Indian Affairs - Office of Public Affairs

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WASHINGTON – Assistant Secretary – Indian Affairs David W. Anderson today announced he has issued a Notice of Proposed Finding to decline to acknowledge that the Burt Lake Band of Ottawa and Chippewa, Inc. (BLB), from Brutus, Mich., a petitioner under the federal acknowledgment process, exists as an Indian tribe within the meaning of federal law. The proposed finding is based on a determination that the Burt Lake Band of Ottawa and Chippewa, Inc. ("petitioner") does not meet four of seven mandatory criteria for federal acknowledgment under 25 CFR Part 83, the federal acknowledgment regulations, and therefore does not meet the requirements for a government-to-government relationship with the United States.

The BLB petitioner does not meet criterion 83.7(a), which requires that it have been identified as an American Indian entity on a substantially continuous basis since 1900. The case record contains some identifications prior to 1956 of an Indian settlement at Burt Lake or an Indian entity consisting of descendants of the historical band. The petitioner did not submit required identifications of an Indian entity between 1956 and 1978. A Burt Lake band organization that has become the current petitioner has been identified since 1978. Since 1984 identifications of that Indian entity have identified a group that consists of descendants of the "Cheboygan band" at Burt Lake plus descendants of a John B. Vincent, a ship's carpenter in the town of Cheboygan, Mich., who was an allottee within the Cheboygan reserve, but left no evidence that he was an Indian of the Cheboygan band.

The petitioner does not meet criterion 83.7(b), which requires that a predominant portion of the petitioning group comprise a distinct community from historical times until the present. The descendants of the Cheboygan band lived in an exclusive Indian village until 1900, and then on Indian Road, near Burt Lake, until at least 1938. However, the Cheboygan band descendants and the Vincent descendants never formed a single social community or even two separate communities that amalgamated. Persons born at that settlement before 1940 are elderly, and it is not known if younger people maintain social ties to each other and to the few residents still living on Indian Road.

The petitioner does not meet criterion 83.7(c), which requires that it has maintained political influence over members as an autonomous entity from historical times until the present. Acknowledgment precedent accepts that political authority was maintained within historical Indian villages, such as one on Burt Lake before 1900. Between 1900 and 1977, sporadic political activity may have involved Burt Lake descendants, but evidence is ambiguous as to whether it shows bilateral political relationships and political authority for a distinct Burt Lake entity. In 1977, the descendants of the Burt Lake band organized. In 1984, a descendant of John Vincent joined and immediately became chairman. He was the first Vincent descendant to ever participate in a political activity of Burt Lake Indians.

The petitioner does not meet criterion 83.7(e), which requires that its members descend from a historical Indian tribe or from tribes that combined and functioned as a single autonomous political entity. Only 46 percent of 490 current members descend from historical individuals identified as a "Burt Lake band" on the 1870 annuity list of the Ottawa and Chippewa Indians of Michigan. This level of descent from the historical tribe – 46 percent − is not sufficient to meet the criterion.

The petitioner, however, does meet criterion 83.7(f), which requires that a petitioning group be composed principally of persons who are not members of any acknowledged North American Indian tribe. Although a total of 50 of the 490 current members of the BLB petitioner are also members of the federally acknowledged Little Traverse Bay Bands of Odawa Indians or the Sault Ste. Marie Band of Chippewa Indians without having formally relinquished their membership in the petitioner, 90 percent of the group is not enrolled in a federally recognized tribe. The petitioner also has met two other criteria for federal acknowledgment: criterion 83.7(d), by having submitted a copy of its governing document and membership criteria, and criterion 83.7(g), because it has never been the subject of congressional legislation terminating or forbidding the federal relationship.

Furthermore, the proposed finding concludes that the petitioner is not eligible to be evaluated under provisions in the regulations for previously acknowledged entities (section 83.8). This conclusion revises a preliminary determination that the petitioner was previously acknowledged as a tribe as recently as 1917. This change is based on a finding that most of the petitioner's members do not descend from the previously acknowledged entity, and that the petitioner is not the tribal entity that was previously acknowledged. This finding may result from recent substantial changes in the petitioner's membership. An evaluation under section 83.7 does not result in a different finding. Whether the petitioner is eligible to be evaluated under section 83.8 of the regulations is subject to reconsideration at the time of the final determination.

The Notice of Proposed Finding on Burt Lake Band of Ottawa and Chippewa, Inc. will be published in the Federal Register. As provided by 25 CFR 83.10(i), the petitioner or any individual or organization wishing to challenge or support the proposed finding shall have 180 days after the notice's publication date to submit arguments and evidence to rebut or support the proposed finding before any final determination is issued.

The Assistant Secretary - Indian Affairs has responsibility for fulfilling the Interior Department's trust responsibilities and promoting self-determination on behalf of the 562 federally recognized American Indian and Alaska Native tribal governments. The Assistant Secretary also oversees the Bureau of Indian Affairs, which is responsible for providing services to approximately 1.8 million individual American Indians and Alaska Natives from the federally recognized tribes, and the Office of Federal Acknowledgment (OFA), which is responsible for administering the federal acknowledgment process.

Note to Editors: The abbreviated version of the Mandatory Criteria for Federal Acknowledgment that accompanies this press release may be viewed via the Department's website at www.doi.gov.