



March 31, 2021

Via Email to consultation@bia.gov

Elizabeth Appel
Director, Office of Regulatory Affairs & Collaborative Action
Bureau of Indian Affairs
United States Department of Interior
Washington, DC 20240

RE: Comments on Federal Acknowledgement Re-Petitioning

Dear Director Appel:

I am writing on behalf of my Tribe and in response to your “Dear Tribal Leader Letter” dated December 18, 2020 inviting comment on the Interior Department’s Consideration of whether to amend its regulations, at 25 C.F.R. Part 83, to permit re-petitioning to take advantage of the 2015 reforms to the federal acknowledgment process.

We agree with the two federal court rulings determining that the Department’s explanation for its decision to ban re-petitioning was insufficient under the Administrative Procedures Act. Groups seeking acknowledgement under the regulations at 25 C.F.R. Part 83 which were denied prior to the 2015 revisions, should not be barred from re-petitioning under the revised rules. Therefore, petitioning groups denied based on determinations inconsistent with the 2015 revised regulations, should be permitted to re-petition the Department for acknowledgement as an Indian tribe.

Please consider the information contained herein, the official response of our tribal nation. Should you have any questions, please feel free to contact me or you may also contact Earl Evans of Cultural Heritage Partners, PLLC at (252) 567-8918, or earl@culturalheritagepartners.com

Sincerely,

A handwritten signature in black ink that reads "Kenneth Branham".

Kenneth W. Branham
Tribal Chief

cc: Cultural Heritage Partners, PLLC
The Honorable Tim Kaine, United States Senator
The Honorable Mark Warner, United States Senator

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