Indian Affairs - Office of Public Affairs

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WASHINGTON – Associate Deputy Secretary James E. Cason today issued a Final Determination in which he declined to acknowledge that a group known as the Burt Lake Band of Ottawa and Chippewa Indians, Inc. (BLB), located near Brutus, Mich., is an Indian tribe within the meaning of Federal law. The evidence reviewed for this Final Determination showed that the petitioner failed to meet three out of seven mandatory criteria – 83.7(b), (c) and (e) – under 25 CFR Part 83, the regulations that govern the Federal Acknowledgment Process.

Under criterion 83.7(a), the available evidence demonstrated that external observers have identified the petitioning group as an American Indian entity on a substantially continuous basis since 1917.

Because the U.S. Department of Justice argued on their behalf in U.S. District Court for Eastern Michigan in 1917, the BLB were able to use a provision in the regulations that reduces the evidentiary burden placed on them under the regulations to demonstrate they have continuously existed as an Indian tribe.

Under criterion 83.7(b), with the reduced evidentiary burden, the BLB only needed to demonstrate that it is a distinct community at present. The evidence does not show that BLB members form a distinct community. Rather, it shows that the petitioner's members are active participants in a social community comprised principally of former BLB members and other Burt Lake descendants enrolled in a federally recognized tribe, the Little Traverse Bay Bands of Odawa Indians (LTBB). Over half of BLB members participate only rarely in social events with other BLB members. They link to other BLB members only through a parent or grandparent enrolled in LTBB. The petitioner is not a distinct social community at present.

Under criterion 83.7(c), the available evidence prior to 1978 demonstrates, with one exception, political activity by Burt Lake band descendants within entities much larger than the petitioner, often organizations of Ottawa Indians in northern Michigan. This historical pattern persists to the present. In 1978, Lansing-based BLB members led the formal organization of the BLB. When Congress recognized nearby LTBB in 1994, many BLB members joined it. Both these LTBB members and BLB members participate informally in BLB political affairs within a group of Burt Lake band descendants larger than the current membership of the petitioner. The evidence does not demonstrate a bilateral relationship between leaders and members within the petitioning group.

Under criterion 83.7(d), the petitioner presented a copy of its current governing document, which includes its membership criteria and the processes by which it governs itself. The members voted via absentee ballots in February 2005, and certified that constitution as the group's governing document by a resolution dated April 9, 2005.

Under criterion 83.7(e), the petitioner submitted a membership list that identified 320 members, but documented that only 68 percent, or 218 of the 320 current BLB members, have ancestors who were a part of the historical Burt Lake band, also known as the Cheboygan band. Under criterion 83.7(f), the petitioner demonstrated that its membership is composed principally of persons who are not members

of any federally acknowledged North American Indian tribe.

Under criterion 83.7(g), the evidence demonstrates that neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship. This determination will become effective 90 days from publication of the Final Determination in the Federal Register, unless the petitioner or an interested party requests reconsideration before the Interior Board of Indian Appeals (IBIA).

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