



United States Department of the Interior

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS
Washington, D.C. 20240

April 20, 2007

SENT VIA FACSIMILE

Honorable Clifford Lyle Marshall
Chairman, Hoopa Valley Tribe
P.O. Box 1348
Hoopa, California 95546

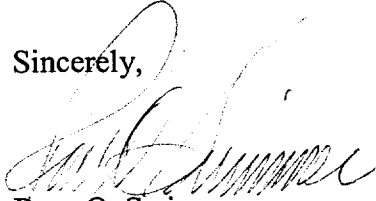
Honorable Maria Tripp
Chairperson, Yurok Tribe
190 Klamath Boulevard
Klamath, California 95548

Dear Chairman Marshall and Chairperson Tripp:

As I noted in letters to you dated March 1 and March 21, 2007, the Department has concluded that authority exists under the 1988 Hoopa-Yurok Settlement Act (Act) to distribute funds still held by the Department pursuant to the Act to the Yurok Tribe upon the submission of a new waiver of claims by the Yurok Tribe. The Department has received the waiver of claims, adopted as Yurok Tribal Council Resolution 07-037, which meets the requirements of the Act.

As I also noted in those letters, the Department would not take further action consistent with this decision before April 20, 2007, in recognition of the fact that issues involving the Act have had a long and disputed history and that the Tribes may want to explore further steps in light of this decision. The Hoopa Valley Tribe filed a notice of appeal with the Interior Board of Indian Appeals (IBIA), but the IBIA dismissed the appeal because it did not have jurisdiction. *Hoopa Valley Tribe v. Special Trustee for American Indians*, 44 IBIA 210 (March 27, 2007). The Hoopa Valley Tribe recently filed a motion for reconsideration before the IBIA; the applicable regulations provide, however, that the initial IBIA decision is final and that petitions for reconsideration do not stay the effect or otherwise affect the finality of any decision unless so ordered by the IBIA. 43 CFR §§ 4.312, 4.315. Moreover, as confirmed in Assistant Secretary Artman's April 6, 2007 response to Chairman Marshall, the decision in this matter represents the final decision of the Department and thus is not subject to review by the IBIA.

Accordingly, nothing precludes me from taking action consistent with the decision in this matter. As of 10:00 a.m. Eastern Daylight Time today, I have advised the custodian of the account holding the remaining balance of the Hoopa-Yurok Settlement Fund that its ownership has been transferred solely to the Yurok Tribe.

Sincerely,


Ross O. Swimmer
Special Trustee for American Indians