

The Western Shoshone Claims Distribution Act of 2004, Public Law 108-270, was enacted to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under the Indian Claims Commission Docket Number 326-K, and for other purposes. On August 15, 1977, the Indian Claims Commission granted a final award of \$26,145,189.89 in Docket 326-K to the Western Shoshone Identifiable Group. Funds were appropriated on December 19, 1978, to satisfy the award. Status of the distribution follows:

August 30, 2009 Update

The Western Shoshone Judgment Fund Distribution Act dated July 7, 2004, Public Law 108-270, 118 Stat. 805, requires the Secretary of the Interior to establish a judgment fund per capita roll to distribute the judgment funds awarded to the Western Shoshone by the Indian Claims Commission in Docket 326-K. The Act also establishes an Educational Fund with the funds awarded in Docket Nos. 326-A-1 and 326-A-3.

The following are Bench Mark Achievements on the preparation of the Western Shoshone Judgment fund per capita roll:

- April 5, 2007 – Began sending out applications to share in the per capita distribution.
- October 5, 2007 – Ninety (90) day time frame for receiving applications of which 90% must be reviewed prior to setting a final deadline date for receiving applications. (5,265 applications received by October 5, 2007; therefore, 4,739 of those applications must be reviewed in order to set a final date for receiving applications.)
- August 30, 2009 – Completed entering of the historical Indian Census Rolls with Indian blood degrees into the data base.
- September 21, 2009 – Completed quality review and made necessary corrections to the Historical Indian Census Roll data base.

PHASE I OF PROJECT IS COMPLETED.

- September 21, 2009 – Continue review of applicant files for completeness. If incomplete, request information/documents from applicants, i.e. unsigned certifications and birth records.
- October 5, 2009 – Begin to issue decisions on the applications (5,265) received by October 5, 2007. The final deadline for receiving applications will be 90 days after 90% of the applications (4,739) have been reviewed. The final deadline will be published in the Federal Register.

Questions? Contact the Western Regional Office, Karen Ketcher, Coordinator of Western Shoshone Project, (602) 379-6600; Sharlot Johnson, Regional Tribal Operations Officer, (602) 379-6786.

Office is Moving: Effective October 5, 2009, the Western Regional Office will be located at 2600 North Central Avenue, 4th Floor, Phoenix, Arizona 85014. **All mail is to be addressed to:**

Western Shoshone Judgment, Western Regional Office, Post Office Box 3838, Phoenix, Arizona 85030.

PROGRESS REPORT

| Activity | Totals to date | September 2009 | October 2009 | Cumulative |
|-----------------------------------|----------------|----------------|--------------|------------|
| Number of applications received | 8025 | | | |
| Number of outgoing correspondence | 3858 | | | |
| Number of applications reviewed | 216 | | | |
| Number determined eligible | 0 | | | |
| Number determined ineligible | 216 | | | |
| | | | | |
| Appeals | 0 | | | |

September 30, 2009

- The move to the new location at 2600 North Central Avenue, 5th Floor, Phoenix, Arizona 85014 was completed. The office was relocated with very little interruption in work activities. All files were successfully relocated and a quality assurance review to ensure that all applications were accounted for has taken place.
- The Region is currently working with the Western Shoshone Tribal groups to establish the Educational Committee pursuant to Section 4 (c) of the Act. Five of the six groups

have identified their representative and are providing the documentation to confirm the appointments. Once the Educational Committee is established, it will begin to develop the rules and procedures for approval by the Secretary.

- The concerns brought forth by the Western Shoshone Steering Committee concerning the release of the judgment roll to the Educational Committee as it relates to the Privacy Act has been discussed with the Office of the Special Trustee for American Indians, the Western Region, and the Office of the Solicitor. A possible resolution to this issue has been identified and will be discussed with the Western Shoshone Steering Committee and the Educational Committee once it is established.

PROGRESS REPORT

| Activity | Totals to date | September 2009 | October 2009 | Cumulative |
|-----------------------------------|----------------|----------------|--------------|------------|
| Number of applications received | 8025 | 59 | | 8,084 |
| Number of outgoing correspondence | 3858 | 398 | | 4,256 |
| Number of applications reviewed | 216 | 125 | | 341 |
| Number determined eligible | 0 | 0 | | 0 |
| Number determined ineligible | 216 | 125 | | 341 |
| | | | | |
| Appeals | 0 | 0 | | |

October 31, 2009 Update

- Forty one (41) additional applications have been identified that were received before the October 5, 2007 deadline raising the total number of applications to be reviewed prior to setting the cut-off date for receiving applications to 5,307.
- Letters are being mailed out to applicants advising them of their eligibility/ineligibility to share in the distribution of the judgment funds.
- Those receiving letters of ineligibility should read carefully the appeal procedures and the time frames involved set forth in 25 CFR Part 62 which is an enclosure with the letter.
- The Region continues to work with the Western Shoshone Tribal groups to establish the Educational Committee. Three of the six groups have submitted Tribal resolutions confirming the appointments of their representative to the Educational Committee.
- On Tuesday, October 27, 2009, a conference call was held between the Bureau of Indian Affairs, Tribal Leaders, members of the Western Shoshone Steering Committee and Tracy Hartzler-Toon, Counsel for Senator Harry Reid to update the group on the progress of project.
- The Region is experiencing a high volume of returned mail. It is important that all applicants keep the Western Shoshone Project Office informed of any address changes. These changes should be in writing to the following address:

Western Regional Office
Western Shoshone Project
P. O. Box 3838
Phoenix, Arizona 85030

- Any questions or concerns should be referred to Tribal Government Services at (602) 379-6786.

PROGRESS REPORT

| Activity | Totals to date | September 2009 | October 2009 | Cumulative |
|------------------------------------|----------------|----------------|--------------|------------|
| Number of applications received | 8025 | 59 | 68 | 8152 |
| Number of outgoing correspondence | 3858 | 398 | 372 | 4628 |
| Incomplete applications identified | | | 112 | 112 |

| | | | | |
|-------------------------------------|-----|-----|----|-----|
| Number of decisions on applications | 216 | 125 | 61 | 402 |
| Number determined eligible | 0 | 0 | 9 | 9 |
| Number determined ineligible | 216 | 125 | 52 | 393 |
| | | | | |
| Appeals | 0 | 0 | 0 | 0 |
| Decisions on Appeals | 0 | 0 | 0 | 0 |

November 30, 2009 Update

- Letters are being mailed out to applicants advising them of their eligibility/ineligibility to share in the distribution of the judgment funds.
- Those receiving letters of ineligibility should read carefully the appeal procedures and the time frames involved set forth in 25 CFR Part 62 which is an enclosure with the letter.
- Applicants or sponsors contacted either by telephone or written correspondence requesting additional information are encouraged to return the requested information as soon as possible as the application review process is held in abeyance for that applicant until the submission of the requested information.
- An update notice is currently being mailed to all applicants. If you do not receive this update within 30 days, please verify your current address with Tribal Government Services at (602) 379-6786.
- The Region continues to experience a high volume of returned mail. It is important that all applicants keep the Western Shoshone Project Office informed of any address changes. These changes should be in writing to the following address:

Western Regional Office
Western Shoshone Project
P. O. Box 3838
Phoenix, Arizona 85030

- Any questions or concerns should be referred to Tribal Government Services at (602) 379-6786. Please do not contact the Western Shoshone Project Office. Any calls to that office will be referred to Tribal Government Services.

PROGRESS REPORT

| Activity | Totals to date | September 2009 | October 2009 | November 2009 | Cumulative |
|-------------------------------------|----------------|----------------|--------------|---------------|------------|
| Number of applications received | 8025 | 59 | 68 | 42 | 8194 |
| Number of outgoing correspondence | 3858 | 398 | 372 | 403 | 5031 |
| Incomplete applications identified | | | 112 | 29 | 141 |
| Number of decisions on applications | 216 | 125 | 61 | 122 | 524 |
| Number determined eligible | 0 | 0 | 9 | 62 | 71 |
| Number determined ineligible | 216 | 125 | 52 | 60 | 453 |
| Appeals | 0 | 0 | 0 | 0 | 0 |
| Decisions on Appeals | 0 | 0 | 0 | 0 | 0 |

Happy Holidays

December 31, 2009 Update

Caution: The Western Regional Office has been made aware that there is a list being distributed by others entitled: “Western Shoshone Judgment Roll Progress Report” November 19, 2009, addressed to the Western Shoshone Steering Committee Members. Be advised that the document is not a part of the updates being mailed by the Western Regional Office to the Western Shoshone Steering Committee and Tribal Leaders. The Western Region does not distribute that type of information as it is subject to the Privacy Act.

Mail is being returned by the U.S. Postal Service due to insufficient addresses, applicants need to keep their address current. Address changes need to be in writing, signed, and **mailed to: Western Shoshone Project, Western Region – BIA, Post Office Box 3838, Phoenix, AZ 85030-3838.**

We have received many calls from applicants asking for the status of their applications and how they will know if they are eligible or ineligible. Please note that as applications are reviewed and determinations made, a personal letter will be sent to the applicant at the last address on record.

We are receiving banking information for possible direct deposit of the per capita payment. We are not at the point of accepting this type of personal information; therefore, we are returning the information to the applicants. We are currently working with the Office of the Special Trustee to establish a process. Once the process is established, you will be advised where to send the information and the contact person.

Early in the process, a partial payment date was projected for May 2010. In order for the Bureau to make a partial payment the following must occur:

- The Bureau must have reviewed 90% of the applications received by October 5, 2007;
- A final deadline date must be established 90 days after we have reviewed 90% of the applications received by October 5, 2007;
- Once 90 days has passed from the final deadline, a partial payment can be made to those applicants who have been determined eligible.

PROGRESS REPORT

| Activity | Totals to date | 09/2009 | 10/2009 | 11/2009 | 12/2009 | Cumulative |
|-------------------------------------|----------------|---------|---------|---------|---------|------------|
| Number of applications received | 8025 | 59 | 68 | 42 | 39 | 8233 |
| Number of outgoing correspondence | 3858 | 398 | 372 | 403 | 618 | 5649 |
| Incomplete applications identified | | | 112 | 29 | 23 | 164 |
| Number of decisions on applications | 216 | 125 | 61 | 122 | 304 | 828 |
| Number determined eligible | 0 | 0 | 9 | 62 | 197 | 268 |
| Number determined ineligible | 216 | 125 | 52 | 60 | 107 | 560 |

| | | | | | | |
|----------------------|---|---|---|---|----|----|
| | | | | | | |
| Appeals | 0 | 0 | 0 | 0 | 23 | 23 |
| Decisions on Appeals | 0 | 0 | 0 | 0 | 0 | 0 |

January 31, 2010 Update

The Western Regional Office continues to receive returned mail from the U.S. Postal Service due to insufficient address. It is imperative that applicants keep their address current. Address changes need to be in writing, signed, and **mailed to: Western Shoshone Project, Western Region – BIA, Post Office Box 3838, Phoenix, AZ 85030-3838.**

Several applicants have submitted *Last Will and Testaments* to the Western Regional Office. These *Last Will and Testaments* are being returned as this document is not needed to determine eligibility to share in the distribution. In the event of an applicant's death prior to the distribution of funds and if the applicant is found eligible, an Individual Indian Monies (IIM) Estate Account will be established in the applicants name. The Bureau's Probate Office will initiate the probate process and request the required documents at that time. An Administrative Law Judge will determine the rightful heirs and order the distribution of assets from the estate.

If you receive a request for additional documentation from the Western Shoshone Project Office, please provide the requested documentation as soon as possible. This request for documentation means that your application is currently being reviewed and the requested documentation is needed to make a determination on whether you are eligible or ineligible. Your failure to submit the requested documentation may be result in your application being denied due to incomplete application. Any delay in the submission of the requested documentation also slows the progress of the project.

PROGRESS REPORT

| Activity | Totals 12/2009 | 01/2010 | 02/2010 | 03/2010 | 04/2010 | Cumulative |
|-----------------------------------|-------------------|---------|---------|---------|---------|------------|
| Number of applications received | 8233 | 62 | | | | 8295 |
| Number of outgoing correspondence | 5649 | 701 | | | | 6350 |
| Incomplete | 164 | 69 | | | | 233 |

| | | | | | | |
|-------------------------------------|-----|-----|---|---|---|------|
| applications identified | | | | | | |
| Number of decisions on applications | 828 | 306 | | | | 1134 |
| Number determined eligible | 268 | 182 | | | | 450 |
| Number determined ineligible | 560 | 124 | | | | 684 |
| Appeals | 23 | 12 | | | | 35 |
| Decisions on Appeals | 0 | 0 | 0 | 0 | 0 | 0 |

February 28, 2010 Update

The Western Regional Office continues to receive returned mail from the U.S. Postal Service due to insufficient address. It is imperative that applicants keep their addresses current. Address changes need to be in writing, signed, and **mailed to: Western Shoshone Project, Western Region – BIA, Post Office Box 3838, Phoenix, AZ 85030-3838.**

Burden of Proof - Regulations governing the compilation of rolls of Indians by the Secretary of the Interior pursuant to statutory authority set out in 25 CFR 61.9 provide that the burden of proof rests upon the applicant to establish eligibility to share in a per capita payment. Therefore, if you receive a request for additional documentation from the Western Shoshone Project Office, please provide the requested documentation as your failure to submit the requested documentation may result in your application being denied.

On March 4, 2010, the Western Regional Office met with Western Shoshone Tribal Leaders, the Co-Chairs of the Western Shoshone Steering Committee, and Counsel, Senate Indian Affairs representing Senator Harry Reid, to discuss the progress of the Western Shoshone Project. After careful consideration and review of the Act, the implementing regulations and the current status of the project, those in attendance at the meeting agreed to set the cut-off date for receiving applications to share in the distribution of the judgment funds as August 1, 2010. Because August 1, 2010 falls on a Sunday, August 2, 2010, is established as the cut-off date. Notice of the cut-off date will be published in the Federal Register once resolutions or letters of support are received from each of the Tribes. It was further agreed applications received prior to October 5, 2007, and applications submitted by the elderly starting at the age of 100 and working down to 65 will be given priority.

PROGRESS REPORT

| Activity | Totals 12/2009 | 01/2010 | 02/2010 | 03/2010 | 04/2010 | Cumulative |
|-------------------------------------|-------------------|---------|---------|---------|---------|------------|
| Number of applications received | 8233 | 62 | 33 | | | 8328 |
| Incomplete applications identified | 164 | 69 | 79 | | | 312 |
| Number of decisions on applications | 828 | 306 | 341 | | | 1475 |
| Number determined eligible | 268 | 182 | 260 | | | 710 |
| Number determined ineligible | 560 | 124 | 81 | | | 765 |
| Appeals | 23 | 12 | 22 | | | 57 |
| Successful appeals | 0 | 0 | 0 | | | 0 |
| Unsuccessful Appeals | 0 | 0 | 0 | | | 0 |
| Decisions on Appeals | 0 | 0 | 0 | | | 0 |