



Apalachicola Band of Creek Indians
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8/22/2013 1:29

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To: Bureau of Indian Affairs, Consultation Section

Subject: Amended Recommendation for Changes in Federal Recognition Process

This is a resubmission of recommendations for change in the Technical Review and final determination of the Federal Recognition Process. It includes suggestions received from one Council member who was ill during initial review. Changes are minor.

Amended Final Version.

The purpose of this letter is to recommend a change in the Technical Review Process that is the now the sole authority of the Office of Federal Acknowledgement. The Elder Council of the Apalachicola Band of Creeks propose the existing technical review of submitted petitions be sunset and replaced by Blue Ribbon Commission of talented individuals working together across disciplines to enhance transparency, improve review fairness, and offer a broad collaboration to all final determinations of eligibility.

Elder Council Proposals

The White House Council on Native American Affairs shall establish from within its membership a **Blue Ribbon Panel of experts** to review petitions submitted for Federal Acknowledgement and make the final determination of eligibility based on the revised, promulgated rules.

1. The Blue Ribbon Panel of experts should include the following
 - One university chair level Anthropologist expert in the culture, history, and contemporary standing of the petitioner.
 - One U.S. Citizen not affiliated with the petitioner but selected by the petitioner to sit as ombudsman for the tribe.
 - A clergyman or church lay-person of the petitioner's predominant faith
 - One Federal Native American Judge or senior- level lawyer designee with Native American perspective.
 - The petitioner may designate a tribal member who will speak for the tribe in answering questions about the petition but who will not participate in the deliberations of eligibility.
2. The technical review hearing shall be held in the State of the petitioner and the Governor of that state shall have the responsibility of designating a qualified

individual with knowledge of Indian Affairs and the Acknowledgement Process to represent the interest of the State.

3. The US Department of Interior shall provide funding and administrative support for the Technical Review Process to point of final determination.
4. The Blue Ribbon Commission shall work across all executive departments, agencies and offices needed to coordinate and execute development of a **Final Determination Decision** on the petition being reviewed.
5. In all ineligible final determinations, the petitioner shall have right of appeal via federal level mediation.
6. Appellant and BIA representative shall have a mediation hearing before a federal mediator whose decision shall be binding.
7. Petitioners denied Federal Acknowledgement shall be eligible to resubmit a documented petition with **new evidence** within forty-eight months from the date of denial or date of the mediation decision. (This due process is equivalent to three strikes and a failure puts the petitioner out from further appeals or hearings.)

Thank you for extending the time to respond. We appreciate the opportunity to bring this final proposal for your review and consideration.

Very truly,

Mary Sixwomen Blount, Tribal Administrator