

Fernandeño Tataviam Band of Mission Indians
Sovereign Indian Nation



September 8, 2021

R. Lee Fleming, Director
Office of Federal Acknowledgment
United States Department of the Interior
Mail Stop 4071 MIB
1849 C Street, NW
Washington, D.C. 20240

Dear Mr. Fleming:

The Fernandeño Tataviam Band of Mission Indians (“FTBMI”) evaluated general guidance received from the Office of Federal Acknowledgment (“OFA”) in the teleconference held on January 7, 2021, and via correspondence issued by OFA on January 25, 2021. After evaluating OFA’s guidance, the FTBMI respectfully withdraws petition #158 pursuant to 25 C.F.R. §83.30.

The FTBMI submitted its full petition on November 9, 2009, prior to the regulatory amendments approved in 2015 and prior to OFA’s recent issuance of new guidance regarding presentation of evidence.¹ In its May 27, 2020, Proposed Finding, OFA concluded that the FTBMI met three of the four mandatory criteria for Federal acknowledgment under a Phase I review, as defined by the regulations,² effective July 31, 2015: criteria 83.11(d) Governing document, 83.11(f) Unique membership, and 83.11(g) Congressional termination. OFA determined that the FTBMI did not satisfy criterion 83.11(e) Descent, by not identifying a historical Indian tribe at the Mission San Fernando.³ The FTBMI appreciates OFA’s Phase 1 review and clarifications, particularly OFA’s emphasis on tribal unity and centralization.

Following the Phase I review and input from OFA, the FTBMI obtained further historical and legal evidence to demonstrate a historical Indian tribe at the Mission San Fernando, with a greater focus

¹ See Draft “Documented Petition Description with a Suggested Outline for a Concise Written Narrative” provided with OFA letter (Jan. 25, 2021).

² Final Rule 25 CFR Part 83 Federal Acknowledgment of Indian Tribes (June 29, 2015).

³ FTB Proposed Finding (May 27, 2020).

on tribal identity, both during and after the San Fernando Mission period. The data are more complete than previously provided in our original petition, as the FTBMI located the original or primary documents of baptism records of the San Fernando Mission Indians. The original San Fernando Mission documents provide names of baptizing friars, witnesses, written records, baptismal dates, and birthdates for the entire group of Indians at San Fernando Mission. The FTBMI also identified new and original evidence from newspapers, archives, and other sources, that follows the history of the tribal community through time to the present-day tribal organization. Specific additional information and analyses, relying on census and other data, trace the Indians baptized at Mission San Fernando and their descendants from the close of the Mission to the year 1900. The use of these original and other documents will allow the FTBMI to satisfy OFA's standards of historical analysis.

In subsequent communications,⁴ OFA presented four options available to the FTBMI after OFA's issuance of the Phase I review and close of the comment and response period: (1) proceed with Assistant Secretary – Indian Affairs (AS-IA) review; (2) withdraw the petition and submit a new petition; (3) challenge the Proposed Finding before an administrative law judge; or (4) request that the AS-IA extend the comment period upon a finding of “good cause.”⁵ Unfortunately, none of these options provided an opportunity for the FTBMI to clarify its claims on criterion 83.11 (e), based upon the new information summarized above, as the July 31, 2015 regulations make no such remedy available. Consistent with Option 2 provided by OFA, FTBMI will withdraw its petition under §83.30 and submit a new petition for Federal acknowledgment to clarify its claims regarding criterion 83.11 (e), revise its petition consistent with the 2015 regulations and new guidance supplied in 2021,⁶ and include the new evidence that supports the existence of and descent from a historical Indian tribe emerging from Mission San Fernando.

The FTBMI formally withdraws its petition under §83.30. The FTBMI looks forward to submitting a new petition shortly for OFA's consideration and appreciates the guidance and review provided in this process.

⁴ OFA FTBMI Teleconference (Jan. 7, 2021) and OFA Letter (Jan. 25, 2021.)

⁵ OFA Letter (Jan. 25, 2021).

⁶ See Draft “Documented Petition Description with a Suggested Outline for a Concise Written Narrative” provided with OFA letter (Jan. 25, 2021).

Respectfully,



Rudy J. Ortega, Jr.
Tribal President



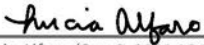
Mark J Villaseñor (Sep 8, 2021 16:11 PDT)

Mark Villaseñor
Tribal Vice President



Elias Ornelas (Sep 8, 2021 16:18 PDT)

Elisa Ornelas
Tribal Treasurer



Lucia Alfaro (Sep 8, 2021 16:21 PDT)

Lucia Alfaro
Tribal Secretary



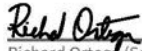
Raymond Salas (Sep 8, 2021 16:12 PDT)

Raymond Salas
Tribal Senator



Joseph Bodle (Sep 8, 2021 16:27 PDT)

Joseph Bodle
Tribal Senator



Richard Ortega (Sep 8, 2021 17:00 PDT)

Richard Ortega
Tribal Senator



Jesus Alvarez (Sep 8, 2021 16:42 PDT)

Jesus Alvarez
Tribal Senator



Cheryl Martin (Sep 8, 2021 16:43 PDT)

Cheryl Martin
Tribal Senator



Mary Acuña (Sep 8, 2021 17:06 PDT)

Mary Acuña
Tribal Senator