



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

10 OCT 2024

Mr. Rodger Collum
1458 Highway 1226
Natchitoches, Louisiana 71457

Dear Mr. Collum:

The Office of Federal Acknowledgment (OFA) within the Office of the Assistant Secretary – Indian Affairs, Department of the Interior (Department), has completed a Phase I technical assistance (TA) review of the documented petition for Petitioner #402, a group named the Butte Tribe of Bayou Bourbeaux (BTBB). The OFA issues this review in accordance with section 83.26 of Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR Part 83).

The petitioner's documented petition consists of materials dated March 1, 2023, and received by OFA on March 31, 2023. OFA notified the petitioner by letter dated April 26, 2024, that the petition had been received as a documented petition under § 83.21. Notice of receipt of a documented petition was published in the *Federal Register* and posted to OFA's website on May 31, 2023. This commenced a 120-day comment period, ending September 28, 2023.¹

During the comment period following publication of notice of the documented petition in the *Federal Register*, OFA received comments from the following parties: Louisiana State Representative Francis C. Thompson (District 19); Fred D. Simon, Natchitoches Nation; and David Stevenson, et al., Natchitoches Tribe Council. The OFA has reviewed these comments and has taken them into consideration, insofar as they relate to the evaluation of the criteria under § 83.11(d) *Governing document*, § 83.11(e) *Descent*, § 83.11(f) *Unique membership*, or § 83.11(g) *Congressional termination*. The OFA will give these comments further consideration and may discuss them in a Phase I Proposed Finding. Insofar as the comments relate to the evaluation of the criteria under § 83.11(a) *Indian entity identification*, § 83.11(b) *Community*, or § 83.11(c) *Political influence or authority*, OFA would review and discuss them in Phase II.

This Phase I TA review is to inform the petitioner of deficiencies that would prevent it from meeting criterion 83.11(e). Upon receiving this TA review, the petitioner must submit a written

¹ 88 FR 34890.

response that takes one of the following actions: (1) withdraws the documented petition for further preparation; (2) submits additional information and/or clarification; or (3) asks OFA to proceed with the review (§ 83.26(a)(1)(i)(A)-(C)). OFA recommends that the petitioner review the information provided below, as well as the third-party comments, in formulating its response. The regulations do not impose any limit on the amount of time that the petitioner may take to respond to technical assistance.²

PHASE I TECHNICAL ASSISTANCE REVIEW

§ 83.11(d) Governing Document

The petitioner must provide:

- (1) A copy of the entity’s present governing document, including its membership criteria; or**
- (2) In the absence of a governing document, a written statement describing in full its membership criteria and current governing procedures.**

Summary

The petitioner provided a copy of its “present governing document, including its membership criteria.” OFA has not identified any deficiencies that would prevent the petitioner from meeting the *Governing Document* Criterion (§ 83.11(d)).

Technical Assistance Review

The petitioner provided a copy of its governing document, in the form of bylaws. The bylaws address the following subjects: the governing body, duties of officers, mission/vision (purpose), disposition of assets, activities, and membership. The date of ratification of these bylaws is not noted on the document itself but the electronic file bears a date of creation of November 21, 2020, and the title of the electronic document is “Exhibit 5 – 2020 Butte By-Laws.”

² 80 FR 37862, 37878.

The membership criteria in the bylaws reads,

BTBB membership in this “family tribe” is limited to those people whose documented ancestors lived and raised their families in the Bayou Bourbeaux area of Natchitoches Parish before 1900. Membership is determined by the acceptance of the BTBB governing body.

The petitioner also provided a copy of an “Amending Agreement” dated February 19, 2021, signed by Rodger Collum and two witnesses. This amendment alters the last sentence of the membership criteria in the bylaws (as quoted above) to read,

Membership is determined by the acceptance of the governing body of the BTBB Membership Committee. Approval is based on the register’s (the person requesting membership) close family ties and relationships with the BTBB core families. “Core families” is defined as those blooded family ancestors listed on the United States Census — Natchitoches Parish reports between the years of 1900–1930. These families shared close family ties and relationships in the Bayou Bourbeaux area in that time period.

§ 83.11(e) Descent

The petitioner’s membership consists of individuals who descend from a historical Indian tribe (or from historical Indian tribes that combined and functioned as a single autonomous political entity).

Summary

The petitioner has not demonstrated that its membership consists of individuals who descend “from a historical Indian tribe (or from historical Indian tribes that combined and functioned as a single autonomous political entity).” OFA has identified deficiencies that would prevent the petitioner from meeting the *Descent* Criterion (§ 83.11(e)), described herein.

Technical Assistance Review

The petitioner’s narrative contains a lengthy section entitled “Claim of Historical Indian Tribe” that includes the following statement:

In accordance with 25 CFR 83.11(e), the BTBB membership consists of individuals who descend from the historical Indian tribes of the Chitimacha and Texas Mission Indians with sufficient evidence including, but not limited to, identifying present members or ancestors of present members as being descendants of a historical Indian tribe. Butte Indians are people with bloodlines that stem from indigenous Americans residing in the Bayou Bourbeaux area

during or before the early 1700s. Through no fault of their own, these bloodlines mixed with the blood of their French and Spanish enslavers. The principal Native American bloodline mix of the Butte Indians was/is Chitimacha and Teja/Texas Indians. French invaders brought the captive Chitimacha line from a raid on a Chitimacha village in 1707. Teja/Texas Indians found their way to the bayou when they escaped captivity from the Spanish Texas Missions.³

This description appears to claim that the petitioner's current membership consists of descendants of the combined "historical Indian tribes of the Chitimacha and Texas Mission Indians." However, as discussed below, the evidence in the record is insufficient to demonstrate the existence of the claimed, combined entity and is, therefore, insufficient to meet criterion 83.11(e).

As a preliminary matter, the petitioner does appear to have submitted sufficient evidence to document descent of its members from ancestors identified as indigenous.⁴ Specifically, the petitioner provided membership files for each of its members documenting generation-to-generation relationships, through lines of descent connecting each member to one or more claimed Indian ancestors. In the petitioner's narrative, the petitioner explained that its ancestors fall into two categories: "Chitimacha Ancestors" and "Texas Indian Ancestors."⁵

In a subsection entitled "Chitimacha Ancestors," the petitioner identified "two Chitimacha Indian girls, Marie Therese de la Grande Terre and Jeanne de la Grande Terre, who raised their families on the Red River Bayou Bourbeaux area to become a distinguishing part of the Butte bloodline." The petitioner states that, during an eighteenth-century battle between the Chitimacha and European colonizers, these two ancestors were "taken as captives and later married to French officers[.]"⁶

In a subsection entitled "Texas Indian Ancestors," the petitioner listed eight individual ancestors of claimed indigenous descent. No specific tribal affiliation is identified for most of the eight; some are identified only through Spanish racial terms like *coyote* or *lovo*.

Based on the petitioner's supporting documentation, it appears that most of the current membership descend from one or more of these ten historical individuals.⁷ However, the

³ "Petition for Federal Acknowledgment of Butte Tribe of Bayou Bourbeaux," Jan. 2023 (hereinafter cited as "Petition Narrative"), § 3.5, at 73

⁴ The acknowledgment regulations define *indigenous* as "native to the continental United States in that at least part of the petitioner's territory at the time of first sustained contact extended into what is now the continental United States" (25 CFR § 83.1). Though some of these ancestors may have ancestral origins in Mexico, they appear on mission records in the territory now comprising Texas.

⁵ Petition Narrative § 2.1, at 10.

⁶ Petition Narrative § 2.1.1, at 10.

⁷ During the preparation of this technical assistance, OFA staff reviewed and confirmed the genealogical descent of a sample of the membership.

documentation of descent is insufficient to satisfy the *Descent* criterion. Lacking in the petitioner's documentation is evidence that these historical individuals lived in tribal relations with one another or with other tribal members and that they constituted either a tribe or tribes that "combined and functioned as a single autonomous political entity," as required under § 83.11(e).

For example, the supporting documentation relating to the "two Chitimacha Indian girls Marie Therese de la Grand Terre and Jeanne de la Grand Terre" shows only their interactions with non-Indians. Although these two women might have existed in tribal relations prior to being taken captive by non-Indians, the documentation does not indicate that they or their descendants constituted a continuation of the historical Chitimacha tribe or that, even if they did, the historical tribe subsequently combined with a tribe comprised of the petitioner's "Texas Indian Ancestors." Rather, the evidence suggests that these two women ceased being in tribal relations prior to any alleged merger between tribes in or around "the Bayou Bourbeaux area" and that, within a few generations of continuous intermarriage with non-Indians, the descendants of these two women were not identified with any tribal affiliation or even any descriptors of tribal descent.

The deficiencies relating to the petitioner's "Texas Indian Ancestors" are similar and arguably more problematic. In regard to these individuals, there is not only a lack of documentation regarding their affiliation with any specific Indian tribe or tribes but also a lack of documentation regarding tribal relations among the ancestors themselves. These individuals were not born at the same time or place in Texas as one another, nor does it appear that they arrived in Louisiana at the same time as a group.⁸

In sum, by claiming descent from a combination of "Chitimacha and Texas Mission Indian[]" ancestors," the petitioner seems to be claiming that its members descend from "historical Indian tribes that combined and functioned as a single autonomous political entity." However, the evidence in the record is insufficient to document that one or more historical Indian tribes, existing before 1900,⁹ combined. Instead, the evidence shows that the petitioner's claimed ancestors lived outside of tribal relations during historical times and that the descendants of those ancestors, unaffiliated with any Indian tribe or tribes, intermarried in more recent times. That understanding is reflected in the petitioner's narrative itself, which describes this combination through intermarriage as a "principal Native American bloodline mix," not as a merger of two or more political entities into "a single autonomous political entity" under 83.11(e).

In response to this TA review letter, the petitioner may wish to provide additional explanation and supporting documentation of the named historical ancestors living in tribal relations or

⁸ Petition Narrative § 2.1.2 at 10–11.

⁹ See 25 CFR § 83.1 (defining *historical* as "before 1900").

acting as part of a tribe or tribes that “combined and functioned as a single autonomous political entity,” as required under criterion 83.11(e).

§ 83.11(f) Unique Membership

The petitioner’s membership is composed principally of persons who are not members of any federally recognized Indian tribe.

Summary

The petitioner’s membership does not appear to be composed principally of members of any federally recognized Indian tribe. OFA has not identified any deficiencies that would prevent the petitioner from meeting the *Unique Membership* Criterion (§ 83.11(f)).

Technical Assistance Review

No evidence in the record shows a close social, political, or genealogical relationship with any federally recognized tribe in Louisiana or Texas that might suggest that the petitioner is composed principally of members of such a tribe.

The petitioner claims that its members descend, in part, from two historical Chitimacha ancestors; however, the members who claim descent from these two historical ancestors do not constitute a majority of the petitioner’s present membership. Rather, the majority of the present membership claims descent from individuals of non-Chitimacha origin. Therefore, it does not appear that the petitioner’s membership is composed principally of individuals affiliated with the federally recognized Chitimacha Tribe of Louisiana, currently located on the Chitimacha Reservation near Charenton, Louisiana.¹⁰

In comments submitted to the Department, the state-recognized Natchitoches Tribe of Louisiana (NTL) claims that the petitioner’s membership is composed principally of former members of the NTL.¹¹ However, this claim cannot be evaluated, as neither the petitioner nor the commenter provided a list of petitioner members that may have previously been members of NTL. Moreover, because the NTL is not a federally recognized Indian tribe, even if true, previous or concurrent membership in the NTL would not prevent the petitioner from satisfying the *Unique Membership* criterion (§ 83.11(f)).

¹⁰ “About Us,” *Chitimacha Tribe of Louisiana* (<https://chitimacha.gov/about-us> : accessed Sep. 14, 2024).

¹¹ Fred D. Simon (Pioneer, LA), letter to Department of the Interior, received by OFA Aug. 10, 2023, “In response to ‘Opportunities for comment’ about Petition #402, the Butte Tribe of Bayou Bourbeaux.”

§ 83.11(g) *Congressional Termination*

Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship. The Department must determine whether the petitioner meets this criterion, and the petitioner is not required to submit evidence to meet it.

Summary

The petitioner does not appear to have been the subject of congressional legislation that expressly terminated or forbid a Federal relationship. OFA has not identified any deficiencies that would prevent the petitioner from meeting the *Congressional Termination* Criterion (§ 83.11(g)).

Technical Assistance Review

Section 83.21(a)(2)(ii) states that the Department will conduct the research necessary to determine whether the petitioner meets the Congressional Termination Criterion (§ 83.11(g)).

The OFA conducted a review of congressional statutes via Congress.gov and did not find that the petitioner was the subject of congressional legislation expressly terminating or forbidding the Federal relationship.

Based on the materials submitted and OFA's research, the petitioner does not appear to be a group or part of a group that is the subject of congressional legislation expressly terminating or forbidding the Federal relationship, and this Phase I TA review found no deficiencies that would prevent the petitioner from meeting the Congressional Termination criterion.

Summary

This TA review is not a Phase I proposed finding on criteria 83.11(d), (e), (f), and (g). Rather, the purpose of a Phase I TA review is to notify a petitioner, prior to the issuance of a finding, of "any deficiencies that would prevent the petitioner" from meeting criteria (d) through (g) (§ 83.26(a)(1)(i)). As detailed in this letter, OFA identified evidentiary deficiencies that would prevent the petitioner from meeting the *Descent* criterion (83.11(e)).

This Phase I TA review discusses the deficiencies known to OFA at the time of review. However, the petitioner's submission of additional information or clarification in response to the TA review, or other materials added to the administrative record, might raise additional deficiencies or other issues that OFA would have to address in the Phase I proposed finding. In

addition, the petitioner should not assume it will meet criterion 83.11(e) by simply submitting additional information or clarification. The petitioner's ability to cure the deficiencies in criterion 83.11(e) will depend on the content of those submissions and the results of the OFA's review. Finally, the petitioner should not assume OFA has made positive conclusions about claims and evidence not discussed in this letter.

After reviewing this letter, you must submit a written response that (1) withdraws the documented petition for further preparation; (2) submits additional information and/or clarification; or (3) asks OFA to proceed with the review (§ 83.26(a)(1)(i)(A)-(C)). As noted above, the regulations do not impose any limit on the amount of time that the petitioner may take to respond to technical assistance, and the timetable for OFA's Phase I review will be suspended while the Department awaits a response or additional information from the petitioner. OFA is also suspending review under § 83.31 in light of competing, time-sensitive priorities; however, upon receipt of your response to this TA review letter, OFA will reevaluate the suspension and return to its review of the documented petition as soon as possible. *See* 25 CFR § 83.23(a)(1).

If you have any questions, please feel free to contact the Office of Federal Acknowledgment at (202) 513-7650, via email at Ofa_Info@bia.gov or by mail at Department of the Interior Office of the Assistant Secretary–Indian Affairs Attention: Office of Federal Acknowledgment Mail Stop 4071 MIB, 1849 C Street NW, Washington, DC 20240.

Sincerely,

A handwritten signature in dark ink that reads "Nikki Bass". The signature is written in a cursive, flowing style.

Nikki Bass

Director, Office of Federal Acknowledgment

cc: Parties listed under 25 C.F.R. § 83.22(d)