Indian Affairs - Office of Public Affairs

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WASHINGTON – Acting Assistant Secretary-Indian Affairs George T. Skibine has issued a proposed finding not to acknowledge the petitioner known as the Tolowa Nation (TN), Petitioner #85, located in Fort Dick, Calif., as an Indian tribe under the regulations governing the federal acknowledgment process at 25 CFR Part 83. The evidence in the record is insufficient to demonstrate that Petitioner #85 meets the criterion 83.7(b), one of the seven mandatory criteria of the regulations for a determination that the petitioning group is an Indian tribe. In accordance with the regulations, the failure to meet all seven criteria requires a determination that the petitioning group is not an Indian tribe within the meaning of federal law. Therefore, the Interior Department proposes to decline to acknowledge Petitioner #85 as an Indian tribe.

The petitioner has approximately 88 members. The evidence shows the petitioner is a voluntary association formed in 1982 of individuals who claim descent from the Tolowa, an Athabascan speaking group of Indians residing in Del Norte County, Calif.

The petitioner maintains that its membership and its ancestors existed continuously as a tribe of Indians known as "Tolowa" from first sustained contact in 1853 to 2010. The petitioner also maintains that they are descended from those Indians who were not enrolled at the Smith River Rancheria and the Elk Valley Rancheria, established in 1906 and 1908, respectively. To meet criterion 83.7(b), the petitioner must demonstrate that a predominant portion of its group comprises a distinct community and has existed as a community from historical times until the present.

The Indian Affairs Office of Federal Acknowledgment reviewed Petitioner #85's claims and documentation, and examined federal census records from 1860 to 1930, Bureau of Indian Affairs enrollment records for the Elk Valley and Smith River rancherias from 1918 to 1937, BIA enrollments conducted by Special Field Agent Henry Roe Cloud in 1939, BIA correspondence, recollections gathered from interviews during its site visit in 2010, and meeting minutes from the petitioner and from the Del Norte Indian Welfare Association (DNIWA), claimed by the petitioner as its precursor known to have existed from 1941 to 1968.

The Department will publish a notice of the proposed finding in the Federal Register. The regulations provide that the petitioner or any interested party will have 180 days after the publication of the notice to submit comments to rebut or support the proposed finding. After the comment period, the petitioner will have an additional 60 days to respond to comments from third parties for additional consideration by the Department.

The Assistant Secretary-Indian Affairs has responsibility for carrying out the Secretary of the Interior's trust responsibilities to the nation's 565 federally recognized American Indian and Alaska Native tribes and individual Indian trust beneficiaries, as well as supporting tribal self-determination. In addition to the BIA and the Bureau of Indian Education, the Assistant Secretary also oversees the OFA, which administers the federal acknowledgment process.

The proposed finding and Federal Register notice will be posted on the Indian Affairs website at

http://www.indianaffairs.gov/WhoWeAre/AS-IA/OFA/RecentCases/index.htm.