

Executive Correspondence 13624

FROM **Miwokma Ohlone Tribe**
PO Box 360791
Milpitas, CA ZIP **95036**

TO **Secretary Anthony J. Principi**
Defense Base Closure & Realignment
2521 S. Clark St. Ste. 605
Arlington, VA ZIP **22202**

UNITED STATES POSTAGE
 PB8517084
 158 \$ 05.120 JAN 19 06
 1600
 0685 MAILED FROM SANJOSE CA 95121

First Class Mail

7004 2520 0001 5484 2885



FIRST CLASS
 FIRST CLASS
 FIRST CLASS
 FIRST CLASS
 FIRST CLASS
 FIRST CLASS
 FIRST CLASS
 FIRST CLASS

FIRST CLASS
 FIRST CLASS
 FIRST CLASS
 FIRST CLASS
 FIRST CLASS

FIRST CLASS
 FIRST CLASS



MUWEKMA OHLONE INDIAN TRIBE

OF THE SAN FRANCISCO BAY AREA

'Innu Huššīstak Makiš Mak-Muwekma "The Road To The Future For Our People"

TRIBAL CHAIRPERSON
ROSEMARY CAMBRA

July 21, 2005

TRIBAL VICE CHAIRPERSON
MONICA V. ARELLANO

Secretary Anthony J. Principi
Defense Base Closure & Realignment Commission
2521 S. Clark St., Suite 600
Arlington, VA 22202

TRIBAL COUNCIL
HENRY ALVAREZ
JOANN BROSE
GLORIA E. GOMEZ
ROBERT MARTINEZ, JR.
RICHARD MASSIATT
SHEILA SCHMIDT
CAROL SULLIVAN
KARL THOMPSON (TRES)
FAYE THOMPSON-FREI

Dear Secretary Principi:

TRIBAL ADMINISTRATOR
NORMA E. SANCHEZ

This letter is to inform your office that the Muwekma Ohlone Tribal Council and its enrolled membership are exceedingly concerned and distressed about the lack of any formal contact and consultation between the United States Navy and the Veterans Administration and our Tribe regarding the documented historic destruction and potential future adverse impacts to our ancestral cemetery, ceremonial and village sites that were intact at the turn of the 20th century and are still present underneath the many buildings, runways, and railroads that are located within the Alameda Naval Air Station Historical District situated on Alameda Island, on San Francisco Bay, California.

Due to the **failure** of all Federal, State and local agencies and entities to consult with our Tribe, the successor to the historic **Federally Recognized Tribe**, the **Verona Band of Alameda County**, our Tribal Council has decided to take a deliberate course of action in order to have any and all contract negotiations, contractual signings and demolition and/or construction activities and/or title transfers of said former Alameda NAS from the United States Navy\U.S. Government, to the Veterans Administration or the City of Alameda and any or\other interested parties immediately cease and desist, what may be criminal activity based on knowledge aforethought of their acts, until a comprehensive consultation process ensues with between our Tribe and the United States Government, the United States Navy, the City of Alameda and the Veterans Administration who also plan to build an Administration Building on top of our ancestral remains.

We do hereby trigger, under the **Base Closure Act** of 1993; and the **National Historic Preservation Act of 1966** as amended 2000 - **Section 106** - Public Law 89-665; 16 U.S.C. 470 et seq.; and we do hereby file this document as a formal complaint this date with the Advisory Council on Historic Properties, 1100 Pennsylvania Ave., Post Office Building, Suite 809, Washington, D.C. 20004.

PO BOX 360791, MILPITAS, CA 95036

PH: 408-434-1668 FAX: 408-434-1673 E-MAIL: MUWEKMA@MUWEKMA.ORG WEBSITE: WWW.MUWEKMA.ORG

We also are filing complaints with the other appropriate agencies because of violations of **American Indian Religious Freedom Act** of 1978 (AIRFA) - PL 95-341, 42 USC 1996 and 1996a; **Native American Graves and Repatriation Act** (NAGPRA) - 25 USC 3001-3013; PL 101-601 and 43 CFR Part 10; **Antiquities Act of 1906** - 16 USC 431—433; June 8, 1906; **Archaeological Resources Protection Act** of 1979 - Public Law 96-95; 16 U.S.C. 470aa-mm; **Historic Sites, Buildings and Antiquities Act** - 16 USC 461-467; Aug. 21, 1935, ch. 593, 49 Stat. 666., including violation of Federal Discrimination Laws.

Informational Background on the Legal History of the Muwekma Ohlone Tribe aka the Verona Band of Alameda County as a Federally Recognized Tribe

The Muwekma Ohlone Tribe became Federally Recognized under the Congressional Act of 1906 (34 Stat., 325) to establish home sites for landless and homeless Indians of California. The Tribe was formally identified as the **Verona Band of Alameda County** under the jurisdiction of the Indian Service Bureau and later the Reno and Sacramento Agencies.

In 1903-1904 a philanthropic group, the Northern California Indian Association, issued a memorial to President Theodore Roosevelt and to Congress, expressing their concern about the terrible conditions for the landless Indians of California. In 1905, a clerk working in the Senate Archives discovered the 18 unratified treaties of California. As a direct result of the discovery of the 18 unratified California Indian Treaties (negotiated between 1851-1852), Charles E. Kelsey of San Jose, who was then the Secretary for the Northern California Indian Association, was appointed Special Agent by the Indian Service Bureau in Washington, D. C.

Kelsey completed most of his census survey by 1906, but could not complete the census for the San Francisco/Monterey Bay regions, because he was called back to Washington, D.C. Nonetheless, Kelsey completed a partial census of those Muwekma families residing at the Alisal (Pleasanton) and Niles rancherias. The Muwekma communities that Kelsey identified at Pleasanton and Niles, later by 1910, became known as the **Verona Band of Alameda County**.

Between 1906 and 1927, various correspondences and reports were generated by the Indian Service Bureau agents and superintendents from the Reno and Sacramento Agencies which specifically identified the Verona Band of Alameda County under their jurisdictions. In 1910 Kelsey had produced an Indian Map of California identifying all of the "Reservations, Boarding Schools, Lands Recently Purchased, and Indian Rancherias". Included on this map was the **Verona Band of Alameda County**, numbering 30 individuals living near Mission San Jose (Niles and Pleasanton). In 1911, this map was reproduced, and by 1913 California Congressman John Raker requested of the Secretary of Interior a copy of this map so that additional appropriations would be enacted and land purchases continue for those identifiable homeless bands that had yet to obtain home sites.

In a report to the Commissioner of Indian Affairs dated December 14, 1914, Special Indian Agent C. H. Asbury (who was assigned to the Reno Agency), had specifically identified 24 tribal bands, including the **Verona Band**. Asbury recommended that these bands were considered immediate candidates for the purchase of lands.

During **World War I (1917-1919)**, Muwekma men enlisted and served overseas in the United States Armed Forces, and four of our tribal members: **Toney Guzman** (US Army, Battery “F”, 347th Field Artillery, 166th Field Artillery Brigade, 91st Division and was engaged in the Meuse-Argonne, Ypres-Lys, and Lorraine campaigns [served from April 29, 1918 – honorably discharged at the San Francisco Presidio on April 26, 1919]; **Alfred (Fred) Guzman** first served in the National Guard at **Fort Mason**, afterwards US Army, 28th Division, 55 Brigade Infantry, 110th Infantry, Company “C” and was engaged in the major battles of Ourcq-Vesle (July 28, 1918) [Second Battle of the Marne] (July 15-Aug. 5, 1918), Meuse-Argonne Offensive (Sept. 26 to October 8, 1918), and Havrincourt (Oct. 8 – November 11, 1918) – [served from July 28, 1917 – honorably discharged at San Francisco Presidio May 31, 1919]; **Joseph Aleas**, US Army, Sergeant, Company D, (14th Infantry Brigade) 21st Machine Gun Battalion, 7th Division – [served from June 30, 1916 – and honorably discharged at discharged at Camp Funston, Kansas on July 9, 1920]; and, **Henry Nichols** (US Navy, Battleships USS *Arizona* and *Oklahoma*, Fireman 1st – [served from May 23, 1917 – and honorably discharged at Mare Island on August 14, 1919], all four men are buried in the **Golden Gate National Cemetery**. **Franklin P. Guzman**, a nephew of the Guzman brothers, attained the rank of Sergeant in the U.S. Marine Corps and is buried in the **National Cemetery in Riverside** [served October 25, 1916 – honorably discharged on June 27, 1919]; and, **Jack Guzman** (US Army, (1918-1919) is buried in Centerville near his father Jose Guzman.

Our Tribe, the **Verona Band** appeared again in the Reno Agency Annual Report in 1923, when Superintendent James E. Jenkins wrote:

“JURISDICTION

The jurisdiction of Reno Agency comprises the following named reservations and colonies, villages, camps, etc., in addition to all scattered bands of Indians in Nevada and California not under the jurisdiction of any other superintendency; ... (1923 pp. 3-5)

<u>County</u>	<u>Communities</u>	<u>Population</u> <u>Estimated</u>
Alameda	Verona	30”

Between 1928 and 1932, Muwekma families enrolled with the BIA under the California Indian Jurisdictional Act of 1928. The Secretary of Interior approved all of the Tribe’s applications. The Congress of the United States recognized our Tribe pursuant to Chapter 14 of Title 25 of the United States Code, which was affirmed by the United States Court of Claims in the Case of *Indians of California v. United States* (1942) 98 Ct. Cl.583.

The Court of Claims case judgment instructed the identification of the Indians of California with the creation of Indian rolls. The direct members and ancestors of the present-day Muwekma Ohlone Tribe participated in and enrolled under the 1928 California Indian Jurisdictional Act and later during the second and third BIA enrollment periods 1948-1955 and 1968-1970 with the Secretary of the Interior approving all of our enrollment applications.

During World War II (1941-1945) the majority of Muwekma men again served in the United States Armed Forces both in the Pacific and European theaters as well as stateside. These Muwekma men are: **Lawrence Domingo Marine** (Sergeant, U.S. Marine Corps, engagements: Guadalcanal, Eniwetok, Marshall Islands, Okinawa, Ryukyu, medals include Presidential Unit Citation [served from October 11, 1940–November 20, 1946] discharged at Treasure Island; **Robert Corral** (U.S. Army, Pfc, Infantry, Ft. Benning, Ga. [served from December 18, 1944 - November 13, 1946]; **Philip Galvan** (U.S. Army), **Filbert Marine** (U.S. Army), **Arthur Pena** (Sergeant, U.S. Army, 155th Engineers Combat Battalion, Pacific Theater, [served from 1943-1946; Germany 1946-1957]; **Salvador Piscopo** (Sergeant, U.S. Army, European Theater); **Lawrence Thompson, Sr.**, (Tech. Fifth Grade, U.S. Army, 640th Tank Destroyer Battalion (Pacific Theater - Philippines), [served from September 10, 1941- October 2, 1945]; **Henry (Hank) A. Alvarez** (US Army, 101st Airborne Division, landed Utah Beach, Normandy [served from 1942-1945]; **John Alvarez** (U.S. Army, North Africa Campaign), **Ernest Marine** (Pfc. US Army, 58th Field Artillery Battalion, [served from 1944-1946]; **Daniel Santos Juarez** (Sergeant, US Army, 41st Division, Pacific Theater [served 1941-1945]; **Michael Benjamin Galvan** (US Navy USS *Enterprise*, and later the Army), **Frank H. Guzman** (Pfc, U.S., Light Machine Gunner in the 345th Infantry Regiment, enlisted through the San Francisco Presidio and was in the Rhineland and Central Europe campaigns, [served from July 21, 1944 - June 27, 1946]; **Ben Guzman** (U.S. Army in the Pacific Theater medals included the **Bronze Star** and Combat Infantry Badge [served from November 5, 1942 - January 9, 1946] and is buried **San Joaquin National Cemetery**; **Robert R. Sanchez** (US Army, Technician Fourth Grade, 508th Prcht. Infantry, 82nd Airborne Division [served from 1943- February 2, 1948]; **Thomas Garcia** (Pfc, US Army, [served from July 30, 1942 to November 27, 1945] and is buried in the **Golden Gate National Cemetery**], and **Enos Sanchez** (U.S. Army, Patton’s Army Tank Command North Africa); **Henry Vernon Marshall** (US Marine Corps).

Members of the Tribe have also served during in Korea, Viet-Nam, Desert Storm and in Iraq.

The Federally Recognized Indian Tribe List of 1994 Act (HR 4180) explicitly states:

“HR 4180 “An Act to provide for the annual publication of a list of federally recognized Indian tribes, and for other purposes.)

“Title I – Withdrawal of Acknowledgment or Recognition. SEC. 101 Short Title. This title may be cited as the “Federally Recognized Indian Tribe List of 1994.” SEC 103 Findings ...

(3) Indian tribes presently may be recognized by Act of Congress; by the administrative procedures set forth in part 83 of the Code of Federal Regulations denominated “Procedures for Establishing that an American Indian Group Exists as an Indian Tribe; or by decision of a United States court;

(4) a tribe which has been recognized in one of these manners may not be terminated except by an Act of Congress; ...

“Title II Central Council of Tlingit and Haida Indian Tribes of Alaska ...SEC. 202. Findings

The Congress finds and declares that—

(3) ...**the Secretary does not have the authority to terminate the federally recognized status of an Indian Tribe as determined by Congress;**
the Secretary may not administratively diminish the privileges and immunities of federally recognized Indian tribes without the consent of Congress; ... [Emphasis added].

On May 24, 1996 the Branch of Acknowledgment and research made a positive determination regarding "**previous unambiguous Federal Recognition**" for the Muwekma Tribe. The BIA determined that:

"Based upon the documentation provided, and the BIA's background study on Federal acknowledgment in California between 1887 and 1933, we have concluded on a preliminary basis that the Pleasanton or Verona Band of Alameda County was previous acknowledged between 1914 and 1927. The band was among the groups, identified as bands, under the jurisdiction of the Indian agency at Sacramento, California. The agency dealt with the Verona Band as a group and identified it as a distinct social and political entity."

Our Tribe was never "Terminated" by any Act of the U.S. Congress, Executive Order or by Federal Court. The BIA has formally determined that Muwekma Ohlone Tribe (as the legal successor to the Verona Band of Alameda County) is a "**historic tribe**" and furthermore, U.S. District Justice Ricardo Urbina wrote in his Introduction of his Memorandum Opinion Granting the Plaintiff's Motion to Amend the Court's Order dated July 28, 2000 that:

"The Muwekma Tribe is a tribe of Ohlone Indians indigenous to the present-day San Francisco Bay area. In the early part of the Twentieth Century, the Department of the Interior ("DOI") recognized the Muwekma tribe as an Indian tribe under the jurisdiction of the United States." (Civil Case No. 99-3261 RMU D.D.C.)

On October 30, 2000 the Department of Interior's Branch of Acknowledgment and Research/ Tribal Services Division of the Bureau of Indian Affairs, responding to the Court Order issued forward the following statements and determination to the U. S. District Court:

"Do current members "descend from" a previously recognized tribal entity?

... Analysis of the petitioner's genealogical data indicates that 134 of a total of 397 current members are direct descendants of Indian persons appearing on the Indian population schedules of the 1900 Federal Census for this county. The same 134 current members are also direct descendants of a slightly different set of Indian persons appearing on the 1905-1906 Kelsey census. A total of 68 current members are direct descendants of Indian persons enumerated on the Indian population schedule of the 1910 Federal Census; however, if direct descendants of siblings of the 1910 Indians are included, that total jumps to 279 members When combined with the members who have both types of ancestors, **100% of the membership is represented.** Thus, analysis shows that the petition's membership can trace (and, based on a sampling, can document) its various lineages back to individuals or to one or more siblings of individuals appearing on the 1900, "Kelsey", and 1910 census enumerations described above." [Emphasis added]

In 1998, the Advisory Council on California Indian Policy submitted its final report to the U.S. Congress. In that report entitled Advisory Council on California Indian Policy Recognition Report – Equal Justice for California, the ACCIP made the following determinations and

conclusions about the implications of Sacramento Agency Superintendent, Lafayette A. Dorrington's adverse report against Federally Recognized California Indian tribes in 1927:

"The Dorrington report provides evidence of previous federal acknowledgment for modern-day petitioners who can establish their connection to the historic bands identified therein. Clearly, the BIA "recognized" its trust obligations to these Indian bands when it undertook – pursuant to the authority of the Homeless California Indian Acts and the Allotment Act – to determine their living conditions and their need for land." "The fact that some were provided with land and others were not **did not** diminish that trust."

"Among those California Indian groups that have petitioned for federal acknowledgment, there are several who can trace their origins to one or more of the bands identified in the Dorrington report. **The Muwekma Tribe** is one whose connection to the **Verona Band** has been recently confirmed in a letter from the BAR..." [Emphasis added]

Furthermore, as a consequence of the ACCIP's recommendations to the Congress, in 2000 Congressman George Miller (CA) introduced a draft bill to committee. Contained within the Draft Title II- section of the **California Tribal Status Clarification Act** the following language was presented:

"SEC.201. SHORT TITLE

This title may be cited as the "**California Tribal Status Clarification Act of 2000**"

... **SEC.202. FINDINGS**

The Congress finds the following:

... (4) The **Muwekma** are the descendants of the native peoples who occupied the southern, eastern and western regions of the San Francisco Bay Area, including all of what is now San Francisco, San Mateo, Alameda and Contra Costa Counties, much of what is now Santa Clara County, and parts of Santa Cruz, San Joaquin, Napa and Solano Counties. The aboriginal tribes from which the Muwekma are descendants include the Passasimi/Yatikumne, Tamcan, Yosemite, Lacquisemne, Julpun, Napian/Karkin, Jalquin/Yrgin, Alson/Tamien, Suenen, Chupcan, Choquoime and Nototomne. Spanish missionaries forced the ancestors of the Muwekma Tribe into the Mission Dolores, San Jose and Santa Clara in the late 18th and early 19th centuries. In the 1830's the Mexican government secularized the missions which resulted in the exclusion of the Muwekma from the three Bay Area missions and their resettlement in a number of rancherias in the Alameda County, including the Alisal Rancheria near Pleasanton, the Del Mocho Rancheria near Livermore, the El Molino Rancheria near Niles, as well as on rancherias in Sunol and **San Leandro/San Lorenzo**. The Muwekma people continue to reside in their aboriginal territory in the San Francisco Bay Area.

(5) The United States recognized all four tribes in the early part of the century as politically identifiable bands of Indians under its jurisdiction and eligible for statutory benefits and services. ... the **Muwekma as the Verona Band of Alameda County**,

(6) The United States recognized the four tribes as eligible for the purchase of lands under the provisions of various Appropriations Acts allocating funds to purchase lands for homeless Indians in California. While the BIA recognized the **Muwekma**, ... as

tribes eligible for the purchase of land under these Acts, no land ever was purchased for them. ...

(7) The members of the Tribes or their ancestors are enrolled as California Indians by the BIA, pursuant to the Act of May 18, 1928, ch .624, 54 Stat. 602 and its amendments (codified at 25 U.S.C ~651 et seq.), authorizing a claims case to be brought on behalf of all California Indians for lands reserved in eighteen treaties negotiated with California tribes in 1851-1852 but never ratified by the U.S. Senate

(8) Congress has never terminated or expressed intent to terminate the status of the ... the **Muwekma Tribe**," [Emphasis added]

On July 25, 2002, Congresswoman Zoe Lofgren in her "Extension of Remarks" formally stated on the floor of the House of Representatives:

"The Muwekma Ohlone Indian Tribe is a sovereign Indian Nation located within several counties in the San Francisco Bay Area since time immemorial.

"In 1906, the Tribe was formally identified by the Special Indian Census conducted by Indian Agent C. E. Kelsey, as a result of the Congressional Appropriation Act mandate to identify and to purchase land for homeless California Indian tribes.

"At this time, the Department of Interior and the Bureau of Indian Affairs federally acknowledged the Verona Band as coming under the jurisdiction of the Reno and Sacramento Agencies between 1906 and 1927.

"The Congress of the United States also recognized the Verona Band pursuant to Chapter 14 of Title 25 of the United States Code, which was affirmed by the United States Court of Claims in the Case of Indians of California v. United States (1942) 98 Ct. Cl.583.

"The Court of Claims case judgment instructed the identification of the Indians of California with the creation of Indian rolls. The direct ancestors of the present-day Muwekma Ohlone Tribe participated in and enrolled under the 1928 California Indian Jurisdictional Act and the ensuing Claims Settlement of 1944 with the Secretary of the Interior approving all of their enrollment applications.

"Meanwhile, as a result of inconsistent federal policies of neglect toward the California Indians, the government breached the trust responsibility relationship with the Muwekma tribe and left the Tribe landless and without either services or benefits. As a result, the Tribe has suffered losses and displacement. Despite these hardships the Tribe has never relinquished their Indian tribal status and their status was never terminated.

"In 1984, in an attempt to have the federal government acknowledge the status of the Tribe, the Muwekma Ohlone people formally organized a tribal council in conformance with the guidelines under the Indian Reorganization Act of 1934.

“... Simultaneously, in the 1980’s and 1990’s, the United States Congress recognized the federal government’s neglect of the California Indians and directed a Commission to study the history and current status of the California Indians and to deliver a report with recommendations. In the late 1990’s the Congressional mandated report – the California Advisory Report, recommended that the Muwekma Ohlone tribe be reaffirmed to its status as a federally recognized tribe along with five other Tribes, the Dunlap Band of Mono Indians, the Lower Lake Koi Tribe, the Tsnungwe Council, the Southern Sierra Miwuk Nation, and the Tolowa Nation.

“On May 24, 1996, the Bureau of Indian Affairs pursuant to the regulatory process then issued a letter to the Muwekma Ohlone tribe concluding that the Tribe was indeed a Federally Recognized Tribe.

“In an effort to reaffirm their status and compel a timely decision by the Department of the Interior, the Muwekma Ohlone Tribe sued the Bureau of Indian Affairs. The Court has mandated that the Department issue a decision this year. That decision is expected in early August.

“Specifically, on July 28, 2000, and again on June 11, 2002, Judge Richardo Urbina wrote in his Introduction of his Memorandum Opinion Granting the Plaintiff’s Motion to Amend the Court’s Order (July 28, 2000) and Memorandum Order Denying the Defendants’ to Alter or Amend the Court’s Orders (June 11, 2002) affirmatively stating that:

“The Muwekma Tribe is a tribe of Ohlone Indians indigenous to the present-day San Francisco Bay area. In the early part of the Twentieth Century, the Department of the Interior (“DOI”) recognized the Muwekma tribe as an Indian tribe under the jurisdiction of the United States.” (Civil Case No. 99-3261 RMU D.D.C.)

“I proudly support the long struggle of the Muwekma Ohlone Tribe as they continue to seek justice and to finally, and without further delay, achieve their goal of their reaffirmation of their tribal status by the federal government. This process has dragged on long enough. I hope that the Bureau of Indian Affairs and the Department of Interior will do the right thing and act positively to grant the Muwekma Ohlone tribe their rights as a Federally Recognized Indian Tribe. The Muwekma Ohlone Tribe has waited long enough; let them get on with their lives as they seek to improve the lives of the members of this proud tribe. To do anything else is to deny this tribe Justice. They have waited patiently and should not have to wait any longer.”

Concluding Remarks

Based upon the above, albeit brief historic overview, no one in the Federal Government can argue that they did not know that our Tribe, as a Federally Recognized tribal entity, existed between 1900 to the present.

As a result, the Muwekma Ohlone Tribe fully intends assert its **sovereign authority** under Federal law and seek the cooperation of all Federal, State, County and Municipal governments in our efforts to acquire, preserve, conserve, manage and develop all of the Tribe's ancestral and historic cultural properties (including, but not limited to: cemeteries, ceremonial sites, village sites and harvesting and gathering localities) and the surplus federal lands that they occupy.

Furthermore, the Muwekma Tribal Council has decided to appoint Dr. James Watson, as the "Tribal Historic Preservation Officer", (THPO) having also been appointed by the U.S. Navy as a "Consulting Party", to all contractual negotiations involving the U.S. Navy, the City of Alameda and all other parties who have made developmental proposals, and who will represent the interest of our Tribe with the United States Navy and the Veterans Administration. He is also authorized to negotiate for us with all other Federal, State, County, and Municipal governmental agencies, the Railroads, and other entities and private Corporations that have an interest in the former Alameda NAS located on Alameda Island in the San Francisco Bay.

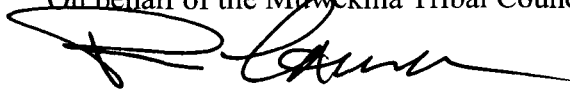
We therefore demand as a sovereign Nation, with standing of that of a City, State or other Federal agency that we acquire under a "Public Benefit Conveyance", the entire former Alameda NAS for public use in order to protect the remains of our sacred ancestors, the ancestral cemetery and our sacred objects as well as to develop said property under our planned non-profit public use as: 1. an Airport, which already exists, to serve the public, 2. a Historic Public Park, which already exists, designed using the foliage and plants from the Pan-Pacific Exposition, which is currently being maintained by the Park Department of the City of Alameda using Federal Funds, 3. the use of the existing 40 buildings in the BEQ Quadrangle, which already exists, to be used as a Remedial/Rehabilitation and Educational facility for the thousands of disabled men and women Veterans, whose legs have been shattered by the explosive devices being used by terrorists in Iraq, designed to cripple our soldiers not kill them. It is well established by Disabled Veterans, that the Veterans Administration is not designed for long term care, much less rehabilitation or educational job training for these men and women.

Since there are so many Native and non-Native Disabled Veterans in California, we also plan to work with the Veterans Administration, local colleges, hospitals and manufacturers of medical, orthopedic devices and equipment to teach and enable these Disabled Veterans to make and achieve a new life for themselves with our help and using our rehabilitation, educational and living facilities to enable our wounded disabled men and women, from Iraq and our other wars to establish a new life after helping others obtain their freedom. As a U.S. Navy Admiral recently informed our working group, "It is the only right thing to do ... to help these wounded men and women readjust their lives on a Military Base, where many of them served ... many of whom went overseas... and never returned"!

Dr. James Watson, is also authorized to negotiate for us with all other Federal, State, Municipal, Governmental Agencies, entities and private corporations that have an interest in the former Alameda NAS. Supporting Dr. Watson in this endeavor, is our entire Tribe and specifically addressing our Tribe's historic and pre-contact cultural properties, will be Alan Leventhal, Tribal Ethnohistorian and Senior Staff Archaeologist for the Tribe.

Thank you for your cooperation in addressing our Tribe's concerns. The Tribal Council looks forward in establishing a consultation process as soon as possible. Should you have any questions, please feel free to contact my office

On behalf of the Muwekma Tribal Council,



Rosemary Cambra, Tribal Chair

Cc: Muwekma Tribal Council
Tribal Attorneys
Dr. James Watson
Alan Leventhal
Attys. Sterns and Walker
First Lady Laura Bush
Secretary of State Condelezza Rice
Honorable Anthony Principi
Comptroller David Walker
Sen. Barbara Boxer
Sen. Diana Feinstein
Cong. Nancy Pelosi
Cong. Brad Miller
Cong. Michael Turner
Cong. Bob Filner
Cong. Maxine Waters
Cong. Tom Lantos
Cong. Richard Pombo



MUWEKMA OHLONE INDIAN TRIBE

OF THE SAN FRANCISCO BAY AREA

'Innu Huššīstak Makiš Mak-Muwekma "The Road To The Future For Our People"

TRIBAL CHAIRPERSON

ROSEMARY CAMBRA

July 20, 2005

TRIBAL VICE CHAIRPERSON

MONICA V. ARELLANO

TRIBAL COUNCIL

HENRY ALVAREZ

JOANN BROSE

GLORIA E. GOMEZ

ROBERT MARTINEZ, JR.

RICHARD MASSIATT

SHEILA SCHMIDT

CAROL SULLIVAN

KARL THOMPSON (TRES)

FAYE THOMPSON-FREI

To Whom It May Concern:

This letter formally authorizes Dr. James Watson, the designated "Consulting Party," by the U.S. Navy, as authorized by Section 106 of the "National Historic Preservation Act," is also authorized by the Muwekma Ohlone Tribe to represent the interests of the Muwekma Ohlone Tribe relative to the Tribe's ancestral and historical cultural properties (sacred sites, cemeteries, villages, and etc.) and therefore is appointed the "Tribal Historic Preservation Officer" (THPO) as defined under the 1992 amended National Historic Preservation Act [NHPA Section 101(d) (2)].

In view of Dr. Watson's above legal standing and responsibilities, his literature and document research and consultations with eminent historians and archeologists concerning the Historical background of the former Alameda NAS, has discovered and brought to our attention, that said former Alameda NAS, contains the burial remains of potentially several thousand of our Tribal Ancestors, the locations of which, have been well known by the City of Alameda, the U.S. Navy, the U.S. Veterans Administration, the various Railroads, the University of California at Berkeley, and as yet other unnamed Corporations and entities for some time, thereby constituting a felony

We therefore, demand under the provisions of the "National Historic Preservation Act," Section 106, and all other pertinent paragraphs of this and other said Federal Legislation protecting Native American Tribes, that any and all negotiations, plans, practices, policies and procedures as well as projected and/or existing contracts between any and all of the named parties, that have been implemented or planned as of this date to be implemented, hereby be stopped forthwith, namely because all of the named parties were totally aware of all of the above claim of said Native American Tribal burial remains being violated, particularly on a known designated "Historical Property," of the former Alameda NAS, thereby violating the provisions of said (NHPA).

Dr. Watson, as the Tribe's designated THPO, is further authorized to specifically address, in consultation with the Muwekma Tribal Governing Council, any and all issues and matters relative to the preservation, conservation, and cultural resource management of any and all of

PO BOX 360791, MILPITAS, CA 95036

PH: 408-434-1668 FAX: 408-434-1673 E-MAIL: MUWEKMA@MUWEKMA.ORG WEBSITE: WWW.MUWEKMA.ORG

the Tribe's ancestral and historic cultural properties, including, but not limited to, cemeteries, villages, and ceremonial sites, especially those that have been historically known to exist on the Alameda Naval Air Station having a designated "Historical District," and within the City of Alameda, the City of Oakland, and within the existing right-of-way of the established railroads (i.e., Union Pacific Alameda Belt railroad and others, the U.S. Army, and any other entities that control the roads, tunnels and all railroad bridges connecting right-of-ways to the Fruitvale Station connection of BART which was planned in the original station design). Furthermore, Dr. Watson is fully authorized to negotiate with the U.S. Navy, U.S. Veterans Administration, City of Alameda, local governments, all agencies, and any and all corporations as well as the appropriate railroads in order to acquire the existing right-of-ways for the Muwekma Ohlone Tribe forthwith.

Informational Background

The Muwekma Ohlone Tribe became Federally Recognized under the Congressional Act of 1906 to establish home sites for landless and homeless Indians of California. The Tribe was formally identified as the Verona Band of Alameda County under the jurisdiction of the Indian Service Bureau and later the Reno and Sacramento Agencies. The Tribe was never "Terminated" by any Act or Intent of the Congress of the United States, Executive Order or by Federal Court. The BIA has formally determined that Muwekma Ohlone Tribe (legal successor to the Verona Band of Alameda County) is a "historic tribe" and U.S. District Justice Ricardo Urbina wrote in his Memorandum Opinion Granting the Plaintiff's Motion to Amend the Court's Order dated July 28, 2000 that:

"The Muwekma Tribe is a tribe of Ohlone Indians indigenous to the present-day San Francisco Bay area. In the early part of the Twentieth Century, the Department of the Interior ("DOI") recognized the Muwekma tribe as an Indian tribe under the jurisdiction of the United States." (Civil Case No. 99-3261 RMU D.D.C.)

The Muwekma Ohlone Tribe intends to fully assert its sovereign authority under Federal law and seeks the cooperation of all Federal, State, County and Municipal governments in its efforts to acquire, preserve, conserve, manage and develop all of the Tribe's ancestral and historic cultural properties.

Thank you for your cooperation in addressing our Tribe's concerns.

On behalf of the Muwekma Tribal Council,



Rosemary Cambra, Tribal Chair