water right appurtenant to any lands involved herein they shall continue to be inapplicable. While the water right is in Indian ownership for a period not to exceed fifteen years after the conveyance pursuant to this Act of an unrestricted title thereto, and thereafter the applicability of such laws shall be without prejudice to the priority of any such right not theretofore based upon State law. During the time such State law is not applicable the Attorney General shall represent the Indian owner in all legal proceedings, including proceedings before administrative bodies, involving such water right, and in any necessary affirmative action to prevent adverse appropriation of water which would encroach upon the Indian water right.

SEC. 5. (a) The Secretary of the Interior is authorized to convey without consideration to Indians who receive conveyances of land pursuant to this Act, or to a corporation or other legal entity organized by such Indians, or to a public or non-profit body, any federally owned property on the reservations or rancherias subject to this Act that is not needed for the administration of Indian affairs in California.

(b) For the purposes of this Act, the assets of the Upper Lake Rancheria and the Robinson Rancheria shall include the one-hundred-and sixty-acre tract set aside as a wood reserve for the Upper Lake Indians by secretarial order dated February 15, 1907.

(c) The Secretary of the Interior is authorized to sell the five hundred and sixty acres of land, more or less, which were withdrawn from entry, sale, or other dis-

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position, and set aside for the Indians of Indian Ranch, Inyo County, California, by the Act of March 3, 1928 (45 Stat. 162), and to distribute the proceeds of sale among the heirs of George Hanson.

SEC. 6. The Secretary of the Interior shall disburse to the Indians of the rancherias and reservations that are subject to this Act all funds of such Indians that are in the custody of the United States.

SEC. 7. Nothing in this Act shall affect any claim filed before the Indian Claims Commission, or the right, if any, of the Indians subject to this Act to share in any judgment recovered against the United States on behalf of the Indians of California.

SEC. 8. Before conveying or distributing property pursuant to this Act, the Secretary of the Interior shall protect the rights of individual Indians who are minors, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs, by causing the appointment of guardians for such Indians in courts of competent jurisdiction, or by such other means as he may deem adequate, without application from such Indians, including but not limited to the creation of a trust for such Indians' property with a trustee selected by the Secretary, or the purchase by the Secretary of annuities for such Indians.

SEC. 9. Prior to the termination of the Federal trust relationship in accordance with the provisions of this Act, the Secretary of the Interior is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the Indians to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program, the Secretary is authorized to enter into contracts or agreements with any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it.

SEC. 10. (a) The plan for the distribution of the assets of a rancheria or reservation, when approved by the Secretary and by the Indians in a referendum vote as provided in subsection 2 (b) of this Act, shall be final, and the distribution of assets pursuant to such plan shall not be the basis for any claim against the United States by an Indian who receives or is denied a part of the assets distributed.

(b) After the assets of a rancheria or reservation have been distributed pursuant to this Act, the Indians who receive any part of such assets, and the dependent members of their immediate families, shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several States shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in this act, however, shall affect the status of such persons as citizens of the United States.

SEC. 11. The constitution and corporate charter adopted pursuant to the act of June 18, 1934 (48 Stat. 984), as amended, by any rancheria or reservation subject to this Act shall be revoked by the Secretary of the Interior when a plan is approved by a majority of the adult Indians thereof pursuant to subsection 2 (b) of this Act.

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SEC. 12. The Secretary of the Interior is authorized to issue such rules and regulations and to execute or approve such conveyancing instruments as he deems necessary to carry out the provisions of this Act.

SEC. 13. There is authorized to be appropriated not to exceed \$509,235 to carry out the provisions of this Act.

Approved August 18, 1966.

A PLAN FOR THE DISTRIBUTION OF THE ASSETS OF THE
MOORETOWN RANCHERIA, ACCORDING TO THE PROVISIONS OF
PUBLIC LAW 85-671, APPROVED AUGUST 18, 1958

The Mooretown Rancheria is comprised of 160 acres located in Butte County, California. The two parcels, one-half mile apart, are described as follows:

Parcel No. 1. $N\frac{1}{2}$ of $NE\frac{1}{4}$, Section 22, T20N., R6E., M.D.B.& M. This parcel was set aside by Secretarial Order June 12, 1894.

Parcel No. 2. $N\frac{1}{2}$ $NE\frac{1}{4}$, Section 23, T20N., R6E., M.D.B.&M., was purchased in 1915 under the 1906-1908 Acts.

Both parcels were obtained for the landless Indians of California.

Parcel No. 1 has been the home of Robert Jackson and his family for many years, and they have been generally recognized as the only people holding formal or informal assignments there. Their children are grown and have not lived on the parcel for several years. Robert and Ina Jackson are the only Indians now living on this parcel.

Parcel No. 2 has been the home of Fred Taylor and his family for many years, and they have been generally recognized as the only people holding formal or informal assignments there. His family is grown and is not dependent upon him. He has a step-daughter, Katie Archuleta, who has built a house on the parcel and makes her home



there. Mr. Taylor and his children would like for her to have Lot No. 1 of parcel 2, twenty acres west of the railroad in the northwest corner of the eighty acres, as her share of the parcel.

A timber survey made by the Bureau of Indian Affairs in December, 1958 shows an approximate volume of 1,774,215 feet of merchantable timber. Parcel No. 1 has approximately 486,936 feet and parcel No. 2 has approximately 1,287,279 feet. Both parcels are rocky and relatively steep and used for homesites.

Land parcel No. 1 has a live spring 200 yards east of the house site that furnishes an ample supply of domestic water. A pressure pump was installed by the distributee. Irrigation water is available from the ditch that crosses the property at the northwest corner above the road.

Parcel No. 2 has an adequate supply of domestic water available from a pump-operated well and from a small stream that flows through the eastern half of this parcel. No additional water development is necessary. A railroad track crosses the property and a good sawmill adjoins the property to the north.

Parcel No. 1 has a paved road crossing the northwest corner and a graveled road crosses the parcel leading from the paved road. Parcel No. 2 has a graveled road crossing about the center in a north and south direction. All families have adequate ingress and egress and no further road development is necessary.

The exterior boundaries have been surveyed and corners established. Interior surveys will be required for parcel No. 2.

There are some funds on deposit to the credit of the rancheria in the United States Treasury. They do not have a constitution or charter and no Government buildings are involved. There is no lien against the property for unpaid operation and maintenance water charges.

The Indians listed herein are recognized as the only Indians of the rancheria who hold formal or informal assignments and are entitled to share in the distribution of the property. No minors will receive deeds in the distribution of the real estate. All distributees are fully advised of the opportunity to participate in the vocational training program afforded by the Bureau of Indian Affairs and none has indicated any interest.

The Indians of the Mooretown Rancheria desire termination under the provisions of Public Law 85-671 and request that the Bureau of Indian Affairs undertake the following actions.

1. Furnish each distributee the approximate value of his or her lot at the time of conveyance.
2. Make such surveys as are necessary to convey a merchantable and recordable title to each lot.
3. Divide the funds that are on deposit in the United States Treasury to the credit of the Mooretown Rancheria as follows:

3/8	Fred Taylor
1/8	Katie Archuleta
1/2	Robert Jackson

4. Convey to individual Indians, according to this plan and the maps attached hereto and made a part of this plan, unrestricted title to the lands constituting the Mooretown Rancheria. Title will be subject to existing rights-of-way, easements or leases and will include such mineral and water rights as are now vested in the United States.

The distributees and the dependent members of their immediate families who will receive title to individual lots and a share of the funds involved are:

NAME	PARCEL LOT		RELATIONSHIP	BIRTHDATE	ADDRESS
	NO.	NO.			
Robert Jackson	1		Distributee	[REDACTED]-1882	Feather Falls Star Route Oroville, California
Ina Jackson			Wife	[REDACTED]-1876	Same
Katie Archuleta	2	1	Distributee	[REDACTED]-1899	Feather Falls, California
Fred Taylor	2	2	Distributee	[REDACTED]-1881	Feather Falls, California

Upon approval of this plan or a revision thereof by the Secretary of the Interior and acceptance by a majority of the adult Indian distributees, as provided in Section 2(b) of Public Law 85-671, the distributees and the dependent members of their immediate families listed in this plan shall be the final list of Indians entitled to participate in the distribution of the assets of the Mooretown Rancheria, and the rights or beneficial interests in the property of each person whose name appears in this list shall constitute vested property which

may be inherited or bequeathed but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such property.

After the assets of the Mooretown Rancheria have been distributed pursuant to this plan and Public Law 85-671, the Indians who receive any part of such assets and the dependent members of their immediate families shall thereafter not be entitled to any of the services performed by the United States for these persons because of their status as Indians. All statutes of the United States which affect Indians because of their status as Indians shall not apply to them and the laws of the several states shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in this plan, however, shall affect the status of such persons as citizens of the United States.

The Area Director will cause the appointment of such trustees, guardians or conservators as he may deem adequate to protect the interests of individual Indians participating in the distribution of assets according to this plan, as provided in Section 8 of Public Law 85-671.

All provisions of Public Law 85-671 shall be applicable in the execution of this plan and general notice of the contents shall be given by posting a copy of this plan in the post office at Feather Falls, Butte County, California, by posting a copy in a prominent place on the Mooretown Rancheria, by mailing a copy to the head of each individual family participating in this plan and by mailing a copy to any person who advises the Sacramento Area Office that he feels that he may have a material interest in the plan.

This plan has been prepared by the Area Director, Bureau of Indian Affairs, Sacramento Area Office, pursuant to the authority delegated on February 26, 1959, and after consultation with the Indians of the Mooretown Rancheria.

Approved, with authority retained to revise or change if appears are received within 30 days after general notice to this plan is given.

H. REX LEE
Commissioner

Date July 21, 1959

Final approval of Secretary of the Interior given on October 13, 1959.

Accepted by distributees in a referendum by majority vote.

Effective date of plan is October 29, 1959.

HEINONLINE

Citation:

Chase California Codes: Containing Civil, Probate,
Penal Codes and Code of Civil Procedure, with Multiple
Index (1947).

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gations of mutual respect, fidelity and support. **Leg.H.** 1872.

Anno. 13 Cal.J. 801-804; 30 C.J. 506; 13 RCL. 983; A.Dig. Husband & W. §1; McK.D. Husband & W. §4.

New—W.S.C.L. Husband & Wife §5.

§156. Husband Head of Family and Chooser of Home.—The husband is the head of the family. He may choose any reasonable place or mode of living, and the wife must conform thereto. **Leg.H.** 1872.

Anno. 13 Cal.J. 801-804; 30 C.J. 510 §16, 18; 13 RCL. 984; A.Dig. Husband & W. §3 (1); McK.D. Husband & W. §4, Divorce §37.

New—W.S.C.L. Husband & Wife §5.

§157. Separate Property Interests, Common Rights in Home.—Neither husband nor wife has any interest in the property of the other, but neither can be excluded from the other's dwelling. **Leg.H.** 1872.

Anno. 13 Cal.J. 819; 30 C.J. 508; 13 RCL. 989-992; A.Dig. Husband & W. §6-12; McK.D. Husband & W. §4, 24, 34.

New—W.S.C.L. Husband & Wife §1.

§158. Property Contracts Between, and With Others.—Either husband or wife may enter into any engagement or transaction with the other, or with any other person, respecting property, which either might if unmarried; subject, in transactions between themselves, to the general rules which control the actions of persons occupying confidential relations with each other, as defined by the title on trusts. **Leg.H.** 1872.

Also post §177.

Anno. 5 Cal.J. 346-352; 30 C.J. 584; 13 RCL. 1351; A.Dig. Husband & W. §14, 15, 17; McK.D. Husband & W. §154 et seq. §7, 126.

New—W.S.C.L. Contracts §112; Husband & Wife §§1, 2, 3.

§159. Limitation on Power to Contract with Each Other.—Separation Agreements.—A husband and wife cannot, by any contract with each other, alter their legal relations, except as to property, and except that they may agree, in writing, to an immediate separation, and may make provision for the support of either of them and of their children during such separation. **Leg.H.** 1872, 1873 p. 193.

Anno. 5 Cal.J. 272-274; 30 C.J. 521, 526, 530; 13 RCL. 1351; 9 Id. 524; A.Dig. Husband & W. §36, 277; McK.D. Divorce §309, Husband & W. §154, 7, 24.

New—W.S.C.L. Contracts §188; Parent & Child §8; Husband & Wife §4.

§160. Consideration.—The mutual consent of the parties is a sufficient consideration for such an agreement as is mentioned in the last section. **Leg.H.** 1872.

Anno. 5 Cal.J. 273; 30 C.J. 1061; 9 RCL. 528;

A.Dig. Husband & W. §278(5); McK.D. Divorce & Separation §310; Husband & W. §157.

New—W.S.C.L. Husband & Wife §4.

§161. Tenure of Property.—A husband and wife may hold property as joint tenants, tenants in common, or as community property. **Leg.H.** 1872.

Anno. 13 Cal.J. 807; 30 C.J. 564 §96; 13 RCL. 1046-1051; A.Dig. Husband & W. §68; McK.D. Cotenancy §2, 11; Husband & W. §24, 29, 34.

New—W.S.C.L. Husband & Wife §1.

§161a. — Community Property.—The respective interests of the husband and wife in community property during continuance of the marriage relation are present, existing and equal interests under the management and control of the husband as is provided in sections 172 and 172a of the Civil Code. This section shall be construed as defining the respective interests and rights of husband and wife in community property. **Leg.H.** 1927 p. 484 ch. 265.

Payment under terms of life insurance policy discharge insurer from all claims unless insurer has received notice of valid claims against policy. See §10172 of Insurance Code, Stats. 1941 ch. 272.

Anno. 5 Cal.J. 335; 31 C.J. 82; 5 RCL. 850; A.Dig. Husband & W. §265; McK.D. Husband & W. §96, 99.

New—W.S.C.L. Taxation §101.

§162. Separate Property of Wife.—All property of the wife, owned by her before marriage, and that acquired afterwards by gift, bequest, devise, or descent, with the rents, issues, and profits thereof, is her separate property. The wife may, without the consent of her husband, convey her separate property. **Leg.H.** 1872.

Anno. 13 Cal.J. 815; 30 C.J. 526; 31 Id. 20-47; 13 RCL. 1046, 1051; A.Dig. Husband & W. §110; McK.D. Husband & W. §34 et seq.

New—W.S.C.L. Husband & Wife §1.

§163. Separate Property of Husband.—All property owned by the husband before marriage, and that acquired afterwards by gift, bequest, devise, or descent, with the rents, issues, and profits thereof, is his separate property. **Leg.H.** 1872.

Anno. 13 Cal.J. 815; 30 C.J. 521; 31 Id. 20-47; 13 RCL. 1147; A.Dig. Husband & W. §6, 68; McK.D. Husband & W. §34 et seq.

§164. Community Property.—Presumption from Mode of Acquisition.—All other property acquired after marriage by either husband or wife, or both, including real property situated in this State and personal property wherever situated, heretofore or hereafter acquired while domiciled elsewhere, which would not have been the separate property of either if acquired while domiciled in this State, is community

property; but whenever any real or personal property, or any interest therein or encumbrance thereon, is acquired by a married woman by an instrument in writing, the presumption is that the same is her separate property, and if acquired by such married woman and any other person the presumption is that she takes the part acquired by her, as tenant in common, unless a different intention is expressed in the instrument; except, that when any of such property is acquired by husband and wife by an instrument in which they are described as husband and wife, unless a different intention is expressed in the instrument, the presumption is that such property is the community property of said husband and wife. The presumptions in this section mentioned are conclusive in favor of [1] any person dealing in good faith and for a valuable consideration with such married woman or her legal representatives or successors in interest, and regardless of any change in her marital status after acquisition of said property.

In cases where a married woman has conveyed, or shall hereafter convey, real property which she acquired prior to May 19, 1889, the husband, or his heirs or assigns, of such married woman, shall be barred from commencing or maintaining any action to show that said real property was community property, or to recover said real property from and after one year from the filing for record in the recorder's office of such conveyances, respectively. **Leg.H.** 1872, 1889 p. 328, 1893 p. 71, 1897 p. 63, 1917 p. 827, 1923 p. 746, 1927 p. 826 ch. 487, 1935 ch. 707, 1941 ch. 455.

§164. 1941 Deletes. 1. a purchaser, encumbrancer, payor, or any other person dealing with such married woman in good faith and for a valuable consideration.

§164. 1935 Leg. A comma was deleted after the word "State" in the 4th line: starting in the 16th line "Married woman and [her husband, or by her and] any other person [.] the presumption is that she takes the part acquired by her, as tenant in common, unless a different intention is expressed in the instrument; except, that when any of such property is acquired by husband and wife, by an instrument in which they are described as husband and wife, unless a different intention is expressed in the instrument, the presumption is that such property is the community property of said husband and wife. The [and the] presumptions in this section mentioned are conclusive in favor." The above words in brackets were deleted and the words in bold face type were added; in the last paragraph after the words "real property" in the sixth from last line the following was deleted: ", as follows: As to conveyances heretofore made from and after one year from the

date of the taking effect of this act; and as to conveyances hereafter made."

Anno. 5 Cal.J. 265; 31 C.J. 555; 5 RCL 844; A.Dig. Husband & W. §262; McK.D. Husband & W. §34 et. seq.

§165. Declaration of Wife's Separate Property.—Acknowledgment and Recording.—A full and complete inventory of the separate personal property of [1] either spouse may be made out and signed by [2] such spouse, acknowledged or proved in the manner required by law for the acknowledgment or proof of a grant of real property [3], and recorded in the office of the recorder of the county in which the parties reside. **Leg.H.** 1872, 1935 ch. 102.

§165. 1935 Deletes. 1. the wife 2. her 3. by an unmarried woman.

Anno. 1 Cal.J. 277; 5 Id. 270; 30 C.J. 532; 5 RCL 847; 13 Id. 1154; A.Dig. Husband & W. §111, 246; McK.D. Husband & W. §110.

§166. Constructive Notice.—The filing of the inventory in the recorder's office is notice and prima facie evidence of the title of the [1] party filing such inventory. **Leg.H.** 1872, 1873 p. 193, 1935 ch. 102.

§166. 1935 Deletes. 1. wife

Anno. 1 Cal.J. 225; 30 C.J. 532; 13 RCL 1154; A.Dig. Husband & W. §111; McK.D. Husband & W. §110.

§167. Liabilities Charged to Community.—Debts of Wife.—The property of the community is not liable for the contracts of the wife, made after marriage, unless secured by a pledge or mortgage thereof executed by the husband. Except as otherwise provided by law, the earnings of the wife are liable for her contracts heretofore or hereafter made before or after marriage. **Leg.H.** 1872, 1873 p. 193, 1937 ch. 508.

Anno. 5 Cal.J. 353-355; 13 Cal.J. 803; 31 C.J. 102-107, 112; 5 RCL 858; 13 RCL 1095; A.Dig. Husband & W. §68, 259; McK.D. Husband & W. §102 et seq.

§168. Earnings of Wife Exempt—Exception. The earnings of the wife are not liable for the debts of the husband; but, except as otherwise provided by law, such earnings shall be liable for the payment of debts, heretofore or hereafter contracted by the husband or wife for the necessities of life furnished to them or either of them while they are living together. **Leg.H.** 1872, 1937 ch. 508.

Anno. 13 Cal.J. 804; 15 Cal.J. 1008 §17; 31 C.J. 105, 113; 5 RCL 842 §21; 13 Id. 1149 §173; 13 RCL 1193; A.Dig. Husband & W. §131(6), 167, 259; McK.D. Husband & W. §61, 125.

§169. Earnings and Cumulations While Living Apart from Husband.—The earnings and accumulations of the wife, and of

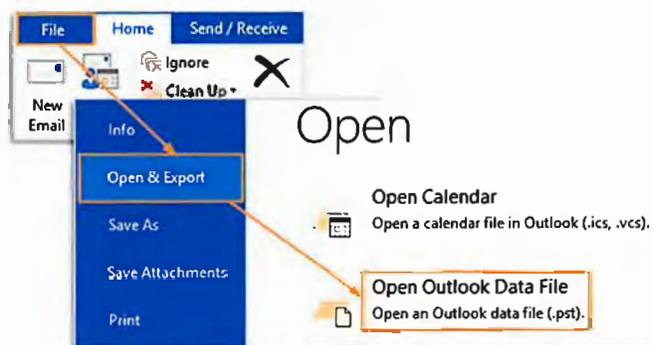
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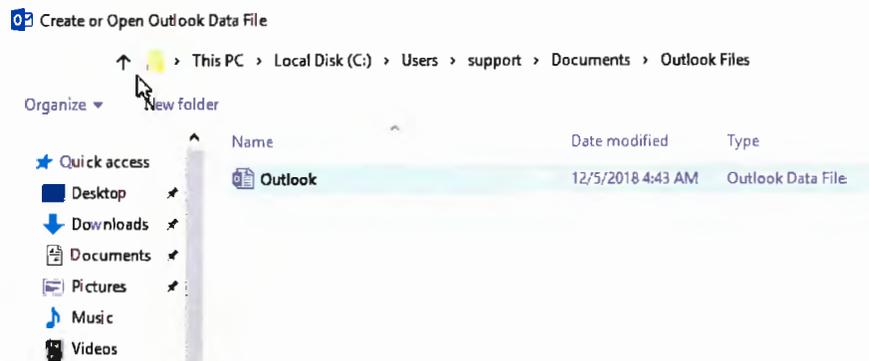
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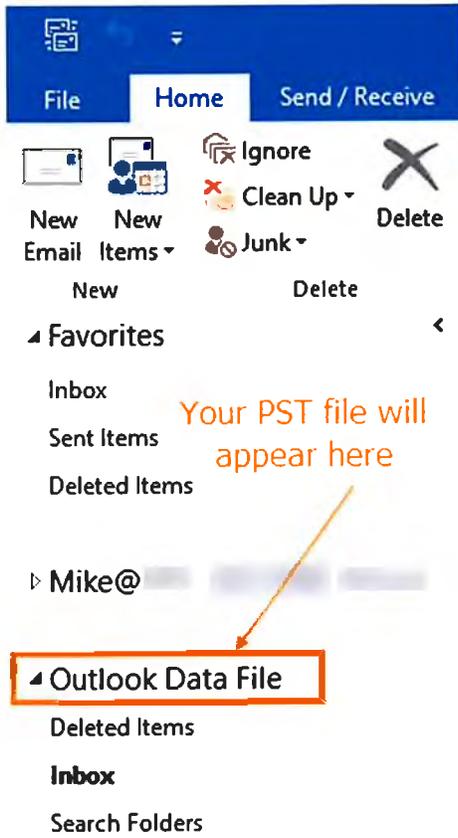
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2. Navigate to **Open & Export** and click on **Open Outlook Data File**



3. Select the .pst file you would like to open.



4. The PST file will appear in the left pane menu.



CERTIFICATION OF VITAL RECORD

COUNTY OF BUTTE

25 COUNTY CENTER DRIVE
OROVILLE, CALIFORNIA 95965

498

PLACE OF MARRIAGE
County of Butte
Town of _____
or
City of Oroville

CALIFORNIA STATE BOARD OF HEALTH
BUREAU OF VITAL STATISTICS
DUPLICATE CERTIFICATE OF MARRIAGE

State Index No. _____
LOCAL REGISTERED NO. 71

GROOM				PERSONAL AND STATISTICAL PARTICULARS				BRIDE			
FULL NAME <u>Robert Jackson</u>				FULL NAME <u>Erna Davis</u>				FULL NAME <u>Erna Davis</u>			
RESIDENCE <u>Lumpkin</u>				RESIDENCE <u>Enterprise</u>				RESIDENCE <u>Enterprise</u>			
COLOR OR RACE <u>halfblood</u>		AGE AT LAST BIRTHDAY <u>34</u> (Years)		COLOR OR RACE <u>halfblood</u>		AGE AT LAST BIRTHDAY <u>39</u> (Years)		COLOR OR RACE <u>halfblood</u>		AGE AT LAST BIRTHDAY <u>39</u> (Years)	
SINGLE, WIDOWED OR DIVORCED <u>single</u>		NUMBER OF MARRIAGE <u>none</u>		SINGLE, WIDOWED OR DIVORCED <u>widow</u>		NUMBER OF MARRIAGE <u>one</u>		SINGLE, WIDOWED OR DIVORCED <u>widow</u>		NUMBER OF MARRIAGE <u>one</u>	
BIRTHPLACE (State or Country) <u>California</u>				BIRTHPLACE (State or Country) <u>California</u>				BIRTHPLACE (State or Country) <u>California</u>			
OCCUPATION <u>miner</u>				OCCUPATION <u>housekeeper</u>				OCCUPATION <u>housekeeper</u>			
NAME OF FATHER <u>Jack Jackson</u>				NAME OF FATHER <u>John Davis</u>				NAME OF FATHER <u>John Davis</u>			
BIRTHPLACE OF FATHER (State or Country) <u>California</u>				BIRTHPLACE OF FATHER (State or Country) <u>England</u>				BIRTHPLACE OF FATHER (State or Country) <u>England</u>			
MAIDEN NAME OF MOTHER <u>Eileen</u>				MAIDEN NAME OF MOTHER <u>Mary</u>				MAIDEN NAME OF MOTHER <u>Mary</u>			
BIRTHPLACE OF MOTHER (State or Country) <u>California</u>				BIRTHPLACE OF MOTHER (State or Country) <u>California</u>				BIRTHPLACE OF MOTHER (State or Country) <u>California</u>			

MAIDEN NAME OF THE BRIDE, IF SHE WAS PREVIOUSLY MARRIED: Erna Martin
I, the groom and bride named in this certificate, hereby certify that the information given therein is correct to the best of our knowledge and belief.
Robert Johnson Groom Erna Davis Bride.

CERTIFICATE OF PERSON PERFORMING CEREMONY
I HEREBY CERTIFY that Robert Jackson and Erna Davis were joined in Marriage by me in accordance with the laws of the State of California, at Oroville, Calif. this 6th day of June, 19 46.
Signature of Witness to the Marriage: Luiz Aloni Residence: Oroville, Cal.
Signature of person performing the Ceremony: J. V. Parks Official Position: Justice of the Peace Residence: Oroville, Cal.
FILED June 22, 1946 A. D. Lacey Registrar (County Recorder.)



CERTIFIED COPY OF VITAL RECORDS
STATE OF CALIFORNIA, COUNTY OF BUTTE

This is a true and exact reproduction of the document officially registered and placed on file in the office of the Butte County Clerk-Recorder.

DATE ISSUED FEB 21 1946 FEB 21 2016

This copy is not valid unless prepared on engraved border, displaying the date, seal and signature of the County Clerk-Recorder

Candace J. Grubbs
CANDACE J. GRUBBS
COUNTY CLERK-RECORDER





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

Certified Mail 7001 2510 [REDACTED]
Return Receipt Requested

FEB 21 2019

[REDACTED]

This letter will serve as our response to your original inquiry regarding the status of your great grandmother Ina Jackson from July 2018. We apologize for delay in responding to your questions. Specifically, you were asking for a determination on her status as a possible "distributee" as it relates to the Mooretown Rancheria Distribution Plan, effective October 29, 1959, and other documentation.

We have reviewed all relevant documentation on this matter, including documentation submitted by you, and have determined that Ina Jackson is not a distributee. Our reasoning for this determination is explained below.

Distribution Plan

On October 29, 1959, "A Plan for the Distribution of the Assets of the Mooretown Rancheria, According to the Provisions of Public Law 85-671, Approved August 18, 1958" (Distribution Plan) became effective. We have enclosed the copy you submitted to our office for your reference.

The second paragraph on page 4 of the Distribution Plan lists the distributees and the dependent members of the distributees. The distributees are listed as Robert Jackson, Katie Archuleta, and Fred Taylor.

Ina Jackson is listed as the "Wife" of Robert Jackson. Since Ina Jackson is not listed as a distributee, she would fall into the second category of "dependent members" as defined by 25 CFR Part 242, as they existed at that time (June 9, 1959).

In the execution of the Distribution Plan, notice was posted on August 3, 1959, in accordance with Section 2(b) of Public Law 85-671:

"General notice shall be given of the contents of a plan prepared pursuant to subsection (a) of this section and approved by the Secretary, and any Indian who feels that he is unfairly treated in the proposed distribution of the property shall be given an opportunity to present his views and arguments for the consideration of the Secretary. After such consideration, the plan or a revision thereof shall be submitted for the approval of the adult Indians who will participate in the



distribution of the property, and if the plan is approved by a majority of such Indians who vote in a referendum called for that purpose by the Secretary the plan shall be carried out. It is the intention of Congress that such plan shall be completed not more than three years after it is approved.” (Emphasis Added)

There is no documentation in the record that shows that anyone listed in the Distribution Plan filed an objection to the Distribution Plan though there was an appeal filed by others not on the Distribution Plan. Subsequently, the distributees voted in favor of the Distribution Plan.

Notice of Termination of Federal Supervision over the Property of Mooretown Rancheria

The Federal Register proclamation, published August 1, 1961, does indeed list the distributees and dependent members of the Mooretown Rancheria as you indicated in your correspondence. The listing of the names of both the distributees and the dependent family members was required by the applicable regulation at 25 C.F.R. 242.10.

Letters to the Bureau of Indian Affairs

It appears that you are contending that Ina Jackson should have been a distributee similar to her husband, Robert Jackson, based on a letters dated March 15, 1959, and September 15, 1959, from Robert and Ina Jackson to the Bureau of Indian Affairs. You assert that these letters demonstrate that Robert Jackson did not provide more than one-half of Ina Jackson’s support, and thus Ina Jackson did not qualify as a “dependent member” pursuant to the regulations as they existed at that time. The above referenced letters only indicate that they worked that land together and made improvements to the land together as husband and wife. There is no explicit request in the letters that they are requesting title to the land as separate individual grantees or distributees. Rather, it appears they were more concerned about protecting their investments improving the land and home. Even if it could be implied that that was their intent, it does not change the fact that the Distribution Plan was approved, in its current state, by the distributees, and without objection by Ina Jackson.

This decision may be appealed to the Director, Pacific Region, 2800 Cottage Way, Room W-2820, Sacramento, California 95825, in accordance with the regulations in 25 CFR Part 2 (copy attached). Your 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 your name, address, and telephone number. It should clearly identify the decision being appealed. If possible, attach a copy of the decision. The notice and the envelope in which it is mailed should be clearly labeled “Notice of Appeal.” Your notice of appeal must list the 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 of appeal to the Director, Pacific Region, at the address given above. If you are not represented by an attorney, you may request assistance from this office in the preparation of your appeal.

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 black ink, appearing to read 'Troy Burdick', with a stylized flourish at the end.

Troy Burdick
Superintendent

Enclosure

cc: Regional Director, Pacific Region w/o enclosure

A PLAN FOR THE DISTRIBUTION OF THE ASSETS OF THE
MOORETOWN RANCHERIA, ACCORDING TO THE PROVISIONS OF
PUBLIC LAW 85-671, APPROVED AUGUST 18, 1958

The Mooretown Rancheria is comprised of 160 acres located in Butte County, California. The two parcels, one-half mile apart, are described as follows:

Parcel No. 1. N $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 22, T20N., R6E., M.D.B.& M. This parcel was set aside by Secretarial Order June 12, 1894.

Parcel No. 2. N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 23, T20N., R6E., M.D.B.&M., was purchased in 1915 under the 1906-1908 Acts.

Both parcels were obtained for the landless Indians of California.

Parcel No. 1 has been the home of Robert Jackson and his family for many years, and they have been generally recognized as the only people holding formal or informal assignments there. Their children are grown and have not lived on the parcel for several years. Robert and Ina Jackson are the only Indians now living on this parcel.

Parcel No. 2 has been the home of Fred Taylor and his family for many years, and they have been generally recognized as the only people holding formal or informal assignments there. His family is grown and is not dependent upon him. He has a step-daughter, Katie Archuleta, who has built a house on the parcel and makes her home

there. Mr. Taylor and his children would like for her to have Lot No. 1 of parcel 2, twenty acres west of the railroad in the northwest corner of the eighty acres, as her share of the parcel.

A timber survey made by the Bureau of Indian Affairs in December, 1958 shows an approximate volume of 1,774,215 feet of merchantable timber. Parcel No. 1 has approximately 486,936 feet and parcel No. 2 has approximately 1,287,279 feet. Both parcels are rocky and relatively steep and used for homesites.

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Parcel No. 2 has an adequate supply of domestic water available from a pump-operated well and from a small stream that flows through the eastern half of this parcel. No additional water development is necessary. A railroad track crosses the property and a good sawmill adjoins the property to the north.

Parcel No. 1 has a paved road crossing the northwest corner and a graveled road crosses the parcel leading from the paved road. Parcel No. 2 has a graveled road crossing about the center in a north and south direction. All families have adequate ingress and egress and no further road development is necessary.

The exterior boundaries have been surveyed and corners established. Interior surveys will be required for parcel No. 2.

There are some funds on deposit to the credit of the rancheria in the United States Treasury. They do not have a constitution or charter and no Government buildings are involved. There is no lien against the property for unpaid operation and maintenance water charges.

The Indians listed herein are recognized as the only Indians of the rancheria who hold formal or informal assignments and are entitled to share in the distribution of the property. No minors will receive deeds in the distribution of the real estate. All distributees are fully advised of the opportunity to participate in the vocational training program afforded by the Bureau of Indian Affairs and none has indicated any interest.

The Indians of the Mooretown Rancheria desire termination under the provisions of Public Law 85-671 and request that the Bureau of Indian Affairs undertake the following actions.

1. Furnish each distributee the approximate value of his or her lot at the time of conveyance.
2. Make such surveys as are necessary to convey a merchantable and recordable title to each lot.
3. Divide the funds that are on deposit in the United States

Treasury to the credit of the Mooretown Rancheria as follows:

3/8	Fred Taylor
1/8	Katie Archuleta
1/2	Robert Jackson

4. Convey to individual Indians, according to this plan and the maps attached hereto and made a part of this plan, unrestricted title to the lands constituting the Mooretown Rancheria. Title will be subject to existing rights-of-way, easements or leases and will include such mineral and water rights as are now vested in the United States.

The distributees and the dependent members of their immediate families who will receive title to individual lots and a share of the funds involved are:

NAME	PARCEL LOT		RELATIONSHIP	BIRTHDATE	ADDRESS
	NO.	NO.			
Robert Jackson	1		Distributee	[REDACTED]-1882	Feather Falls Star Route Oroville, California
Ina Jackson			Wife	[REDACTED]-1876	Same
Katie Archuleta	2	1	Distributee	[REDACTED]-1899	Feather Falls, California
Fred Taylor	2	2	Distributee	[REDACTED]-1881	Feather Falls, California

Upon approval of this plan or a revision thereof by the Secretary of the Interior and acceptance by a majority of the adult Indian distributees, as provided in Section 2(b) of Public Law 85-671, the distributees and the dependent members of their immediate families listed in this plan shall be the final list of Indians entitled to participate in the distribution of the assets of the Mooretown Rancheria, and the rights or beneficial interests in the property of each person whose name appears in this list shall constitute vested property which

may be inherited or bequeathed but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such property.

After the assets of the Mooretown Rancheria have been distributed pursuant to this plan and Public Law 85-671, the Indians who receive any part of such assets and the dependent members of their immediate families shall thereafter not be entitled to any of the services performed by the United States for these persons because of their status as Indians. All statutes of the United States which affect Indians because of their status as Indians shall not apply to them and the laws of the several states shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in this plan, however, shall affect the status of such persons as citizens of the United States.

The Area Director will cause the appointment of such trustees, guardians or conservators as he may deem adequate to protect the interests of individual Indians participating in the distribution of assets according to this plan, as provided in Section 8 of Public Law 85-671.

All provisions of Public Law 85-671 shall be applicable in the execution of this plan and general notice of the contents shall be given by posting a copy of this plan in the post office at Feather Falls, Butte County, California, by posting a copy in a prominent place on the Mooretown Rancheria, by mailing a copy to the head of each individual family participating in this plan and by mailing a copy to any person who advises the Sacramento Area Office that he feels that he may have a material interest in the plan.

This plan has been prepared by the Area Director, Bureau of Indian Affairs, Sacramento Area Office, pursuant to the authority delegated on February 26, 1959, and after consultation with the Indians of the Mooretown Rancheria.

Approved, with authority retained to revise or change if appears are received within 30 days after general notice to this plan is given.

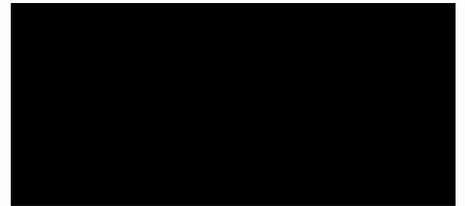
H. REX LEE
Commissioner

Date July 21, 1959

Final approval of Secretary of the Interior given on October 13, 1959.

Accepted by distributees in a referendum by majority vote.

Effective date of plan is October 29, 1959.



July 9, 2018

Amy Dutschke and Harley Long
Pacific Region Regional Office
Indian Affairs
Bureau of Indian Affairs 2800 Cottage Way
Sacramento, CA 95825

Re: Clarification of Distributee's of 1958 Mooretown Rancheria Plan

Dear Sir and Madam:

Per our phone conversation July 6th, 2018 your office is reviewing my request that was made to the BIA over the plan for the distribution of the assets of the Mooretown Rancheria. Please find the following attachments regarding the request for clarification on who was considered a distributee under the Rancheria Act of 1958, Public Law 85-671, and August 18, 1958.

September 15, 1958 Letter from Robert and Ina Jackson, witness and written by Herman Steidl was sent to the BIA regarding the distribution of land under the Public Law 85-674. In this letter it was stated multiple times, **We** and **Our**, not I or only representing Robert Jackson. Robert and Ina Jackson are both Native American and were enrolled with the BIA. Per their own words in this letter they both were residence on this land, improved this land, and requested protection by BIA over their investment and labor they had expended there.

According to the BIA definition "Distributee" means any Indian who is entitled to receive, under a plan prepared pursuant to section 2 of the Act of August 18, 1958.(72 Stat, 619), any assets of a rancheria or reservation. Ina Jackson was an Indian, was part owner of the land, helped improve the land and was a residence of the land.

In a letter from the BIA to Kate Archuleta dated March 31st, 1959 stamped, the BIA acknowledged that Robert and Ina Jackson was living on the 80 acre tract. The word wife was used to define who Ina Jackson was, not her title to the ownership of land, but rather that she was a wife, not a girlfriend, sister, daughter, etc....

Also in a letter from Kate Archuleta dated September 2, 1958 she informs the BIA that she was only a Step daughter of Fred Taylor, who was the original family that lived on the 80 acre tract, that she had only lived in Mooretown and because she lived there she wanted to request her 20 acre share of money and land be distributed to her individually. Kate was named a distributee and had not done anything but be a step daughter to a land owner. She was living on his land and Fred Taylor's own son and daughter were not listed on the distribution.



Amy Dutschke and Harley Long
July 9, 2018
Page 2

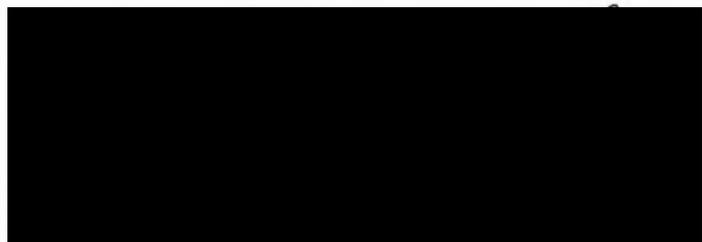
In a letter from the BIA to Robert and Ina Jackson, Date stamped March 31, 1959, the BIA recognizes that Robert and Ina were concern over the distribution of the assets of Mooretown Rancheria. They wanted to reassure them **both**, not just Robert Jackson, that they will not lose any of **their** investments they have made on the land. At the end of the letter the BIA states that they want to assure Robert and Ina again that their interests at Mooretown will be **protected**.

Some people are reading the 1958 Plan for the Distribution of the Assets of the Mooretown Rancheria as Ina Jackson was not a distributee and only a wife to Robert and had no ownership in the land and was only on the plan because she was married to Robert Jackson. According the request made by them both they were both owners and both improved the land as well as the request for land distribution was requested on **both of their behalf** not just one. The letter from the BIA recognizing that Robert and Ina live on the property and had invested their time and hard work on the property would be protected by the BIA.

The issue also seems is that they some are reading the Plan as if Ina was a Dependent member, per the letter from Robert and Ina Jackson they informed BIA quote, "*As I was still able to work at that time, we saved and started to make improvements. We started a new house which we completed over the years. We also planted new fruit trees and cleared a large garden area and fenced it in.*" Ina was not a child or a dependent that relied on Robert to maintain the land himself nor was she helpless and unable to provide or help her family. She was a wife that worked on the land, the home, and has accomplished this threw her and Roberts own means over the years. Nowhere in any documents does it show that Ina received more than one half of Roberts support, it was equal, 50/50.

I pray that the BIA finds that Ina Jackson was a distributee and that after reviewing all of the documents in its entirety that you see Ina Jackson was not property or just a wife, but a Strong Native American Women that was one flesh with Robert Jackson and was just as much as a distributee as Kate Archuleta who never worked or maintained Fred Taylors land but was just a dependent on his land.

Sincerely yours,



Jul 06 18 02:20p

RFOlney FLC

5308657881

p.7

Mooretown

September 15, 1958

United States
Department of the Interior
Bureau of Indian Affairs
Sacramento Area Office
Sacramento 4, California

Dear Sirs:

In reference to Public Law 85-671, we, the undersigned, summarize our reasons for asking for a clear fee simple title to the land we are occupying.

I, Robert Jackson and my wife Ina Jackson, have lived here on Mooretown Rancheria as sole residents for nineteen years.

At the time we took up our residence here, there was only a small cabin in run-down condition on the place. We made necessary repairs so that we could live in it. There were also a few fruit trees in neglected condition that required much work to make them produce again.

As I was still able to work at that time, we saved and started to make improvements. We started a new house which we completed over the years. We also planted new fruit trees and cleared a large garden area and fenced it in.

During our years here we also had electricity brought in to the place and had our house wired. As there were interruptions in our water supply, we had to build a small reservoir and install a pressure system. This supplies water to our house.

Two years ago we added a bathroom to our house and had butane gas installed which we use for cooking and the water heater.

All this has been accomplished through our own means over the years. We have endeavored to make a home for ourselves according to the best of our means and ability, without any help.

Jul 06 18 02:20p

RF Olney FLC

5308657881

p.8

- 2 -

As early as 1948, when we first contacted the Bureau of Indian Affairs in reference to securing a trust patent, the former area director, Walter Wochlke, gave us the right to make improvements, and assured us they would be safe.

Therefore it has been our hope for years to one day have clear title to the land we occupy, that we could rest assured we own our home and to protect our investments and labor we have expended here.

Sincerely yours,

Signed Robert Jackson
Robert Jackson

Signed Ina D. Jackson
Ina Jackson

Written by Herman Steidl
Herman Steidl
2705 Fay Way
Oroville, California

RECEIVED
JUL 11 2018
DIVISION OF LAND

Jul06 18 02:19p

RF Olney FLC



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON 25, D. C.

IN REPLY REFER TO:
Tribal Programs
3750-59

WFW

Mrs. Kate Brooks Archuleta
2716 Mitchell Avenue
Orville, California

Dear Mrs. Archuleta:

MAR 27 1959

In your letter of appeal which reached our office on March 23 you and the other signers are claiming all tribal rights on Mooretown rancheria. We assume you are talking about the N/2 of NE/4 Sec. 23, T. 20 N., R. 6E, M.D.M. which is the eastern most of the two eighty-acre tracts making up the rancheria. Our records show that your stepfather and his family have lived on this tract since before it was purchased by the government in 1915.

Our records also show that Mr. Robert Jackson and his wife Ina Jackson have lived on the other eighty-acre tract, described as the N/2 of NE/4 Sec. 22, T. 20 N., R. 6 E., M.D.M. This parcel, although it is half a mile from the eastern tract, is considered part of the Mooretown rancheria.

The Rancheria Act, which makes possible the division of the lands on the Mooretown rancheria among the Indians who have an interest on this land, states that those Indians must make a plan setting forth how they want the land divided. If the Indians at Mooretown feel they need help in writing such a plan, we are sure the Area Director at Sacramento will give them this assistance as he has been delegated the authority to do this.

Until we receive your plan in this office we cannot comment on its merits or accept any appeals. We are sending Mr. Leonard M. Hill, the Area Director, a copy of your letter of appeal for his information.

Sincerely yours,

(Sgd) HOMER B. JENKINS

ASSISTANT Commissioner

cc: AD, Sacramento

Jul 06 18 02:24p

RFOlney FLC

5308657881

p.16

Oroville, California
September 2, 1958

United States Department of Interior
Bureau of Indian Affairs
Sacramento Area Office
Sacramento 4, California

Gentlemen:

In 1904 my mother, Rose Brooks, myself and a sister, now deceased, went to live on property which is now the Mooretown Rancheria, Butte County, California. After my father's death my mother married Fred Taylor. In 1916 my mother and step-father, Rosie Taylor and Fred Taylor, were assigned the rancheria known as Mooretown, Butte County, California consisting of 80 acres. At that time I was attending Indian School in Nevada. Thereafter my mother and step-father had two children, Elwood Taylor and Mamie Taylor Potts. My mother, Rosie Taylor, died in 1946. I have lived on the rancheria all my life except when I was away at school as a young girl and during the last few years I have been spending the winters in Oroville and the summers on the rancheria at Mooretown in a home constructed by my husband and myself about 37 years ago.

I understand that your bureau, under Public Law 85-671 will make distribution of these rancheria's soon. I would prefer and do hereby request that my share of the Mooretown Rancheria which I understand is 20 acres, and my share of the money to be distributed, be distributed to me individually rather than to me, my step-father and step-brother and step-sister jointly.

Sincerely,

Kate Brooks Archuleta

Kate Brooks Archuleta

Jul 06 18 02:22p

R F Olney F L C

5308657881

p.11



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON 25, D. C.

IN RE: Tribal Programs
3492-59

Mr. Robert Jackson
Moorstown Indian Rancheria
Feather Falls, Star Route
Cresville, California

MAR 27 1960

Dear Mr. Jackson:

We know that you and your wife are concerned over the distribution of the assets of the Moorstown rancheria. Let us reassure you that you will not lose any of the investments you have made on this land. There are other Indians who are claiming certain portions of one of the two eighty-acre plots which make up the rancheria, but we do not think their claims involve any of the interests you have on this property.

All of the Indians who have any interest on the rancheria must make a plan for the distribution of the lands. This plan must be approved by the Secretary of the Interior and accepted by everyone who will receive a parcel of the land. If the Indians need any help in making the plan, our Area Director in Sacramento has been given the authority to assist them. We must have the distribution plan sent to us for study before we can determine whether the proposed distribution of the land is equitable.

We are sending Mr. Leonard M. Hill, the Area Director, a copy of your letter of March 15. He will assist you and the other Indians of the rancheria in making your plan (if you feel you need his help. We want to assure you and your wife again that your interests at Moorstown will be protected.

Sincerely yours,

(Sgd) HOMER A. HILL

ACTING ASST

Commissioner

cc: AD, Sacramento
350



December 20, 2018

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

Re: Clarification of Distributees of 1958 Mooretown Rancheria Plan

To Whom It May Concern:

Since July 6th, 2018 the Sacramento Office has been reviewing my request that was made to the BIA over the plan for the distribution of the assets of the Mooretown Rancheria. I have been in communication with Amy Dutschke up to October 23, 2018. I was informed on September 13, 2018 that my request was going to go to The Office of the Solicitor for review due to the request had to do with a legal definition inside an agreement the BIA had written and they would be the one that could provide the correct definition. On November 11, 2018 I spoke with Karen Koch with The Office of the Solicitor and was informed she has not received anything in her office on my request and that she would not be able to answer any questions as she takes her guidance from BIA Administration. I explained what my request was and she said she would look into it. Since October 23, 2018 I have made several attempts to contact the Sacramento Office and all have had no response. On December 5, 2018 I put in my third request to meet with John Tahsuda and was informed by Anita Personius that she would forward my request back to Sacramento to see what the holdup was and to get an update. As of today I got another email from Anita explaining that it is being reviewed by Regional Office and to contact Amy Dutschke.

My request has been pretty simple and I do not understand how your agency is unable to make a determination in a timely manner. The Rancheria Act of 1958 distributed land to landless Indians that lived on the land at the time of the act passed. Mooretown Rancheria was one of the Tribes in the act and a Distribution of land was created for them. In the Mooretown Distribution Plan it names **Ina Jackson** as "Wife" and shows her husband as "Distributee". We have been seeking clarification on if Ina Jackson is a Distributee on the Mooretown Rancheria Distribution of Assets. A genealogist stated to our tribal members that Ina Jackson was only a wife. The issue is that under the Rancheria Act of 1958 it states that the Distribution of Assets will only list **Distributees and Dependents**. So for her to only be a wife is incorrect on the Genealogist's part.

Per the Federal Register SubChapter V- Part 242 Section 2: "Distributee" means any Indian who is entitled to receive, under a plan prepared pursuant to section 2 of the Act of August 18, 1958, any assets of a rancheria or reservation. "Dependent members", as used in the



Bureau of Indian Affairs
December 20, 2018
Page 2

phrase “dependent members of their immediate families”, includes all persons for whose support the distributee is legally liable according to the laws of the State of California and who are related by blood or adoption or by marriage, including common law or customary marriage, who are domiciled in the household of the distributee, **and who receive more than one-half of their support from such distributee.**

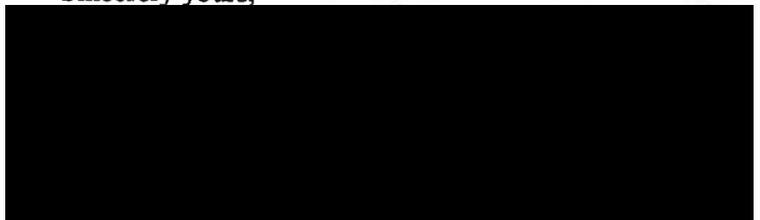
In all the records retained by the BIA and the ones I have forwarded to the BIA shows that Ina Jackson was **equal** part to Robert Jackson. They both received Old Age Retirement income, they both worked the land from letters signed by both Robert and Ina Jackson. Ina Jackson never received more than one-half of support from Robert Jackson. They requested distribution on behalf of both of them. The BIA Administration at the time they made their request for distribution all recognized Ina Jackson as part of distribution. The Administration also sent letters stating that both of their interest would be protected.

We find with all the records and the definitions in the Act that Ina Jackson is a distributee but because it shows “Wife” next to her name people are using it as if she was not a distributee. I have been seeking the BIA’s help for clarification since the document was written by BIA.

I have been seeking for the BIA to clarify if Ina Jackson was a distributee or was not. If she isn’t then please show how she isn’t because all records shows she is and because BIA wrote the document and it is a Federal Agreement between Government and Mooretown only BIA can make the decision on who is considered a distributee or not.

I pray that the BIA finds that Ina Jackson was a distributee and that after reviewing all of the documents in its **entirely** that you see Ina Jackson was not property or just a wife, but a Strong Native American Women that was one flesh with Robert Jackson and was just as much as a distributee as Kate Archuleta who did not even live on the land at the time of distribution. Per the Current Assistant Secretary of the Interior Roger Ernst under the terms of the Public Law 85-671 only the Indians using the land could submit a plan and request that title to the land be given to them. Kate Archuleta in records and letters she sent to BIA did not live on the land she requested distribution for as her non-Indian husband was the one that lived on land and that she lived in the neighboring town.

Sincerely yours,





February 25, 2019

Certified Mail 7018 0360 0001 5823 7539
Director Amy Dutschke
Pacific Region Office
2800 Cottage Way Room W-2820
Sacramento, CA 95825

Re: NOTICE OF APPEAL ON INA JACKSON'S DISTRIBUTEES STATUS

To Whom It May Concern:

On February 25th, 2019 I received a letter from Superintendent Troy Burdick (Exhibit 12 attached) regarding my request to determine if Ina Jackson was a distributee or not. Superintendent Burdick stated his office has determined that Ina Jackson was not a distributee. I would like to appeal Superintendent Burdick's decision that Ina Jackson was not a distributee for the reasoning's explained below.

STATEMENT OF REASONS

I. U.S. Court of Appeals, 9th Circuit Williams v. Clay Gregory, Troy Burdick, Etc.. NO 04-17482

Exhibit 1 attached, Court records show that in 1987, Mooretown Rancheria had an "open meeting" where the Rancheria organized a tribal roll. It was determined at that meeting that direct descendants of the four distributees would be lineal members. The Rancheria sent the BIA a copy of the attendance list. In 1998, Mooretown Rancheria sent the BIA a copy of its Constitution and enrollment list limiting tribal membership to lineal descendants of the four 1959 distributees. Per records between Mooretown Rancheria and the BIA it was always under the impression that the four distributees were Robert Jackson, Ina Jackson, Fred Taylor and Kate Archuleta. Now the BIA is stating that there were only three distributees. BIA Central California Agency is using their opinion on her being listed as "Wife" and not Statutory Construction.

II. Distribution Plan

STATEMENT OF REASON NO.1:

Superintendent Troy Burdick stated that Ina Jackson was listed as "Wife" of Robert Jackson and that Ina Jackson would be considered a "dependent member" as defined by 25 CFR Part 242, as they existed at that time (June 9, 1959) Exhibit 2 attached.



NOTICE OF APPEAL
February 25, 2019
Page 2

Per 25 CFR Part 242: Dependent members was defined as, as used in the phrase "dependent members of their immediate families", includes all persons for whose support the distributee is legally liable according the laws of the State of California and who are related by blood or adoption or by marriage, including common law or customary marriage, who are domiciled in the household of the distributee, and who receive more than one-half of their support from such distributee.

RESPONSE TO STATEMENT NO.1:

Per Exhibit 3 attached shows that both Robert and Ina Jackson received old age security payments and they both have lived on land for 18 years. Per Exhibit 4 and 5 attached shows that Robert and Ina Jackson both worked on the land jointly and their request was for a clear fee simple title to the land they occupied. Per Exhibit 6 attached shows where BIA Commissioner Jenkins acknowledged Robert and Ina were concerned over the distribution of Mooretown and assured them that their interest at Mooretown will be protected. These records would show that Ina Jackson did not receive more than half of Roberts support but it was 50/50 when it came to working on land and income as well as the BIA stating they would protect both their interest. So legal definition of her being a "dependent member" would not qualify her as one because she did not receive more than one-half of Robert Jackson's support.

STATEMENT OF REASON NO.2:

Superintendent Burdick underlined section 2(b) of Public Law 85-671 (Exhibit 7 attached) where any Indian who feels that he is unfairly treated in the proposed distribution of the property shall be given an opportunity to present his views and arguments for the consideration of the Secretary. He went on to state that the distribution was voted on and no one appealed the distribution plan.

RESPONSE TO STATEMENT NO.2:

Ina Jackson and Robert Jackson by this time had been married for about 42 years (Exhibit 11 attached). On the Plan for Distribution of Mooretown Rancheria (Exhibit 8 attached) it did not define Ina Jackson as a dependent but as a "wife". The current law at the time in the state of California (Exhibit 9 attached), *California Civil Code Family Chapter Section 161a Community Property. The respective interests of the husband and wife in community property during continuance of the marriage relation are present, existing and equal interests under the management and control of the husband as is provided in sections 172 and 172a of the Civil Code. This section shall be construed as defining the respective interests and rights of husband and wife in community property.* Community Property means that all assets purchased or acquired by a couple during their marriage are owned equally by both of them. It is the case regardless of how the asset is titled. Ina Jackson would not have known she would have to appeal that her name was listed as "wife" as it would be assumed she was a distributee based off of the California laws, and according to the 25 CFR section 242.2 she would not be defined as a dependent member because her current status would have been a distributee by legal definition. According to the 25 CFR Part 242.2 (Exhibit 2 attached) definition "*Distributee*" means any Indian who is entitled to receive, under a plan prepared pursuant to section 2 of the Act of August 18, 1958.(72 Stat, 619), any assets of a rancheria or reservation. Ina Jackson was an

NOTICE OF APPEAL
February 25, 2019
Page 3

Indian, shared jointly in distribution of the land, helped improve the land and was a residence of the land.

III. Letters to the Bureau of Indian Affairs

STATEMENT OF REASON NO.3:

Superintendent Burdick stated that the letter attached Exhibit 3 and 4 only indicated that they (Robert and Ina Jackson) worked the land together and made improvements as husband and wife. And that there is no explicit request in the letters that they are requesting title to the land as separate individual grantees or distributees.

RESPONSE TO STATEMENT NO.3:

In the letters (Exhibit 3 and 4 attached) it states and reference to Public Law 85-671 that the undersigned (Robert and Ina Jackson) summarize their reasoning for asking for a clear fee simple title to the land they are occupying. In the closing of letter it states again "Therefore it has been our hope for years to one day have clear title to the land we occupy, that we could rest assured we own our home and to protect our investment and labor we have expended here." Robert and Ina Jackson should not have had to request title to the land as separate individual's grantees or distributees as by this time they had been married for about 42 years, Under California Family Civil Code Chapter 3 section 161a. (Exhibit 9 attached) this would have been considered community property and they would share in distribution jointly and as one unit. As well as the directions for distribution by BIA did not point out Ina Jackson would not be considered a distributee as the legal definition of what each Indian would be considered by 25 CFR Section 242.2 (Exhibit 2 attached) would make her believe she would be a distributee in part with Robert Jackson.

STATEMENT OF REASON NO.4:

Superintendent Burdick also closed with even if it could be implied that was Robert and Ina Jackson's intent , it does not change the fact that the Distribution Plan was approved, in its current state, by the distributees and without objection by Ina Jackson.

RESPONSE TO STATEMENT NO.4:

Again why would Ina Jackson appeal something that does not state she is a dependent member but shows her as a "wife"? The Distribution Plan list Ina Jackson as "Wife" to Robert Jackson. Next to her name is not dependent member as the legal definition by 25 CFR section 242.2 voids her from being considered a dependent member. At the time this Distribution was written the definition of "wife" according to California Law was they would be equal parties and share in distribution as one unit. The Distribution Plan did not state anywhere she was considered a dependent, so there would be no reason to file an appeal or object to plan. All legal terminology and definitions Ina Jackson being listed as "Wife" places her as a distributee.

IV. Office of Solicitor Review

NOTICE OF APPEAL

February 25, 2019

Page 4

I was informed by email Director Amy Dutchske (Exhibit 10 attached) my request would have to be reviewed by The Office of the Solicitor as well as AS-IA John Tahsuda's office informed me that Sacramento Office of the Solicitor was reviewing this decision. Based off the letter I received by Superintendent Troy Burdick, his office reviewed and made the decision about Ina Jackson and I feel he would be a conflict of interest since he works with Mooretown Rancheria and could be bias. My understanding from both Sacramento and D.C office was Office of Solicitor would review the legal meaning and make a determination as they would be a non-bias party and would use Statutory Construction before making the determination if Ina Jackson was a distributee or not.

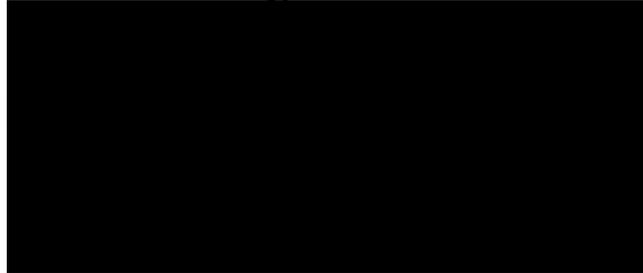
V. Conclusion

Ina Jackson was a strong Native American women who was married to Robert Jackson for over 42 years. Letters provided show that Ina Jackson and Robert Jackson both requested protection and clear title. Why would Ina Jackson appeal distribution as it was not spelled out she was a dependent member. She was listed as "wife" as her and Robert Shared in distribution. Being one unit in the household, they both took care of each other by income and by working the land. Their relationship was 50/50. Reviewing the Distribution of Mooretown Rancheria, BIA and Mooretown Rancheria in the beginning recognized there were four distributees. Now someone decided to use their opinion and state the Ina Jackson was just a "wife". Nowhere in the Distribution Plan of Mooretown Rancheria does it state Ina Jackson is a dependent member. She is under Parcel 1 with Robert Jackson as one Unit. Robert Jackson did not vote as a single person but voted with Ina Jackson as one unit, they shared in this distribution so at the time since it did not state Ina Jackson was a dependent member there would have been no reason for Robert and Ina Jackson to question her being listed as "wife".

Ina Jackson should be considered as a distributee on the Distribution of Assets to Mooretown Rancheria as her being labeled as "wife" does not show she is a dependent member but as an equal to Robert Jackson and they would both share in distribution as distributees. In all records of Tribal Constitutions and communication with the BIA it was always stated four distributees and not three. I pray that the Statuary Construction is utilized and that this appeal brings closer to this issue in that Ina Jackson was a distributee and our family and tribe can move forward.

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February 25, 2019
Page 5

Sincerely,



Enclosure

Cc: Superintendent Troy Burdick, Central California Agency
Certified Mail 7018 0360 0001 5823 7522

U.S. Congresswomen Deb Haaland, 1st District of New Mexico
Certified Mail 7018 0360 0001 5823 7546

U.S. Senator James Lankford, United States Senator for Oklahoma
Certified Mail 7018 0360 0001 5823 7553

490 F.3d 785

Danny L. WILLIAMS; Beverly A. Clark-Miller; Freddie A. Gramps, Jr.; Carrie Jean Pedrini-Pierson; Christine Marie Dobis; Cindy Lusk Wicklander; Claudia Gramps; Gary Lee Seek; Jacqueline Marie Conn; Davida E. Gramps; Julia Jarvis Wicklander; Lavonne Tracy Woods Gramps; Lawrence Ira Seek; Rhonda Leann Corkin; Richard Wicklander; Ricky Dale Gramps; Ronald Seek; Rose Shumard Wicklander; Roxanne Gramps; Russell D. Gramps; Susanne Gramps; Teresa Marie Liske; Vivian Sebring; Junior Dale Edwards; Shirley Faye Underwood; Cherrie Marie Clark; Teresa Juanita Clark, Coy Eugene Clark; Clinton Wayne Staton; Georgia May Burdick Georgia May Burdick Honroth; Robert Allen Honroth; Robert Stanley Roth; Clifford Miles Burdick; Michelle Rene Burdick Michelle Rene' Burdick Shields; Pamela Sue Burdick Pamela Sue Burdick Terry; Richard Miles Burdick; Bonita Lynn Burdick Chambers; George Ronad Burdick; Georgina Danyel Burdick; Kasey Brook Burdick; Neville Brand Burdick; Emma Jean Timmons Tuttle; Lawrence Tuttle; Karen Tuttle Wesr; Raymond Tuttle; David Fields; Ellen Seek; Larry Graques, Sr.; Richard W. Graves; Charles M. Graves; Pearl W. Wagner; Melba Ellen Razo; Charles Wesley Graves; Larry Graves, Jr.; Fran Hawkins; Lori Watkins; Leanna Graves; Kim Graves; Ronald Ardel Graves; Joann Parsons; Janice Kaye Wright; Cristina Lynn Wilson; Sue Brown Denise; Rickie Dean Wilson; David Lee Wilson, Plaintiffs-

Appellants,

v.

Kevin GOVER, Defendant, and Clay Gregory,' Regional Director of the Pacific Region of the Bureau of Indian Affairs; Troy Burdick," Superintendent

of the Central California Agency of the Bureau of Indian Affairs; United States of America; Aurene Martin, as Acting Assistant Secretary of the Interior for Indian Affairs; Neal McCaleb, as Assistant Secretary of the Interior for Indian Affairs, Defendants-Appellees.

[490 F.3d 786]

No. 04-17482.

United States Court of Appeals, Ninth Circuit.

Argued and Submitted November 14, 2006.

Filed June 20, 2007.

[490 F.3d 787]

Dennis G. Chappabitty, Sacramento, CA, for the appellants.

Kristi C. Kapetan (argued), Assistant U.S. Attorney, Fresno, CA, and Debora G. Luther (briefed), Assistant U.S. Attorney, Sacramento, CA, for the appellees.

Appeal from the United States District Court for the Eastern District of California; William B. Shubb, Chief District Judge, Presiding. D.C. No. CV-01-02040-WBS.

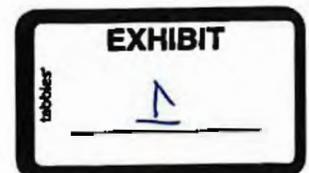
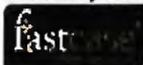
Before: ANDREW J. KLEINFELD and SIDNEY R. THOMAS, Circuit Judges, and RONALD B. LEIGHTON,*** District Judge.

KLEINFELD, Circuit Judge.

This case is controlled by the proposition that an Indian tribe has the power to decide who is a member of the tribe.

Facts

Plaintiffs claim that they are descended from people who were named as members of the Mooretown Rancheria Indian tribe in either a 1915 census or a 1935 tribal voter list. "Rancherias are numerous small Indian reservations or communities in California, the



lands for which were purchased by the Government (with Congressional authorization) for Indian use from time to time in the early years of [the twentieth] century — a program triggered by an inquiry (in 1905-06) into the landless, homeless or penurious state of many California Indians."¹ In 1958, the Mooretown Rancheria consisted of two separated 80 acre parcels of land in Butte County, California, near Oroville.

Congress adopted the California Rancheria Termination Act in 1958 in order to distribute rancheria lands to individual Indians.² The Act provided for the conveyance of rancheria assets, with unrestricted title, to the individual Indians living there, if a majority of the Indians voting approved. Before conveyance, the Act required the government to survey the land owned by the rancheria, construct or improve the roads serving the rancheria, install or rehabilitate irrigation, sanitation, and domestic water systems, and exchange land held in trust for the rancheria.³ The

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Indians who received the assets would not thereafter be entitled to the services provided by reason of Indian status.⁴

Two families occupied the two 80 acre parcels constituting the Mooretown Rancheria. In 1959, the families voted for termination of Mooretown Rancheria and distribution of its land under the Act, and the government distributed the parcels to the members of those families. In 1979, members of thirty-four terminated tribes, including Mooretown Rancheria, filed a class action seeking restoration of tribal status for rancherias. In 1983, the government entered into a consent decree in a class action, restoring the Mooretown Rancheria as a federally-recognized rancheria and Indian tribe.⁵

The Bureau of Indian Affairs ("BIA") invited the plaintiffs and class members at Mooretown Rancheria to a meeting in June 1984. At the meeting, BIA officers explained that each individual landowner could reconvey his or her land to the United States to be held in trust (avoiding taxes and local regulation but subjecting the land to some federal control), or not, as they chose, and that the tribe could form a government. No one chose to put their land in trust and the tribal members at the meeting chose not to organize a tribal government.

Three years later, sentiments had changed. In October 1987, tribal members organized a tribal meeting. They invited all direct descendants of the people who lived at Mooretown Rancheria when it was terminated in 1959, the BIA, and anyone else interested in attending. The BIA did not organize the meeting and no one from the BIA attended the meeting. The lead plaintiff in this case did attend the meeting. At the October 1987 meeting, Mooretown Rancheria decided to organize a tribal government. Soon afterward, Mooretown Rancheria adopted a tribal constitution. According to the constitution, tribal membership consisted of the four people to whom Mooretown Rancheria was distributed upon termination in 1959, their dependents, and lineal descendants of those distributees and their dependents.

The problem that led to this lawsuit is that the plaintiffs got squeezed out of full tribal membership. A 1998 tribal resolution further narrowed full tribal membership to "only those members who are direct lineal descendants of the four distributees." Other tribal members were "reclassified" by the resolution as "adoptive members." Thus, although the plaintiffs are Concow-Maidu Indians descended from people who have lived at Mooretown Rancheria for a very long time, they lack the rights of full members of the Mooretown Rancheria tribe. This does not affect their status as Indians for the purpose

of federal governmental benefits conferred on Indians. But it does affect their tribal voting rights. Depending on tribal decisions, it may also affect their right to a share of the revenues generated by tribal casinos and other tribal activities.

Plaintiffs sued officials of the Department of the Interior, Bureau of Indian Affairs. They did not sue Mooretown Rancheria. The district court dismissed the case on a motion to dismiss and for summary judgment, and plaintiffs appeal.

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Analysis

Plaintiffs have an insuperable problem with their case. An Indian tribe has the power to define membership as it chooses, subject to the plenary power of Congress.⁶ Nor need the tribe, in the absence of Congressional constraints, comply with the constitutional limitations binding on federal and state governments when it exercises this and other powers. In 1978, the Supreme Court held in *Santa Clara Pueblo v. Martinez* that "[a]s separate sovereigns pre-existing the Constitution, tribes have historically been regarded as unconstrained by those constitutional provisions framed specifically as limitations on federal or state authority."⁷ Even where there is some legal constraint on tribes, "without congressional authorization, the Indian Nations are exempt from suit."⁸ "[T]he tribes remain quasi-sovereign nations which, by government structure, culture, and source of sovereignty are in many ways foreign to the constitutional institutions of the Federal and State governments."⁹

Doubtless because of these well-established limitations, plaintiffs style their complaint as against the BIA, rather than the tribe. They have two theories.

First, plaintiffs argue that the BIA violated the Administrative Procedure Act by adopting a "rule" without the required notice and comment procedure.¹⁰ The district court rejected this argument, finding that the BIA never promulgated any "rule." We agree.

It is unclear what "rule" plaintiffs suppose that the BIA promulgated. Plaintiffs note that when the *Hardwick* stipulated class action judgment restored a number of terminated rancherias, BIA memoranda mentioned using the lists of people to whom the rancherias were distributed upon termination, their dependents, and their lineal descendants as a starting point for determining the tribal membership rolls. If the BIA had promulgated such a rule providing for tribal membership, it putatively would impair the claims of plaintiffs in this case, who are descendants of people who appear in the 1915 tribal census and 1935 tribal voter roll, but are not descendants of the distributees.

But the BIA carefully avoided promulgating any such rule or policy, respecting the right of the various restored rancherias to define their own memberships. In 1984, the BIA invited the known *Hardwick* plaintiffs and class members to a meeting

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where it told them about the *Hardwick* settlement and offered to help them form a tribal government, if they chose to do so. The eleven people who came to the Mooretown Rancheria meeting chose not to organize a formal government. In 1987, Mooretown Rancheria invited the BIA — not the other way around — to an "open meeting," where the Rancheria organized a tribal roll. The invitation, apparently from a member of Mooretown Rancheria, was addressed to direct descendants of the four distributees, but expressly stated that the meeting was "open" and "anyone interested in attending is welcome."

No one from the BIA attended the 1987 meeting. The lead plaintiff in this case did attend. Plaintiffs do not claim that Mooretown Rancheria organized behind their backs. At the meeting, Mooretown Rancheria organized a tribal government. The Rancheria sent the BIA a copy of the attendance list. The BIA provided neither a membership list nor membership criteria. In 1998, Mooretown Rancheria sent the BIA a copy of its Constitution and Enrollment List,¹¹ limiting tribal membership to lineal descendants of the four 1959 distributees.

We cannot identify anything the BIA did that constitutes promulgating a "rule" under the Administrative Procedure Act. The BIA never told Mooretown Rancheria who should qualify for tribal membership. When the BIA invited people to a meeting in 1984, it addressed the invitation, "Dear Plaintiff and Class member." The phrase "class member" referred to the *Hardwick* class action. When Mooretown Rancheria organized, some of the plaintiffs were members. But when in 1998, Mooretown Rancheria decided to limit tribal membership to "only those members who are direct *Lineal Descendants* of the four distributees,"¹² those plaintiffs were squeezed out. Uncontradicted evidence establishes that Mooretown Rancheria itself squeezed them out, and that it did not act at the behest of the BIA.

Under *Santa Clara Pueblo*,¹³ Mooretown Rancheria had the power to squeeze the plaintiffs out, because it has the power to define its own membership. It did not need the BIA's permission and did not ask for it, and the BIA never purported to tell it how to define its membership. Plaintiffs argue that the BIA had a policy amounting to a "rule"¹⁴ that tribal membership in restored rancherias ought to consist of the original distributees and their lineal descendants. We find no evidence of any such policy in the record. And given a tribe's sovereign authority to define its own membership, it is unclear how the BIA could have any such policy.

Plaintiffs's best evidence of a BIA policy is its 1984 invitation, which was addressed, "Dear Plaintiff and Class member." Plaintiffs also point to scattered remarks in

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BIA documents that suggest the BIA looked to the "distributees and heirs" language of the *Hardwick* stipulated class action judgment when it decided whom it should contact about reviving other restored rancherias. The *Hardwick* stipulated judgment defined the class as distributees of each rancheria and their "Indian heirs, legatees or successors in interest." Plaintiffs can only point to the address, and do not purport to challenge the class definition upon which the BIA based the address. The letter did not suggest any tribal membership criteria, did not result in any organization of Mooretown Rancheria (which chose at that time not to reorganize), and did not coincide with the membership criterion that squeezed plaintiffs out when Mooretown Rancheria eventually adopted the membership criterion fourteen years later.

The record does not establish that the BIA had any "rule" governing tribal membership or suggesting tribal membership criteria in restored rancherias. It does not establish that the BIA had any rule— or that Mooretown Rancheria followed any rule— regarding who could attend tribal meetings and participate in organizing a tribal government. And without a "rule," there can be no violation of the Administrative Procedure Act notice and comment requirements for rules.

Second, plaintiffs argue that the BIA denied them due process of law under the Fifth Amendment because BIA action deprived them of tribal membership. As explained above, nothing in the record supports this allegation. Also, no facts could be proved that would establish such a deprivation. *Santa Clara Pueblo* and its predecessors establish that "[a] tribe's right to

define its own membership for tribal purposes has long been recognized as central to its existence as an independent political community."¹⁵ For this reason, the BIA could not have defined the membership of Mooretown Rancheria, even if had tried.

Plaintiffs suggest that we should distinguish *Santa Clara Pueblo* because the Santa Clara Pueblo were a continuously existing tribe,¹⁶ while Mooretown Rancheria was terminated and restored. Such a distinction would be unsound, because it would deprive restored tribes of the power to determine their own membership. Nothing in the *ratio decidendi* of *Santa Clara Pueblo* supports such a distinction. Throughout the twentieth century, tribal organization or the lack thereof presented the members of Mooretown Rancheria with both benefits and detriments, and from time to time their decisions and preferences varied. The termination and restoration of Mooretown Rancheria does not justify depriving it of its sovereign power to define its membership when it organized a tribal government in 1987.

AFFIRMED.

Notes:

* Clay Gregory is substituted for his predecessor, Ronald Jaeger, as Regional Director [formerly known as "Area Director"] of the Pacific Region [formerly, the Sacramento Area Office] of the Bureau of Indian Affairs, pursuant to Fed. R.App. P. 43(c)(2).

** Troy Burdick is substituted for his predecessor, Dale Risling, as Superintendent of the Central California Agency of the Bureau of Indian Affairs, pursuant to Fed. R.App. P. 43(c)(2).

*** The Honorable Ronald B. Leighton, United States District Judge for the Western District of Washington, sitting by designation.

1. *Duncan v. United States*, 229 Ct.Cl. 120, 667 F.2d 36, 38 (1981).

2. California Rancheria Termination Act, Pub.L. No. 85-671, 72 Stat. 619 (1958).

3. California Rancheria Termination Act, Pub.L. No. 85-671, § 3, 72 Stat. 619, 620 (1958) (as amended by Pub.L. No. 88-419, 78 Stat. 390 (1964)). See also *Hopland Band of Pomo Indians v. United States*, 855 F.2d 1573, 1574 (Fed.Cir.1988).

4. California Rancheria Termination Act, Pub.L. No. 85-671, § 10(b), 72 Stat. 619, 621 (1958) (as amended by Pub.L. No. 88-419, 78 Stat. 390 (1964)). See also *Hopland Band of Pomo Indians v. United States*, 855 F.2d 1573, 1575 (Fed.Cir.1988).

5. *Hardwick v. United States*, No. C 79-1710 SW (N.D.Cal.1983).

6. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 72, 98 S.Ct. 1670, 56 L.Ed.2d 106 (1978) ("A tribe's right to define its own membership for tribal purposes has long been recognized as central to its existence as an independent political community."). See *Adams v. Morton*, 581 F.2d 1314, 1320 (9th Cir.1978) ("[U]nless limited by treaty or statute, a Tribe has the power to determine tribal membership."), accord, *Apodaca v. Silvas*, 19 F.3d 1015 (5th Cir.1994) (per curiam); *Smith v. Babbitt*, 100 F.3d 556 (8th Cir.1996); *Ordinance 59 Assn. v. United States Dept. of the Interior*, 163 F.3d 1150 (10th Cir.1998). See also, Felix S. Cohen, Handbook of Federal Indian Law 98-100, 133-37 (1942).

7. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 56, 98 S.Ct. 1670, 56 L.Ed.2d 106 (1978) (Marshall, J.). *Santa Clara Pueblo* cites *Roff v. Burney*, 168 U.S. 218, 18 S.Ct. 60, 42 L.Ed. 442 (1897). In *Roff*, the Supreme Court held that the "only restriction on the power" of an

Indian tribe "to legislate in respect to its internal affairs is that such legislation shall not conflict with the Constitution or laws of the United States." *Roff v. Burney*, 168 U.S. 218, 222, 18 S.Ct. 60, 42 L.Ed. 442 (1897).

8. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 56, 98 S.Ct. 1670, 56 L.Ed.2d 106 (1978).

9. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 71, 98 S.Ct. 1670, 56 L.Ed.2d 106 (1978).

10. 5 U.S.C. § 551.

11. Mooretown Rancheria is not organized under the Indian Reorganization Act, so the BIA did not require it to provide these materials.

12. Mooretown Rancheria, Resolution 98-218, Reclassification of Membership in Accordance With the Constitution of the Mooretown Rancheria, February 18, 1998 (emphasis in original).

13. *Santa Clara Pueblo v. Martinez* 436 U.S. 49, 56, 98 S.Ct. 1670, 56 L.Ed.2d 106 (1978).

14. 5 U.S.C. § 551(4) ("`rule' means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing").

15. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 72, 98 S.Ct. 1670, 56 L.Ed.2d 106 (1978).

16. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 98 S.Ct. 1670, 56 L.Ed.2d 106 (1978).



SUBCHAPTER V--TERMINATION OF FEDERAL-INDIAN RELATIONSHIPS

SUBCHAPTER V--TERMINATION OF FEDERAL-INDIAN RELATIONSHIPS [ADDED]

PART 242--CALIFORNIA RANCHERIAS AND RESERVATIONS--DISTRIBUTION OF ASSETS

Sec.	
242.1	Purpose and scope.
242.2	Definitions.
242.3	Plan of distribution.
242.4	General notice.
242.5	Objections to plan.
242.6	Referendum.
242.7	Beneficial interest.
242.8	Organized rancheria or reservation.
242.9	Rancheria or reservation business corporation.
242.10	Proclamation.

AUTHORITY: §§ 242.1 to 242.10 issued under sec. 12 of the Act of August 18, 1958 (72 Stat. 619).

SOURCE: §§ 242.1 to 242.10 appear at 24 F.R. 4653, June 9, 1959.

§ 242.1 Purpose and scope.

The purpose of this part is to provide policies and procedures governing the distribution of the assets of the following rancherias and reservations in the State of California: Alexander Valley, Auburn, Big Sandy, Big Valley, Blue Lake, Buena Vista, Cache Creek, Chicken Ranch, Chico, Cloverdale, Cold Springs, Elk Valley, Guidiville, Graton, Greenville, Hopland, Indian Ranch, Lytton, Mark West, Middletown, Montgomery Creek, Mooretown, Nevada City, North Fork, Paskenta, Picayune, Pinoleville, Potter Valley, Quartz Valley, Redding, Redwood Valley, Robinson, Rohnerville, Ruffeys, Scotts Valley, Smith River, Strawberry Valley, Table Bluff, Table Mountain, Upper Lake and Wilton.

§ 242.2 Definitions.

As used in this part, terms shall have the meanings set forth in this section.

(a) "Adult Indian" means any Indian who is an adult under the laws of the State in which he is domiciled.

(b) "Distributee" means any Indian who is entitled to receive, under a plan prepared pursuant to section 2 of the Act of August 18, 1958 (72 Stat. 619), any assets of a rancheria or reservation.

(c) "Dependent members", as used in the phrase "dependent members of their immediate families", includes all persons for whose support the distributee is legally liable according to the laws of the State of California and who are related by blood or adoption or by marriage, including common law or customary marriage, who are domiciled in the household of the distributee, and who receive more than one-half of their support from such distributee.

(d) "Formal assignment" means any privilege of use and/or occupancy of the real property of a rancheria or reservation which is evidenced by a document in writing.

(e) "Informal assignment" means any privilege or claim of privilege of use and/or occupancy of the real property of a rancheria or reservation, not based on an instrument in writing.

§ 242.3 Plan of distribution.

The plan of distribution to be prepared under section 2 of the Rancheria Act shall be in writing and may be prepared by those Indians who hold formal or informal assignments on the rancheria or reservation involved, or by those Indians who have or claim to have some special relationship to the particular rancheria or reservation involved, not shared by Indians in general, or may be prepared by the Secretary of the Interior after consultation with such Indians. Any such plan must be approved by the Secretary before submission to the distributees for approval. Such plan shall provide for a description of the class of persons who shall be entitled to participate in the distribution of the assets and shall identify, by name and last known address, those persons to be distributees under the plan and dependent members of their immediate family.

§ 242.4 General notice.

When the Secretary has approved a plan for the distribution of the assets of a rancheria or reservation, a general



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notice of the contents of such plan shall be given in the following manner:

(a) Service by regular mail, or in person, of a copy of the plan to those who participated in the drafting of the plan, and to the distributees named in the plan.

(b) Service by regular mail, or in person, of a copy of the plan to all other persons who have indicated by a letter addressed to the Area Director that they claim an interest in the assets of the rancharia or reservation involved.

(c) Posting a copy of the plan in a public place on the rancharia or reservation, and in the Post Office serving the rancharia or reservation.

§ 242.5 Objections to plan.

Any Indian who feels that he is unfairly treated in the proposed distribution of the property of a rancharia or reservation as set forth in a plan prepared and approved under § 242.3 may, within 30 days after the date of the general notice, submit his views and arguments in writing to the Area Director, Bureau of Indian Affairs, P.O. Box 749, Sacramento, California. The Area Director shall act for persons who are minors or non compos mentis if he finds that such persons are unfairly treated in the proposed distribution of the property. Such views and arguments shall be promptly forwarded by the Area Director for consideration by the Secretary.

§ 242.6 Referendum.

After consideration by the Secretary of all views and arguments, the plan or a revision thereof, and a notice of a referendum meeting, shall be sent by registered mail, return receipt requested, to each distributee. Thereafter, the Secretary shall cause a referendum to be held at a general meeting of the distributees, at the time and place set forth in the notice of the meeting. Any adult Indian distributee may indicate his acceptance or rejection of the plan by depositing his ballot in a ballot box at the meeting place or by mailing his ballot to the Area Director, Bureau of Indian Affairs, P.O. Box 749, Sacramento, California, clearly marked on the envelope the rancharia or reservation referendum for which the ballot is being submitted. All ballots which are mailed shall be posted so as to be received at least two days before the date set for the referendum meeting. Ballots received thereafter shall not be

accepted. At the close of the meeting all ballots shall be counted; and if the plan is approved by a majority of the adult Indian distributees, it shall be final and shall take effect on the date approved.

§ 242.7 Beneficial interest.

Upon approval of a plan or a revision thereof by the Secretary of the Interior, and acceptance by a majority of the adult Indian distributees, the distributees listed in the plan shall be the final list of Indians entitled to participate in the distribution of the assets of the rancharia or reservation and the rights or beneficial interests in the property of each person whose name appears on this list shall constitute vested property which may be inherited or bequeathed but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such property.

§ 242.8 Organized rancharia or reservation.

When a plan for the distribution of the assets of a rancharia or reservation organized under section 16 of the Indian Reorganization Act (25 U.S.C. 476) shall have been approved and adopted at a referendum held for the purpose, the governing body of such constitutional rancharia or reservation shall cause a final financial statement to be prepared, including a certificate that all the obligations and debts of said rancharia or reservation have been liquidated or adjusted and that all the assets have been or are simultaneously therewith conveyed to persons or groups authorized by law to receive them which may include any organization under State law. The constitution of the group shall upon receipt of a satisfactory certificate of completion be revoked by the Secretary.

§ 242.9 Rancharia or reservation business corporation.

When a plan for the distribution of the assets of a tribal business corporation has been approved and adopted by a referendum held for the purpose, the Board of Directors, or equivalent, of such Indian business corporation shall cause a final financial statement to be prepared and submitted to the Area Director, including a certificate that all the obligations and debts of said corporation have been liquidated or adjusted and that all the assets of such corporation have been or

§ 242.10

Title 25--Chapter I

§ 242.10

are simultaneously therewith conveyed to persons or corporations authorized by law to receive them. The charter of the group shall upon receipt of a satisfactory certificate of completion be revoked by the Secretary.

§ 242.10 Proclamation.

When the provisions of a plan have been carried out to the satisfaction of the Secretary, he shall publish in the **FEDERAL REGISTER** a proclamation declaring that the special relationship of the United States to the rancheria or reservation and to the distributees and the dependent members of their immediate families is terminated. The proclamation shall list the names of the distributees and dependent members of their immediate families who are no longer entitled to any services performed by the United States for Indians because of their status as Indians.



IN REPLY REFER TO:
Tribal Programs
103.3

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
Sacramento Area Office
P. O. Box 749
Sacramento 4, California



APR 9 1958

AIR MAIL

Commissioner, Bureau of Indian Affairs

Washington 25, D. C.

Attention: Legislative Associate
Commissioner

Dear Sir:

Inasmuch as Mooretown Rancheria has been the subject of correspondence between you and Congressman Engle and since there is the possibility that the rancheria may be added to the Rancheria Bill, the following information is furnished.

Mooretown Rancheria is located about one and one-half miles from the town of Feather Falls in Butte County, California. It consists of two eighty acre tracts, one-half mile apart. The eastern tract was purchased in 1915 from the Central Pacific Railway. It is presently occupied by Mr. Fred Taylor who, according to the enclosed statement, has lived continuously on the rancheria since prior to its purchase by the Federal Government. The second house on this tract belongs to Mr. Taylor's step-daughter, Mrs. Katy Archuleta, who presently lives in the neighboring town of Oroville but whose non-Indian husband, and occasionally some of their children, continue to occupy the house.

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The western tract, which was set aside by Executive Order of June 6, 1894, has been occupied for the past eighteen years by Mr. and Mrs. Robert Jackson. Mr. Engle's letter to you of March 18, 1958, refers to a letter of February 4, 1958, written on behalf of Mr. Jackson by a son-in-law, Herman Steidel. Enclosed are copies of a letter written in 1954 and on January 9, 1958, also in Mr. Jackson's behalf.

Both portions of the rancheria are presently served with adequate roads. Both the Taylor and the Jackson homes have electricity and obtain domestic water from good springs which have been developed and are pumped to the houses. Both residents have rights to irrigation water from a ditch crossing the rancheria. Both Mr. and Mrs. Jackson and Mr. Taylor receive Old Age Security payments



from the Butte County Welfare Department. The exterior boundaries of the rancheria were surveyed by this office in March of 1954. The land is used primarily for home sites and is not arable except for a small garden plot adjoining each house. Should title to the rancheria be transferred to the resident occupants, no particular problems or difficulties are foreseen except the possible need for internal surveys. A work sheet such as was furnished for other rancherias in the group is enclosed.

Sincerely yours,

A handwritten signature in blue ink that reads "Leonard M. Hill". The signature is written in a cursive style with a large initial "L".

Area Director

Enclosures 5

JK

September 15, 1958



United States
Department of the Interior
Bureau of Indian Affairs
Sacramento Area Office
Sacramento 4, California

Dear Sirs:

Inreference to Public Law 85-671, we, the undersigned, summarize our reasons for asking for a clear fee simple title to the land we are occupying.

I, Robert Jackson and my wife Ina Jackson, have lived here on Mooretown Rancheria as sole residents for nineteen years.

At the time we took up our residence here, there was only a small cabin in run-down condition on the place. We made necessary repairs so that we could live in it. There were also a few fruit trees in neglected condition that required much work to make them produce again.

As I was still able to work at that time, we saved and started to make improvements. We started a new house which we completed over the years. We also planted new fruit trees and cleared a large garden area and fenced it in.

During our years here we also had electricity brought in to the place and had our house wired. As there were interruptions in our water supply, we had to build a small reservoir and install a pressure system. This supplies water to our house.

Two years ago we added a bathroom to our house and had propane gas installed which we use for cooking and hot water heater.

All this has been accomplished through our own means over the years. We have endeavored to make a home for ourselves according to the best of our means and ability, without any help.



- 2 -

As early as 1948, when we first contacted the Bureau of Indian Affairs in reference to securing a trust patent, the former area director, Walter Wohlke, gave us the right to make improvements, and assured us they would be safe.

Therefore it has been our hope for years to one day have clear title to the land we occupy, that we could rest assured we own our home and to protect our investments and labor we have expended here.

Sincerely yours,

Signed Robert Jackson
Robert Jackson

Signed Ina D. Jackson
Ina Jackson

Written by Herman Steidl
Herman Steidl
2705 Fay Way
Croville, California

Walz
mg

March 15, 1959



United States
Department of the Interior
Bureau of Indian Affairs
Washington 25, D.C.

Dear Sirs:

In reference to Public Law 85-671, under section 2, we, the undersigned, summarize our reasons for asking for a clear fee simple title to the land we are occupying.

I, Robert Jackson and my wife Ina Jackson, have lived here on Mooretown Rancheria as sole residents for nineteen years.

At the time we took up our residence here, there was only a small cabin in run-down condition on the place. We made necessary repairs so that we could live in it. There were also a few fruit trees in neglected condition that required much work to make them produce again.

As I was still able to work at that time, we saved and started to make improvements. We started a new house which we completed over the years. We also planted new fruit trees and cleared a large garden area and fenced it in.

During our years here we also had electricity brought in to the place and had our house wired. As there were interruptions in our supply of water, we had to build a small reservoir and install a pressure system. This supplies water to our house.

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670

Two years ago we added a bathroom to our house and had butane gas installed which we use for cooking and the water heater.

All this has been accomplished through our own means over the years. We have endeavored to make a home for ourselves according to the best of our means and ability, without any help.

As early as 1948, when we first contacted the Bureau of Indian Affairs in reference to securing a trust patent, the former area director, Walter Wohlke, gave us the right to make improvements, and assured us they would be safe.



- 2 -

Therefore it has been our hope for years to one day have clear title to the land we occupy, that we could rest assured we own our home and to protect our investments and labor we have expanded here.

Sincerely yours,

Signed Robert Jackson
Robert Jackson

Signed Ina Jackson
Ina Jackson

Mooretown Indian Rancheria
Feather Falls, Star Route
Oroville, California

Prepared by Ferman Steidl
Ferman Steidl

Tribal Programs
3492-59

FILE COPY
SURNAME:

<i>Wally</i>
<i>Managon</i>

Mr. Robert Jackson
Mooretown Indian Rancheria
Feather Falls, Star Route
Oroville, California

Dear Mr. Jackson:

We know that you and your wife are concerned over the distribution of the assets of the Mooretown rancheria. Let us reassure you that you will not lose any of the investments you have made on this land. There are other Indians who are claiming certain portions of one of the two eighty-acre plots which make up the rancheria, but we do not think their claims involve any of the interests you have on this property.

All of the Indians who have any interest on the rancheria must make a plan for the distribution of the land. This plan must be approved by the Secretary of the Interior and accepted by everyone who will receive a parcel of the land. If the Indians need any help in making the plan, our Area Director in Sacramento has been given the authority to assist them. We must have the distribution plan sent to us for study before we can determine whether the proposed distribution of the land is equitable.

We are sending Mr. Leonard M. Hill, the Area Director, a copy of your letter of March 15. He will assist you and the other Indians of the rancheria in making your plan if you feel you need his help. We want to assure you and your wife again that your interests at Mooretown will be protected.

Sincerely yours,

Commissioner

cc: AD, Sacramento
350

Do not file
Return to
Branch of Tribal
Programs

CARBON FOR INDIAN OFFICE

EXHIBIT
6

PFWalzb:bgm 3-27-59

BIA Surname
Chrony
Mailroom
Holdup

PUBLIC LAW 85-671

AN ACT

To provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes.

[August 18, 1958; H. R. 2824]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lands, including minerals, water rights, and improvements located on the lands, and other assets of the following rancherias and reservations in the State of California shall be distributed in accordance with the provisions of this Act: Alexander Valley, Auburn, Big Sandy, Big Valley, Blue Lake, Buena Vista, Cache Creek, Chicken Ranch, Chico, Cloverdale, Cold Springs, Elk Valley, Guidiville, Graton, Greenville, Hopland, Indian Ranch, Lytton, Mark West, Middletown, Montgomery Creek, Mooretown, Nevada City, North Fork, Paskenta, Picayune, Pinoleville, Potter Valley, Quartz Valley, Redding, Redwood Valley, Robinson, Rohnerville, Ruffeye, Scotts Valley, Smith River, Strawberry Valley, Table Bluff, Table Mountain, Upper Lake, Wilton.

SEC. 2. (a) The Indians who hold formal or informal assignments on each reservation or rancheria, or the Indians of such reservation or rancheria, or the Secretary of the Interior after consultation with such Indians, shall prepare a plan for distributing to individual Indians the assets of the reservation or rancheria, including the assigned and the unassigned lands, or for conveying such assets to a corporation or other legal entity organized or designated by the group, or for conveying such assets to the group as tenants in common. The Secretary shall provide such assistance to the Indians as is necessary to organize a corporation or other legal entity for the purposes of this Act.

(b) General notice shall be given of the contents of a plan prepared pursuant to subsection (a) of this section and approved by the Secretary, and any Indian who feels that he is unfairly treated in the proposed distribution of the property shall be given an opportunity to present his views and arguments for the consideration of the Secretary. After such consideration, the plan or a revision thereof shall be submitted for the approval of the adult Indians who will participate in the distribution of the property, and if the plan is approved by a majority of such Indians who vote in a referendum called for that purpose by the Secretary the plan shall be carried out. It is the intention of Congress that such plan shall be completed not more than three years after it is approved.

(c) Any grantee under the provisions of this section shall receive an unrestricted title to the property conveyed, and the conveyance shall be recorded in the appropriate county office.

(d) No property distributed under the provisions of this Act shall at the time of distribution be subject to any Federal or State income tax. Following any distribution of property made under the provisions of this Act, such property and any income derived therefrom by the distributee shall be subject to the same taxes, State and Federal, as in the case of non-Indians: Provided, That for the purpose of capital gains or losses the base value of the property shall be the value of the property when distributed to the individual, corporation, or other legal entity.



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SEC. 3. Before making the conveyances authorized by this Act on any rancheria or reservation, the Secretary of the Interior is directed:

(a) To cause surveys to be made of the exterior or interior boundaries of the lands to the extent that such surveys are necessary or appropriate for the conveyance of marketable and recordable titles to the lands.

(b) To complete any construction or improvement required to bring Indian Bureau roads serving the rancherias or reservations up to adequate standards comparable to standards for similar roads of the State or subdivision thereof. The Secretary is authorized to contract with the State of California or political subdivisions thereof for the construction or improvement of such roads and to expend under such contracts moneys appropriated by Congress for the Indian road system. When such roads are transferred to the State or local government the Secretary is authorized to convey rights-of-way for such roads, including any improvements thereon.

(c) To install or rehabilitate such irrigation or domestic water systems as he and the Indians affected agree, within a reasonable time, should be completed by the United States.

(d) To cancel all reimbursable indebtedness owing to the United States on account of unpaid construction, operation, and maintenance charges for water facilities on the reservation or rancheria.

(e) To exchange any lands within the rancheria or reservation that are held by the United States for the use of Indians which the Secretary and the Indians affected agree should be exchanged before the termination of the Federal trust for non-Indian lands and improvements of approximately equal value.

SEC. 4. Nothing in this Act shall abrogate any water right that exists by virtue of the laws of the United States. To the extent that the laws of the State of California are not now applicable to any water right appurtenant to any lands involved herein they shall continue to be inapplicable. While the water right is in Indian ownership for a period not to exceed fifteen years after the conveyance pursuant to this Act of an unrestricted title thereto, and thereafter the applicability of such laws shall be without prejudice to the priority of any such right not theretofore based upon State law. During the time such State law is not applicable the Attorney General shall represent the Indian owner in all legal proceedings, including proceedings before administrative bodies, involving such water right, and in any necessary affirmative action to prevent adverse appropriation of water which would encroach upon the Indian water right.

SEC. 5. (a) The Secretary of the Interior is authorized to convey without consideration to Indians who receive conveyances of land pursuant to this Act, or to a corporation or other legal entity organized by such Indians, or to a public or non-profit body, any federally owned property on the reservations or rancherias subject to this Act that is not needed for the administration of Indian affairs in California,

(b) For the purposes of this Act, the assets of the Upper Lake Rancheria and the Robinson Rancheria shall include the one-hundred-and sixty-acre tract set aside as a wood reserve for the Upper Lake Indians by secretarial order dated February 15, 1907.

(c) The Secretary of the Interior is authorized to sell the five hundred and sixty acres of land, more or less, which were withdrawn from entry, sale, or other dis-

-viii-

position, and set aside for the Indians of Indian Ranch, Inyo County, California, by the Act of March 3, 1928 (45 Stat. 162), and to distribute the proceeds of sale among the heirs of George Hanson.

SEC. 6. The Secretary of the Interior shall disburse to the Indians of the rancherias and reservations that are subject to this Act all funds of such Indians that are in the custody of the United States.

SEC. 7. Nothing in this Act shall affect any claim filed before the Indian Claims Commission, or the right, if any, of the Indians subject to this Act to share in any judgment recovered against the United States on behalf of the Indians of California.

SEC. 8. Before conveying or distributing property pursuant to this Act, the Secretary of the Interior shall protect the rights of individual Indians who are minors, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs, by causing the appointment of guardians for such Indians in courts of competent jurisdiction, or by such other means as he may deem adequate, without application from such Indians, including but not limited to the creation of a trust for such Indians' property with a trustee selected by the Secretary, or the purchase by the Secretary of annuities for such Indians.

SEC. 9. Prior to the termination of the Federal trust relationship in accordance with the provisions of this Act, the Secretary of the Interior is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the Indians to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program, the Secretary is authorized to enter into contracts or agreements with any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it.

SEC. 10. (a) The plan for the distribution of the assets of a rancharia or reservation, when approved by the Secretary and by the Indians in a referendum vote as provided in subsection 2 (b) of this Act, shall be final, and the distribution of assets pursuant to such plan shall not be the basis for any claim against the United States by an Indian who receives or is denied a part of the assets distributed.

(b) After the assets of a rancharia or reservation have been distributed pursuant to this Act, the Indians who receive any part of such assets, and the dependent members of their immediate families, shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several States shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in this act, however, shall affect the status of such persons as citizens of the United States.

SEC. 11. The constitution and corporate charter adopted pursuant to the act of June 18, 1934 (48 Stat. 984), as amended, by any rancharia or reservation subject to this Act shall be revoked by the Secretary of the Interior when a plan is approved by a majority of the adult Indians thereof pursuant to subsection 2 (b) of this Act.

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SEC. 12. The Secretary of the Interior is authorized to issue such rules and regulations and to execute or approve such conveyancing instruments as he deems necessary to carry out the provisions of this Act.

SEC. 13. There is authorized to be appropriated not to exceed \$509,235 to carry out the provisions of this Act.

Approved August 18, 1966.

A PLAN FOR THE DISTRIBUTION OF THE ASSETS OF THE
MOORETOWN RANCHERIA, ACCORDING TO THE PROVISIONS OF
PUBLIC LAW 85-671, APPROVED AUGUST 18, 1958

The Mooretown Rancheria is comprised of 160 acres located in Butte County, California. The two parcels, one-half mile apart, are described as follows:

Parcel No. 1. N $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 22, T20N., R6E., M.D.B.& M. This parcel was set aside by Secretarial Order June 12, 1894.

Parcel No. 2. N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 23, T20N., R6E., M.D.B.&M., was purchased in 1915 under the 1906-1908 Acts.

Both parcels were obtained for the landless Indians of California.

Parcel No. 1 has been the home of Robert Jackson and his family for many years, and they have been generally recognized as the only people holding formal or informal assignments there. Their children are grown and have not lived on the parcel for several years. Robert and Ina Jackson are the only Indians now living on this parcel.

Parcel No. 2 has been the home of Fred Taylor and his family for many years, and they have been generally recognized as the only people holding formal or informal assignments there. His family is grown and is not dependent upon him. He has a step-daughter, Katie Archuleta, who has built a house on the parcel and makes her home



there. Mr. Taylor and his children would like for her to have Lot No. 1 of parcel 2, twenty acres west of the railroad in the northwest corner of the eighty acres, as her share of the parcel.

A timber survey made by the Bureau of Indian Affairs in December, 1958 shows an approximate volume of 1,774,215 feet of merchantable timber. Parcel No. 1 has approximately 486,936 feet and parcel No. 2 has approximately 1,287,279 feet. Both parcels are rocky and relatively steep and used for homesites.

Land parcel No. 1 has a live spring 200 yards east of the house site that furnishes an ample supply of domestic water. A pressure pump was installed by the distributee. Irrigation water is available from the ditch that crosses the property at the northwest corner above the road.

Parcel No. 2 has an adequate supply of domestic water available from a pump-operated well and from a small stream that flows through the eastern half of this parcel. No additional water development is necessary. A railroad track crosses the property and a good sawmill adjoins the property to the north.

Parcel No. 1 has a paved road crossing the northwest corner and a graveled road crosses the parcel leading from the paved road. Parcel No. 2 has a graveled road crossing about the center in a north and south direction. All families have adequate ingress and egress and no further road development is necessary.

The exterior boundaries have been surveyed and corners established. Interior surveys will be required for parcel No. 2.

There are some funds on deposit to the credit of the rancheria in the United States Treasury. They do not have a constitution or charter and no Government buildings are involved. There is no lien against the property for unpaid operation and maintenance water charges.

The Indians listed herein are recognized as the only Indians of the rancheria who hold formal or informal assignments and are entitled to share in the distribution of the property. No minors will receive deeds in the distribution of the real estate. All distributees are fully advised of the opportunity to participate in the vocational training program afforded by the Bureau of Indian Affairs and none has indicated any interest.

The Indians of the Mooretown Rancheria desire termination under the provisions of Public Law 85-671 and request that the Bureau of Indian Affairs undertake the following actions.

1. Furnish each distributee the approximate value of his or her lot at the time of conveyance.
2. Make such surveys as are necessary to convey a merchantable and recordable title to each lot.
3. Divide the funds that are on deposit in the United States Treasury to the credit of the Mooretown Rancheria as follows:

3/8	Fred Taylor
1/8	Katie Archuleta
1/2	Robert Jackson

4. Convey to individual Indians, according to this plan and the maps attached hereto and made a part of this plan, unrestricted title to the lands constituting the Mooretown Rancheria. Title will be subject to existing rights-of-way, easements or leases and will include such mineral and water rights as are now vested in the United States.

The distributees and the dependent members of their immediate families who will receive title to individual lots and a share of the funds involved are:

NAME	PARCEL LOT		RELATIONSHIP	BIRTHDATE	ADDRESS
	NO.	NO.			
Robert Jackson	1		Distributee	[REDACTED]-1882	Feather Falls Star Route Oroville, California
Ina Jackson			Wife	[REDACTED]-1876	Same
Katie Archuleta	2	1	Distributee	[REDACTED]-1899	Feather Falls, California
Fred Taylor	2	2	Distributee	[REDACTED]-1881	Feather Falls, California

Upon approval of this plan or a revision thereof by the Secretary of the Interior and acceptance by a majority of the adult Indian distributees, as provided in Section 2(b) of Public Law 85-671, the distributees and the dependent members of their immediate families listed in this plan shall be the final list of Indians entitled to participate in the distribution of the assets of the Mooretown Rancheria, and the rights or beneficial interests in the property of each person whose name appears in this list shall constitute vested property which

may be inherited or bequeathed but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such property.

After the assets of the Mooretown Rancheria have been distributed pursuant to this plan and Public Law 85-671, the Indians who receive any part of such assets and the dependent members of their immediate families shall thereafter not be entitled to any of the services performed by the United States for these persons because of their status as Indians. All statutes of the United States which affect Indians because of their status as Indians shall not apply to them and the laws of the several states shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in this plan, however, shall affect the status of such persons as citizens of the United States.

The Area Director will cause the appointment of such trustees, guardians or conservators as he may deem adequate to protect the interests of individual Indians participating in the distribution of assets according to this plan, as provided in Section 8 of Public Law 85-671.

All provisions of Public Law 85-671 shall be applicable in the execution of this plan and general notice of the contents shall be given by posting a copy of this plan in the post office at Feather Falls, Butte County, California, by posting a copy in a prominent place on the Mooretown Rancheria, by mailing a copy to the head of each individual family participating in this plan and by mailing a copy to any person who advises the Sacramento Area Office that he feels that he may have a material interest in the plan.

This plan has been prepared by the Area Director, Bureau of Indian Affairs, Sacramento Area Office, pursuant to the authority delegated on February 26, 1959, and after consultation with the Indians of the Mooretown Rancheria.

Approved, with authority retained to revise or change if appears are received within 30 days after general notice to this plan is given.

H. REX LEE
Commissioner

Date July 21, 1959

Final approval of Secretary of the Interior given on October 13, 1959.

Accepted by distributees in a referendum by majority vote.

Effective date of plan is October 29, 1959.

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Citation:

Chase California Codes: Containing Civil, Probate,
Penal Codes and Code of Civil Procedure, with Multiple
Index (1947).

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gations of mutual respect, fidelity and support. **Leg.H.** 1872.

Anno. 13 Cal.J. 801-804; 30 C.J. 506; 13 RCL. 983; A.Dig. Husband & W. §1; McK.D. Husband & W. §4.

New—W.S.C.L. Husband & Wife §5.

§156. Husband Head of Family and Chooser of Home.—The husband is the head of the family. He may choose any reasonable place or mode of living, and the wife must conform thereto. **Leg.H.** 1872.

Anno. 13 Cal.J. 801-804; 30 C.J. 510 §16, 18; 13 RCL. 984; A.Dig. Husband & W. §3 (1); McK.D. Husband & W. §4, Divorce §37.

New—W.S.C.L. Husband & Wife §5.

§157. Separate Property Interests, Common Rights in Home.—Neither husband nor wife has any interest in the property of the other, but neither can be excluded from the other's dwelling. **Leg.H.** 1872.

Anno. 13 Cal.J. 819; 30 C.J. 508; 13 RCL. 989-992; A.Dig. Husband & W. §6-12; McK.D. Husband & W. §4, 24, 34.

New—W.S.C.L. Husband & Wife §1.

§158. Property Contracts Between, and With Others.—Either husband or wife may enter into any engagement or transaction with the other, or with any other person, respecting property, which either might if unmarried; subject, in transactions between themselves, to the general rules which control the actions of persons occupying confidential relations with each other, as defined by the title on trusts. **Leg.H.** 1872.

Also post §177.

Anno. 5 Cal.J. 346-352; 30 C.J. 584; 13 RCL. 1351; A.Dig. Husband & W. §14, 15, 17; McK.D. Husband & W. §154 et seq. §7, 126.

New—W.S.C.L. Contracts §112; Husband & Wife §§1, 2, 3.

§159. Limitation on Power to Contract with Each Other.—Separation Agreements.—A husband and wife cannot, by any contract with each other, alter their legal relations, except as to property, and except that they may agree, in writing, to an immediate separation, and may make provision for the support of either of them and of their children during such separation. **Leg.H.** 1872, 1873 p. 193.

Anno. 5 Cal.J. 272-274; 30 C.J. 521, 526, 530; 13 RCL. 1351; 9 Id. 524; A.Dig. Husband & W. §36, 277; McK.D. Divorce §309, Husband & W. §154, 7, 24.

New—W.S.C.L. Contracts §188; Parent & Child §8; Husband & Wife §4.

§160. Consideration.—The mutual consent of the parties is a sufficient consideration for such an agreement as is mentioned in the last section. **Leg.H.** 1872.

Anno. 5 Cal.J. 273; 30 C.J. 1061; 9 RCL. 528;

A.Dig. Husband & W. §278(5); McK.D. Divorce & Separation §310; Husband & W. §157.

New—W.S.C.L. Husband & Wife §4.

§161. Tenure of Property.—A husband and wife may hold property as joint tenants, tenants in common, or as community property. **Leg.H.** 1872.

Anno. 13 Cal.J. 807; 30 C.J. 564 §96; 13 RCL. 1046-1051; A.Dig. Husband & W. §68; McK.D. Cotenancy §2, 11; Husband & W. §24, 29, 34.

New—W.S.C.L. Husband & Wife §1.

§161a. — Community Property.—The respective interests of the husband and wife in community property during continuance of the marriage relation are present, existing and equal interests under the management and control of the husband as is provided in sections 172 and 172a of the Civil Code. This section shall be construed as defining the respective interests and rights of husband and wife in community property. **Leg.H.** 1927 p. 484 ch. 265.

Payment under terms of life insurance policy discharge insurer from all claims unless insurer has received notice of valid claims against policy. See §10172 of Insurance Code, Stats. 1941 ch. 272.

Anno. 5 Cal.J. 335; 31 C.J. 82; 5 RCL. 850; A.Dig. Husband & W. §265; McK.D. Husband & W. §96, 99.

New—W.S.C.L. Taxation §101.

§162. Separate Property of Wife.—All property of the wife, owned by her before marriage, and that acquired afterwards by gift, bequest, devise, or descent, with the rents, issues, and profits thereof, is her separate property. The wife may, without the consent of her husband, convey her separate property. **Leg.H.** 1872.

Anno. 13 Cal.J. 815; 30 C.J. 526; 31 Id. 20-47; 13 RCL. 1046, 1051; A.Dig. Husband & W. §110; McK.D. Husband & W. §34 et seq.

New—W.S.C.L. Husband & Wife §1.

§163. Separate Property of Husband.—All property owned by the husband before marriage, and that acquired afterwards by gift, bequest, devise, or descent, with the rents, issues, and profits thereof, is his separate property. **Leg.H.** 1872.

Anno. 13 Cal.J. 815; 30 C.J. 521; 31 Id. 20-47; 13 RCL. 1147; A.Dig. Husband & W. §6, 68; McK.D. Husband & W. §34 et seq.

§164. Community Property.—Presumption from Mode of Acquisition.—All other property acquired after marriage by either husband or wife, or both, including real property situated in this State and personal property wherever situated, heretofore or hereafter acquired while domiciled elsewhere, which would not have been the separate property of either if acquired while domiciled in this State, is community

property; but whenever any real or personal property, or any interest therein or encumbrance thereon, is acquired by a married woman by an instrument in writing, the presumption is that the same is her separate property, and if acquired by such married woman and any other person the presumption is that she takes the part acquired by her, as tenant in common, unless a different intention is expressed in the instrument; except, that when any of such property is acquired by husband and wife by an instrument in which they are described as husband and wife, unless a different intention is expressed in the instrument, the presumption is that such property is the community property of said husband and wife. The presumptions in this section mentioned are conclusive in favor of [1] any person dealing in good faith and for a valuable consideration with such married woman or her legal representatives or successors in interest, and regardless of any change in her marital status after acquisition of said property.

In cases where a married woman has conveyed, or shall hereafter convey, real property which she acquired prior to May 19, 1889, the husband, or his heirs or assigns, of such married woman, shall be barred from commencing or maintaining any action to show that said real property was community property, or to recover said real property from and after one year from the filing for record in the recorder's office of such conveyances, respectively. **Leg.H.** 1872, 1889 p. 328, 1893 p. 71, 1897 p. 63, 1917 p. 827, 1923 p. 746, 1927 p. 826 ch. 487, 1935 ch. 707, 1941 ch. 455.

§164. 1941 Deletes. 1. a purchaser, encumbrancer, payor, or any other person dealing with such married woman in good faith and for a valuable consideration.

§164. 1935 **Leg.** A comma was deleted after the word "State" in the 4th line: starting in the 16th line "Married woman and [her husband, or by her and] any other person [.] the presumption is that she takes the part acquired by her, as tenant in common, unless a different intention is expressed in the instrument; except, that when any of such property is acquired by husband and wife, by an instrument in which they are described as husband and wife, unless a different intention is expressed in the instrument, the presumption is that such property is the community property of said husband and wife. The [and the] presumptions in this section mentioned are conclusive in favor." The above words in brackets were deleted and the words in bold face type were added; in the last paragraph after the words "real property" in the sixth from last line the following was deleted: ", as follows: As to conveyances heretofore made from and after one year from the

date of the taking effect of this act; and as to conveyances hereafter made,"

Anno. 5 Cal.J. 265; 31 C.J. 555; 5 RCL 844; A.Dig. Husband & W. §262; McK.D. Husband & W. §34 et. seq.

§165. Declaration of Wife's Separate Property.—Acknowledgment and Recording.—A full and complete inventory of the separate personal property of [1] either spouse may be made out and signed by [2] such spouse, acknowledged or proved in the manner required by law for the acknowledgment or proof of a grant of real property [3], and recorded in the office of the recorder of the county in which the parties reside. **Leg.H.** 1872, 1935 ch. 102.

§165. 1935 Deletes. 1. the wife 2. her 3. by an unmarried woman.

Anno. 1 Cal.J. 277; 5 Id. 270; 30 C.J. 532; 5 RCL 847; 13 Id. 1154; A.Dig. Husband & W. §111, 246; McK.D. Husband & W. §110.

§166. Constructive Notice.—The filing of the inventory in the recorder's office is notice and prima facie evidence of the title of the [1] party filing such inventory. **Leg.H.** 1872, 1873 p. 193, 1935 ch. 102.

§166. 1935 Deletes. 1. wife

Anno. 1 Cal.J. 225; 30 C.J. 532; 13 RCL 1154; A.Dig. Husband & W. §111; McK.D. Husband & W. §110.

§167. Liabilities Charged to Community.—Debts of Wife.—The property of the community is not liable for the contracts of the wife, made after marriage, unless secured by a pledge or mortgage thereof executed by the husband. Except as otherwise provided by law, the earnings of the wife are liable for her contracts heretofore or hereafter made before or after marriage. **Leg.H.** 1872, 1873 p. 193, 1937 ch. 508.

Anno. 5 Cal.J. 353-355; 13 Cal.J. 803; 31 C.J. 102-107, 112; 5 RCL 858; 13 RCL 1095; A.Dig. Husband & W. §68, 259; McK.D. Husband & W. §102 et seq.

§168. Earnings of Wife Exempt—Exception. The earnings of the wife are not liable for the debts of the husband; but, except as otherwise provided by law, such earnings shall be liable for the payment of debts, heretofore or hereafter contracted by the husband or wife for the necessities of life furnished to them or either of them while they are living together. **Leg.H.** 1872, 1937 ch. 508.

Anno. 13 Cal.J. 804; 15 Cal.J. 1008 §17; 31 C.J. 105, 113; 5 RCL 842 §21; 13 Id. 1149 §173; 13 RCL 1193; A.Dig. Husband & W. §131(6), 167, 259; McK.D. Husband & W. §61, 125.

§169. Earnings and Accumulations While Living Apart from Husband. — The earnings and accumulations of the wife, and of

From: Amy Dutschke
Sent: Tuesday, October 23, 2018 9:57 AM
[REDACTED]
Subject: RE: [EXTERNAL] Mooretown Rancheria Ina Jackson

Sorry I haven't gotten back with you. I have not heard back from the Solicitors office but I did have some additional communications with the Central California Agency to go back and review other distribution plans to see if the situation was the same in other cases. It does take time and I know that is difficult but we are continuing to push to get you your answers.

Amy

From: [REDACTED]
Sent: Tuesday, October 23, 2018 6:09 AM
To: Amy Dutschke <amy.dutschke@bia.gov>
Subject: Re: [EXTERNAL] Mooretown Rancheria Ina Jackson

Amy,
Have you been able to get an update with solicitors office? I understand things take time just following up.

Thank you,
[REDACTED]

From: Amy Dutschke
Sent: Monday, October 1, 9:21 AM
Subject: RE: [EXTERNAL] Mooretown Rancheria Ina Jackson
[REDACTED]

I do not yet but let me check with them today and I will get back with you.

From: [REDACTED]
Sent: Monday, October 1, 2018 7:13 AM
To: Amy Dutschke <amy.dutschke@bia.gov>
Subject: Re: [EXTERNAL] Mooretown Rancheria Ina Jackson

Goodmorning Amy,
Wanted to check in and see if you had a status update from your council?
Sincerely
[REDACTED]



From: Amy Dutschke <amy.dutschke@bia.gov>
Sent: Thursday, September 13, 2018 1:38:49 PM

Subject: RE: [EXTERNAL] Mooretown Rancheria Ina Jackson

Yes, thank you for providing the information, I am sorry but I didn't get a chance to talk to Michelle or Kim yesterday so I will make sure I talk to this this afternoon. I do see a couple other emails from you to Michelle so I will be sure to discuss with them. Sorry for not getting with them yesterday.

Amy

From: [REDACTED]
Sent: Thursday, September 13, 2018 11:25 AM
To: amy.dutschke@bia.gov
Subject: [EXTERNAL] Mooretown Rancheria Ina Jackson

Amy,

Per our conversation you were going to send to your council for legal review on definitions. . Please insure the following attachment are sent to your council. Michelle Jefferson just called and said Ina was not on Deed. The issue is not a DEED issue. The issue is the agreement between BIA and my family. The issue is not who holds the land, it is who is a distributee on the federal agreement between them.

1958 Rancheria Act only listed Distributees and dependents. Ina was not a dependent according to the ACTS definition of a dependent. Also reference letter on Bob and Ina's request for distribution.

Upon the Termination Ina was listed again on the agreement (Federal Register) and definition is the same that it only listed Distributees and Dependents.

Deed is who holds the property not who is on the agreement with BIA and family. BIA ACT and Federal Register definition is what I am looking for on Ina Jackson.

Thank you ,

[REDACTED]

CERTIFICATION OF VITAL RECORD

COUNTY OF BUTTE

25 COUNTY CENTER DRIVE OROVILLE, CALIFORNIA 95965

498

PLAGE OF MARRIAGE
County of Butte
Town of
City of Oroville

CALIFORNIA STATE BOARD OF HEALTH
BUREAU OF VITAL STATISTICS
DUPLICATE CERTIFICATE OF MARRIAGE

State Index No.
LOCAL REGISTERED NO. 71

Table with columns for GROOM and BRIDE, containing fields for FULL NAME, RESIDENCE, COLOR OR RACE, AGE AT LAST BIRTHDAY, SINGLE, WIDOWED OR DIVORCED, NUMBER OF MARRIAGE, BIRTHPLACE, OCCUPATION, NAME OF FATHER, BIRTHPLACE OF FATHER, MAIDEN NAME OF MOTHER, and BIRTHPLACE OF MOTHER.

MAIDEN NAME OF THE BRIDE, IF SHE WAS PREVIOUSLY MARRIED: Ina Martin
WE, the groom and bride named in this certificate, hereby certify that the information given therein is correct to the best of our knowledge and belief.
Robert Johnson Groom Ina Davis Bride

CERTIFICATE OF PERSON PERFORMING CEREMONY

I HEREBY CERTIFY that Robert Jackson and Ina Davis were joined in Marriage by me in accordance with the laws of the State of California, at Oroville, Calif. this 6th day of June, 1916.
Signature of Witness to the Marriage: Gust Alton, Residence: Oroville, Cal.
Signature of person performing the Ceremony: J. D. Paske, Official Position: Justice of the Peace, Residence: Oroville, Cal.
FILED June 21, 1916 A. D. Coey Registrar (County Recorder)



CERTIFIED COPY OF VITAL RECORDS
STATE OF CALIFORNIA, COUNTY OF BUTTE
000120759

This is a true and exact reproduction of the document officially registered and placed on file in the office of the Butte County Clerk-Recorder.

DATE ISSUED FEB 21 1916, FEB 21 2016

This copy is not valid unless prepared on engraved border, displaying the date, seal and signature of the County Clerk-Recorder

Candace J. Grubbs
COUNTY CLERK-RECORDER





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

Certified Mail 7001 2510 0009 [REDACTED]
Return Receipt Requested

FEB 21 2019

[REDACTED]

This letter will serve as our response to your original inquiry regarding the status of your great grandmother Ina Jackson from July 2018. We apologize for delay in responding to your questions. Specifically, you were asking for a determination on her status as a possible "distributee" as it relates to the Mooretown Rancheria Distribution Plan, effective October 29, 1959, and other documentation.

We have reviewed all relevant documentation on this matter, including documentation submitted by you, and have determined that Ina Jackson is not a distributee. Our reasoning for this determination is explained below.

Distribution Plan

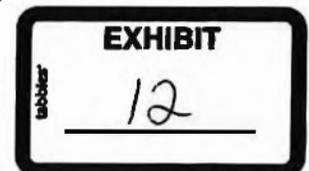
On October 29, 1959, "A Plan for the Distribution of the Assets of the Mooretown Rancheria, According to the Provisions of Public Law 85-671, Approved August 18, 1958" (Distribution Plan) became effective. We have enclosed the copy you submitted to our office for your reference.

The second paragraph on page 4 of the Distribution Plan lists the distributees and the dependent members of the distributees. The distributees are listed as Robert Jackson, Katie Archuleta, and Fred Taylor.

Ina Jackson is listed as the "Wife" of Robert Jackson. Since Ina Jackson is not listed as a distributee, she would fall into the second category of "dependent members" as defined by 25 CFR Part 242, as they existed at that time (June 9, 1959).

In the execution of the Distribution Plan, notice was posted on August 3, 1959, in accordance with Section 2(b) of Public Law 85-671:

"General notice shall be given of the contents of a plan prepared pursuant to subsection (a) of this section and approved by the Secretary, and any Indian who feels that he is unfairly treated in the proposed distribution of the property shall be given an opportunity to present his views and arguments for the consideration of the Secretary. After such consideration, the plan or a revision thereof shall be submitted for the approval of the adult Indians who will participate in the



distribution of the property, and if the plan is approved by a majority of such Indians who vote in a referendum called for that purpose by the Secretary the plan shall be carried out. It is the intention of Congress that such plan shall be completed not more than three years after it is approved." (Emphasis Added)

There is no documentation in the record that shows that anyone listed in the Distribution Plan filed an objection to the Distribution Plan though there was an appeal filed by others not on the Distribution Plan. Subsequently, the distributees voted in favor of the Distribution Plan.

Notice of Termination of Federal Supervision over the Property of Mooretown Rancheria

The Federal Register proclamation, published August 1, 1961, does indeed list the distributees and dependent members of the Mooretown Rancheria as you indicated in your correspondence. The listing of the names of both the distributees and the dependent family members was required by the applicable regulation at 25 C.F.R. 242.10.

Letters to the Bureau of Indian Affairs

It appears that you are contending that Ina Jackson should have been a distributee similar to her husband, Robert Jackson, based on a letters dated March 15, 1959, and September 15, 1959, from Robert and Ina Jackson to the Bureau of Indian Affairs. You assert that these letters demonstrate that Robert Jackson did not provide more than one-half of Ina Jackson's support, and thus Ina Jackson did not qualify as a "dependent member" pursuant to the regulations as they existed at that time. The above referenced letters only indicate that they worked that land together and made improvements to the land together as husband and wife. There is no explicit request in the letters that they are requesting title to the land as separate individual grantees or distributees. Rather, it appears they were more concerned about protecting their investments improving the land and home. Even if it could be implied that that was their intent, it does not change the fact that the Distribution Plan was approved, in its current state, by the distributees, and without objection by Ina Jackson.

This decision may be appealed to the Director, Pacific Region, 2800 Cottage Way, Room W-2820, Sacramento, California 95825, in accordance with the regulations in 25 CFR Part 2 (copy attached). Your 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 your name, address, and telephone number. It should clearly identify the decision being appealed. If possible, attach a copy of the decision. The notice and the envelope in which it is mailed should be clearly labeled "Notice of Appeal." Your notice of appeal must list the 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 of appeal to the Director, Pacific Region, at the address given above. If you are not represented by an attorney, you may request assistance from this office in the preparation of your appeal.

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 black ink, appearing to read 'Troy Burdick', with a stylized flourish at the end.

Troy Burdick
Superintendent

Enclosure

cc: Regional Director, Pacific Region w/o enclosure



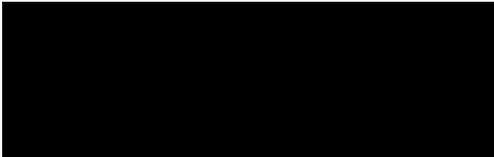
United States Department of the Interior

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

IN REPLY REFER TO:

Tribal Government Services

MAR 12 2019



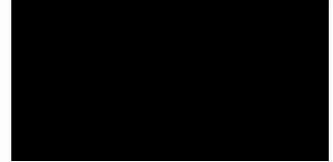
This letter serves to acknowledge receipt of your notice of appeal of the February 21, 2019, decision made by the Superintendent, Central California Agency, in regards to your ancestor, Ina Jackson. Your notice of appeal was received by this Office on March 5, 2019. Should you have any questions regarding this matter, please contact Harley Long, Tribal Government Officer, at (916) 978-6067, or you may write to the above address.

Sincerely,

Regional Director

cc: Superintendent, Central California Agency





May 8th, 2019

Certified Mail 7018 1130 0001 6701 3368
Director Amy Dutschke
Pacific Region Office
2800 Cottage Way Room W-2820
Sacramento, CA 95825

**Re: INACTION OF OFFICIAL NOTICE - APPEAL ON INA JACKSON'S
DISTRIBUTE STATUS**

To Whom It May Concern:

On February 25th, 2019 I received a letter from Superintendent Troy Burdick regarding my request to determine if Ina Jackson was a distributee or not. Superintendent Burdick stated his office has determined that Ina Jackson was not a distributee and I may appeal this decision within 30 days of the date I received his letter as well as to follow the regulations in 25 CFR Part 2 for appeal process to the Area Director.

On February 25th, 2019 I sent an Appeal Letter, Statement of Reasons and all copies of all records used to your office for review. On March 4th, 2019 your office received this appeal and I received a letter from your office confirming receipt of this Appeal. Since that letter I have not received any further communication from your office.

As of May 8th, 2019, I have not received a response to my appeal. According to CFR 25 Section 2.19 It states that the Area Directors shall render written decisions in all cases appealed to them within 60 days after all-time for pleadings (including all extensions granted) has expired. Since May 4th is a Saturday and according to Section 2.15 a reply to my appeal should have been sent out on May 6th, 2019 with a decision. This failure to take action in a timely manner is continuing to cause an impediment with myself and family members in resolving any disputes we have regarding my grandmother Ina Jackson.

According to CFR 25 Section 2.8 "Appeal from inaction of official", I am requesting that you please take action on my appeal and provide a decision within 10 days of receipt of this letter or establishes a date by which action will be taken, an appeal shall be filed in accordance with this part. If I do not receive a response within 10 days of receipt of this letter I will deem my appeal as denied on the grounds of your office unable to rebut my claim. I will move forward with filing an appeal in accordance with this section to the Board of Indian Appeals and the Assistant Secretary of Indian Affairs.



Update Request on Notice of Appeal
Page 2

Sincerely,



Enclosure

Cc:

U.S. Congresswomen Deb Haaland, 1st District of New Mexico
Certified Mail 7018 1130 0001 6701 3351

U.S. Senator James Lankford, United States Senator for Oklahoma
Certified Mail 7018 1130 0001 6701 3344BIA



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office

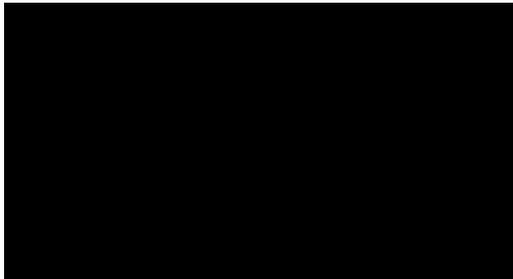
2800 Cottage Way

Sacramento, California 95825

MAY 21 2019

IN REPLY REFER TO:

Tribal Government Services



This is in response to your May 8, 2019, letter of intent to file an appeal from inaction of official in accordance with Title 25, Code of Federal Regulations (CFR) § 2.8, received by this Office on May 13, 2019. According to your letter, you are requesting this Office make a determination on whether or not your ancestor, Ina Jackson, was a "distributee" on the Mooretown Rancheria Distribution Plan, effective October 29, 1959.

Pursuant to 25 CFR § 2.8(b), this Office "...must issue a decision on the merits of the initial request within 10 days from receipt of the request for a decision or establish a reasonable later date by which the decision shall be made, not to exceed 60 days from the date of request." Therefore, this will serve as notice of the intent of this Office to issue a decision on the merits of your request by the close of business (4:30pm) on or before **July 12, 2019**.

If you have any further questions regarding this matter, please contact Harley Long, Tribal Government Officer, at (916) 978-6067, or you may write to the above address.

Sincerely,

Regional Director

cc: Superintendent, Central California Agency





IN REPLY REFER TO

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way, Room. W-2820
Sacramento, California 95825

Tribal Government

JUL 12 2019

CERTIFIED MAIL NO.: 7016 2140 0000 7173 7578
RETURN RECEIPT REQUESTED



This is in response to your February 25, 2019, Notice of Appeal of the February 21, 2019, letter from the Superintendent, Central California Agency, responding to your inquiry regarding the status of your great grandmother, Ina Jackson. Specifically you asked the Superintendent for a determination on her status as a possible "distributee" as it relates to the Mooretown Rancheria Distribution Plan, effective October 29, 1959. In his letter, the Superintendent found after a review of all relevant documentation on this matter, including the documentation submitted by you, that Ina Jackson is not a distributee.

The Act of August 18, 1958 (72 Stat. 619) (Act) provided for the distribution of the land and assets of certain rancherias, including the Mooretown Rancheria. Section 2. (a) of the Act states "... the Secretary of the Interior after consultation with such Indians, shall prepare a plan for distributing to individual Indians the assets of the reservation or rancheria . . ." The process which the Secretary of Interior would use to prepare such a distribution plan was codified at 25 Code of Federal Regulations (CFR) § 242.

25 CFR § 242.3 Plan for Distribution, states "... Such plan shall provide for a description of the class of persons who shall be entitled to participate in the distribution of the assets and shall identify, by name and last known address, those persons to be *distributees* under the plan and *dependent members* of their immediate family [emphasis added]." Further, 25 CFR § 242.2 Definitions (b) defines "Distributee" as any Indian who is entitled to receive, under a plan prepared pursuant to Section 2 of the Act of August 18, 1958 (72 Stat. 619), any assets of a rancheria or reservation. Additionally, 25 CFR § 242.2 Definitions (c) defines "Dependent Members" – as used in the phrase "dependent members of their immediate families" – as all persons for whose support the distributee is legally liable according to the laws of the State of California and who are related by blood or adoption or by marriage, who are domiciled in the household of the distributee, and who receive more than one-half of their support from such distributee.

Pursuant to the authority delegated on February 26, 1959, to the Area Director, Bureau of Indian Affairs, Sacramento Area Office, and after consultation with the Indians of the Mooretown Rancheria, the Area Director prepared a plan for the distribution of assets of the Mooretown Rancheria. The Commissioner of Indian Affairs on July 21, 1959, approved the plan, with authority retained to revise or change if appeals were received within 30 days after general notice to the plan was given. The plan approved by the Commissioner listed the distributees and the dependent members of their immediate families who will receive title to individual lots and a share of the funds as follows:



Name	Parcel No.	Lot No.	Relationship
Robert Jackson	1		Distributee
Ina Jackson			Wife
Katie Archuleta	2	1	Distributee
Fred Taylor	2	2	Distributee

Ina Jackson is not listed as a distributee, but her relationship (Wife) to Robert Jackson, the named distributee, is listed by her name, thereby indicating she is a dependent member as defined by 25 CFR § 242.2 Definitions (c). Additionally, the plan for distribution does not provide for the distribution of land or other asset of the Mooretown Rancheria to Ina Jackson individually.

Although objections to this plan were received in accordance with 25 CFR § 242.5, and were addressed by the Secretary of the Interior, there is no documentation in the record presenting an objection to Ina Jackson being listed as a dependent member or "Wife" rather than a distributee. Consequently, final approval of the plan for distribution was given by the Secretary of Interior on October 13, 1959, followed by its acceptance by the distributees in a referendum by majority vote, and becoming effective on October 29, 1959. In accordance with 25 CFR § 242.10, a proclamation terminating its relationship with the Mooretown Rancheria was published in the Federal Register, August 1, 1961, Federal Register, 6875, thereby finalizing for the United States the plan for the distribution of the assets of the Mooretown Rancheria listing Ina Jackson as a Dependent Member.

As a result of its publication in the Federal Register on August 1, 1961, the plan for distribution of assets of the Mooretown Rancheria was finalized for the United States. Therefore, no changes may be made to the plan, including the class assigned to the individuals listed as dependent members or distributees.

Should you have a question, please contact Harley Long, Tribal Government Officer, at (916) 978-6067, or you may write to the above address.

Sincerely,



Regional Director

cc: Superintendent, Central California Agency



FEDERAL REGISTER

VOLUME 26 NUMBER 146

Washington, Tuesday, August 1, 1961

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Volume 74

**UNITED STATES
 STATUTES AT LARGE**

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

Price: \$8.75

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration
 Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

the United States or have declared their intention to become a citizen of the United States, and there will be reserved to the United States rights-of-way and minerals to the same extent as patents issued under the homestead laws. The owner of any crops located on any of the tracts, blocks or lots may remove the same up to but not later than December 31, 1961, and the owner of any improvements other than crops may remove the same up to but not later than December 31, 1962: F. Duffy Murry, Irrigation Division, Regional Office, Bureau of Reclamation, Billings, Montana, has been designated as superintendent of sale and as auctioneer.

4. *Terms of sale.* Full payment for the tracts, blocks and lots must be made in cash on the date of the sale.

5. *Authority of the superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids

for any tract, block or lot and to suspend, adjourn, and postpone the sale of any tract, block or lot to such time and place as he may deem proper. After all the tracts, blocks and lots have been offered, the superintendent will close the sale. Any tract, block or lot remaining unsold will be subject to private sale by the Manager, Land Office, Bureau of Land Management, Billings, Montana, excepting that the Commissioner, Bureau of Reclamation, or his delegated representative, may cancel this sale order at any time with the concurrence of the State Supervisor, Bureau of Land Management.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any tract, block or lot from selling advantageously or which will in any way hinder or embarrass the sale. Any person so offending will be prosecuted under 18 U.S.C. 1860.

SCHEDULE OF APPRAISAL
Huntley Townsite
(Secs. 24 and 25, T. 2 N., R. 27 E., M.P.M.)

Tract or block	Lot	Area	Appraised value
		(Acres)	
Tract 124 of sec. 24		4.04	\$200
Tract 122 of sec. 24		1.13	280
Tract 125 of sec. 24		2.83	140
8 1/4 of Block 12		1.85	400
Block 14		0.59	150
Block 31	8	0.19	15
	9	0.11	15
Block 82	8	0.21	15
	10	0.13	15

Pompeys Pillar Townsite
(Sec. 23, T. 3 N., R. 30 E., M.P.M.)

Block:	Lot	Area	Appraised value
11	14, 16	50 ft. x 140 ft. ¹	\$15
16	1	50 ft. x 140 ft.	15
18	6	2.48 acres	50
20	2, 3, 14	50 ft. x 140 ft. ¹	15
22	14, 16, 10	50 ft. x 140 ft. ¹	15
25	All	1.00 acre	100

¹ Each lot.

Approved: July 7, 1961.

BRUCE JOHNSON,
Regional Director.

[F.R. Doc. '61-7207; Filed, July 31, 1961; 8:50 a.m.]

Office of the Secretary

PROPERTY OF CALIFORNIA RANCHERIAS AND OF INDIVIDUAL MEMBERS THEREOF

Termination of Federal Supervision

Notice is hereby given that the Indians named under the Rancherias listed below are no longer entitled to any of the services performed by the United States for Indians because of their status as Indians, and all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several states

shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction. Title to the lands on these Rancherias has passed from the United States Government under the distribution plan of each Rancheria.

Alexander Valley Rancheria, 54 acres in Secs. 18 and 19, T. 9 N., R. 8 W., M.D.M., Sonoma County, Calif.

Name	Date of birth	Address
James R. Adams	11-18-88	5975 Soda Rock Lane, Healdsburg, Calif.
Fred Adams	4-7-39	Do.
Janette S. Adams	7-3-40	Do.
James Adams, Jr.	7-21-41	Do.
Louis D. Adams	2-5-43	Do.
Lillian L. Adams	9-25-44	Do.
Elaine P. Adams	11-23-45	Do.
Donald L. Adams	3-3-49	Do.
Rickey L. Adams	3-2-54	Do.
William McCloud	3-17-28	2587 Mark West Station Rd., Windsor, Calif.
Helen McCloud	4-26-37	Do.

Chicken Ranch Rancheria, 40 acres, E 1/4 E 1/4, NE 1/4 of Sec. 26, T. 2 N., R. 14 E., M.D.M., Tuolumne County, Calif.

Ira B. Connolly	2-5-04	Jamestown, Calif.
Iazel Connolly	1-2-40	Do.
Arrestina Connolly	8-28-41	Do.
Pansy Jacobs	12-19-10	Do.
Walter Edwards	4-14-01	Do.
Inez E. Mathieson	12-22-20	P.O. Box 501, Jamestown, Calif.
Lloyd R. Mathieson	5-8-40	Do.
Loren W. Mathieson	8-7-44	Do.
Clara L. Mathieson	9-25-48	Do.
Carl D. Mathieson	12-1-49	Do.
Jack Bean	9-24-23	Box 313, Sonora, Calif.
Anna Louise Bean	2-11-45	Do.
Margare Esther Bean	7-28-48	Do.
Sam Rhoan	8-12-1900	Box 415, Jamestown, Calif.
Maude Rhoan	5-30-03	Do.
John Kelly	10-2-81	Box 313, Sonora, Calif.

Lytton Rancheria, 50 acres in Sec. 4, T. 9 N., R. 9 W., M.D.M., Sonoma County, Calif.

Romeo F. Steele	11-1-21	725 Hudspeth St., Santa Rosa, Calif.
Daniel T. Steele	2-10-20	561 Alexander Valley Rd., Healdsburg, Calif.
Carol Joyce Steele	1-15-32	Do.
Sharon James Steele	3-10-53	Do.
Daniel Thomas Steele, Jr.	6-16-54	Do.
Janice Elaine Steele	8-24-56	Do.
Bert Steele	7-22-57	Do.
Sarah Gonzales	11-7-23	311 Boyce St., Santa Rosa, Calif.
Donald Gonzales	5-2-45	Do.
Angella Gonzales	12-10-46	Do.
Donna Gonzales	12-24-49	Do.
Kenneth Gonzales	1-18-51	Do.
Henry Gonzales	8-9-52	Do.
Mary Steele	4-14-04	725 Hudspeth St., Santa Rosa, Calif.
Edward Steele	9-17-50	Do.
Resaline Madera Quinino	2-28-18	1611 West Side Rd., Healdsburg, Calif.
Frank T. Madera	10-4-41	Do.
Paloma Madera	12-30-44	Do.
Branda Quinino	6-13-58	Do.
Charlotte Quinino	8-23-58	Do.
Eleanor Lopez	1-7-34	Rt. 1, Box 81-A, Calistoga, Calif.
Julie Andrea Billy	9-8-51	Do.
Candice Lynn Billy	12-19-52	Do.
Gloria Sue Lopez	5-2-28	Do.
Valerie Gale Lopez	10-1-57	Do.
Nanattie Rose Lopez	9-30-58	Do.
Doris Miller	4-3-27	Box 103, Healdsburg, Calif.
Calvin Miller	5-10-44	Do.
Mary Miller	6-12-49	Do.
Dolores Meyers	4-18-09	516 Alexander Valley Rd., Healdsburg, Calif.
Nadine A. James	12-18-40	Do.
James E. Meyers	12-12-31	Do.
James J. Meyers	9-2-52	Do.

Mooretown Rancheria, 80 acres, N 1/4 NE 1/4, Sec. 22, T. 20 N., R. 6 E., M.D.B.&M., Butte County, Calif.

Robert Jackson	4-15-82	Feather Falls, Star Route, Oroville, Calif.
Ina Jackson	6-14-76	Do.
Katie Archuleta	3-17-69	Feather Falls, Calif.
Fred Taylor	12-16-81	Do.

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NOTICES

Potter Valley Rancheria, 10 acres in Sec. 10, T. 17 N., R. 11 W., M.D.M., Mendocino County, California. 80 acres, NW 1/4 SE 1/4 and SE 1/4 NW 1/4, Sec. 22, T. 18 N., R. 12 W., M.D.M., Mendocino County, Calif.

Geraldine M. Reeves	5-17-14	General Delivery, Ukiah, Calif.
Norma Mitchell	3-11-37	Do.
Millard Anderson	4-3-19	Box 75, Potter Valley, Calif.
Mandy Anderson	8-25-11	Do.
James Mitchell	11-30-34	Do.
Frank Williams	1888	Potter Valley, Calif.
Helena Anderson	11-26-26	Do.
Mack Williams	1884	Do.
Sarah Williams	1884	Do.
Paul Anderson	5-11-34	Do.
Edna Guercero	4-7-07	Box 23, Potter Valley, Calif.

Redwood Valley Rancheria, 80 acres in Sec. 22, T. 17 N., R. 12 W., M.D.M., Mendocino County, Calif.

Annie Lake	1-1-23	Rt. 1, Box 210, Redwood Valley, Calif.
Carl Fred	4-30-13	Box 221, Redwood Valley, Calif.
Florenda Hanson	8-20-04	Box 11, Redwood Valley, Calif.
Ernest Hansen	1-13-42	Do.
Elizabeth Hansen	3-28-44	Do.
Joseph Hansen	4-12-46	Do.
Agnes Boston	7-23-06	Rt. 1, Redwood Valley, Calif.
Raymond Jack	3-2-43	Box 221, Redwood Valley, Calif.
Esther Ramirez	3-15-26	Box 228, Redwood Valley, Calif.
Deborah Ramirez	3-10-60	Do.
Gloria Ramirez	5-28-58	Do.
Irene LaFrenche	3-25-24	Do.
Stella LaFrenche	5-11-58	Do.
Siella Tooley	4-22-04	Do.
Woodrow Duncan	11-23-16	Box 225, Redwood Valley, Calif.
Evangelina Duncan	6-2-28	Do.
Hazel Smith	11-24-91	Box 57, Calpella, Calif.
DeHavilland R. Smith	11-11-36	Do.
Clorene Hernandez	8-31-23	Box 220, Redwood Valley, Calif.
Barbara Hernandez	9-1-46	Do.
Carol Hernandez	5-10-53	Do.
George Hansen	10-23-34	Do.
Otis Hansen	6-2-33	Box 11, Redwood Valley, Calif.
Bert Hansen	8-20-05	Box 220, Redwood Valley, Calif.
Eva Hansen	3-30-1900	Do.
David Hansen	3-10-40	Do.
Gordon Hansen	3-24-30	Do.

This notice is issued pursuant to the Act of August 18, 1958 (72 Stat. 619), and becomes effective as of the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JULY 26, 1961.

[F.R. Doc. 61-7203; Filed, July 31, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

July 1961 Monthly Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the Commodity Credit Monthly Sales List for July 1961 is amended as set forth below.

The July 1961 Monthly Sales List notwithstanding, rye and oats are not eligible for export sale under the CCC Ex-

port Credit Sales Program. Rye and oats are also deleted from the list of commodities eligible for barter and for the feed grain export payment-in-kind program. The entire sections of the list relating to barley, rye and to corn and oats are deleted and replaced with the following:

Commodity	Sales price or method of sale					
	Unit	Received by—		Examples of minimum prices (exrail or barge)		
		Truck	Rail or barge	Terminal	Class and grade	Price
Barley, rye bulk						
		Domestic, unrestricted use: Basis in store at 105 percent of the applicable 1961 support price ¹ for the class, grade, and quality of the grain plus the respective amount shown below. If delivery is outside the area of production, applicable freight will be added to the above.				
Barley	Bushel	Cents 4	Cents 2	Minneapolis	No. 2 or better	\$1.23
Rye	Do.	5	2	do	No. 2 or better (or No. 3 on TW only).	1.33
		As available, Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Barley stored in CCC bin sites in designated emergency areas is available for sale only under the Livestock Feed Program, and to stockmen and livestock (including poultry) owners who use this grain for feeding their livestock and poultry.				
		Export: Barley, bulk: Under Announcement GR-308 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 4, 1961), for application to arrangements for barter and approved credit and emergency sales.				
Corn and Oats, bulk						
		Available Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices. Domestic, unrestricted use: Basis in store, ² at the 1960 applicable support price for corn, and at 105 percent ³ of the applicable 1961 support price for the class, grade, and quality of oats; plus the respective amount shown below. ⁴ For grain in store at other than the point of production the rail freight from point of production to the present point of storage must also be added. Oats will not be available for sale by the Minneapolis ASCS Commodity Office except for sales under the Livestock Feed Program.				
		In store at—				
		Point of production	Other point	Terminal	Class and grade	Price
Corn	Bushel	Cents 18	Cents 21	Chicago	No. 2 yellow, 13.3% moisture, 1.4% f.w.	\$1.40 1/2
Oats	Do.	3	5	Chicago	No. 3	1.50 1/2
		Nonstorable corn, unrestricted use (as available): At not less than market price as determined by CCC. At bin sites through ASC County Offices. At other locations through the Commodity Offices.				
		Export: Corn: Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter and approved credit and emergency sales and under Announcement GR-308 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program.				
		Available Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices. Corn but no oats available at Minneapolis ASCS Commodity Office.				

¹ To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight to grain stored outside area of production.
² In those counties in which grain is stored in CCC bin sites, delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements.
³ To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.
⁴ Corn and oats stored in CCC bin sites in designated emergency areas are available for sale only under the Livestock Feed Program, and to stockmen and livestock (including poultry) owners who use this grain for feeding their livestock and poultry.
⁵ Includes average paid in freight from Woodford County, Ill.
⁶ Includes average paid in freight from Redwood County, Minn.

Sec. 4, 62 Stat. 1070, as amended; 16 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427.

Signed at Washington, D.C., on July 26, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-7218; Filed, July 31, 1961; 8:51 a.m.]

Office of the Secretary
NORTH CAROLINA

Designation of Area for Production
Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in Craven County,

CENSUS ROLL OF THE INDIANS OF CALIFORNIA UNDER THE ACT OF MAY 18, 1928 (45 Stat. P. 602)

MARGINAL REFERENCE	Final Roll No.	Appor-tion-ment No.	Assess-ment No.	Census June 30, 1942 No.	ENGLISH NAME	INDIAN NAME	Relation to Head of Family	Sex	Age in 1928	Date of Birth	Degree of Ind in Blood	Name of Tribe or Band	Where Enrolled and Allotted	POST OFFICE	Amount and Kind of Property Owned	REMARKS
	8980	7495			Jackson	Risten L.	Single	M	40	11-29-1888	3/8	Tribe unknown Klamath County	Never allotted Datto. Agency	El Dorado, Nevada County, Calif.	None	
	8981	6996			Jackson	Robert	Head	M	46	12-16-1882	3/4	Concow Butte County Tribe unknown Plumas County	Never allotted Datto. Agency	Feather Falls, Butte County, California	None	
	8982	6997			Jackson	Ima	Wife	F	52	8-14-1876	1/2	"	"	"	"	
	8983	6997			Martin	Franklin	Gen	M	17	1-26-1911	3/4	"	"	"	"	Son of Tom Jackson.
	8984	6997			Martin	Doris	Gen	F	15	9-10-1913	3/4	"	"	"	"	Daughter of Tom Jackson.
	8985	6996			Jackson	Robert L.	Gen	M	13	12-18-1915	5/8	"	"	"	"	
	8986	6996			Jackson	Ida E.	Gen	F	11	3-20-1917	5/8	"	"	"	"	
	8987	6996			Jackson	Angie	Gen	F	9	12-15-1919	5/8	"	"	"	"	
	8988	6996			Jackson	Adia Alice	Gen	F	5	1-16-1923	5/8	"	"	"	"	
1110	8989	7660			Jackson	Reth	Head	M	61	6-1-2-1867	4/4	"18 River	Allotted Datto. Agency	Dean, Shasta County, Calif.	Allotment, horse, horse, automobile, value \$265.00	Separated from wife. Lives on trust property.
1110	8990	5175	517		Jackson	Duane	Head	F	63	8-25-1865	4/4	Painte	Never allotted Walker River	Hishop, Inyo County, Calif.	Interest in estate, value unknown.	Divorced. Lives on trust property.
1110	8991	2564			Jackson	Tinie	Widow	F	60	3-11-1868	4/4	Shoo	Never allotted Datto. Agency	North Fort, Wadena County, Calif.	House, personal property, value \$200.00	
	8992	2564			Jackson	Annie	Gen	F	35	9-15-1893	4/4	"	"	"	None	
	8993	2564			Jackson	Sam	Gen	M	18	2-14-1910	4/4	"	"	"	"	
1110	8994	2564			Jackson	David	Gen	M	14	8-8-1914	4/4	"	"	"	"	
1110	8995	2564			Jackson	Willie	Gen	M	21	7-11-1907	4/4	"	"	"	"	Died August 10, 1928.
	8996	2564			Jefferson	Samuel	Gen	M	3	2-6-1928	4/4	"	"	"	"	
1110	8997	1508	370	431	Jackson	Toma	Head	F	32	1896	4/4	Yum	Allotted Pi-Tum Agency	Fort Yum Agency, Yum County, Oregon	Allotment, value \$2,092.00 Allotment, value \$2,295.00	
1110	8998	1833	139	416	Jackson	Marynet China	Wife	F	24	1904	4/4	"	"	"	"	
1110	8999	1808			Jackson	Cheslin	Gen	F	5	1923	4/4	"	Never allotted Pi-Tum Agency	"	None	
	9000	1808			Jackson	Priscilla	Gen	F	3	1925	4/4	"	"	"	"	
1110	9001	1808			Jackson	Kenneth	Gen	M	1	1927	4/4	"	"	"	"	
1110	9002	3298			Zaob	Fis	Head	M	55	7-23-1873	4/4	Kurok Shikayo County	Never allotted Datto. Agency	Hoppy Camp, Shikayo County, Calif.	Some land and house, value \$150.00	Lives on trust lands.
1110	9003	3299			Zaob	Irene	Wife	F	58	7-23-1870	4/4	"	Never allotted Datto. Agency	"	"	
1110	9004	3297			Zaob	Mary Jane	Widow	F	84	7-22-1844	4/4	Kurok Shikayo County	Never allotted Datto. Agency	Hoppy Camp, Shikayo County, Calif.	None	
	9005	3297			Zaob	Gallie	Gen	F	58	7-22-1870	4/4	"	"	"	"	
	9006	3297			Zaob	Daisy	Gen	F	53	7-22-1875	4/4	"	"	"	"	
1110	9007	3297			Frank	Frank	Widow	M	43	7-22-1885	4/4	"	"	"	"	
	9008	2679			Zaobe	Beaulie	Single	F	36	7-14-1892	3/4	Chukchansi, and Tuloume	Allotted Datto. Agency	Raymond, Wadena County, Calif.	Land, improvements, value \$700.00	Lives on trust lands.
1110	9009	4141	204		Zaobe	Charles E.	Single	M	40	7-6-1888	3/4	Yurok	Never allotted Keope Valley	Wetshopee, Humboldt County, Calif.	Land, cattle, barn, value \$601.00	
1110	9010	2902			Zaobe	Dorith	Head	M	34	10-7-1894	3/4	Yurok, and Chukchansi and Tullitchee	Allotted Datto. Agency	Dist. Wadena County, Calif.	Land, improvements, value \$1,000.00	
1110	9011	2901			Zaobe	Larry	Wife	F	26	8-5-1902	3/4	"	Never allotted Datto. Agency	"	None	
	9012	2902			Zaobe	John J.	Gen	M	3	12-12-1925	3/4	"	"	"	"	
1110	9013	2904			Zaobe	John J.	Head	M	67	3-20-1861	1/2	Yurok Tullitchee, and Chukchansi	Allotted Datto. Agency	Dist. Wadena County, Calif.	Land, stock, improve- ments, value \$3,500.00	Widower.
	9014	2904			Zaobe	Benjamin H.	Gen	M	42	11-15-1886	3/4	"	Never allotted Datto. Agency	"	None	
	9015	2904			Zaobe	Beaulie	Gen	F	40	7-14-1898	3/4	"	Never allotted Datto. Agency	"	Land, improve- ments, value \$300.00	
	9016	2904			Zaobe	Edward	Gen	M	26	3-5-1923	3/4	"	Never allotted Datto. Agency	"	None	
	9017	2904			Zaobe	LaFayette	Gen	M	23	7-21-1905	3/4	"	"	"	"	
	9018	2688			Zaobe	Frank	Single	M	18	12-19-1910	1/2	Wapishan	Never allotted Datto. Agency	Dist. Wadena County, Calif.	None	

tabbies
EXHIBIT
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Certifying Appeal Notice Sent to Assistant Secretary of Indian Affairs

I  certify that a copy of this appeal has been sent to the Assistant Secretary of Indian Affairs Tara Kutuk Mac Lean Sweeny at 1849 C Street N.W. MS-4660-MIB Washington D.C. 20240. This was sent by certified mail # 7018 3090 0000 0609 0182 on August 9, 2019 as required by Code of Federal Regulations Title 43 Part 4 Subpart D. § 4.333.



8-9-2019

Date

