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1076-AF18

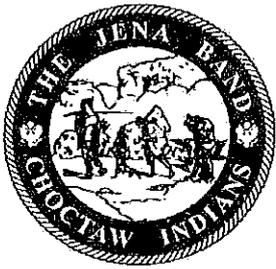
1 message

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To: consultation@bia.gov

Fri, Aug 16, 2013 at 3:45 PM

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Jena Band of Choctaw Indians

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August 16, 2013

VIA FACSIMILE AND EMAIL

Elizabeth Appel
Office of Regulatory Affairs & Collaborative Action
U. S. Department of Interior
1849 C Street NW, MS 4141
Washington, D.C. 20240

Re: 1076-AF18
Comments on Procedures for Establishing that an American Indian Group Exists
as an Indian Tribe

Dear Ms. Appel:

Below please find comments on behalf of the Jena Band of Choctaw Indians ("Tribe") on the Department of Interior's process for acknowledging an Indian tribe as set forth at 25 CFR Part 83. I attended the tribal consultation session on August 6, 2013 at Marksville, Louisiana and offered verbal comments during the session. I appreciated the opportunity to consult with Department of Interior officials - Larry Roberts, Katie Chen, and Elizabeth Appel - regarding the acknowledgment process and the opportunity to submit these comments on the preliminary discussion draft. The Tribe reserves the right to submit additional comments, including revisions to these comments, during the formal comment period that will follow.

The Jena Band of Choctaw Indians obtained federal recognition through the Federal Acknowledgment Process on May 11, 1995 and know all too well the length of time and tremendous expense required to complete the process. We also know that the process can be burdensome and less than transparent, as the Department of Interior (the "Department") noted in Proposed Rules publication in the Federal Register on June 27, 2013.

While the Tribe supports the Office of the Assistant Secretary - Indian Affairs' efforts in examining ways to improve the Department's process for acknowledging an Indian tribe, as set forth in the regulations, the Tribe does not support an adjustment to the criteria required to identify a group as "Indian" that results in regulations that results in less stringent criteria being required. The Tribe does not think it would be fair to tribes like ours who have obtained recognition through FAP to obtain a favorable review because of less stringent criteria.

The Tribe supports the following proposed revisions:

- (1) the starting date for analysis being 1934 as proposed in §83.7;

- (2) a standard form being available, but optional to use;
- (3) the Office of Hearings and Appeals as being the appropriate reviewer of OFA proposed findings; and
- (4) the deleting of the opportunity to challenge a final determination before the IBIA.

The Tribe would not support a proposed revision that would require a percentage of the community to speak the language. Such a criteria does not reflect whether a community is distinct or maintains distinct cultural patterns.

The Jena Band of Choctaw Indians supports the Department's efforts to make the federal acknowledgment process more transparent, timely, efficient, and flexible while also maintaining the integrity of the process that tribes like ours were required to meet in proving that we are an Indian tribe.

Sincerely

JENA BAND OF CHOCTAW INDIANS

By: B. Cheryl Smith
B. Cheryl Smith, Tribal Chief