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Office of the Assistant Secretary-Indian Affairs

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Skibine Issues a Final Determination to Acknowledge the Shinnecock Indian Nation of Long Island, NY

WASHINGTON – Acting Principal Deputy Assistant Secretary – Indian Affairs George T. Skibine on June 13, 2010, issued a final determination that affirms the proposed finding of December 15, 2009, to acknowledge the Shinnecock Indian Nation (Petitioner #4) as an Indian tribe. This petitioner, located in Southampton, Suffolk County, N.Y., has 1,292 members.

The evidence in the record for the proposed finding demonstrated that the petitioner met all seven of the mandatory criteria for Federal acknowledgment as set forth in 25 CFR 83.7. The Department did not receive comments from any party other than the petitioner during the comment period. Its comment did not change the overall findings of the proposed finding that the petitioner meets all seven mandatory criteria. In accordance with the regulations (section 83.6(c)), a petitioning group that meets all seven criteria is an Indian tribe within the meaning of Federal law. Therefore, the Department affirms the proposed finding to acknowledge the Shinnecock petitioner.

This final determination treats the Shinnecock Indian tribe of New York that existed in 1789 as the “historical Indian tribe.” Only three years later in 1792, an act passed by the State of New York re-organized this tribe as a trusteeship. At the time, its members lived on a leasehold created in 1703 in Southampton, N.Y. The new law provided for annual elections of three Indian trustees, and these trustee elections have taken place from 1792 to the present. The trustees have allocated the group’s land and resources consistently for almost 220 years. The proposed finding found that the petitioner met the acknowledgment criteria by demonstrating that it has evolved from this historical Shinnecock Indian tribe of New York and has continuously existed. This final determination affirms the proposed finding.

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The petitioner commented on the procedural evaluation in the proposed finding that found that the evidence in the record did not demonstrate that the Federal government had ever recognized the Shinnecock Indian tribe, but knew of its state relationship. The evidence submitted with the petitioner's comments reinforced the proposed finding that the Federal government has never recognized the Shinnecock Indian tribe. Therefore, the provisions of the regulations (83.8) relating to previously acknowledged Indian tribes, that would have reduced the petitioner's evidentiary burden, did not apply to the evaluation of the Shinnecock petitioner.

The Shinnecock petitioner meets the seven criteria and affirms the proposed finding as follows:

Criterion 83.7(a) requires that external observers have identified the petitioner as an American Indian entity on a substantially continuous basis since 1900. This final determination affirms the proposed finding that state and local government officials, missionaries, journalists, and others have identified the petitioning group continuously as an American Indian entity since 1900, and the petitioner meets this criterion.

Criterion 83.7(b) requires that a predominant portion of the petitioning group has comprised a distinct community since historical times. The proposed finding did not use direct evidence as described at 83.7(1) and 83.7(i)-(iv) to demonstrate the group meets this criterion. Rather, it found that the petitioner meets criterion 83.7(b) from 1789 to the present based on its meeting criterion 83.7(c) using "high" evidence described at 83.7(c)(2)(i) for the same period. The regulations at 83.7(b)(2)(v) provide a "crossover" provision for groups with especially high evidence for demonstrating criterion 83.7(c). This final determination affirms those findings.

Criterion 83.7(c) requires that the petitioning group has maintained political influence over its members as an autonomous entity since historical times. The proposed finding determined that because the group's three elected trustees have allocated and managed the reservation's lands and resources since 1792, it demonstrated it meets this criterion using "high" evidence described at 83.7(c)(2)(i). This final determination affirms those findings.

Criterion 83.7(d) requires that the petitioner provide a copy of its governing document including its membership criteria. The proposed finding determined that the petitioner described its membership criteria and how it governs itself for this process. This final determination affirms these findings.

Criterion 83.7(e) requires that the petitioner's members descend from a historical Indian tribe. The evidence in the record shows that at least 97 percent of the 1,292 members descend from the historical 1789 Shinnecock tribe, as determined by their descent from the 1865 reservation residents listed in the New York State census. Thus, this final determination affirms the proposed finding—but with a revised membership total and percentage of descent—that the petitioner meets this criterion.

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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. The proposed finding determined that the petitioner meets this criterion, and this final determination affirms that finding. Only ten members are enrolled in other federally recognized tribes, including Ft. Sill Apache, Hoopa Valley, Mashantucket Pequot, Navajo, Taos Pueblo, and White Mountain Apache.

Criterion 83.7(g) requires that the petitioner not be subject to congressional legislation that has terminated or forbidden the Federal relationship. This final determination affirms the proposed finding that there is no act of Congress or other legal impediment to the Department's acknowledging the group as a Federal tribe.

In view of the receipt of minimal substantive comments, the Department has not produced a report or summary under the criteria for the final determination other than the *Federal Register* notice. Therefore, the *Federal Register* notice is the Final Determination.

The petitioner or an interested party may request reconsideration by the Interior Board of Indian Appeals of this Final Determination. The settlement agreement provides a 30-day deadline for filing an appeal.

The Assistant Secretary–Indian Affairs has responsibility for fulfilling the Interior Department's trust responsibilities and promoting self-determination on behalf of the 564 federally recognized American Indian and Alaska Native tribal governments. When the decision becomes final and effective for the Department, the Shinnecock Indian Nation will be the 565th federally recognized Indian tribe. 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.

The Assistant Secretary–Indian Affairs delegated authority to sign certain Federal acknowledgment findings, including this proposed finding, to the Acting Principal Deputy Assistant Secretary–Indian Affairs effective June 4, 2009.

Copies of the *Federal Register* notice will be posted on the Department of the Interior website at <http://www.doi.gov>.

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