Indian Affairs - Office of Public Affairs

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WASHINGTON – Assistant Secretary–Indian Affairs Larry Echo Hawk today issued a final determination not to acknowledge the petitioner known as the Juaneño Band of Mission Indians, Acjachemen Nation (Petitioner #84A) as an Indian tribe. This petitioner, located in San Juan Capistrano, Calif., has 1,940 members.

The evidence in the record demonstrates that the petitioner does not meet four of the seven mandatory criteria for federal acknowledgment as set forth in 25 CFR 83.7. In accordance with the regulations [section 83.6(c)], 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 Department declines to acknowledge the petitioner.

This final determination treats the Indian population at the San Juan Capistrano (SJC) Mission in 1834 as the "historical Indian tribe" from which the petitioner must demonstrate continuous existence as an Indian tribe. The final determination concluded, however, that the petitioner did not demonstrate that it continued as a tribe since that time.

The four criteria the petitioner does not meet are Criteria 83.7(a), 83.7(b), 83.7(c) and 83.7(e).

Criterion 83.7(a) requires that external observers have identified the petitioner as an American Indian entity on a substantially continuous basis since 1900. The available evidence demonstrates that external observers identified the petitioner as an American Indian entity on a substantially continuous basis only since 1997, not since 1900.

Criterion 83.7(b) requires that a predominant portion of the petitioning group has comprised a distinct community from historical times to the present. The available evidence demonstrates that the distinct SJC Indian community, from which the petitioners claim descent, continued to exist only to 1862.

Criterion 83.7(c) requires that the petitioning group has maintained political influence over its members as an autonomous entity from historical times to the present. The available evidence does not demonstrate that the petitioner maintained political influence or authority over its members as an autonomous entity from 1835 until the present.

Criterion 83.7(e) requires that the petitioner's members descend from a historical Indian tribe. The available evidence shows that only 61 percent of the petitioner's 1,940 members demonstrated descent from the historical Indian tribe at San Juan Capistrano Mission. The three criteria the petitioner meets are criteria 83.7(d), 83.7(f) and 83.7(g).

Criterion 83.7(d) requires that the petitioner provide a copy of its governing document including its membership criteria.

Criterion 83.7(f) requires that the petitioner's membership be composed principally of persons who are not members of another federally recognized Indian tribe.

Criterion 83.7(g) requires that the petitioner not be subject to legislation forbidding the federal relationship.

The Department made the final determination following a review of the petitioner's and the public's comments on the proposed finding, which the Department issued on December 3, 2007. This determination will become final and effective 90 days after its publication as a notice in the Federal Register, unless the petitioner or any interested party requests reconsideration with the Interior Board of Indian Appeals (IBIA) within that time period.

The Assistant Secretary–Indian Affairs has responsibility for fulfilling the Interior Department's trust responsibilities and promoting self-determination on behalf of the nation's 565 federally recognized American Indian and Alaska Native tribes. The Assistant Secretary also oversees the Bureau of Indian Affairs (BIA), which is responsible for providing services to approximately 1.9 million individual American Indians and Alaska Natives from the federally recognized tribes, the Bureau of Indian Education (BIE) and the Office of Federal Acknowledgment (OFA), which is responsible for administering the federal acknowledgment process.

Copies of the final determination and Federal Register notice will be posted on the Indian Affairs website at http://www.indianaffairs.gov/WhoWeAre/AS-IA/OFA/RecentCases/index.htm.