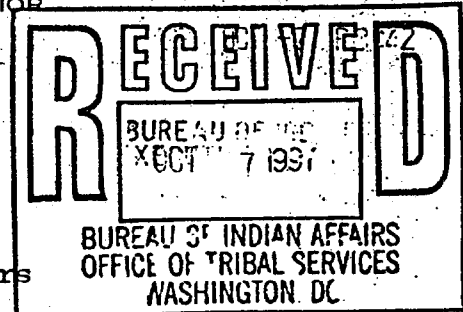




THE SECRETARY OF THE INTERIOR

WASHINGTON

SEP 29 1997



Memorandum

To: Assistant Secretary, Indian Affairs

From: Secretary *[Signature]*

Subject: Petition for Federal Acknowledgment of Ramapough Mountain Indians

As you know, on July 18, 1997, the Interior Board of Indian Appeals affirmed your final determination not to acknowledge a government-to-government relationship with the Ramapough Mountain Indians, Inc. 31 IBIA 61. In the course of its decision, the Board also referred to me, pursuant to 25 C.F.R. § 83.11(f)(2), four other matters for a determination whether they provide any basis for reconsideration. See 31 IBIA at 82-85. The applicable regulations give me no ultimate decisionmaking power; they vest me only with "discretion to request that the Assistant Secretary reconsider the final determination on [the] grounds" identified by the Board. 25 C.F.R. § 83.11(f)(2).

The applicable regulations also give the petitioner and other interested parties 30 days from the date of the IBIA decision in which to comment, and give me 60 days from the receipt of these comments to decide whether to request reconsideration. *Id.* at (f)(4) and (5). The petitioner has filed comments within the thirty day period, requesting my direct personal consideration and asking me to convene an independent panel of experts to review the matters.

In my judgment the petitioners have not demonstrated any reason for me to involve myself directly in this process, or to create any new process (such as an independent panel of experts) outside the scope of the applicable regulations. In your Office, before the IBIA, and in the federal courts, petitioners have had and will have ample opportunity to make their case. The Department's regulations exhaustively identify both procedures to be followed and the substantive issues to be addressed in responding to petitions for acknowledgment. My role in that process is very peripheral; to enlarge that role as petitioners want is inconsistent with the regulations and not warranted on this record.

Most of the issues identified by the IBIA relate to the process by which your Office reached its decision. Another asks for examination and possible clarification of an "apparent discrepancy" between the proposed finding and the final determination. Rather than allowing your determination to become final without directly

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addressing these issues, I believe the better course is for you to be given the opportunity to address them directly.

Therefore, without in any way passing on the merits of the further issues identified by the IBIA, I hereby request you to address those issues and, in accordance with the applicable regulations, issue a "reconsidered determination" on them within 120 days of the IBIA decision. 25 C.F.R. 83.11(g).

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