



**Juaneño Band of Mission Indians
Acjachemen Nation**

Tribal Council

Nathan K. Banda • Chairman
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May 11, 2026

United States Department of the Interior
Office of the Assistant Secretary - Indian Affairs
1849 C Street, NW
Washington, DC 20240

To the attention of:
Ms. Nikki Bass, Director
Office of Federal Acknowledgment
Office of the Assistant Secretary – Indian Affairs
United States Department of the Interior
1849 C Street NW MS-4071 MIB
Washington, DC 20240

Re: Juaneño Band of Mission Indians, Acjachemen Nation (Petitioner #84A); Criterion 83.11 (e) Supplement to the Petition for Federal Acknowledgment

Dear Ms. Bass,

Under cover of this letter, and incorporated herein by reference, the Juaneño Band of Mission Indians, Acjachemen Nation (Petitioner #84A) (the “Tribe”) submits supplemental material to include as part of its Petition for Federal Acknowledgment (the “Petition”). The material responds to the Office of Federal Acknowledgment’s (the “OFA”) Final Determination Against Acknowledgment of the Juaneño Band of Mission Indians, Acjachemen Nation dated March 15, 2011. It contains the following:

1. A resolution by the Tribal Council authorizing this submission.
2. Cover sheets to the Criterion 83.11 (e) Supplement to the Petition.
3. A digital copy of the Criterion 83.11 (e) Supplement to the Petition.
4. A hard copy of the Criterion 83.11 (e) Supplement to the Petition.

We are providing the following: under Item 1, the resolution; under Item 2, twenty-five (25) cover sheets to genealogical analysis; under Item 3, one external hard drive containing the digital copy of the Supplement to the Petition; and under Item 5, twenty-seven (27) boxes containing the hard copy of the Supplement to the Petition. The Tribe has reconciled the digital

copy of the Supplement to the Petition and the hard copy of the Supplement to the Petition, the digital copy and hard copy are verified as accurate and consistent. We request the material to remain confidential and protected to the maximum extent permissible under applicable federal privacy laws, including, but not limited to the Freedom of Information Act, 5 U.S.C. § 552 (the “FOIA”) and the Privacy Act, 5 U.S.C. § 552a.

Background

The U.S. Department of the Interior (the “Department”) received the Tribe’s letter of intent to petition for Federal Acknowledgment as Indian tribe on August 17, 1982. On February 2, 1988, the Department received an official documented petition titled “Petition for Federal Recognition of the Juaneño Band of Mission Indian in Compliance with CFR Part 83.” Upon responding on September 24, 1993, to an obvious deficiency letter issued by the Department, the Tribe was placed on the “Ready, Waiting for Active Consideration” list (the “Ready List”) on the same day.

Following the Tribe’s 1993 election, a separate letter of intent was submitted to the Department, which led to the Department designating the Tribe as Petitioner #84A and a second group as Petitioner #84B¹. On May 19, 1995, the Department removed the Tribe from the Ready List pending submission of an updated membership roll from the Tribe. Following a supplemental submission in March 1996, the Department reinstated the Tribe to the Ready List, effective May 23, 1996.

On April 19, 1997, former Chairman David Belardes did not seek reelection in the Tribe’s elections and a new Chairman was elected. Mr. Belardes and supporters (the “Belardes Group”) formed a separate group though did not submit a letter of intent to the OFA. The OFA designated the Belardes Group as an interested party to the Tribe’s Petition upon the Belardes Group’s request.

The Tribe submitted supplementary documentation to include as part of its Petition to the Department in the years 1998-2000 and on July 19, 2005. On August 29, 2005, the OFA conducted an information Technical Assistance meeting with the Tribe in Washington, D.C. where additional documentation was requested of the Tribe. The Tribe was then placed on the “Active Consideration” list on September 30, 2005.

On November 23, 2007, the Department through the Assistant Secretary-Indian Affairs (the AS-IA”) issued the “Proposed Finding Against Acknowledgment of the Juaneño Band of Mission Indians, Acjachemen (Petitioner #84A)” (the “Proposed Finding”). The Proposed Finding concluded that the Tribe’s Petition did not meet § 83.7(a), § 83.7(b), § 83.7(c), and §

¹ On March 21, 2011, a Final Determination Against Acknowledgment of the Juaneño Band of Mission Indians (Petitioner # 84B) was published in the Federal Register. 76 Fed. Reg. 15335, 15337 (Mar. 21, 2011). The Federal Register noted that the “determination is final and will become effective 90 days from publication of this notice in the Federal Register on June 20, 2011, unless a request for reconsideration is filed before the Interior Board of Indian Appeals pursuant to 25 CFR 83.11.” 76 Fed. Reg. 15335. A request for reconsideration was not filed by Petitioner #84B and the determination became final on June 20, 2011.

83.7(e) (now codified as § 83.11(a), § 83.11(b), § 83.11(c) and § 83.11(e) respectively) of 25 C.F.R. Part 83.

The AS-IA then issued the “Final Determination Against Acknowledgment of the Juaneño Band of Mission Indians, Acjachemen Nation” (the “Final Determination” or “FD”), which was published in the Federal Register on March 21, 2011. The Final Determination, like the Proposed Finding, concluded that the Tribe’s Petition did not meet 83.7(a), 83.7(b), 83.7(c), and § 83.7(e) (now codified as § 83.11(a), § 83.11(b), § 83.11(c) and § 83.11(e) respectively) of 25 C.F.R. Part 83. Specifically, regarding criterion § 83.7(e), the AS-IA analyzed the genealogical documentation and analysis within the Petition and concluded that only 61% of the Tribe’s members demonstrated descent from the Tribe’s historical community, which fell short of the required 80% demonstrated descent. FD at. 83-86.

On June 20, 2011, the Tribe filed a Request for Reconsideration with the Interior Board of Indian Appeals (IBIA). *See In re Federal Acknowledgment of the Juaneño Band of Mission Indians, Acjachemen Nation*, 57 IBIA 149 (June 27, 2013). Shortly after, on September 30, 2011, the AS-IA filed the administrative record for the Petition, noting:

In reviewing the request for reconsideration concerning the documentation in the record on Uriol Mireles and Jose Uriol, OFA found that an error occurred in the preparation of the FD when it indicated that certain documents were not in the record. This error impacts the evaluation in the FD of Uriol Mireles, including Maria and Regina Mireles. A review of these cited documents indicates that an additional 249 persons documented descent, raising the percentage of members that documented descent from the historical tribe to 74% from 67%. This percentage does not change the overall conclusion on criterion 83.7(e).

Id. at 57 IBIA 155 (internation citation removed).

The Belardes Group motioned the IBIA requesting to participate in the IBIA proceedings as an interested party. In a decision issued on February 15, 2012, the IBIA denied this request stating that “the Belardes Group has not clearly articulated its interest in participating in these proceedings before the Board on Petitioner’s Request.” *In re Federal Acknowledgment of the Juaneño Band of Mission Indians, Acjachemen Nation*, Docket No. IBIA 11-124 (Feb. 15, 2012), attached as **Attachment 1**.

On June 27, 2013, the IBIA issued its decision affirming the Final Determination on the grounds over which it found it had jurisdiction and denied the Tribe’s request to vacate the decision. However, the IBIA referred five of the Tribe’s arguments from the Request for Reconsideration back to the AS-IA for reconsideration. *Id.* at 57 IBIA 162-163.

On December 3, 2013, Department Secretary Sally Jewell issued a memorandum to the AS-IA regarding the Tribe’s request for reconsideration of its Petition (the “Memorandum”). *Memorandum re Request for Reconsideration of Determination Against Acknowledgment of the Juaneño Band of Mission Indians Nation*, U.S.

Department of the Interior, Secretary of the Interior (Dec. 3, 2013), attached as **Attachment 2**.

In the Memorandum, the Secretary listed out the five grounds that IBIA referred to the Secretary as:

1. Should reconsideration be granted based on the allegation that application of criterion 83.7(a) in this case is arbitrary, capricious, and contrary to law?
2. Should reconsideration be granted based on the allegation that due process required that Petitioner be provided with an opportunity to review and comment on the Office of Federal Acknowledgment's (OFA) genealogical work papers prior to issuance of the Final Determination, or based on the allegation that Petitioner did not receive one of the genealogical workpapers and other information regarding the individuals whose descent OFA determined was not sufficiently documented?
3. Should reconsideration be granted based on allegations that OFA staff was not adequately skilled to evaluate evidence, did not apply appropriate evidentiary standards, and misapplied the burden of proof in its analysis of the evidence?
4. Should reconsideration be granted based on the allegation that OFA staff was biased against Petitioner and took steps to prevent Petitioner from satisfying criterion (e)?
5. Should reconsideration be granted based on the allegation that, in its evaluation, OFA ignored evidence contained in the record?

Id. 1-2.

In the Memorandum, Secretary Jewell pointed out her concern that after the Final Determination was issued the OFA acknowledged it had missed evidence regarding Uriol Mireles' connection to the historical tribe and that an additional 249 persons submitted by the Tribe indeed had documented descent to the historical Indian tribe. *Id.* at 2. Based on this admission of a mistake in OFA's genealogical review, the Secretary requested reconsideration of the Tribe's Petition. *Id.* During the IBIA appeal and after, the Department was developing revisions to the 25 C.F.R. Part 83 acknowledgment regulations. The Secretary made note of this process in the Memorandum and requested that the Department consider suspending the reconsideration of the Petition until these revisions were completed. *Id.* The review of the Tribe's Petition was indeed suspended. The Department published the revised acknowledgment regulations on July 1, 2015. The Tribe was offered the option to proceed under these new regulations and elected to do so. Ultimately, the Tribe's ability to proceed under the revised regulations stems from errors in OFA's review and analysis of the Petition, as reflected in the Final Determination and in admissions made during the IBIA appeal.

Criterion (e)

We submit items 1, 2, 3, and 4, as referenced above, as sufficient evidence under § 83.11 (e). Preparing this supplement has been challenging, as OFA's analysis used to exclude certain

ancestors' and current members' connection to the historical tribe is ambiguous. As is noted in the Supplement, there are areas where our genealogist consistently noted errors in the genealogical analysis undertaken by OFA in the Proposed Finding and Final Determination. These reoccurring areas include:

- failure to apply the standard of a reasonable likelihood of the facts as required by § 83.10 (a);
- inconsistency in applying the genealogical standards applied in a prior decision as required by § 83.10 (a) (4);
- mistakes in omitting family connections;
- erroneously linking children to the wrong parent;
- non-acceptance of name variations for some Tribal ancestors; and
- failure to apply the criterion in the context of the Tribe's culture and history as required by § 83.10 (b) (5).

With this submission, the Tribe requests that the OFA promptly acknowledge receipt in writing to the Tribe as required by § 83.22 (a) and expeditiously proceed through the next steps in the regulatory process. Please contact my office if you have any questions or concerns regarding the submission of this § 83.11 (e) Supplement to the Petition for Federal Acknowledgment.

Respectfully Submitted,



Nathan K. Banda, Chairman
Juaneño Band of Mission Indians,
Acjachemen Nation (#84A)

cc: Juaneño Band of Mission Indians, Acjachemen Nation Tribal Council
Brandy Toelupe, esq.

ATTACHMENT 1

In re Federal Acknowledgment of the Juaneño Band of Mission Indians, Acjachemen Nation,
Docket No. IBIA 11-124 (Feb. 15, 2012)

ATTACHMENT 2

Memorandum re Request for Reconsideration of Determination Against Acknowledgment of the Juaneño Band of Mission Indians Nation, U.S. Department of the Interior, Secretary of the Interior (Dec. 3, 2013)