

Phase I – Positive Proposed Finding  
Fernandeño Tataviam Band of Mission Indians

Prepared in Response to the Petition  
Submitted to the Assistant Secretary – Indian Affairs  
for Federal Acknowledgment as an Indian Tribe

June 15, 2026

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(Date)



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Nikki Bass

Director

Office of Federal Acknowledgment



**Map 1.** Theodora Kroeber and Robert F. Heizer, *Almost Ancestors: The First Californians* (San Francisco: The Sierra Club, 1968), 23. The above map is cited by the petitioner in a document transmitted with its petition materials entitled, "Full Citation List."

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## ACRONYMS AND ABBREVIATIONS

AS-IA	Assistant Secretary-Indian Affairs
CFR	<i>Code of Federal Regulations</i>
Department	Department of the Interior
FD	Final Determination
FR	<i>Federal Register</i>
FTB	Fernandeño Tataviam Band of Mission Indians
HIT	Historical (pre-1900) Indian Tribe <sup>1</sup>
LPC	Los Angeles Plaza Church, also known as Iglesia Nuestra Señora Reina de Los Angeles
OFA	Office of Federal Acknowledgment
PF	Proposed Finding
SFR	Mission San Fernando Rey de España
TA	Technical Assistance
UPFA	Unambiguous Previous Federal Acknowledgment

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<sup>1</sup> For the regulatory meaning of “historical” see, § 83.1.

## INTRODUCTION

The Office of Federal Acknowledgment (OFA), within the Office of the Assistant Secretary–Indian Affairs (AS–IA) in the Department of the Interior (Department), issues this positive Phase I Proposed Finding (PF) in response to the petition the Department received from the group known as the Fernandeano Tataviam Band of Mission Indians (FTB), headquartered in San Fernando, California. The petitioner seeks Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR Part 83), “Procedures for Federal Acknowledgement of Indian Tribes.”

Based on the evidence submitted by FTB and reviewed by OFA, FTB meets the four mandatory criteria reviewed in Phase I: criteria 83.11(d) *Governing document*, 83.11(e) *Descent*, 83.11(f) *Unique membership*, and 83.11(g) *Congressional termination*.<sup>2</sup> An explanation of the Department’s evaluation of the claims and evidence under each criterion is presented in the sections that follow this introduction.

The petitioner also included a section claiming unambiguous previous federal acknowledgment (UPFA) in its petition. This material was reviewed under 83.26(a)(1)(ii), and in the Phase I Technical Assistance (TA) letter OFA requested further clarification of the evidence presented. Following the receipt of the Phase I TA letter, FTB submitted its written response requesting that OFA proceed with the review, as required under 83.26(a)(1)(i).<sup>3</sup> The evaluation regarding UPFA will continue during the Phase II evaluation.<sup>4</sup>

## Regulatory Procedures

The Department’s regulations under 25 CFR Part 83 establish the procedures and criteria by which a group may seek Federal acknowledgment as an Indian tribe, establishing a government-to-government relationship with the United States.<sup>5</sup> To be entitled to such a political relationship with the United States, the petitioner must submit evidence documenting that the group meets the criteria under § 83.11(d), § 83.11(e), § 83.11(f), and § 83.11(g) and:

- (1) Demonstrates previous Federal acknowledgment under § 83.12(a) and meets the criteria in § 83.12(b); or
- (2) Meets the Indian Entity Identification (§ 83.11(a)), Community (§ 83.11(b)) and Political Authority (§ 83.11(c)) Criteria.<sup>6</sup>

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<sup>2</sup> See 25 CFR § 83.26(a) (describing Phase I review of a documented petition).

<sup>3</sup> Email message, Kimia Fatehi to Nikki Bass, Mar. 27, 2026; and hard copy dated, received by OFA.

<sup>4</sup> See 25 CFR § 83.26(b).

<sup>5</sup> See 25 CFR § 83.2.

<sup>6</sup> See 25 CFR § 83.43(a), 83.5.

Section 83.26 describes the two phases of the process for reviewing the criteria in § 83.11. During the Phase I review, OFA determines if the petitioner meets criteria 83.11(d), 83.11(e), 83.11(f), and 83.11(g). OFA has completed its Phase I review, is issuing a positive PF, and is proceeding to Phase II.<sup>7</sup> During the Phase II review, OFA will determine if the petitioner meets criteria 83.11(a), 83.11(b), and 83.11(c). The Phase II evaluation will also include a further evaluation of any claims of unambiguous previous Federal acknowledgment (UPFA).<sup>8</sup>

Pursuant to § 83.22(c), this Phase I PF will be “[p]ublish[ed] . . . to the OFA Web site.” Comments on the Phase I PF will be accepted after issuance of the Phase II PF (whether positive or negative), consistent with the procedures that apply following issuance of either a “Phase I negative proposed finding” or a “Phase II proposed finding.”<sup>9</sup>

### **Summary of Administrative Action**

On April 24, 1995, a group located in Sylmar, California, and referring to itself as the “Fernandeño/Tataviam Tribe” submitted a letter of intent to submit a petition.<sup>10</sup> The OFA sent the petitioner a letter of receipt dated May 3, 1995, and the petitioner became Petitioner #158. The OFA received the petitioner’s first submission of petition materials on January 16, 1996. The OFA sent its first TA letter to the petitioner on March 3, 1997. The petitioner submitted claims for UPFA beginning in 2005 and submitted supplemental materials in 2009 and 2011. On September 6, 2011, OFA placed the petitioner on the “Ready, Waiting for Active Consideration” list, meaning that the petitioner satisfied the requirements of a complete “documented petition” under § 83.6 (under the version of 25 CFR Part 83 in effect prior to 2015). The petitioner submitted additional materials in 2012. On March 10, 2015, OFA notified the petitioner that its petition was ready for active consideration.

On July 1, 2015, the Department issued a new final rule revising 25 CFR Part 83. Petitioners that had submitted a complete documented petition but had not yet received a final agency decision were given a choice to proceed under the revised regulations or to complete the process under the previous version.<sup>11</sup> The FTB elected to proceed under the revised regulations by letter received on September 15, 2015, and OFA published notice of this decision in the *Federal Register* on

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<sup>7</sup> See 25 CFR § 83.26(a)(4) (stating that “OFA will publish a positive proposed finding and proceed to Phase II if it determines that the petitioner meets the Governing Document, Descent, Unique Membership, and Termination criteria”); *id.* § 83.32(a)(1) (stating that, following Phase I review, OFA must “either issue a negative proposed finding and publish a notice of availability in the Federal Register, or proceed to review under Phase II”).

<sup>8</sup> See 25 CFR § 83.26(b), § 83.28

<sup>9</sup> 25 CFR § 83.33–40.

<sup>10</sup> By 2009, the petitioner referred to itself as the “Fernandeño Tataviam Band of Mission Indians.”

<sup>11</sup> 25 CFR § 83.7(b).

November 27, 2015.<sup>12</sup> On October 17, 2016, OFA provided the petitioner with Phase I TA review under § 83.26(1)(i). OFA then received several rounds of responsive material from the petitioner throughout 2017 and 2018. However, the petitioner ultimately received a negative Phase I PF dated May 27, 2020, and subsequently withdrew its petition under § 83.30 on September 8, 2021.<sup>13</sup> The OFA received a new documented petition from FTB on July 5, 2023, and assigned the Petition #403.<sup>14</sup>

Consideration of the FTB’s petition began on July 29, 2025. OFA sent the petitioner a positive Phase I TA review letter dated January 27, 2026.<sup>15</sup> The Phase I TA review letter noted no deficiencies under the Phase I criteria but did request clarification regarding the petitioner’s claim of UPFA. OFA received FTB’s response to the Phase I TA review letter on April 7, 2026. The response was submitted under 83.26(a)(1)(i) and stated the petitioner’s wish that OFA proceed with the review.<sup>16</sup> No further clarification or evidence regarding the UPFA claim was included in the response.

During the initial comment period following receipt of FTB’s documented petition, OFA received comments from the following parties: Jenna Cobb, Program Manager for Community Nature Connection; Illece Buckley Weber, Mayor of the City of Agoura Hills; Michael L. Lawson and Alex Sanders; Donna Yocum, Chairwoman, San Fernando Band of Mission Indians; Mike Lemos; and Juan Garza, as Executive Director, California Cities for Self-Reliance Joint Powers Authority. The FTB responded to these comments in a response dated October 18, 2024. The OFA has reviewed these comments and FTB’s responses, and any discussion relevant to the evaluation of the Phase I criteria appears under the appropriate criteria below. Insofar as any comments relate to the evaluation of the Phase II criteria—83.11(a) *Indian entity identification*, 83.11(b) *Community*, and 83.11(c) *Political influence or authority*—OFA will review and discuss them during Phase II.<sup>17</sup> After the Phase II review, there will be another opportunity for public comment. Third-party comments relating to the mandatory criteria may also be addressed in a final determination (FD).

### **Membership Lists**

Under § 83.21(a)(4), the documented petition must include a copy of the petitioner’s official current membership list, as well as each available previous membership list. The petitioner must

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<sup>12</sup> 80 FR 74123.

<sup>13</sup> 85 FR 36415; and “Letter Withdrawing Petition,” dated Sep. 8, 2021, received by OFA on Sep. 17, 2021.

<sup>14</sup> Fernandeano Tataviam Band of Mission Indians (FTB), “Petition for Federal Acknowledgment,” Jun. 2023, received by OFA, Jul. 5, 2023 (hereinafter cited as “Petition for Acknowledgment, 2023”).

<sup>15</sup> For explanation of the purpose of a Phase I TA review letter, see 25 CFR § 83.26(a)(1)(i).

<sup>16</sup> FTB to OFA, response to Phase I TA review letter, dated Mar. 27, 2026, received by OFA on Apr. 7, 2026.

<sup>17</sup> See 25 CFR § 83.26 (describing Phase I and Phase II review).

also provide explanations regarding the preparation of the current membership list (as well as of the former membership lists, insofar as possible). The current membership list must be separately certified by the petitioner's governing body and include each member's full name (including maiden name, if any), date of birth, and current residential address.

The FTB included a current membership list dated July 9, 2021.<sup>18</sup> The list (titled "Official Tribal Roll as of July 09, 2021") includes a total of 855 individual members, with ten noted as being deceased. The OFA's verification research noted nine members appearing on the July 9, 2021, membership list who are deceased.<sup>19</sup> With the nine deceased members removed, this leaves a total of 846 current living members.<sup>20</sup> Each member's full name, residential address, and date and place of birth appears on the list. Where available, parents' names and birth information are also included. The petitioner's submission also includes several former membership lists, as required by § 83.21(a)(4)(iii).<sup>21</sup>

### **Unambiguous Previous Federal Acknowledgment**

As part of its documented petition, a petitioner may claim that it was previously acknowledged as a federally recognized Indian tribe or is a portion that evolved out of a previously federally recognized Indian tribe. As set forth in § 83.12:

- (a) The petitioner may prove it was previously acknowledged as a federally recognized Indian tribe, or is a portion that evolved out of a previously federally recognized Indian tribe, by providing substantial evidence of unambiguous Federal acknowledgment, meaning that the United States Government recognized the petitioner as an Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians with which the United States carried on a relationship at some prior date including, but not limited to, evidence that the petitioner had:
  - (1) Treaty relations with the United States;
  - (2) Been denominated a tribe by act of Congress or Executive Order;
  - (3) Been treated by the Federal Government as having collective rights in tribal lands or funds; or
  - (4) Land held for it or its collective ancestors by the United States.

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<sup>18</sup> FTB, "Official Tribal Roll as of July 09, 2021"; received by OFA, Jul. 5, 2023.

<sup>19</sup> See Work Paper 1.

<sup>20</sup> The Phase I TA review letter did not call into question FTB's representation that ten deceased members appear on the Jul. 9, 2021 membership list. However, during the post-TA review period, OFA found only nine deceased members, not ten. The list of those deceased members appears in Work Paper 1.

<sup>21</sup> Membership lists are included for the following years: 1995, 2003, 2008, 2010, 2015, and 2020.

(b) Once the petitioner establishes that it was previously acknowledged, it must demonstrate that it meets:

(1) At present, the Community Criterion; and

(2) Since the time of previous Federal acknowledgment of 1900, whichever is later, the Indian Entity Identification and Political Authority Criterion.

Under §83.26(a)(1)(ii), if a petitioner claims previous Federal acknowledgment, the Phase I TA review will include a review to determine whether the evidence meets the requirements of previous Federal acknowledgment. If the petition review continues into Phase II, the evaluation of previous Federal acknowledgment continues into Phase II, pursuant to § 83.26(b) and § 83.28.

### *Claim of Previous Federal Acknowledgment Under § 83.12*

The FTB petition narrative includes a section titled, “Criterion 83.12 Claim of Previous Federal Acknowledgment.” This section contains three subsections. Subsection A is titled, “Explanation of how the Federal Government previously acknowledged the petitioner. Federal officials acknowledged a trust relationship for purposes of legal representation and entitlements to Indian land rights.” Subsections B and C are both titled, “Description of evidence to demonstrate previous Federal acknowledgment includes, but is not limited to: Federal Government treatment as having collective rights in tribal lands or funds.”

Under subsection A, the FTB stated that it was

previously acknowledged by Federal officials as coming within the jurisdiction of the United States and entitled to the Federal Government’s protection and benefits from 1885 to 1904. Accordingly, the FTB’s petition must be reviewed under 25 CFR §83.12 with a date of previous acknowledgment of 1904. The activity of the Federal Government demonstrating previous Federal acknowledgment includes treatment as having collective rights in tribal lands or funds. This activity took the form of legal representation to advance those collective land rights, as well as resources supplied by Indian agents for the benefit of tribal members.<sup>22</sup>

According to the petitioner, this activity is evidence of unambiguous Federal acknowledgment, showing that the United States government “recognized the petitioner as an Indian tribe eligible for special programs and services.”<sup>23</sup>

Subsections B and C of the narrative’s section on previous Federal acknowledgment contain a discussion of the specific evidence supporting the petitioner’s claim, beginning with Guilford

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<sup>22</sup> FTB, “Petition for Acknowledgment, 2023,” section entitled, “Criterion 83.12,” p. 1.

<sup>23</sup> FTB, “Petition for Acknowledgment, 2023,” section entitled, “Criterion 83.12,” p. 1, citing 25 CFR § 83.12(a) at 37891.

Wiley Wells’s work as representative for the interest of “the San Fernando Indians.”<sup>24</sup> The petitioner claims that, in 1883, Henry M. Teller, then Secretary of the Interior, appointed a Los Angeles law firm with which Wells was associated to serve on behalf of “the Mission Indians, of California, in cases involving their interests and rights in certain lands.”<sup>25</sup> According to the petitioner, the term “Mission Indians, of California,” referred to those Indians described in an 1883 report as living in “the three southernmost counties of California, and known as Serranos, Cahuillas, San Luisenos, and Dieguinos.” Separately, the petitioner’s narrative cites an 1884 report by an agent for the Mission Agency that includes the following description of the Mission Indian population:

At least two-thirds of the whole number live in San Diego County, nearly all the remainder in the county of San Bernardino, and a small number in Los Angeles County. They live in about twenty villages, generally on reservations, the nearest being about 30 miles and the farthest about 120 miles, by the roads, from this office.<sup>26</sup>

In its discussion of the 1883 and 1884 reports, the petitioner also stated that “inclusion of the San Fernando Indians [within the definition of ‘Mission Indians, of California’] can be inferred” because Los Angeles County, where the Indians resided, was one of those “southernmost” counties mentioned in the 1883 report. Additionally, according to the petitioner, the 1884 report equated “Mission Indians” with Indians who at the time were living on Mexican land grants, as the San Fernando Indians were, including one individual named Rogeria Rocha.<sup>27</sup> The FTB identify Rocha as a San Fernando Indian whom Wells represented in a court case in 1885 regarding Rocha’s pending eviction from certain lands. Wells submitted an affidavit on behalf of Rocha and other defendants—Maria Rocha, Juana Rias, Jose Maria Vages, Julian Sepulveda, and Germana—stating that “the defendants herein are Mission Indians of the San Fernando Mission.”<sup>28</sup> In its narrative, FTB states that, “As counsel for Rogerio Rocha and other Fernandños, paid for his efforts by the United States government, G. Wiley Wells was unquestionably acting in an official capacity, on behalf of the U.S. Department of the Interior.”<sup>29</sup>

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<sup>24</sup> FTB doc.00168.C.DC. This document is one page of a digital image of an 1885 letter from C.C. Painter to an unidentified recipient. In its “Full Citation List,” the petitioner states that the page came from RG-75, Records of the Bureau of Indian Affairs Special Cases.

<sup>25</sup> FTB doc.00144.DC, 1883 letter to Henry M. Teller.

<sup>26</sup> FTB doc.95002.B; and *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1884* (Washington: Government Printing Office, 1884), p. 12.

<sup>27</sup> See FTB, “Petition for Acknowledgment, 2023,” section entitled, “Criterion 83.12,” p. 1–2, fn1; also, Helen Jackson and Abbot Kinney, *Report on the Condition and Needs of the Mission Indians of California* (Washington: Government Printing Office, 1883), p. 3; and *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1884* (Government Printing Office, 1884), p. 13.

<sup>28</sup> FTB doc.80834.USSC; and FTB, “Petition for Acknowledgment, 2023,” section entitled, “Criterion 83.12,” p. 3.

<sup>29</sup> FTB, “Petition for Acknowledgment, 2023,” section entitled, “Criterion 83.12,” p. 3–4.

The actions of another individual are also cited by the petitioner as evidence of previous Federal acknowledgment. Frank D. Lewis, who served as Special Assistant U.S. Attorney for Mission Indians in 1892, sent a letter to the Commissioner of Indian Affairs in which he stated:

Some time ago my attention was called to the condition of a company of Indians living on the edge of the San Fernando Grant in Los Angeles County, California, and I was asked to take such steps as I might find possible and advisable in order to secure to them lands of which they had been unjustly deprived.<sup>30</sup>

This “company of Indians” was further identified by Lewis as “the remaining members and descendants of the band or village to whom Manuel Micheltoarena, Governor of California, granted one league of land May 3rd, 1843.” According to Lewis, these Indians had been living on the tract, and “Rojerio, the Chief or Capitan, had, up to 1884, paid State and County taxes regularly upon the land,” but “in 1886 under color of legal process they were removed entirely from the land and have ever since been kept out of possession.”<sup>31</sup> The land to which Lewis was referring was a grant (Joaquin grant) issued by the Mexican government on May 3, 1843, to *alcalde*<sup>32</sup> Pedro Joaquin and 38 others, including two men named Rogerio and Jerman.<sup>33</sup> Lewis linked Rogerio Rocha with the Rogerio named in the Joaquin grant and believed that the land on which he had been living was the same as that land from the grant. According to the petitioner, “Lewis was not entirely accurate about his facts,” and Rocha was actually living and paying taxes on a different property northeast of the land in the grant (though his acquisition of this land is “not entirely clear”).<sup>34</sup> Regardless, the petitioner believes that the Rogerio named in the 1843 grant is the same man identified in the later court cases as Rogerio Rocha and that Lewis’s actions to try to protect the land for Rogerio and the others he identified as “the remaining” grantees “constituted recognition of a tribe of Indians.”<sup>35</sup>

#### *OFA’s Phase I Evaluation of the Petitioner’s UPFA Claim*

In its Phase I TA review letter, OFA highlighted ambiguities in the petitioner’s claim of UPFA and requested that FTB provide additional information and/or clarification regarding its claim during the response period. In particular, the TA letter stated the petitioner may wish to submit

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<sup>30</sup> FTB doc.80856.

<sup>31</sup> FTB doc.80856.

<sup>32</sup> An *alcalde* was a type of official in the California mission system. See, Steven W. Hackel, *Children of Coyote, Missionaries of Saint Francis: Indian-Spanish Relations in Colonial California, 1769–1850* (Chapel Hill: University of North Carolina Press, 2005), 441 [glossary entry for *alcalde*] and 240–58 [section on Indian officials in the missions]

<sup>33</sup> OFA found what appears to be a complete list of those named on the grant in the record for Petition #158 (see supra note 1). The list is titled “Expediente 576.” The source FTB references in its current petition narrative is a separate document, FTB doc.40009.Q.DC. The list in that document is cut off on the bottom and on the right side.

<sup>34</sup> FTB, “Petition for Acknowledgment, 2023,” section entitled, “Criterion 83.12,” p .6.

<sup>35</sup> FTB, “Petition for Acknowledgment, 2023,” section entitled, “Criterion 83.12,” p .6.

further evidence supporting the assertion that Rogerio Rocha was the leader of a group of the petitioner's ancestors that evolved into the current petitioner.<sup>36</sup> Additionally, the TA letter stated that FTB may wish to clarify how the legal cases involving various individuals reflected efforts on behalf of a collective entity, when the individuals appeared to be living on different grants or in different areas, separate from one another.<sup>37</sup>

The FTB submitted its response to the Phase I TA review letter on April 7, 2026. FTB did not submit additional information in furtherance of its UPFA claim and requested that OFA proceed with its review under § 83.26(a)(1)(i)(C).<sup>38</sup>

Accordingly, the ambiguities highlighted in the Phase I TA review letter remain. Absent clarification, evidence of the actions taken by Wells and Lewis does not constitute “substantial evidence of unambiguous Federal acknowledgment” (specifically, evidence of having been treated by the Federal government as having collective rights in tribal lands or funds).<sup>39</sup> The evaluation of the petitioner's claim of UPFA will continue during the Phase II evaluation according to § 83.26(b) and § 83.28.

### **CONCLUSIONS UNDER THE CRITERIA (25 CFR § 83.11)**

This positive Phase I PF reaches the following conclusions for each of the mandatory criteria evaluated during the Phase I review under § 83.11:

Criterion 83.11(d) requires the petitioner to provide a copy of the entity's present governing document, including its membership criteria or, in the absence of a governing document, a written statement describing in full its membership criteria and current governing procedures. The FTB submitted a governing document that describes its governing procedures and its membership criteria. Therefore, the petitioner meets the requirements of criterion 83.11(d).

Criterion 83.11(e) requires that the petitioner's membership consist of individuals who descend from a historical Indian tribe or from historical Indian tribes that combined and functioned as a single autonomous political entity. In its narrative, the petitioner is claiming descent from a historical entity comprised of individuals identified in the sacramental registers of Mission San Fernando Rey de España (SFR). According to the petitioner, the entity then moved onto certain surrounding land grants following secularization in 1834. Though the petitioner has not established unambiguous previous Federal acknowledgment under § 83.12 at this time, the evidence indicates that a historical entity formed at SFR and included individuals (or the

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<sup>36</sup> See Phase I TA review letter, p. 10.

<sup>37</sup> See Phase I TA review letter, p. 10.

<sup>38</sup> FTB to OFA, response to Phase I TA review letter, dated Mar. 27, 2026, received by OFA on Apr. 7, 2026.

<sup>39</sup> See the criteria for demonstrating unambiguous previous federal acknowledgment under 25 CFR § 83.12.

ancestors of individuals) then found on Mexican land grants in the surrounding area following secularization. The petitioner has demonstrated that 842 of its 846 (99%) current members descend from this claimed historical tribe (HIT). Therefore, the petitioner meets the requirements of criterion 83.11(e).

Criterion 83.11(f) requires that the petitioner's membership be composed principally of persons who are not members of any federally recognized Indian tribe. Based on its review of the evidence, OFA has determined that the petitioner's membership is composed principally of persons who are not members of federally recognized Indian tribes. Therefore, the petitioner meets the requirements of criterion 83.11(f).

Criterion 83.11(g) requires that neither the petitioner nor its members be the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship. Based on its verification research, OFA did not find that the petitioner or its members are the subject of congressional legislation to terminate or forbid a Federal relationship as an Indian tribe. Therefore, the petitioner meets the requirements of criterion 83.11(g).

Therefore, pursuant to § 83.26(a)(4), the Office of Federal Acknowledgment hereby publishes this positive Phase I PF and is proceeding to Phase II.

### Criterion 83.11(d)

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 of Review*

The FTB submitted a governing document that describes the group’s governing procedures and membership criteria. No further supplements relating to 83.11(d) were submitted during the Phase I evaluation period and no changes have been made to affect the evaluations in the Phase I TA review letter under criterion 83.11(d). Therefore, this Phase I PF confirms that the petitioner meets the requirements of criterion 83.11(d).

#### *Current Governing Document*

The OFA received the petition materials submitted by FTB on July 5, 2023, including a document called the “Constitution of the Fernandño Tataviam Band of Mission Indians.” This 16-page governing document contains 47 articles addressing name, ancestral lands, territory, citizenship, governance, voting and elections.<sup>40</sup> Related materials, such as blank registration forms and a previous constitution were also included in FTB’s submission.

#### *Governance*

Chapter 4 of FTB’s governing document discusses the role, scope, candidacy, and procedures of the group’s nine-member legislative department, known as the “Tribal Senate of the Tribe.”<sup>41</sup> The Senate is elected by secret ballot from two districts, and each member serves for a four-year term.<sup>42</sup> The Senate “may legislate with respect to all matters within the competence of the Fernandño Tataviam Band of Mission Indians.”<sup>43</sup> This includes appropriating funds, levying and collecting taxes, initiating the sales, dispositions, etc. of lands and other assets, and approving any agreements made by the President (under \$5,000,000).<sup>44</sup>

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<sup>40</sup> The governing document was first approved on Nov. 15, 2002, and amended through general election on Jun. 11, 2017; FTB, “Constitution of the Fernandño Tataviam Band of Mission Indians” (“Constitution”), received by OFA, Jul. 5, 2023.

<sup>41</sup> FTB, “Constitution,” received by OFA, Jul. 5, 2023, ch. 4, art. 14.

<sup>42</sup> FTB, “Constitution,” received by OFA, Jul. 5, 2023, ch. 4, art. 17.

<sup>43</sup> FTB, “Constitution,” received by OFA, Jul. 5, 2023, ch. 4, art. 17.

<sup>44</sup> FTB, “Constitution,” received by OFA, Jul. 5, 2023, ch. 4, art. 17.

In addition to the Senate, the governing body also includes a Treasurer,<sup>45</sup> a President and a Vice President,<sup>46</sup> a Secretary,<sup>47</sup> and a Judiciary.<sup>48</sup> Members serving as officers, senators, staff members, board or commission members, etc. are not permitted to be “employed by the Bureau of Indian Affairs or by any federal agency contracting with the Tribe.”<sup>49</sup> Chapter 8 discusses elections, which are conducted by secret ballot. Elections for senators and the offices of President and Treasurer take place every four years. All citizens of the group aged 18 and above are eligible to vote, and voting is done either in person or by absentee ballot.

### *Membership*

Membership is discussed in Chapter 3 of the governing document under the heading, “Citizenship and Rights.” Citizenship is limited to persons not enrolled elsewhere and:

- a. “Any person with lineage to one or more Indian Rancherias (Villages) within boundaries of [Chapter 2,] Article 3 associated with Mission San Fernando registers”<sup>50</sup>; and
- b. “Any person who is a lineal descendant of an enrolled citizen of the Tribe maintaining tribal relations.”<sup>51</sup>

As OFA noted in the Phase I TA review letter, FTB’s petition narrative includes a discussion of proposed revisions to the membership requirements, specifically, the language regarding lineage, ancestral lands, etc. in the current governing document.<sup>52</sup> In the TA review letter, OFA stated that FTB may wish to submit a copy of any revised governing document and/or membership criteria, if such revisions were made.<sup>53</sup> In its response to the Phase I TA review letter, FTB did not submit further information on criterion 83.11(d).<sup>54</sup>

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<sup>45</sup> FTB, “Constitution,” received by OFA, Jul. 5, 2023, ch. 5.

<sup>46</sup> FTB, “Constitution,” received by OFA, Jul. 5, 2023, ch. 6.

<sup>47</sup> No Chapter appears to discuss the office and duties of the Secretary, but it is listed as an office in which any citizen of the tribe who is at least 28 years old is eligible to serve. *See* FTB, “Constitution,” received by OFA, Jul. 5, 2023, ch. 3, art. 4.

<sup>48</sup> FTB, “Constitution,” received by OFA, Jul. 5, 2023, ch. 7.

<sup>49</sup> FTB, “Constitution,” received by OFA, Jul. 5, 2023, ch. 3, art. 8.

<sup>50</sup> FTB, “Constitution,” received by OFA, Jul. 5, 2023, ch. 3. Ch. 2, art. 3 identifies the rancherias or villages as those “within the Fernandeano Tataviam immemorial ancestral lands in the areas located in the known parts of Los Angeles, and Ventura Counties in the State of California, as referred in the Indian Rancherias of San Fernando Mission [1920],” and “from north to south, from the lower Antelope/Leona Valley to the San Fernando Valley, and from west to east, from Piro to the western arm of the San Gabriel Mountains.”

<sup>51</sup> FTB, “Constitution,” received by OFA, Jul. 5, 2023, ch. 3, art. 6.

<sup>52</sup> *See* Phase I TA review letter, p. 3-4; and FTB, “Federal Petition Criteria 83.11(d),” p. 2; attached to FTB, “Petition for Acknowledgment, 2023.”

<sup>53</sup> *See* Phase I TA review letter, p. 4.

<sup>54</sup> FTB to OFA, response to Phase I TA review letter, dated Mar. 27, 2026, received by OFA on Apr. 7, 2026.

### *Third-Party Comments Submitted on Criterion 83.11(d)*

The OFA received a comment regarding the governing document criterion from Michael Lawson and Alex Sanders, as well as a comment from Juan Garza on behalf of the California Cities for Self-Reliance Joint Powers Authority. The Lawson and Sanders comment on criterion 83.11(d) states that the petitioner “likely meets criterion § 83.11(d)” if the submitted membership criteria is “adequate.”<sup>55</sup> In response, § 83.11(d)(1) requires that the petitioner submit a copy of its current governing document, including membership criteria.<sup>56</sup> There is no regulatory requirement regarding the adequacy of the membership criteria. As stated above, FTB submitted a copy of its current governing document, dated June 11, 2017, and Chapter 3 describes the membership (or “Citizenship”) criteria, thus fulfilling the regulatory requirement under criterion 83.11(d).<sup>57</sup>

Garza also included a brief statement regarding the governing document criterion in his comments on Petition #403, stating that the petitioner provided “evidence of its governing documents which began with a FTB constitution in 2002.” Further, Garza states that “No earlier governing documents appear to have been provided.”<sup>58</sup> As stated above, § 83.11(d)(1) requires that the petitioner submit a copy of its “present governing document, including membership criteria.”<sup>59</sup> The petitioner’s current governing document was submitted with an amended date of June 11, 2017. There is no requirement that petitioners submit previous governing documents.

None of the submitted third-party comments affect OFA’s finding that FTB meets the governing document criterion.

### *Conclusions under Criterion 83.11(d)*

Criterion 83.11(d) requires that the petitioner provide a copy of the petitioner’s present governing document, including its membership criteria or, in the absence of a governing document, a written statement describing in full its membership criteria and current governing procedures. The FTB submitted a governing document that describes its governing procedures and its membership criteria. Therefore, the petitioner meets the requirements of criterion 83.11(d).

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<sup>55</sup> Michael Lawson and Alex Sanders, “Comments on the Documented Petition for Federal Acknowledgment Presented by the Fernando Tataviam Band of Mission Indians,” Apr. 6, 2024, p. 109–10.

<sup>56</sup> See 25 CFR § 83.11(d), 80 FR 37890.

<sup>57</sup> “Constitution,” received by OFA, Jul. 5, 2023, ch. 3.

<sup>58</sup> Juan Garza, “Comments on the Fernando Tataviam Band of Mission Indians by OFA Criteria,” Apr. 9, 2024, p. 50.

<sup>59</sup> 25 CFR § 83.11(d).

### Criterion 83.11(e)

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 of Review*

The petitioner has submitted material demonstrating that 842 of the 846 current members, or 99%, descend from a historical entity largely centered around the area of Mission San Fernando Rey de España (SFR), comprised of individuals who then moved onto certain surrounding land grants following the secularization of the mission in 1834. The FTB therefore meets the requirements of criterion 83.11(e).

#### *The Petitioner’s Claimed Historical Indian Tribe*

The petitioner’s narrative discusses claims relating to its historical Indian tribe (HIT) under a section expressly focused on criterion 83.11(e), as well as in a separate section titled “Claim of historical Indian tribe” in “Part II” of the narrative.<sup>60</sup> The discussion of the HIT in the section on criterion 83.11(e) begins prior to Spanish colonization when, according to the petitioner, “FTB’s predecessors were numerous interconnected tribal entities, organized as villages.”<sup>61</sup> The petitioner claims that these villages “joined together at the Mission San Fernando Rey (‘SFR’) to create a unified tribal identity and combined into a single autonomous political entity.”<sup>62</sup> The petitioner listed 17 “lineal progenitors” of the claimed HIT who were documented in the registers of SFR between 1835 and 1849.<sup>63</sup> These ancestors represent the three ancestral lines from which the petitioner’s membership descends: Garcia, Ortega, and Ortiz. According to the petitioner, these ancestors and some of their descendants appear in the SFR registers and, later, on or associating with others on land grants in the area surrounding the mission following secularization, continuing “as a tribal community.”<sup>64</sup>

Additional discussion of the land grantees and their descendants appears in the “Claim of historical Indian tribe” section of “Part II” of the narrative. The section begins with a reference to the PF issued against acknowledgment of the Juaneño Band of Mission Indians, in which OFA stated, “The evidence in the record establishes by a reasonable likelihood that as a result of

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<sup>60</sup> “Part II. Claim of historical Indian tribe” and “Federal Petition Criteria 83.11(e)”; attached to FTB, “Petition for Acknowledgment, 2023.”

<sup>61</sup> “Federal Petition Criteria 83.11(e),” 1; and “Part II. Claim of historical Indian tribe,” 1.

<sup>62</sup> “Federal Petition Criteria 83.11(e),” 1.

<sup>63</sup> “Federal Petition Criteria 83.11(e),” 5–6.

<sup>64</sup> “Federal Petition Criteria 83.11(e),” 1.

Spanish policy, the Indian population of [Mission San Juan Capistrano] became an entity consisting of Indian tribes or groups that had combined.”<sup>65</sup> In that same finding, OFA found that “socially connected and culturally similar Indian populations from politically allied villages from a small local geographic area moved to the SJC Mission.”<sup>66</sup> FTB argues that, like the Juaneño Band of Mission Indians (petitioner #84B), “the Indian population at SFR similarly came from villages and combined to function as one autonomous entity” in the mission as a result of Spanish policy.<sup>67</sup>

In a section under the heading, “The San Fernando Mission Period (1797–1850),” the petitioner discusses the establishment of SFR. The petitioner then discusses life in the Mission in subsequent sections appearing under the following heading: “Baptism at the SFR,” “Marriage at SFR,” “Cultural Activities, Traditions and Ceremonies at the SFR,” and “The San Fernando Tribal-Mission Government.” Throughout these sections, the petitioner cites material from historians, anthropologists,<sup>68</sup> and the original sacramental registers (mostly accessed through the online database at the *Early California Population Project* website<sup>69</sup>). Referring to the historical Indians identified in the registers, the petitioner claims that “[a] number of the Petitioner’s ancestors and progenitors were among this group,” including the “lineal progenitors of the [petitioner’s claimed] historical Indian tribe from 1835–1849.”<sup>70</sup>

Following the Mission period,<sup>71</sup> the petitioner describes how “Many Fernandeseños left the mission but remained in the area around the SFR into the American period.”<sup>72</sup> According to the petitioner, “[s]ome were living in villages in the mountains and others resided on lands granted to Fernandeseños by the Mexican government.”<sup>73</sup> Ancestors of the petitioner’s present-day membership who received these Mexican land grants include Jose Miguel Triumfo<sup>74</sup> (Ortiz line) and Francisco (Ortega line). The petitioner compiled a table of several grants issued by Mexican Governor Manuel Micheltoarena to people associated with SFR (including some of the

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<sup>65</sup> See reference in “Part II. Claim of historical Indian tribe,” 3.

<sup>66</sup> OFA, “Proposed Finding Against Acknowledgment of The Juaneño Band of Mission Indians (Petitioner #84B),” signed November 23, 2007, p.5.

<sup>67</sup> “Part II. Claim of historical Indian tribe,” 3.

<sup>68</sup> See, for example, references to the work of Hugo Reid at p.5, footnote 21; and C. Hart Merriam at p.6, footnote 24; and John Johnson at p.6, footnote 34.

<sup>69</sup> See discussion of the use of the sacramental registers through ECPP (<http://huntington.org/early-california-population-project>) at “Part II. Claim of historical Indian tribe,” 15.

<sup>70</sup> “Part II. Claim of historical Indian tribe,” 23; and “Federal Petition Criteria 83.11(e),” 5-6.

<sup>71</sup> For SFR, this is typically defined as 1797 (when the mission was established) to 1834 (when the mission was secularized).

<sup>72</sup> “Part II. Claim of historical Indian tribe,” 25. The American period began in the years leading up to statehood in 1850.

<sup>73</sup> “Part II. Claim of historical Indian tribe,” 25.

<sup>74</sup> Jose Miguel Triumfo is seen in historical and modern documents as both “Triumfo” and “Triunfo.” For the purpose of consistency, this PF will use the “Triumfo” spelling.

petitioner's ancestors): Rancho Cahuenga (Triunfo), Rancho Tujunga, Rancho El Encino (Francisco), a grant to an individual named Samuel, a grant to Pedro Joaquin and others, and Rancho El Escorpion.<sup>75</sup> Much of this land was lost following land leases and sales of the area surrounding SFR.<sup>76</sup> Despite the land loss, the petitioner asserts that a historical Indian entity comprised of the petitioner's ancestors existed on the land grants, as reflected in the appearance of the ancestors on relevant U.S. Censuses from 1850 to 1900.<sup>77</sup> In a section of the petition narrative titled, "Progenitors in the Post-Mission Period (1847–1899)," the petitioner discusses the location and activities of the ancestors, spanning the petitioner's three main lines of descent: Ortega, Garcia, and Ortiz.

#### *Discussion of the Claimed Historical Indian Tribe in the Phase I TA Review Letter*

In the Phase I TA review letter, OFA explained that the entity comprised of individuals documented within the registers of SFR and then on the land grants surrounding the mission (including Rancho Cahuenga, Rancho El Encino, Rancho El Escorpion, and the Joaquin grant) was the entity used for the purpose of documenting descent under criterion 83.11(e).<sup>78</sup> During that review, OFA determined that many of the petitioner's current members also appeared on FTB's 2015 membership list.<sup>79</sup> The Phase I TA review letter also stated that, in OFA's previous evaluation of Petition #158, OFA determined that many of the petitioner's members at that time had demonstrated descent from ancestors who were documented in the SFR registers and, later, on or near the land grants surrounding the mission.<sup>80</sup>

OFA's acceptance of descent in the Phase I TA review letter is consistent with the "Biographical Overviews of the Petitioner's Three Claimed 'Progenitors'" section of the PF for Petition #158.

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<sup>75</sup> The petitioner also includes a much later grant in this table (1871) made to Rojerio and Gurman. The petitioner asserts that the grantee identified as "Rojerio" is the same individual as Rogerio Rocha, who is discussed above in the section on UPFA.

<sup>76</sup> "Part II. Claim of historical Indian tribe," 29.

<sup>77</sup> See the discussion of "FTB Census Analysis and Calculations of the Remaining San Fernando Indian Community; Location(s) of the historical Indian tribe prior to 1900," in "Part II. Claim of historical Indian tribe," 38–45; *also*, "Part II. Claim of historical Indian tribe," attachments 5 and 12.

<sup>78</sup> The petitioner also noted the existence of a separate land grant made to Rogerio Rocha and Samuel, but the extent to which the individuals occupying those lands were part of the petitioner's historical Indian tribe is unclear. (For Rocha, see discussion in this PF under unambiguous previous Federal acknowledgment). Neither Rocha nor Samuel appear to have descendants among the petitioner's current membership, and evidence of social and political cohesion between the individuals occupying those lands and the petitioner's ancestors is limited. The FTB's petition narrative includes a brief discussion of both grants but does not include references to primary sources. Additionally, the name that FTB uses in reference to the Rocha grant (Rancho Patzkunga) is FTB's term (*see* "Part II. Claim of historical Indian tribe," p. 36, fn 273) and, based on OFA's review, does not appear in documents of the period.

<sup>79</sup> This membership list was submitted as part of FTB's previous petition (Petition #158) and also submitted as part of the current petition pursuant to 25 CFR § 83.21(a)(4)(iii).

<sup>80</sup> See Phase I TA review letter, p. 11.

During the evaluation of that petition, OFA did not find that the petitioner met criterion 83.11(e). However, OFA provided the petitioner with information relating to the claimed ancestors who were identified in the SFR registers and who then moved to the surrounding land grants. This information focused on ancestors from all three of the petitioner's lines of descent: Rita (Ortega); Leandra (Garcia); and Maria Rosario (Ortiz). In this section, OFA stated that "[t]wo of the three 'progenitors,' Rita and Leandra, had been documented as descendants of SFR Indians" and that "[t]he third, Maria Rosaria, is documented as having been baptized at [Los Angeles Plaza Church] to parents with connections at SFR."<sup>81</sup> Following secularization of the Mission, Rita is associated with the land grant for El Encino through her father, Francisco, and Leandra is associated with the Joaquin land grant through her father, Ramon. Leandra may also be associated with the land grant for El Escorpion through her possible marriage to Jose Cupertino, and Maria Rosario is associated with several land grants through her father, José Miguel Triumfo.<sup>82</sup>

While this information places ancestors of the petitioner's current members at SFR and on surrounding land grants, additional information indicates interaction between these ancestors and some of their descendants. Three work papers were prepared alongside the PF for Petition #158, under the following titles: "Antonio Maria Ortega and Jose Rosario" (Ortega work paper), "Maria Josefa Leyva" (Leyva work paper), and "Joseph/Jose Ortiz and Jose Abelardo Godey" (Ortiz work paper).<sup>83</sup> The Ortega work paper focused primarily on the petitioner's claim that a child baptized as Jose Rosario Ortega in 1858, son of Rita and Fernando Ortega, was the same person as Antonio Maria Ortega, ancestor to the majority of FTB current members. As part of that research, OFA cited interactions between Antonio Maria Ortega and individuals associated with the El Escorpion land grant. The purpose of the Ortiz work paper was to analyze the parentage of Joseph/José Ortiz, who the petitioner claims was the same person baptized at LPC as Jose Abelardo Godoy, the son of Maria del Rosario Triumfo and Alexandre Godoi. That research found evidence that links Maria del Rosario, daughter of José Miguel Triumfo, to a daughter of Odon, who was a co-grantee to the El Escorpion land. The research on the Triumfo line also found evidence linking José Miguel Triumfo and his wife, Rafaela, to another SFR land grantee, Samuel.

The work papers discussed above and the material that FTB submitted in its current petition have informed OFA's current evaluation of the petition. In the Phase I TA review letter, OFA did not identify any deficiencies regarding the HIT from which the petitioner claims descent for purposes of criterion 83.11(e). Following the issuance of the Phase I TA review letter, FTB

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<sup>81</sup> "Phase I–Negative Proposed Finding Fernandeano Tataviam Band of Mission Indians [158]," p. 25.

<sup>82</sup> Although the PF for Petition #158 stated that OFA was not certain about Triumfo's origins, it did identify several documents placing him around SFR, including three land grants in which he is described as "of the Mission of San Fernando." See Appendix III.

<sup>83</sup> The work papers have been reproduced as appendices to this PF.

responded by asking OFA to proceed with Phase I review and did not submit any additional information and/or clarification relating to its original petition material.

*Third-Party Comments Submitted on Criterion 83.11(e)*

The OFA received third-party comments addressing criterion 83.11(e) from the commenters previously mentioned (Michael Lawson, Alex Sanders, and Juan Garza), as well as from another individual, Mike Lemos.

Lawson and Sanders noted that Federal law prevents them from reviewing much of the evidence documenting the petitioner's descent from a HIT, but they otherwise provided comments regarding the material they were able to review. For example, the commenters asserted that "the petitioner often struggles to demonstrate regular social interaction between the lineages" and that "the petitioner's arguments for political authority or influence are often undercut by its failure to show that the different lineages had influence with each other...." Additionally, the commenters noted that the petitioner could encounter problems in the evaluation if they fail "to adequately support its new theory of descent from a historical Fernandño tribe at SFR."<sup>84</sup>

The OFA received two sets of comments from Lemos, one as "Letter A" and the other as "Letter B." The contents of "Letter A" focus primarily on the Ortega ancestry and dispute the petitioner's claim that Antonio Maria Ortega was the son of a woman named Rita who was baptized at SFR in 1830. Lemos explains that Rita married a man named Benigno at SFR, and this marriage is recorded as SFR 0092. This marriage was followed by the baptisms of two children, Maria de Jesus and Felipe de Jesus. According to Lemos, Rita is then found living in Los Angeles at the time of the 1860 U.S. Census with an assumed husband and five children, one of whom is named "Filipi."<sup>85</sup> He asserts that the woman who married Benigno at SFR cannot be the same woman who FTB claims is the mother of Antonio Maria Ortega. Rather, Benigno's wife had "a fruitful life in California but had no affiliation to the Ortegas." According to Lemos, "Fernando Ortega married another Razon (non indigenous) named Rita Maria Ali Paz, who is most likely Rita Maria Josefia Celis."<sup>86</sup>

Lemos's "Letter B" discusses "ancestral land protection." Specifically, FTB "is currently claiming territory to land that has been well documented throughout history and has clearly been

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<sup>84</sup> Michael Lawson and Alex Sanders, "Comments on the Documented Petition for Federal Acknowledgment Presented by the Fernandño Tataviam Band of Mission Indians," Apr. 6, 2024, p. 113.

<sup>85</sup> "Letter A," Lemos to OFA, 2.

<sup>86</sup> "Letter A," Lemos to OFA, 7.

established as belonging to other tribes.”<sup>87</sup> The letter also includes a document listing several villages with an attributed tribal affiliation and the source upon which that affiliation is based.

The comments from Juan Garza address both Phase I and Phase II criteria. As noted elsewhere, comments related to the Phase II evaluation will be reviewed during Phase II. In regard to criterion 83.11(e), Garza stated that the “[p]etitioner has not met the level of evidence for *Descent from a Historical Indian Tribe*. Petitioner has not described how the system of lineage leaders was able to merge into a single political authority following the demise of Mission San Fernando.”<sup>88</sup> The commenter further stated:

“The evidence of the Mission San Fernando era indicates that the missionaries chose to work through extant lineage leaders and the lineages never merged into a ‘unified tribal identity’ or ‘combined into a single autonomous political entity.’ No such entity was described for any of the land grants made to individuals in the Ex-Mission San Fernando lands.”

The comments include a table with data extracted from the U.S. Censuses between 1850 and 1900 which Garza believes shows “Indians continually either leaving or being forced out of the Ex-Mission lands.”<sup>89</sup>

Donna Yocum, chairwoman for the San Fernando Band of Mission Indians, based in Newhall, California, also submitted a comment on FTB’s petition. Though not specifically tied to criterion 83.11(e), the comment included a published book review of *Coalition of Lineages, the Fernandeno Tataviam Band of Mission Indians*, which discusses several of the FTB’s claimed Mission and pre-Mission ancestors.<sup>90</sup> The submitted book review also states that the group Donna Yocum represents, the San Fernando Band of Mission Indians (SFBMI), is a state-recognized group that it is “comparable in number of enrolled members to the Fernandeno Tataviam Band.”

#### *FTB’s Response to Third-Party Comments*

The FTB submitted its response to the third-party comments in a letter to OFA dated October 18, 2024.<sup>91</sup> In response to the comments from Lawson and Sanders regarding the lack of access to

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<sup>87</sup> “Letter B,” Lemos to OFA.

<sup>88</sup> “Comments on the Fernando Tataviam Band of Mission Indians by OFA Criteria,” Juan Garza to OFA, dated Apr. 9, 2024, p. 50.

<sup>89</sup> “Comments on the Fernando Tataviam Band of Mission Indians by OFA Criteria,” Juan Garza to OFA, dated Apr. 9, 2024, 42.

<sup>90</sup> “Petitioner #403” public comment from Donna Yocum, representing the San Fernando Band of Mission Indians, to OFA, dated Apr. 5, 2024; citing Duane Champagne and Carole Goldberg, *A Coalition of Lineages: The Fernandeno Tataviam Band of Mission Indians* (Tucson, Arizona: University of Arizona Press, 2021).

<sup>91</sup> FTB to Nikki Bass, response to third-party comments, dated Oct. 18, 2024.

FTB's genealogical records, FTB claimed protection of that information under the Privacy Act and the Freedom of Information Act and otherwise deferred to OFA for its review.<sup>92</sup>

In response to Lemos's comment regarding the Ortega lineage, FTB referred to the "substantial evidence presented in the Petition and OFA's [Phase I TA review letter for Petition #158]." According to FTB, the evidence is sufficient to establish Antonio Maria Ortega's descent from the woman named Rita who was baptized at SFR in 1830. In response to Lemos's comment regarding claimed ancestral territory, FTB stated that the comment challenges "the village structures, languages, and cultures of the period before the beginning of the Mission San Fernando recruitment in 1797, which is irrelevant to the claim to and descent from the historic Indian tribe addressed in the Petition."<sup>93</sup>

In response to the comment submitted by Juan Garza, FTB asserted that the comments dispute "the existence of the historic Fernandño tribe" and "challenge the substantial evidence presented in the petition." The FTB also stated that it "looks to OFA for its review."

In response to the book review submitted by Yocum and the San Fernando Band of Mission Indians, FTB stated, "Pre-Mission period observations are not central to the 2015 Regulations, 25 CFR Part 83, and thus, will not be addressed in this response."

#### *Evaluation of the Petitioner's Members' Descent from the HIT*

The official, current membership list for FTB is dated July 9, 2021, and includes 855 members. Nine members appearing on the current membership list were found to be deceased, for a total of 846 current living members.<sup>94</sup> During its evaluation, OFA discovered that three members' enrollment files included relinquishment information, making it unclear whether these are current members. Additionally, OFA was unable to verify the membership on another individual due to conflicting information in the member file.<sup>95</sup> Of the remaining 842 members, all demonstrated descent from members of the HIT, namely, Antonio Maria Ortega, Maria Josefa Leyva, and Maria del Rosario.

#### *Conclusions under Criterion 83.11(e)*

As stated above, OFA did not identify any deficiencies in the Phase I TA review letter regarding the claimed HIT. Similarly, OFA did not identify any deficiencies regarding the current membership's ability to demonstrate descent from ancestors who were part of the HIT.

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<sup>92</sup> FTB to Nikki Bass, response to third-party comments, dated Oct. 18, 2024, 3.

<sup>93</sup> FTB to Nikki Bass, response to third-party comments, dated Oct. 18, 2024, 3.

<sup>94</sup> FTB, "Official Tribal Roll as of July 09, 2021"; received by OFA, Jul. 5, 2023.

<sup>95</sup> See Work Paper 1.

Following the issuance of the Phase I TA review letter, FTB submitted a response forsaking OFA to proceed with its review under § 83.26(a)(1)(i)(C) and did not submit any new information and/or clarification.

In regard to the third-party comments received on criterion 83.11(e), much of the information provided in those comments relates to the ancestry of specific individuals living during the Mission or pre-Mission period but does not undermine the evidence in the record indicating that there was a historical Indian entity present at SFR, that some of the individuals affiliated with that entity subsequently moved onto surrounding land grants, and that those individuals or their descendants continued to interact after secularization. For example, Lemos's comments regarding whether Benigno's wife was the mother of Antonio Maria Ortega does not affect the fact that Antonio himself can be documented with associations to SFR Indians and grantees, and evidence otherwise supports Antonio's status as and descent from an SFR Indian.<sup>96</sup> Comments questioning the social and political aspects of the Indian entity will be reviewed more closely during the Phase II evaluation, which determines whether the petitioner has satisfied criteria 83.11(a) *Indian entity identification*, 83.11(b) *Community*, and 83.11(c) *Political influence or authority*. Further review of the petitioner's claim of UPFA will also continue as part of the Phase II evaluation.<sup>97</sup>

The petitioner has submitted material demonstrating that 842 of the 846 current members, or 99%, descend from a historical entity largely centered around the area of SFR, comprised of individuals and their descendants who then lived on certain surrounding land grants following the secularization of the mission in 1834. Through a combination of official records, church records, and other records—forms of evidence through which a petitioner can demonstrate descent under § 83.11(e)(2)—the FTB meets the requirements of criterion 83.11(e).

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<sup>96</sup> See Appendix I.

<sup>97</sup> See 25 CFR § 83.26, 83.28.

### Criterion 83.11(f)

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 of Review*

Criterion 83.11(f) requires that the petitioner’s membership be composed principally of persons who are not members of any federally recognized Indian tribe. No further information or clarification relating to criterion 83.11(f) was submitted during the Phase I evaluation, and no changes have been made that affect the evaluation in the Phase I TA review letter under criterion 83.11(f). Therefore, this Phase I PF confirms that the petitioner meets the requirements of criterion 83.11(f).

#### *Analysis*

As described in the section on 83.11(d), FTB submitted a governing document which includes a prohibition on membership elsewhere. Further, the petition materials include copies of signed “Citizenship Affirmation” forms including a checkbox for members to confirm that they are either (1) not registered with any other group; or (2) no longer a member of any other group. If the second box is checked, a line is provided for that member to designate from which group the member has renounced membership. According to the petitioner’s “Instructions” for the membership files, these forms were provided to members after 2008, when the petitioner’s enrollment application was updated to include a question relating to membership in other groups.<sup>98</sup> For those members who noted they are or were enrolled in a federally recognized tribe or other group, most of the relevant membership files also include a relinquishment form. These forms name the tribe(s) or group(s) the members had been enrolled with and include an express relinquishment of membership in said tribe(s) or group(s). Based on OFA’s review of these forms, a small number of FTB’s current membership relinquished their membership in groups that are not federally recognized, including SFBMI (also known as Seven Feathers) and the Ish Pahnes United Band of Indians.

#### *Third-Party Comments Submitted on Criterion 83.11(f)*

None of the third-party commenters submitted comments or evidence regarding FTB’s ability to meet the unique membership criterion.

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<sup>98</sup> FTB Membership files, “0-INSTRUCTIONS READ FIRST,” p .1; attached to FTB, “Petition for Acknowledgment,” Jun. 2023.

*Conclusions under Criterion 83.11(f)*

Criterion 83.11(f) requires that the petitioner's membership be composed principally of persons who are not members of any federally recognized Indian tribe. Based on its review of the evidence, OFA has determined that the petitioner meets the requirements of criterion 83.11(f).

### **Criterion 83.11(g)**

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.

#### *Summary of Review*

Criterion 83.11(g) requires that neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship. No further information and/or clarification relating to 83.11(g) was submitted during the Phase I evaluation, and no changes have been made that affect the evaluation in the Phase I TA review letter under criterion 83.11(g). Therefore, this Phase I PF confirms that the petitioner meets the requirements of criterion 83.11(g).

#### *Analysis*

Pursuant to § 83.21(a)(2)(ii), the Department conducts the research necessary to determine whether a petitioner meets criterion 83.11(g). The petitioner may provide explanations of and supporting documentation for criterion 83.11(g), but it is not obligated to do so in its documented petition.<sup>99</sup>

OFA reviewed termination legislation at the database on Congress.gov and did not find the FTB petitioner or its members are the subjects of congressional legislation terminating or forbidding the Federal relationship.<sup>100</sup>

#### *Third-Party Comments Submitted on Criterion 83.11(g)*

None of the third-party commenters submitted comments or evidence regarding FTB's ability to meet the congressional termination criterion.

#### *Conclusions under Criterion 83.11(g)*

Criterion 83.11(g) requires that neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship. Based on its verification research, OFA has determined that the petitioner meets the requirements of criterion 83.11(g).

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<sup>99</sup> 25 CFR § 83.21(a)(2)(i).

<sup>100</sup> See discussion of criterion (g) in FTB Phase I TA review letter, 13.

## REFERENCES

### Petitioner-Submitted Material

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Garza, Juan (Executive Director, California Cities for Self-Reliance Joint Powers Authority). Letter to the Department of the Interior, Office of the Assistant Secretary – Indian Affairs. Received by OFA, April 11, 2024.

Lawson, Michael L. and Alex Sanders. Letter to Department of the Interior, Office of the Assistant Secretary – Indian Affairs. Received by OFA, April 8, 2024.

Lemos, Mike J. Letter to Department of the Interior, Office of the Assistant Secretary – Indian Affairs. Received by OFA, April 11, 2024.

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Yocum, Donna (Chairwoman, San Fernando Band of Mission Indians). Letter to Department of the Interior, Office of the Assistant Secretary – Indian Affairs. Received by OFA, April 11, 2024.

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Department of the Interior. Assistant Secretary – Indian Affairs. Summary under the Criteria and Evidence for Proposed Finding Fernandeño Tataviam Band of Mission Indians (Petitioner #158). May 27, 2020.

———. Office of Federal Acknowledgement. Phase I Technical Assistance Review Letter to Mr. Rudy Ortega, Jr., Fernandeño Tataviam Band of Mission Indians (Petitioner #403). January 27, 2026.

———. Office of Federal Acknowledgement. Technical Assistance Review Letter to Mr. Rudy Ortega, Jr., Fernandeño Tataviam Band of Mission Indians (Petitioner #158). October 17, 2026.

———. Office of Federal Acknowledgement. Proposed Finding, Juaneño Band of Mission Indians (Petitioner #84A). November 23, 2007.

## APPENDICES<sup>101</sup>

### APPENDIX I: ANTONIA MARIA ORTEGA AND JOSE ROSARIO

*Claim:* Antonio Maria Ortega, spouse of Ysidora Garcia, was the same person baptized at Misson San Fernando (MSF) on 30 May 1858 as Jose Rosario Ortega, the son of Fernando Ortega and Rita.

*Conclusion:* There is a *reasonable likelihood* that Antonio Maria Ortega, spouse of Ysidora Garcia, was the same person baptized at MSF on 30 May 1858 as Jose Rosario Ortega, the son of Fernando Ortega and Rita.

*NOTE:* This line has associations with the Tejon Ranch. For instance, McLendon and Johnson claim that Juan Capistrano was a Tejon Indian.<sup>102</sup> Juan was Felicita Buendia Villa's husband and Felicita was a co-defendant in the court case that also named Antonio Maria Ortega.

The 1941 death certificate of Antonio Maria Ortega does not provide information regarding the decedent's parentage. The informant, his youngest daughter Sally Verdugo, did not know the names and birth places of her paternal grandparents and gave a birthdate for Antonio that contradicts the range found in census records between 1900 and 1940, when he is found living in San Fernando, Los Angeles County, with his wife, Isadora, and children.<sup>103</sup> Though the 1900 census gives 1878 as the year of his marriage, no marriage record has been found.<sup>104</sup> This year would also be questionable, as Antonio's wife was baptized in 1865, which would only make her roughly 13 at the time of an 1878 marriage. Isidora Florentina Garcia was baptized in July 1865, daughter of Santiago Garcia and Catalina Leyva.<sup>105</sup> Though the baptism was performed at the Los Angeles Plaza Church in July 1865, her birth date is given as April 1865, which closely matches the April 1866 date given on the 1900 U.S. census for the wife of Antonio Ortega. No godparents appear to be named. This maiden name for Isadora is confirmed by the 1883 baptism

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<sup>101</sup> These appendices were originally prepared as work papers during the evaluation of Petitioner #158 and are reproduced here without modification. All document identifications within these appendices refer to documents received as part of Petition #158 rather than Petition #403 (though many of the documents appear in both submissions).

<sup>102</sup> Sally McLendon and John R. Johnson, "Cultural Affiliation and Lineal Descent of Chumash Peoples in the Channel Islands and the Santa Monica Mountains," Final Report, Sep. 1999, vol. 2: Appendices, p. XI-49.

<sup>103</sup> FTB doc. 80289.081.OTC; and FTB doc. 80009.USC; and FTB doc. 80010.USC; and FTB doc. 80008.USC; and FTB doc. 80011.USC; and FTB doc. 80879.USC.

<sup>104</sup> FTB doc. 80009.USC; and Los Angeles (CA) Plaza Church (LPC), marriage book 2 (1871–1903), marriages during the years 1876–80, negative search for marriage between Jose Rosario/Antonio Maria Ortega and Isadore Garcia; Huntington Library.

<sup>105</sup> FTB doc. 80012.LPC

record of Cristina, legitimate daughter of “Antonio Maria Ortega y de Ysidora Garcia.”<sup>106</sup> While Isadora’s parents appear to be known, Isadora’s husband has not been positively identified in census records prior to 1900, which further muddies the question of Antonio’s parentage. With no direct evidence to show who his parents were, an analysis of a variety of records concerning Antonio Maria Ortega is necessary.

Several documents lead to an explanation for a reasonably likely identification of Antonio Maria Ortega, son of Fernando Ortega and Rita. First, an 1876–1878 Los Angeles County court case names Antonio Maria Ortega, along with seven other named defendants, in a case brought to court by George K. Porter and Charles Maclay. The case file states that Porter and Maclay were the rightful owners of a certain property and that on 1 July 1876 the defendants

wrongfully & unlawfully, and without right or title enter[ed] into and upon said lands and premises in said complaint described, and did eject and oust the plaintiffs therefrom, and ever since that that [sic] day have wrongfully and unlawfully withheld and now do withhold the said premises and the possession thereof from these plaintiffs.

The defendants did not appear in court to defend themselves against this and other claims, and therefore judgment went to the plaintiffs, who were entitled to:

All that certain tract & parcel of land situated in the County of Los Angeles, State of California, being the North Westerly half of that certain Rancho known as the *ex-Mission of San Fernando* [emphasis added], amounting to about 56,000 acres more or less, and embraced in a certain deed of conveyance executed by Eulogio F. de Celis as administrator of the estate of Eulogio de Celis deceased, to the said Charles Maclay.<sup>107</sup>

This court case is describing lands formerly belonging to the Mission of San Fernando, which had been broken up and sold by Pio Pico, following secularization. Antonio Maria Ortega is therefore positioned within a group of people who were identified as living on former SFR land at the time of the case in the 1870s. This particular case does not identify these defendants as Indians of the Mission, though further research into some of the individuals named in the case confirms that identification.

The defendants in the 1876–78 court case were all named: Pablo Cota, Felicita Villa, Josefa Palma, Jesus Ramirez, Terene[?] Ramirez, Jesus Capistran, and Oticanu. Though the identities of several of the defendants have not been firmly established, some of them have been located in

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<sup>106</sup> FTB doc. 80114.LPC

<sup>107</sup> FTB doc. 80835.USSC.Porter et al V Pablo Cota et al. *See also* Los Angeles District, CA, District Court case no. 4280, filed Jan. 2, 1878, George K. Porter and Charles Maclay v. John Doe Palo et al., ejectment; Los Angeles Area Court Records; The Huntington Library, Manuscripts Department.

other records which indicate they were of Indian descent and some can be traced to SFR.<sup>108</sup> For example, Felicita Villa is likely the same Felicita Capistrano, mother of Juan Capistrano, and wife of “Jesus Capistran,” one of the others named in the suit.<sup>109</sup> Jesus and “Felicita” Capistrano were living in the San Fernando area at the time of the 1880 census. Included in their household was “Josepha Canu,” who was designated as “Mother.”<sup>110</sup> Rather than the mother of Jesus Capistrano, she is believed to have been the mother of Jesus’s wife, Felicita Villa. This is supported by the name of Rita Zenayda Ortega’s godmother, Josefa Villa, as it appears on her 1866 LA baptism record. Rita Zenayda was the daughter of Fernando Ortega and Rita, an “india,” and sister to the Capistrano’s neighbor in 1880, Luis Ortega.<sup>111</sup> Enumerated immediately before Jesus, Felicita, Juan, and Josefa, is the 17-year-old Luis Ortega, who was baptized in August 1862 as the legitimate son of Fernando Ortega and “Rita Yndia.” Luis’s baptism record records the names of his godparents as Geronimo Lopez and Ramona Felis.<sup>112</sup> Geronimo Lopez is found just two households from Luis Ortega, three households away from the Capistranos, at the time of the 1880 census. Additionally, Frank Latta’s assertion that Geronimo Lopez “raised” Luis and that Luis was the brother of Antonio Maria further identifies the relationship between the two men.<sup>113</sup> The association between the Ortegas and the Capistranos is found into the 20<sup>th</sup> century when, in 1910, Juan Capistrano is found in the household immediately following that of Antonio and Isadora Ortega, and their family.<sup>114</sup>

Both “Felicitan” and her son, Juan, received bequests by the 1881 will of Marcellina Chuillja.<sup>115</sup> Marcelina was the daughter of Odon Chihuya, another co-grantee of El Escorpion, and Juana Eusebia. She was baptized at SFR in 1820.<sup>116</sup> Marcellina married Urbano, co-grantee of the El Escorpion tract of land.<sup>117</sup> In addition to showing another association between SFR Indians and those named in the court case, Marcellina Chuillja’s 1881 will offers additional information regarding the earlier court cases surrounding the ex-Mission lands by explaining that George K. Porter was in possession of land that had been part of the former SFR lands and that “under and

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<sup>108</sup> The petitioner asserts that Pablo Cota, for example, was actually the boy baptized as Francisco Pablo (FTB Petition Narrative, 2015 supplement, (a), p. 18). This has not been confirmed though it may fit since the godmother for that child was Paula Cayo, wife of Francisco Papabubaba, who were the confirmed parents of Rita, ancestor of the petitioner’s Ortega line.

<sup>109</sup> This identification is further substantiated by a published transcript of an affidavit made by Felicita Buendia where she is identified as “Felicita Buendia de Capistrano;” DOC 80842.LA Herald.

<sup>110</sup> FTB doc. 80889.USC

<sup>111</sup> The petitioner names Rita Zenayda Ortega as a child of Antonio Maria Ortega (FTB, TA response, Aug. 2017, p. 31); *also*, LPC bap. no. 532 (1866).

<sup>112</sup> FTB doc. 80116.LPC

<sup>113</sup> FTB supplementary materials, 2012 (Latta, p. 61).

<sup>114</sup> FTB doc. 80010.USC

<sup>115</sup> Los Angeles Co., CA, probate records, 2nd series, case no. 00794, M. Chijulla; Los Angeles Court Records, 1850–1910, Huntington Library.

<sup>116</sup> FTB PN, 2009, (a), p. 5

<sup>117</sup> FTB PN, 2009, (a), p. 5

by virtue of the terms of the grant of the San Fernando Mission is bound to maintain undisturbed the Indians in possession of the several tracts occupied by them.” The plaintiffs named in the 1876 court case were attempting to eject the defendants and regain what they felt was their property, making it likely that those Indians referred to in the probate file of Marcelina Chuillja were the same defendants from the case brought by George K. Porter.

Marcelina Chuillja, identified as an SFR Indian, and her will, which discusses the lands owned by George K. Porter and his court case against Antonio Maria Ortega and the others, allows for a reasonably likely identification of this Antonio Maria Ortega. Though neither of these records explicitly identifies this Antonio Maria Ortega as the same person who was baptized as Jose Rosario, nor do they identify his parents, they do seem to show that a man named Antonio Maria Ortega was connected to Marcelina Chuillja.

The evidence reviewed up to this point reveals a reasonable likelihood that:

- Antonio Maria Ortega, husband of Isadora Garcia, was living in the area near San Fernando
- Antonio Maria Ortega, husband of Isadora Garcia, was associated with what appear to be a select number of descendants of Indians from SFR
- Antonio Maria Ortega was the brother of Luis Ortega, who was baptized as the son of Fernando Ortega and Rita

Despite these connections, none of these documents serve to show that Antonio Maria Ortega was the same person who was baptized as Jose Rosario Ortega in 1858. However, additional associations allow for a reasonably likely identification. The godparents named on Jose Rosario’s baptism record are identified as Toribio Moreno and Maria del Rosario Gandara[?].<sup>118</sup> Though Maria del Rosario has not yet been positively identified, Toribio Moreno is likely the son of Juan and Maria Moreno of Los Angeles, and brother of Carlos/Charles and Manuel Moreno. This family structure appears in U.S. census records between 1860 and 1910.<sup>119</sup> Charles

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<sup>118</sup> FTB doc. 80004.LPC

<sup>119</sup> Notably, in 1880 Toribio and Manuel Moreno are living in San Fernando and are enumerated on the same page with “Rosario Rocho.” 1860 U.S. census, Los Angeles Co., CA, pop. sch., City of Los Angeles, p. 70, dwelling 726, family 733, Juan Moreno household (NARA microfilm publication M653, roll 59); 1860 U.S. census, Los Angeles Co., CA, pop. sch., City of Los Angeles, p. 28, dwelling 280, family 272, Juan Moreno household; 1870 U.S. census, Los Angeles Co., CA, pop. sch., Los Angeles Twp., p. 40, dwelling 338, family 343, Juan Moreno household (NARA microfilm publication M593, roll 73); 1880 U.S. census, Los Angeles Co., CA, pop. sch., San Fernando Village, ED 35, p. 3, dwelling 33, family 33, Torevio and Manuel Moreno (NARA microfilm publication T9, roll 67); 1900 U.S. census, Los Angeles Co., CA, pop. sch., Burbank Twp. (La Cañada Pct.), ED 97, p. 4B, dwelling 126, family 126, Charles Morino household (NARA microfilm T623, roll 90); 1910 U.S. census, Los Angeles Co., CA, pop. sch., ED 342, p. 16A, dwelling 350, family 361, Louis Ortega household (NARA microfilm

Moreno was the father of Refugia Moreno, wife of Luis Ortega. Refugia, who married Luis Ortega in December 1900, can be found in her father's household in Los Angeles County at the time of the 1900 census, with her uncle, Manuel, also living in their household.<sup>120</sup> Both Charles and Manuel are found living in San Fernando with Luis and Refugia in 1910.<sup>121</sup> This identification means that Luis's wife was the niece of Jose Rosario's godfather, allowing for a link between Luis and Jose Rosario.

Additionally, the 1839 Los Angeles baptism for Carlos Antonio Moreno names his mother as Maria Antonia Cañeda and his godmother as Rita Guillen, who was the wife of Vicente de la Oso.<sup>122</sup> The Cañeda surname is seen in the lineage of Miguel Triunfo, or the petitioner's Ortiz line, though it is currently not known if this line is the same as that from the Triunfo lineage. The name of Carlos's godfather was Vicente de la Ossa, who purchased a portion of the Encino tract of land, of which Rita Ortega's father was an original grantee, and who can be found living near Fernando Ortega, father of Luis and Jose, in 1850.<sup>123</sup> His 1850 household also included two adolescents, Susana and Antonio de la Ossa (presumably his children), who served as godparents to Jose Arcadio, son of Rita and Fernando.<sup>124</sup>

Another example of a further association may be found in the 1860 census, where Juan and Maria (Cañeda) Moreno and their family appear to have been enumerated twice.<sup>125</sup> In one enumeration, they are listed as one family group living together in Los Angeles County. In what appears to be a second enumeration, they are still in Los Angeles County but not all of the family members are shown in a single household. Upon closer inspection, the two lists are dated one

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publication T624, roll 87). *Also*, "1880 United States Federal Census," online database, *Ancestry* (www.ancestry.com), search for "Carlos Moreno" (exact/sounds like/similar/initials), born 1840 ±10 years, born in CA, lived in CA.

<sup>120</sup> 1900 U.S. census, Los Angeles Co., CA, pop. sch., Burbank Twp. (La Cañada Pct.), ED 97, p. 4B, dwelling 126, family 126, Charles Morino household; and Los Angeles Co., CA, marriage certificates, v. 51, p. 157, no. 1425, Ortega to Moreno (1900); digital image, *FamilySearch* (www.familysearch.org); imaged from FSL microfilm no. 1033146.

<sup>121</sup> 1910 U.S. Census, Los Angeles Co., CA, pop. sch., ED 342, p. 16A, dwelling 350, family 361, Louis Ortega household (NARA microfilm publication T624, roll 87).

<sup>122</sup> LPC 921 (1839)

<sup>123</sup> FTB PN (2009), pp. 33–34; and FTB doc. 80108.USC

<sup>124</sup> FTB doc. 80115.LPC

<sup>125</sup> The full family group is shown living in one household on p. 70. The household shown on p. 28 includes Juan, Maria, and a 36-year-old female named Pilar. No relationships are given in this enumeration which allows for the possibility that this is not the correct family group if not for a closer examination of the sheet. The following two households on the page include Moreno individuals who are likely to have been part of the larger group found on p. 70 (Pio, T[u?]iva, Felis, and Jose Maria) and their presence adds to the reasonably likely conclusion that these two enumerations show the same family enumerated twice. 1860 U.S. Census, Los Angeles Co., CA, pop. sch., City of Los Angeles, p. 70, dw. 726, fam. 733, Juan Moreno; and 1860 U.S. Census, Los Angeles Co., CA, pop. sch., City of Los Angeles, p. 28, dw. 280–82, fam. 272–74.

month apart and have two different enumerators. The discrepancy could have occurred for several reasons including a difference in the understanding of the Spanish language between the two men, and a difference in experience level since it appears that one list was done by the Assistant Marshall, and one list was done by the Marshall. Whatever the reason for the double enumeration, it is especially fortuitous as the second enumeration gives a much more important view of the community, and the Morenos' place within it. The list dated 21 July 1860 shows "Maria A. Cañada," Juan Moreno, and Pilar Moreno living five households away from Ramona Felis, future godmother of Luis Ortega. On the same page with the Morenos and Ramona Felis are the households of "Bicente Filis" and "Agustin Felis," witnesses to the 1862 marriage of Fernando and Rita, as well as Geronimo Lopez. The following page includes an enumeration for "Fernando Ortero," a 28-year-old laborer born in Mexico.<sup>126</sup> He is living with a 20-year-old Indian woman named Ramona, so it is not known if this Fernando is Fernando Ortega, father of Jose Rosario, but considering the associations in the area at this time, it is a possibility.

This community view, as well as baptismal records, court files, and probate documents brings together the relationships of the Ortega family, through the Moreno family – which included a godfather of Jose Rosario Ortega and the wife of Luis Ortega – and the Felis family – which included a godmother of Luis Ortega and witnesses to the marriage of Fernando and Rita.

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<sup>126</sup> 1860 U.S. Census, Los Angeles Co., CA, pop. sch., Los Angeles Twp., p. 29, dwelling 293, family 285, Fernando Ortero (NARA microfilm publication M653, roll 59).

## APPENDIX II: MARIA JOSEFA LEYVA

*Claim:* The 1865 SFR baptism of Maria Josefa Leyva identifies her parents as Leandra and Juan Leyva, a non-Indian. The 1840 SFR baptism record of Leandra identifies her as the daughter of SFR neofitos, Ramon and Eugenia. Ramon and Eugenia married at SFR on 13 June 1832. As the daughter of an SFR Indian, Maria Josefa Leyva would therefore be a descendant of Indians from San Fernando Mission. The petitioner claims that over time, Josefa assumed the given name Josephine (and was referred to with other variations), as well as variable surnames such as Garcia, Gardner, and Gutierrez.

*Conclusion:* There is a *reasonable likelihood* that Maria Josefa Leyva, daughter of Juan Leyva and Leandra, was known by the names Josefina Leiba, Josephine Gardner, Josephine Garcia, Josie Lavas Garcia, and Josephine Gutierrez.

*NOTE:* This line also has Tejon connections. First, Jim Garcia, son of Josephine and Isadoro Garcia, married a *Lozada* and is related to that group. Marie and Jim's children appear to have descendants in the Tejon tribe. Second, Juan Olivas served as witness for many of the Garcia/Cooks and claimed to be related to them. This relationship is not clear at this point; however, the Olivas family may have descendants who are current members of Tejon.

### *Summary*

The 1840 SFR baptismal record for Leandra records that she was the legitimate daughter of *neofitos* Ramon and Eugenia.<sup>127</sup> Leandra was the second wife of José Cupertino, “a prominent member of the Indian community at Saticoy,” where she and José have been identified in the 1860 U.S. Census.<sup>128</sup> Cupertino was likely dead (possibly at the Tejon Ranch) prior to April 1865 when the baptism of a “natural” daughter of Leandra and Juan Leyva, a “vaquero on the Tejon Ranch,” was recorded in the registers of the Los Angeles Plaza Church.<sup>129</sup> This baptism for Maria Josefa Leyva is the last known record for Leandra in her lifetime, and the last time that Maria Josefa is found with this name in her own time. Instead, she appears to have taken on and/or been known by several different identities. Twentieth-century California Indian claims documents, along with federal census enumerations and vital records, fuse the various identities of Maria Josefa Leyva into one woman. It is *reasonably likely* that women named Josephine Gardiner, Josefina Leiba, Josephine Garcia, Josie Garcia, Josie Lavas, and Josephine Gutierrez

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<sup>127</sup> FTB Petition Narrative (2009) [embedded image, SFR bap. no. 2987 (extract)].

<sup>128</sup> Though José Cupertino resided in Santa Barbara Co., CA, with his siblings and parents at the time of the California State Census of 1852, Leandra was not with them and has not been confidently identified in that census; SBV marr. 1231 (1853); FTB Sources, 80799.Johnson, p. 278; and 1860 U.S. Census, Santa Barbara Co., CA, pop. sch., San Buenaventura Twp., p. 14, dw./fam. 73, household of Coloconico [Francisco?] (NARA microfilm publication M653, roll 65). See also further discussion under footnote 131 below.

<sup>129</sup> FTB Sources, 80799.Johnson, p. 278; and FTB doc. 80291.LPC.

are actually all the same person and that woman was the same child baptized as Maria Josefa Leyva, daughter of Leandra.

*Leiba/Leiva/Leyva/Leivas/Leibas/Lavas*

A child of Ramon and Eugenia, both neofitos, was baptized as Leandra at Mission San Fernando on 28 March 1840. Rafaela, the neofito wife of Vicente, was named godmother.<sup>130</sup> Leandra married Jose Cupertino, son of Pedro Antonio Chuyuy and Euqueria, both SFR neofitos.<sup>131</sup> Further, Pedro Antonio's SFR baptism records his origin as from Escorpion.<sup>132</sup> Pedro and Euqueria can be found on the California State Census of 1852 in Santa Barbara with their 4 children, including twenty-one-year-old, Jose.<sup>133</sup> Harrington interviewed Pedro and Euqueria's daughter, Maria Candelaria, who told them that Jose was the oldest child and that he married Leandra "a Fernandina. Jose and wife had children over on the coast. They all died young."<sup>134</sup> Jose and Leandra appear together in San Buenaventura Township, Santa Barbara, in the 1860 census. Jose was 22 years old at the time, born in California. Leandra was 19 years old, born in California. They appeared with a large group of Indians and a notation made on the census page states "The Indians named within as having no occupation are generally employed as servants and live in wigwams at a place called Saticoy in the Township of San Buenaventura."<sup>135</sup> Saticoy is one of the Indian groups identified in the Ventura county area, post-secularization.<sup>136</sup> Jose Cupertino died at the Tejon Rancheria, likely sometime before 1865 when Leandra was named as the mother of a "natural" daughter, Maria Josefa, with Juan Leyva.<sup>137</sup> Leyva would later work as a vaquero on the Tejon Ranch and Johnson raises some questions about whether he was really

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<sup>130</sup> FTB Petition Narrative (2009) [embedded image, SFR bap. no. 2987 (extract)].

<sup>131</sup> John Johnson has placed Leandra among this family group and the rarity of her given name and the location and SFR associations that she maintained through her first husband's family seem to corroborate this identification; Sally McLendon and John R. Johnson, "Cultural Affiliation and Lineal Descent of Chumash Peoples in the Channel Islands and the Santa Monica Mountains," Final Report, Sep. 1999, vol. 1, p. 348.

<sup>132</sup> FTB Petition Narrative (2009) [embedded image, SFR bap. no. 231].

<sup>133</sup> Though relationships are not stated in this census, the baptisms for the three children enumerated immediately following Pedro and Euqueria have been located in the SFR records and confirm the relationships. John Johnson and Harrington place Maria Candelaria as their youngest living child, though her baptism has not been found in SFR or LPC; 1852 CA state census, Santa Barbara Co., p. 20, lines 20–25; digital image, *Ancestry* (<http://www.ancestry.com>); imaged from CA State Library microfilm reel M/F 144, roll 5; and Jose Cupertino, SFR bap. 2763; Melquiades, SFR bap. 2954; Pantaleon, SFR 3032; and McLendon and Johnson, 1:348–9; and John Peabody Harrington, "Kitanemuk, 1916–1917" (field notes), reel 100, frame 227; Papers relating to the Native American history, language and culture of southern California and Basin; John Peabody Harrington Papers; digital images, Smithsonian Institution, *Smithsonian Online Virtual Archives* (<https://sova.si.edu/record/naa.1976-95/ref14242>).

<sup>134</sup> Harrington, "Kitanemuk," reel 100, frame 227.

<sup>135</sup> 1860 U.S. Census, Santa Barbara Co., CA, pop. sch., San Buenaventura Twp., p. 14, dw./fam. 73.

<sup>136</sup> McLendon and Johnson, 1:355.

<sup>137</sup> McLendon and Johnson, 1:348; and FTB doc. 80291.LPC (abstract).

her father, or if she was actually the daughter of Cupertino, born after his death. The argument for this theory is based on the fact that Juan Olivas, a witness to a 1928 California Indian enrollment application by “Josefina,” stated that she was his cousin. Olivas also served as a witness for several of Josephine’s claimed descendants where he confirmed that he knew them and/or was related to them.<sup>138</sup> “Josefina” herself appears to have believed that Juan Leyva was her father because that was the name that she allegedly gave as her father’s name on her own application. Unfortunately this application, though mentioned by McLendon and Johnson, was not cited and has not been found by OFA, nor was it supplied by the petitioner.<sup>139</sup> However, several claimed members of Josephine’s family submitted applications for “Enrollment with the Indians of the State of California under the Act of May 18, 1928,” and all claim that her maiden name was Leyva (spelled in a variety of ways). Some of these also identify her mother as a San Fernando Indian named Leandra.<sup>140</sup> While the claims alone are not proof of Josephine’s identity, they do supplement information given in the baptism record for Maria Josefa for the identification of Leandra and Juan Leyva as parents of the woman who would be known primarily as Josephine.

### *Garcia*

Though no marriage record has been found for the union of Maria Josefa/Josephine Leivas and Isadore Garcia, the couple appears to have had at least three children; Petra (Garcia) Rivera Valenzuela Flores, born 31 January 1882; Frances (Garcia) Cooke, born about 1884; and James Garcia, born about 1888.<sup>141</sup> Baptism records for Frances and James have not been found, but the baptism for the eldest known child, Petra, gives valuable identifying information to show the link between Maria Josefa Leiva and Josephine Garcia.

Petra Garcia’s Los Angeles Plaza Church baptism record identified her as the legitimate daughter of Ysidoro Garcia and Josefina Leiba, indicating that her parents were married, likely before

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<sup>138</sup> The application for Margaret Rivera Ward names Leandra “Culeta” as Josephine’s mother. The name “Culeta” and variations is also seen in the applications for Petra Garcia’s Valenzuela sons and on Josephine’s death certificate, but the source for this information is unknown. The application for Frances Garcia Cooke does not name Leandra in the form however, the affidavit from Juan Olivas used to verify Frances’s identity names her mother’s parents as Juan and Leandra Leibas; FTB doc. 40064; and FTB doc. 00108; and FTB doc. 40065; and FTB doc. 00241.

<sup>139</sup> McLendon and Johnson, 1:348.

<sup>140</sup> See footnote 138.

<sup>141</sup> In her 1931 California Indian application, Frances Garcia Cook gives her date of birth as simply 1881 but on her two SS-5 applications (signed in 1939 and 1940) she gives full dates in 1884); FTB doc. 801.28.A.LPC; and FTB doc. 00241.A.BL; and Frances Cecelia Garcia Cooke, SS no. 550-26-9825, Sep. 13, 1939, Application for Account Number (Form SS-5), Social Security Administration, Baltimore, MD; and Francis Garcia Cooke, SS no. 553-28-3477, Oct. 23, 1940, Application for Account Number (Form SS-5), Social Security Administration, Baltimore, MD.

1882. This marriage would therefore serve as the reasoning for Maria Josefa's use of Garcia as a surname, as well as her children's use of that name. Petra's godparents were her paternal uncle, Senon Garcia, and Elena Lev[?].<sup>142</sup> The first census that Petra could have been enumerated in her parent's household would have been 1900 however she received a license to marry Joseph P. Rivera in Los Angeles County, California, on 26 May 1899. Her father, Ysidoro Garcia, gave his consent for the marriage. Joseph, Petra, and Ysidoro were all residents of Newhall in Los Angeles County. Joseph was 22 years old and Petra was 17.<sup>143</sup> She has not been found in the 1900 census as Petra Rivera or Garcia.<sup>144</sup> The information regarding Petra's name, age, and her father's consent matches identifying information in the 1882 baptism record for Petra, as well as information provided on her death record. Petra died on 24 January 1930 in Ventura County. The date of birth is 31 January 1881, which is only off from the baptism record by exactly one year. Petra's parents' names are shown as Isador Garcia and Josephine Lavas.<sup>145</sup> Other than the spelling of Josephine's surname, this information also matches that given on Petra's baptism record.

Though Petra did not submit an application for enrollment as a California Indian, her daughter, Margaret (Rivera) Ward did so in 1933. Her application states that she was born on 12 September 1899 in Newhall, Los Angeles County, California, to Pedro Rivera and Petra Garcia who married at Newhall but never lived together. The application also identifies Petra's parents, Josephine Leibas and Isadore Garcia, and grandmother, Leandra Culeta, an Indian of the San Fernando Mission.<sup>146</sup>

The baptism record for Silvana Margarita Rivera names parents Peter Rivera and Petra Garcia. Their daughter was born on the 12<sup>th</sup> day of an unstated month in 1900 and was baptized at the Santa Clara Church in Oxnard, Ventura County, California, on 30 January 1900.<sup>147</sup> Two issues are immediately apparent with this record. The first is that the name of the child is Silvana Margarita, not Margaret. Margaret is close enough to Margarita to understand how one name came from the other, but the use of Silvana is the child's given name. Margaret's death certificate shows how the name may have morphed over time by giving her full name as Margaret Sylvia, which is close to Silvana Margarita. The informant also confirmed the names

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<sup>142</sup> FTB doc. 80128.A.LPC.

<sup>143</sup> FTB doc. 80860 and doc. 80861

<sup>144</sup> "1900 United States Federal Census," online database, *Ancestry*, search for Petra Garcia (exact, sounds like and similar, born in CA in 1881 ±5 years); and "1900 United States Federal Census," online database, *Ancestry*, search for Petra Rivera (exact, sounds like and similar, born in CA in 1881 ±5 years). No results found.

<sup>145</sup> FTB Member file 677.

<sup>146</sup> FTB doc. 40060.A.DC; and FTB doc. 40060.B.DC; and FTB doc. 40060.C.DC; and FTB doc. 40060.D.DC; and FTB doc.40060.E.DC.

<sup>147</sup> FTB Member file 660.

Margaret's parents as Pete Riveria and Petra Garcia, which are near-matches to the names given on the Santa Clara baptism.<sup>148</sup>

The other problem is the dates given for the birth and baptism of the child. Margaret's application and her death record both agree that her date of birth was 12 September 1899.<sup>149</sup> While it is possible that this information was erroneous, and that she could have been born on 12 January 1900 and baptized on 30 January, there is another possibility. The record provided is a modern extract, likely from a microfilmed copy, which could introduce errors. This means that there could be an error for the year of the child's birth in the original record, or that the modern copy includes a typo where the year 1900 was incorrectly used for both the birth and the baptism. Regardless of where the fault may be, if the child was baptized in January of 1900, the 12 September 1899 birth date that Margaret provided on her application and death record may still be correct.

Margaret can be conclusively identified as the daughter of Joseph P. Rivera and Petra Garcia through the above records, despite the described issues. Petra's baptism and marriage record to Joseph P. Rivera prove her to have been the daughter of Ysidore Garcia and Josephine Leiba/Leiva, which would then explain why Josephine may appear elsewhere as Josephine Garcia. Margaret's 1933 application also identifies Josephine's mother as the San Fernando Indian, Leandra Culeta. Though it is unknown where the Culeta originated from, the name Leandra is a match for the name of Maria Josefa's mother on her 1865 baptism record which does add weight to the theory that Maria Josefa Leyva was Josephine Leiba/Leiva who married Ysidore Garcia.

The August 1931 application of Frances (Garcia) Cooke also supports the information found in the records of Petra Garcia and her daughter, Margaret. Frances names her parents Isidora Garcia and Josephine Leibas, but also names her maternal grandmother, Leandra. Though she does not use the surname "Culeta" that appears in Margaret's application, the identification of Isidore Garcia and Josephine Leibas and Josephine's mother's name of Leandra does add additional evidence for the identification of Josephine Leibas Garcia as Maria Josefa Leyva. Further, Frances also identifies her mother's father as Juan Leibas, the name given as the father of Maria Josefa on her 1865 baptism record.<sup>150</sup> While the baptism record for Frances (Garcia) Cooke has not been found, she submitted two applications for a Social Security Number in 1939 and 1940 which both confirm the identification of her parents as Isadore Garcia and Josephine Leivas, as

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<sup>148</sup> FTB member file 660.

<sup>149</sup> FTB doc. 108.LN; FTB doc. 40060.DC; FTB member file 660

<sup>150</sup> FTB doc. 00112.E.LN; and FTB doc. 00112.C.LN.

does the information extracted from her 1946 death record.<sup>151</sup> Like her sister, Petra, Frances does not appear to have ever lived in her mother's household. She does however live with or near her father over time. In 1900, Francis Garcia is living in Newhall, Los Angeles County, California, as the niece of Torivia Esquivel.<sup>152</sup> Torivia is Isadore's sister, daughter of Santiago and Catalina Garcia.<sup>153</sup> The location is also significant as Newhall is also where Petra and Isidore were living the year before, according to Petra's marriage records.

Frances's brother, Jim Garcia (James), also submitted an application which confirmed the identity of their parents as Isadora Garcia and "Josie Lavas." Though he did not seem to know the name of his maternal grandmother, his application does confirm the name of their mother's father, Juan "Lavas," a close variation of the name of the name shown on the baptism record for Maria Josefa Leyva.<sup>154</sup>

### *Gardner/Gardener*

The application of Clara Maud Callis names her parents, William A. Gardener and Josephine Leyvas Gardener. This household is believed to be that found in the 1900 census in Kern County, California. William Gardner heads a household including his wife, Josephine, son James, daughters Hattie and Frances, and a brother Frank S. Gardner.<sup>155</sup> Clara herself was not born until 1902 and therefore does not appear in the 1900 household, however, she is believed to be living with William Gardner and his family (not including Josephine) in 1920 in Ventura County.<sup>156</sup> In addition to naming her parents and her mother's maiden name, Clara Callis also names several references, including William Gardener, "Mrs. Frances Cook," and James Garcia, all identified as her half-siblings, and Isadora Cook of Newhall (no relationship specified).<sup>157</sup> Little information is known about the younger William Gardener, but the address Clara provided for him matches the address for herself at the time of her application so the siblings were living together around 1930. Frances Cook is the same Frances (Garcia) Cook who was the daughter of Josephine and Isadore Garcia and James Garcia was her brother. This identification, along with

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<sup>151</sup> Frances Cecelia Garcia Cooke, SS no. 550-26-9825, Sep. 13, 1939, Application for Account Number; and Francis Garcia Cooke, SS no. 553-28-3477, Oct. 23, 1940, Application for Account Number; and "California, Death Index, 1940–1997," online database, *Ancestry*, entry for Frances Cecelia Cooke, Los Angeles, Jul. 19, 1946.

<sup>152</sup> FTB doc. 80920.USC

<sup>153</sup> 1870 U.S census, Los Angeles Co., CA, pop. sch., Soledad, p. 3, dwelling 20, family 20, Santiago Garcia household (NARA microfilm publication M593, roll 73); and "California, Death Index, 1940–1997," online database, *Ancestry*, entry for Torivia Esquivel, Mar. 14, 1945.

<sup>154</sup> FTB doc. 00241.

<sup>155</sup> FTB doc. 80155.USC

<sup>156</sup> FTB doc. 80156.ANC (embedded)

<sup>157</sup> FTB doc. 40065.E.DC

the identification of Clara's mother as "Josephin Leyvas," links the identities of Josephine Leivas and Josephine Garcia with that of Josephine Gardener.

### *Gutierrez*

In addition to linking the identities of Josephine Leyva, Josephine Garcia, and Josephine Gardener the application of Clara Maud Callis adds an additional name to the list of those used by her mother. The list of "Relatives" whose names and addresses were noted in her application includes a current address in Camarillo, Ventura County, California for "Mrs. Josephine Gutierrez, mother." Right above the information for her mother is the name and contact information for the man she identifies earlier in her application as her father, William A. Gardener. The address for William Gardener is a P.O. Box in Ventura (city), not in Camarillo indicating that his wife, Clara's mother, had remarried and was living with a new husband using the surname Gutierrez.<sup>158</sup> Josephine's 1952 death record, confirmed by the names of her parents which appear on the certificate as Juan (looks like Garcia was typed first and then another word was typed over it) and Llandra, was indeed found under this name. Josephine's spouse was named Antonio Gutierrez and the informant, Antonio Gutierrez Jr., added that he was deceased at the time of Josephine's death. Josephine's name was also given as Josephine Garcia Gutierrez, indicating that the informant knew that she had used the name Garcia before marrying Gutierrez, an identification that also ties the two identities together.<sup>159</sup>

Josephine is found living with her husband, Antonio, in Camarillo in 1930 but curiously, they were not enumerated under the surname Gutierrez. Forty-seven-year-old Antonio and his 52-year-old wife, Josephine, were enumerated with the surname Laivas. Antonio was a laborer born in Mexico and Josephine had no occupation and was born in California.<sup>160</sup> Though the informant is unknown it is clear that Josephine, who had no occupation at this time and was the more likely of the two to have been home when the enumerator came, was using her maiden name. She also likely took a few years off her age since she should have been about 65 years old at the time. When comparing the household to that of the Gutierrez household in 1920 however, it is notable that her husband was several years younger than herself so it would not have been out of the ordinary for her to try to make their ages seem closer than they really were. Regardless of her motives, the "Laivas" couple of 1930 is the same as that enumerated as "Gutierrez" in Camarillo in 1920. The head of the household was Antonio, 35 (looks as though the first written age was 45 but a 3 was written over it), a laborer born in Mexico. Josephine was 49 years old and was born in California. Also in their household was their son, Antonio, who was 17. This was likely to have been the informant on Josephine's death certificate. The household also included a boarder,

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<sup>158</sup> FTB doc. 40065.E.DC; and FTB doc. 40065.C.DC.

<sup>159</sup> FTB doc. 91059.DEATH

<sup>160</sup> 1930 U.S. census, Ventura Co., CA, pop. sch., Camarillo Twp., ED 56-2, p. 33A, dwelling 302, family 302, Antonio Laivas household (NARA microfilm publication T626, roll 227).

Luceen Velasquez who was 30 years old and born in Mexico.<sup>161</sup> Based on the age of their son, Josephine and Antonio should be living together in 1910 but their household has not been found and Josephine herself has not been confidently identified in that census.<sup>162</sup> From the accumulated evidence however, it is clear that Josephine Leyva Garcia Gardener was married to Antonio Gutierrez and used that surname.

### *Porter*

Another questionable name was found while searching for the various identities of Josephine (Leyva) Garcia Gardener Gutierrez. In 1900, a woman named Josephine Porter was enumerated with her husband Louis in Kern County. In addition to the couple, who were claimed to have been married for 9 years and had one child together, their household included Louis's "M-in law," Felician Leiva, and his "B-in law" Juan Leiva. Three others were in the same household though their relationship to the head of the household was not given; Dolpho Ensenos, Sanches Ensenos, and Ellen Sanches. Louis Porter was born in September 1863 and was a farmer born in California. His wife Josephine was identified as an Indian born in California to a Mexican father and Californian mother, but her age and date of birth were unknown, as were the age and date of birth for Felician Leiva, who was reported to have been born in California. Juan Leiva was born in March 1840 and both he and Felician were married for seven years and were born in California. Felician was the mother of 1 child. Dolpho Ensenos, Sanches Ensenos, and Ellen Sanches were claimed to be Indians born in California, but their dates of birth and ages were unknown. From what appears on the sheet, it looks like Felician would be Louis's mother-in-law and Juan would be his brother-in-law, making them Josephine's mother and brother, respectively.<sup>163</sup> At first glance, this looks like it could be a possible double enumeration for Josephine, and a different husband and surname for her since she has been confidently identified living with William A. Gardener, and using that surname in 1900, also in Kern County. However, additional information makes this less likely to be the correct Josephine.

The first conflict that becomes apparent with the identity of this Josephine is that a woman who is identified as her husband's "M-in law," or presumed mother of his wife, is named Felician while records of Maria Josefa and the woman believed to be the correct Josephine consistently

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<sup>161</sup> 1920 U.S. census, Ventura Co., CA, pop. sch., Camarillo Twp., ED 257, p. 8B, family 20, Antonio Gutierrez household (NARA microfilm publication T625, roll 154).

<sup>162</sup> There is some evidence to suggest that Josephine may be the "Jennie Gardner" living in Yuma, Arizona, in 1910 but this is not confirmed. It is known that William A. Gardener married/resided with another woman after Josephine named Juana who may have been using the given name *Jennie*. Because of this, as well as the location of this household, it is not known where Josephine may have been living at this time or what surname she may have been using. She has not been found under the name Gutierrez ("1910 United States Federal Census," online database, *Ancestry*, search for "Jos\* Gutierrez" in Ventura Co. and adjacent counties; and "1910 United States Federal Census," online database, *Ancestry*, search for "Ant\* Gutierrez" in Ventura Co. and adjacent counties).

<sup>163</sup> FTB doc. 80267.USC

identify her mother as Leandra/Llandra. While there are circumstances that might possibly explain the reported relationship, a step-marriage for instance, this possibility is upset by two additional conflicts. Louis Porter and Josefa Sota received a license to marry in Los Angeles County on 20 February 1891.<sup>164</sup> Maria Josefa Leyva, aka Josephine Leyva Garcia Gardener Gutierrez is not known to have gone by the surname Sota. In fact, most of the records surrounding Josephine and her children and grandchildren seem to agree that she went by only Leyva or Garcia before 1900. Additionally, notice of the estate of Josefa Porter was published in the Bakersfield Californian on 10 August 1907 by the administrator of her estate, Louis Porter.<sup>165</sup> The correct Josefa/Josephine was clearly alive in 1907 and survived for another 45 years. For these reasons, the wife of Louis Porter is not believed to have been the correct Josephine, despite the existence of a Juan Leyva in her household in 1900. The surname Leyva (and variations) does not seem to be an uncommon one in the area surrounding Los Angeles and the use of the given name Juan was found in large numbers all across the area and beyond making the presence of a man of this name in the Porter household not altogether surprising.

### *Conclusion*

Based on the collected and submitted records for this family group, it is *reasonably likely* that Maria Josefa Leyva, daughter of Leandra and Juan Leyva, went by the given name Josephine during at least her adult life and that various relationships prompted her use of various surnames, in addition to Leyva, including: Garcia, Gardener, and Gutierrez.

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<sup>164</sup> Los Angeles Co., CA, marriage affidavit, vol. 6, p. 178, Lewis Porter and Josefa Sota; digital images, *FamilySearch*; citing FSL microfilm 2575.

<sup>165</sup> "Notice to Creditors," estate of Josefa Porter, *Bakersfield Californian*, Aug. 10, 1907, p. 9, col. 1.

### APPENDIX III: JOSEPH/JOSÉ ORTIZ AND JOSE ABELARDO GODEY

*Claim:* Joseph/Jose Ortiz, spouse of Remigia Duarte, was the same person baptized at Los Angeles Plaza Church (LPC) on 18 May 1859 as Jose Abelardo Godoy, the son of Alexandre Godoi and Maria del Rosario Triunfo.

*Conclusion:* There is a *reasonable likelihood* that Joseph/Jose Ortiz, spouse of Remigia Duarte, was the same person baptized at LPC on May 18, 1859, as Jose Abelardo Godoy, the son of Alexandre Godoi and Maria del Rosario Triunfo.

*NOTE:* This line is associated with many Tejon Ranch individuals, including Alexis Godey, Billy Skinner and J.J. Lopez, both mentioned in Frank Latta's, *Saga of Rancho El Tejon*. Billy and J.J. both submitted affidavits for Jose Ortiz's claim stating that they knew Jose's family were SFR Indians.

Jose Ortiz submitted application no. 11171 for enrollment with the Indians of the State of California under the Act of May 18, 1928. He stated his date of birth as February 15, 1861, in San Fernando, California, and that he was a half-blood Indian. Family members that he listed were his wife, Remegia, his son, Fortino, two daughters, Juanita ("Ortiz de Montes") and Elena, and several grandchildren.<sup>166</sup> Jose and "Remigia" can be found in San Fernando at the time of the 1930 census, with two younger boys designated as sons, Robert and Edward.<sup>167</sup> These are likely to be their grandsons, including 2-year-old Edward, who was identified in Jose's application. Living next door is Jose and Remegia's daughter, Juanita Montes, with her husband.<sup>168</sup>

"Joe Ortez" heads the family household in 1920, which is somewhat hidden as his wife's name is erroneously reported as Angelina, rather than Remegia.<sup>169</sup> Additionally, the children are shown with anglicized names such as "Ford" for Fortino, "Jennie," for Juanita, and "Helen," for Elena. A 23-year-old named "Frank" is also named as a son in this household. Though the names are somewhat skewed, the ages are close matches to help with the identification. The inclusion of a "Frank Duartez" in this household is also evidence that this is the correct family, as he is identified as Joe's father-in-law and has Remegia's maiden name. Remegia's parents have previously been identified as Francisco and Eusebia Duarte, and "Frank" is a common nickname for Francisco allowing for a positive identification. Their location in 1920 in Kings County, California, is a departure from residences mentioned by Jose on his enrollment

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<sup>166</sup> FTB doc. 00113.LN

<sup>167</sup> 1930 U.S. Census, Los Angeles Co., CA, pop. sch., San Fernando, ED 1391, p. 8B, dwelling no. 362, family no. 183, Jose Ortiz household (NARA microfilm publication T626, roll 170).

<sup>168</sup> 1930 U.S. Census, Los Angeles Co., CA, pop. sch., San Fernando, ED 1391, p. 8B, dwelling no. 362, family no. 184, Raymond Montes household.

<sup>169</sup> 1920 U.S. Census, Kings Co., CA, pop. sch., Hanford City, ED 132, p. 198 (stamped), sheet 9A, dwelling no. 202, family no. 213, Joe Ortez household (NARA microfilm publication T625, roll 101).

application, but as Kings County borders Kern County, which includes Bakersfield which was mentioned in the application, it does not illustrate a long-distance move or prevent identification.

In 1910, the family is found living in Bakersfield, Kern County, headed by “Joseph Ortise.”<sup>170</sup> He and his wife, “Remigi,” head a household including two sons – Frank and Fortina – two daughters – Jane and Lucy – and father-in-law, Frank Duarte.

Kern County is the home of the family at the time of the 1900 census, which marks the start of confusion regarding the parentage and origins of “Joseph Ortiz.”<sup>171</sup> Joseph’s birthdate is shown on this census as February 1859, which falls within the range given for him, between 1858 and 1865, in censuses in the following decades. His place of birth is shown as California, which is also consistent with other census schedules in the following years. Children, Frank and “Fortina” are shown with generally consistent ages, although Fortino is erroneously shown as a female. The issue surrounding Joseph/Jose occurs here because of the additional member of his household: a woman named Rusaria Peralto and identified as his mother.

Previous research has been done to identify this Rosaria Peralto, shown to have been born in October of 1840 in California, but that research has produced more questions than answers. A death record was found for a woman of this name who died in 1912, though additional information makes it seem unlikely for that woman to have been Joseph’s mother.<sup>172</sup> For instance, Jose stated on his enrollment application that his mother died in February of 1911, but record of that death has not been obtained. Regardless of the identity of the woman found living in “Joseph’s” 1900 household, it is possible to build a *reasonable* conclusion as to the origins of Joseph/Jose Ortiz.

Jose’s enrollment application names several of his Indian relatives, all claimed to have been Fernandeno, including the following:

- Rosaria Ariola, Mother
- Rafaela Ariola, Grandmother
- Norberta Carilon, Aunt
- Gracia Carilon, Aunt
- Antonio Carilon, Uncle
- Francisco Carilon, Uncle

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<sup>170</sup> 1910 U.S. Census, Kern Co., CA, pop. sch., Bakersfield, ED 33, p. 2B, dwelling no. 28, family no. 28, Joseph Ortise household (NARA microfilm publication T624, roll 78).

<sup>171</sup> 1900 U.S. Census, Kern Co., CA, pop. sch., Pose township, ED 24, p. 3A, dwelling no. 57, family no. 61, Joseph Ortiz household (NARA microfilm publication T623, roll 87).

<sup>172</sup> See FTB Response to TA, 2017, pp. 35-6, in which the petitioner asserts that in fact, the person who appears in the CA Death Index with this name and death date is not the same person as Maria del Rosaria.

The following page of the application gives additional information. Jose's father's name is given as Miguel Ortiz, a non-Indian, and his mother's full name is given as "Rosaria Carlon de Ortiz." Jose claims that Rosaria was a "full blood," and that her maiden name was "Rosaria Ariola." The name Carlon/Carilon supposedly came from her first marriage, though no marriage record has been provided by the petitioner. Jose believed that his mother had been born at San Fernando and remained there with her mother until around 1852. Jose further stated that his grandmother had been granted land there by the Mexican government, but no date or additional information was given, and he did not know his grandfather's name.

Joseph/Jose Ortiz has not been positively identified in decennial census records prior to 1900, and no household has been found containing a Rosaria and a Jose/Joseph which could fit these identities, as they have been described up to this point.<sup>173</sup> A family headed by a Miguel Ortiz had previously been identified as a possibility for that of Jose and his family, but this family has since been discounted as a positive identification. Tracking the Carilon family members named in the application has also not yielded results.

Based on information provided on Jose Ortiz's CA Indian Claims application and SFR sacramental registers, it appears that a woman named Rafaela was the wife of Jose Miguel Triunfo, a MSF Indian who owned 200 acres of the former Samuel grant, and that Maria del Rosaria (later known as "Rosaria") was their daughter. A baptism record has been found from the LPC for one Maria del Rosario, daughter of Miguel and Rafaela, Indios of San Diego.<sup>174</sup> The godmother for Maria del Rosario, Maria Luisa Arguello, has not been located in records. Baptismal records for other children of Jose Miguel Triunfo and Rafaela, who is seen in mission records with the name Caneda, were sought for additional information. Several children were found including: Gertrudis, born in 1837, Yldefonso, born in 1839, Jose Ramon, born in 1842, Jose Antonio, born in 1844, Maria del Refugio, born in 1846, and Francisco Xavier, born in 1848.<sup>175</sup> Godparents for those children include Urbano and Marcelina, daughter of Odon, tying Triunfo and Rafaela to the Indian community of the ex-MSF lands. The Triunfo name is also found in baptismal records of the LPC, where one Maria del Rosaria Triunfo is recorded as the mother of Jose Abelardo Godey, an illegitimate child baptized in May of 1859.<sup>176</sup> The father was recorded as Alexandre Godoi, who anthropologist, John Johnson, claims was known for having several children with Indian women in the area.<sup>177</sup> Frank Latta's, *Saga of Rancho El Tejon*, and Johnson's *Cultural Affiliation and Lineal Descent of Chumash Peoples* also support this claim.

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<sup>173</sup> See FTB Response to TA, 2017, pp. 36.

<sup>174</sup> LPC bap. no. 1022.

<sup>175</sup> Gertrudis: SFR bap. no. 2887, father's name not given; Yldefonso: SFR bap. 2960, shows Silvestre as father; Jose Ramon: SFR bap. 3031; Jose Antonio: SFR bap. no. 2062a, described as "Mestizo" in ECPP; Maria del Refugio: SFR bap. 3092, described as "Mestizo" in ECPP; Francisco Xavier: SG bap. no. 8972.

<sup>176</sup> See FTB Response to TA, 2017, p. 34.

<sup>177</sup> See FTB Response to TA, 2017, p. 36.

Though baptized in May, the child was actually noted to have been born on 15 February – the same day and month given by Jose Ortiz as his birthday on his enrollment application, though he believed he was born in 1861 rather than 1859. Besides the day of his birth, his first name (Jose), and the use of Rosaria in his mother’s name, this baptismal record provides additional information which can be used to identify Jose Abelardo Godey as the same Jose/Joseph Ortiz who appears in later records. For example, Jose Abelardo’s godfather is named Alfonso Arriola. The appearance of the Arriola name allows for a connection between the Triunfos and the petitioner’s claim that Rafaela Caneda was also known as Rafaela Arriola, as well as revealing the possibility of Jose’s godfather being the same person as the child baptized at SFR in 1839 as Yldefonso, and who was the son of Jose Miguel Triunfo and Rafaela Arriola Caneda. Though noted as being the son of Rafaela and “Silvestre,” Johnson states his belief that the name of Yldefonso’s father was erroneously recorded as Silvestre because of the existence of a Silvestre Caneda, who was a relative of Rafaela’s and who married a Verdugo woman. As the child’s parents are noted as being residents of the Verdugo ranch, Johnson believes this is the source of the confusion. The identification of Yldefonso as the son of Jose Miguel Triunfo is strengthened by the appearance of a Jose Alifonso, aged 11, along with Rosaria, within an 1850 household believed by the petitioner to be that of Jose Miguel and Rafaela.<sup>178</sup>

Additionally, Jose Abelardo’s godmother is identified as Deogracia Caramia. No record has been located or provided by the petitioner relating to a woman of that name. However, as noted above, Jose Ortiz named several relatives on his enrollment application. One of these relatives was a Gracia Carilon who he believed to be his aunt. It is possible that Deogracia Caramia could be the same Gracia Carilon, especially when the identification of Jose Abelardo’s godfather appears to be that of a man who would have been his uncle.

These extended family connections allow for a conclusion that it is *reasonably likely* that Jose Abelardo Godey and Jose/Joseph Ortiz are the same person, son of Maria del Rosaria Triunfo.

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<sup>178</sup> FTB doc. no. 80108.