



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

January 27, 2026

Mr. Rudy Ortega, Jr.
1019 2nd St.
San Fernando, CA 91340

Dear Mr. Ortega:

The Office of Federal Acknowledgment (OFA), within the Office of the Assistant Secretary – Indian Affairs (AS–IA), Department of the Interior (Department), has completed a Phase I Technical Assistance (TA) review of the documented petition for Petitioner #403, the “Fernandeño Tataviam Band of Mission Indians” (FTB). The OFA issues this review in accordance with section 83.26(a) of Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR Part 83).

The petitioner’s documented petition consists of materials received by OFA on July 5, 2023.¹ OFA notified the petitioner by letter dated July 26, 2023, that the petition had been received as a documented petition under § 83.21. Notice of receipt of the documented petition was published in the *Federal Register* on August 25, 2023,² and subsequently posted to OFA’s website. The OFA notified FTB by letter dated December 20, 2023, that the AS–IA was extending the public comment period on the petition due to technical difficulties in posting certain petition materials on OFA’s website, and the end date for the comment period was April 9, 2024.

During the comment period, 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, 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 the petitioner’s response and has taken them into consideration, insofar as they relate to the evaluation of the Phase I criteria: 83.11(d) *Governing document*, 83.11(e) *Descent*, 83.11(f) *Unique Membership*, and 83.11(g) *Congressional termination*. The OFA will give these comments and the response further consideration and may discuss them in a Phase I Proposed Finding. Insofar as any comments relate to the evaluation of the Phase II criteria—83.11(a) *Indian entity identification*,

¹ FTB submitted a previous petition around 2009 (designated Petition #158) but withdrew it on September 8, 2020, pursuant to 25 CFR § 83.30.

² 88 FR 58299.

83.11(b) *Community*, and 83.11(c) *Political influence or authority*—OFA would review and discuss them during Phase II.³

This Phase I TA review is to inform the petitioner of deficiencies that would prevent it from establishing unambiguous previous Federal acknowledgment or meeting criteria 83.11(e)–(g). As discussed below, the OFA has identified deficiencies in the establishment of previous Federal acknowledgment. Upon receiving this TA review, the petitioner must submit a written response that takes one of the following actions: (1) withdraws the documented petition for further preparation; (2) submits additional information and/or clarification; or (3) asks OFA to proceed with the review (§ 83.26(a)(1)(i)(A)–(C)). OFA recommends the petitioner review the information provided below, as well as the third-party comments, in formulating its response. The regulations do not impose a limit on the amount of time that the petitioner may take to respond to technical assistance.⁴

³ See 25 CFR § 83.26 (describing Phase I and Phase II review).

⁴ See 80 FR 37877–78 (“[W]hen the petitioner is preparing information to submit in response to technical assistance, no timeline applies.”).

Phase I Technical Assistance Review

§ 83.11(d) *Governing Document*

The petitioner must provide:

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

Governing Document

On July 5, 2023, OFA received the petitioner’s 16-page governing document as part of the documented petition. The “Constitution of the Fernandeano Tataviam Band of Mission Indians” was first approved on November 15, 2002, and amended through general election on June 11, 2017. The FTB also submitted various, related materials to OFA, including blank registration forms, documents relating to the petitioner’s “Tribal Code for Administration of Tribal Affairs and Government,” and a previous constitution.

Membership Criteria

Chapter 3 of the governing document is entitled “Citizenship and Rights,” with Article 6 covering “Citizenship Requirements.” To be eligible for membership, individuals are prohibited from being enrolled elsewhere, and citizenship is limited to:

- a. “Any person with lineage to one or more Indian Rancherias (Villages) within boundaries of Article 3 associated with Mission San Fernando registers”⁵; and
- b. “Any person who is a lineal descendant of an enrolled citizen of the Tribe maintaining tribal relations.”⁶

The membership requirements are further discussed in the petitioner’s narrative, which describe proposed revisions to the language regarding lineage, ancestral lands, etc. in the current governing document.⁷ In the discussion of criterion 83.11(d), the narrative states “At present, there lacks distinction as to whether applicants must satisfy one or more of the membership criteria.” To resolve this ambiguity, the narrative states that the membership criteria in the

⁵ “Constitution of the Fernandeano Tataviam Band of Mission Indians,” received by OFA July 5, 2023, Chapter 2, Article 3 defines these boundaries as “autonomous villages, rancherias 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.”

⁶ “Constitution of the Fernandeano Tataviam Band of Mission Indians,” received by OFA July 5, 2023, Chapter 3, Article 6.

⁷ Draft governing documents containing the proposed revisions do not appear to have been included as part of the petition materials.

governing documents will be revised in the future to limit citizenship in various ways.⁸ In response to this TA review, the petitioner should submit a copy of any revised governing document and/or membership criteria (should any revised version exist).

Additional discussion of the membership criteria appears in a section of the petitioner’s narrative concerned with the ancestral lines from which individuals may descend to qualify for membership in the petitioner. The narrative explains:

“The historical Fernandño Indian tribe includes, but is not limited to, the Petitioner’s three lineages: Ortega, Garcia, and Ortiz. However, membership with the Petitioner is not limited to those three lineages. To account for surviving individuals descending from the historical Fernandño Indian tribe, who are also not represented by the Ortega, Garcia, and Ortiz lineages, the Petitioner recognizes village-descendancy as one connection to the Fernandño historical Indian tribe in its membership requirements. Should a lineage outside of the Ortega/Garcia/Ortiz come forward for enrollment, that lineage would need to satisfy the Petitioner’s Tribal Relations criteria set forth in Title 2 of Tribal Code.”⁹

The petitioner further states in its narrative that revision or clarification of the membership criteria will be addressed in “constitutional amendment[s] through its next election process.”¹⁰ As stated above, if the membership criteria have changed since the submission of the petitioner’s current governing document, the petitioner should submit a copy of the document containing the revised membership criteria in response to this TA review.

Technical Assistance Review: Governing Document and Membership Criteria

Criterion 83.11(d) requires the petitioner to provide a “copy of the entity’s present governing document, including its membership criteria,” which the petitioner did. Therefore, OFA found no deficiencies that would prevent the petitioner from meeting the Governing Document criterion.

§ 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).

The Descent criterion evaluates whether the petitioner has demonstrated descent from a historical Indian tribe (or from historical Indian tribes that combined and functioned as a single autonomous political entity). The evaluation for this criterion begins with the petitioner’s description of the claimed historical entity. The FTB petitioner discussed the claimed historical Indian tribe in three separate sections of its narrative: (1) in a section

⁸ “Federal Petition Criteria 83.11(d),”2.

⁹ “Federal Petition Criteria 83.11(d),”3.

¹⁰ “Federal Petition Criteria 83.11(d),”3.

claiming previous Federal acknowledgment under § 83.12; (2) in a section discussing descent from the historical Indian tribe under § 83.11(e); and (3) in a section discussing the claimed historical Indian tribe. Discussion of these sections appears below. Because the first section involves the petitioner’s claim of previous Federal acknowledgment, OFA first discusses that claim.

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.
- 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.¹¹

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."¹²

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 Wiley Wells's work as representative for the interest of "the San Fernando Indians."¹³ 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."¹⁴ The term "Mission Indians, of California," encompassed several groups which were further defined in an 1883 report referenced by the petitioner in its narrative. According to the petitioner, the term refers to those Indians living in "the three southernmost counties of California, and known as Serranos, Cahuillas, San Luisenos, and Dieguinos." Additionally, the narrative references an 1884 report by an agent for the Mission Agency, which included the following information about 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.¹⁵

In its discussion of the 1883 and 1884 reports, the petitioner also states 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"

¹¹ FTB submission, "Petition for Acknowledgment, June 2023," under section entitled, "Criterion 83.12," p.1.

¹² FTB submission, "Petition for Acknowledgment, June 2023," under section entitled, "Criterion 83.12," p.1, citing 25 CFR Part 83 § 83.12(a) at 37891.

¹³ 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 discussion of previous Federal acknowledgment, the petitioner states the letter was from Horatio Rust. In its "Full Citation List," the petitioner states that the page came from RG-75, Records of the Bureau of Indian Affairs Special Cases. See discussion of § 83.12, p.3.

¹⁴ FTB doc.00144.DC, 1883 letter to Henry M. Teller.

¹⁵ 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.

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.¹⁶ The FTB identify Rocha as a San Fernando Indian whom Wells represented in a court case in 1885 to prevent 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.”¹⁷ In its narrative, the FTB state 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.”¹⁸

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 stating,

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.¹⁹

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.”²⁰ The land to which Lewis was referring was a grant (Joaquin grant) issued by the Mexican government on May 3, 1843, to *alcalde*²¹ Pedro Joaquin and 38 others, including two men named Rogerio and Jerman.²² Lewis linked Rogerio Rocha with the Rogerio named in the Joaquin grant and believed that the land on which he was 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

¹⁶ See FTB submission, “Petition for Acknowledgment, June 2023,” under 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.

¹⁷ FTB doc.80834.USSC; and FTB submission, “Petition for Acknowledgment, June 2023,” under section entitled, “Criterion 83.12,” p.3.

¹⁸ FTB submission, “Petition for Acknowledgment, June 2023,” under section entitled, “Criterion 83.12,” pp.3-4.

¹⁹ FTB doc.80856.

²⁰ FTB doc.80856.

²¹ 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 pp. 240-258 [section on Indian officials in the missions].

²² OFA found what appears to be a complete list of those named on the grant in its files 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.

taxes on a different property northeast of the land in the grant (though his acquisition of this land is “not entirely clear”).²³ 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.”²⁴

Claimed Historical Indian Tribe Under Criterion 83.11(e)

Separate from the discussion of a historical entity which the petitioner claims had been previously acknowledged by the Federal government up to 1904, another discussion of a claimed historical entity to be used for the purposes of calculating descent appears in the narrative’s section on criterion 83.11(e).²⁵ This description of the historical entity focuses on those Indians living in various tribal villages who entered Mission San Fernando Rey (SFR) and appear in the baptismal, marriage, and burial registers for that mission prior to secularization.²⁶ Within this section, the petitioner listed 17 “lineal progenitors” of the historical Indian tribe documented in the registers of SFR between 1835 and 1849.²⁷ According to the petitioner, these 17 historical ancestors represent the three ancestral lines from which the petitioner’s membership descends—Garcia, Ortega, and Ortiz—and members of these ancestral lines are documented as residing in the post-mission period on land grants provided by the Mexican government.

A third discussion of the historical entity is found in the section of the narrative titled, “Claim of Historical Indian Tribe.”²⁸ This section includes a table of SFR Indians who received Mexican land grants and identifies the lands they were given, using the names of the ranchos associated with the lands. The table includes references to Rancho Cahuenga, Rancho Tujunga, Rancho El Encino, Rancho El Escorpion, as well as references to the Joaquin grant, a grant to a man known only as Samel, and a grant to Rojerio and German that is identified in the narrative as “Rancho Patzkunga.”²⁹ The petitioner’s narrative describes these grantees as groups of SFR Indians who lived together on the land grants surrounding the mission following secularization. It is this “historic Fernandeano Indian tribe that existed at the SFR both during and after the mission period” from which the petitioner is claiming descent for the purposes of criterion 83.11(e).³⁰

²³ FTB submission, “Petition for Acknowledgment, June 2023,” under section entitled, “Criterion 83.12,” p.6.

²⁴ FTB submission, “Petition for Acknowledgment, June 2023,” under section entitled, “Criterion 83.12,” p.6.

²⁵ FTB submission, “Petition for Acknowledgment, June 2023,” under section entitled, “Descent from Historical Indian Tribe.”

²⁶ This TA review letter refers to these Indians and their descendants in the mid-to-late 19th century as “SFR Indians.”

²⁷ FTB submission, “Petition for Acknowledgment, June 2023,” under section entitled, “Descent from Historical Indian Tribe,” pp.5-6. The petitioner also submitted a spreadsheet, labeled “Attachment 5,” which lists those baptized at SFR within this period.

²⁸ FTB submission, “Petition for Acknowledgment, June 2023,” under section entitled, “II. Claim of historical Indian tribe.”

²⁹ FTB submission, “Petition for Acknowledgment, June 2023,” under section entitled, “II. Claim of historical Indian tribe,” p.27.

³⁰ FTB submission, “Petition for Acknowledgment, June 2023,” under section entitled, “Descent from Historical Indian Tribe,” p.1.

Technical Assistance Review: Previous Federal Acknowledgment

Section § 83.12(a) requires substantial evidence of unambiguous Federal acknowledgment of the petitioner. If a petitioner claims that the United States acknowledged it as an Indian tribe prior to 1900, the petitioner's description of the previously acknowledged entity should be consistent with the petitioner's description of its historical Indian tribe (that is, with the description of the tribe as it existed prior to 1900 and from which the petitioner's present-day membership claims descent). One complicating factor here is that the narrative includes several discussions of historical entities, and it is unclear whether those descriptions all relate to the same entity. In response to TA, the petitioner should review the descriptions of historical entities in the three sections of its narrative summarized above. Upon doing so, the petitioner may wish to clarify how the entities are consistent with one another or, alternatively, which is the precursor to the current petitioner.

The narrative's section on previous Federal acknowledgment focuses on the efforts of Rogerio Rocha (sometimes described as a leader of a group of SFR Indians) to retain his land in the face of legal action.³¹ However, this evidence seems to describe individual efforts to protect individual interests, not the coordinated actions of a collective, which undermines the petitioner's assertion that the United States government assisted SFR Indians with protecting collective rights in tribal lands or funds. The petitioner's evidence elsewhere indicates that other SFR Indians, such as Antonio Ortega (a descendant of a Mexican land grantee inhabiting Rancho El Encino) faced similar, though distinct, legal challenges of their own to retain their land, not necessarily under Rocha's leadership.³² Even Wells's actions at the behest of the Federal government to assist "San Fernando Indians" or "Mission Indians" entailed representation of individually named defendants and does not seem to support the claim for previous acknowledgment, which must be unambiguous under § 83.12.³³

To bolster its claim of previous Federal acknowledgment, the petitioner attempts to link Rogerio Rocha with some of the other grantees and their descendants by discussing possible family relationships between Rocha's presumed family members and individuals from the current petitioner's ancestral lines (Garcia, Ortega, and Ortiz). For example, among those inhabiting the same land grant as Rogerio (the Joaquin grant) was Pedro Joaquin, whom the petitioner identifies as Rogerio's brother-in-law, and Cornelio, who is a claimed ancestor for the Garcia descendants in the petitioner's current membership.³⁴ However, this discussion is of limited value in documenting a historical Indian tribe because it does not provide information about additional

³¹ FTB submission, "Petition for Acknowledgment, June 2023," under section entitled, "Criterion 83.12," p.12.

³² FTB submission, "Petition for Acknowledgment, June 2023," under section entitled, "Criterion 83.12," p.12.

³³ *Cf.* Burt Lake PF at 25, 31 (finding unambiguous acknowledgment based on legal action taken by the United States Attorney for the Eastern District of Michigan on behalf of the "Cheboygan band of Indians," which the United States attorney stated "is now . . . recognized by the [United States] as a tribe").

³⁴ The petitioner considers the Rogerio/Rojero on the grants to be the same person as Rogerio Rocha. Largely due to limited information about the individuals whose names are associated with various grants, this is unclear. For the petitioner's discussion of Rogerio on the Joaquin grant, see FTB submission, "Petition for Acknowledgment, June 2023," under section entitled, "Criterion 83.12," p.12.

links to or among most of the 17 historical individuals whom the petitioner identifies as ancestors for the purposes of calculating descent under criterion 83.11(e).³⁵

The petitioner claims that the connections among the few individuals noted above reflect a tribal entity, with Rocha serving as the leader of a collective comprised of SFR Indians, stating, “Although Rogerio had no children who survived to adulthood, by the 1860s he was a leader of the Indians whose lineages had come to understand themselves collectively as Fernandeno.”³⁶ However, the petitioner does not cite any source in support of this statement. Little corroborating evidence otherwise appears in the record beyond Lewis’s observation that Rocha led a “company of Indians” inhabiting the Joaquin grant, and that observation is undermined by the fact that Rocha apparently occupied a separate parcel at the time he made that observation. Additionally, the evidence does not appear to link Rocha with the ancestral lines from which the petitioner claims descent.

In sum, the petitioner has not yet provided substantial evidence to demonstrate unambiguous Federal acknowledgment. If the petitioner would like to provide additional information or clarification regarding its claim, the petitioner may do so in response to this TA. In particular, the petitioner may wish to provide further evidence to support the assertion that Rogerio was the leader of a group of the petitioner’s ancestors that evolved into the current petitioner. Additionally, the petitioner may wish to explain how the legal cases involving various individuals such as Antonio Ortega reflected efforts on behalf of a collective, even though the individuals appeared to be living on separately owned pieces of property.

Technical Assistance Review: Demonstration of Descent from a Historical Indian Tribe

To evaluate the petitioner’s descent from a historical Indian tribe under criterion 83.11(e), OFA referred to the entity described in the section of the petitioner’s narrative on that criterion, titled “Claim of historical Indian tribe.” The claimed historical Indian tribe is comprised of certain SFR Indians, namely, individual ancestors of the petitioner and possibly others who were documented within the registers of SFR and on the land grants surrounding the mission, including Rancho Cahuenga, Rancho El Encino, Rancho El Escorpion, and the Joaquin grant.³⁷

The petitioner’s current membership list, dated 2021, includes 855 individuals, ten of whom are noted as deceased, for a total of 845 living, current members. Many of the individuals who appear on this 2021 membership list were also on the petitioner’s 2015 membership list,

³⁵ See FTB submission, “Petition for Acknowledgment, June 2023,” under section entitled, “Descent from Historical Indian Tribe,” table on p.6.

³⁶ See FTB submission, “Petition for Acknowledgment, June 2023,” under section entitled, “Criterion 83.12,” p.12.

³⁷ The petitioner also noted the existence of a separate land grants made to Rogerio Rocha and Samuel, but whether the individuals occupying those lands were part of the petitioner’s historical Indian tribe is unclear. 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 grant to Rocha (Rancho Patzkunga) is FTB’s term and, based on OFA’s verification research, does not appear in any historical records. See FTB submission, “Petition for Acknowledgment, June 2023,” under section entitled, “II. Claim of historical Indian tribe,” p.36.

submitted as part of Petition #158.³⁸ During OFA’s evaluation of that petition, many of the petitioner’s members sufficiently documented their descent from SFR Indians who appeared in the registers of SFR prior to secularization and later moved onto the lands surrounding the mission.³⁹ Based on OFA’s review of the current membership list, a majority of the petitioner’s members have demonstrated descent from a historical Indian tribe comprised of individuals who were documented as being at SFR or on land grants surrounding the mission.

In its Phase I TA review, OFA found no deficiencies relating to descent from a historical Indian tribe that would prevent the petitioner from meeting criterion 83.11(e).

³⁸ See *supra* note 1.

³⁹ See, Phase I – Negative Proposed Finding, Fernandeano Tataviam Band of Mission Indians, Appendix: Biographical Overviews of the Petitioner’s Three Claimed “Progenitors.”

§ 83.11(f) *Unique Membership*

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

The petitioner’s governing document 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 they have renounced their 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.⁴⁰ 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, such as the San Fernando Band of Mission Indians (also known as Seven Feathers) and the Ish Pahnesh United Band of Indians.

Summary

This criterion requires that the petitioner’s membership be composed principally of persons who are not enrolled in any federally recognized Indian tribe. The evidence provided by the petitioner in the form of citizenship affirmation forms, enrollment applications prohibiting dual enrollment, and relinquishment forms suggests that few, if any, current members are enrolled in any federally recognized Indian tribe. Therefore, OFA found no deficiencies that would prevent the petitioner from meeting the Unique Membership criterion.

⁴⁰ FTB submission, Membership Files, “0-INSTRUCTIONS READ FIRST,” p.1.

§ 83.11(g) *Congressional Termination*

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

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

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

Summary

This criterion requires that the petitioner has not been the subject of congressional legislation which terminated or forbade a federal relationship. Based on the materials submitted and OFA's research, neither the FTB petitioner nor its members appear to be the subject of congressional legislation expressly terminating or forbidding the Federal relationship. Therefore, OFA found no deficiencies that would prevent the petitioner from meeting the Congressional Termination criterion.

SUMMARY

This TA review is not a Phase I proposed finding on criteria 83.11(d)–(g), nor is this review a final determination on the documented petition. Rather, the purpose of a Phase I TA review is to notify a petitioner of “any deficiencies that would prevent the petitioner” from establishing unambiguous previous Federal acknowledgment or meeting criteria 83.11(d)–(g) (§ 83.26(a)(1)). Here, there are deficiencies in the petitioner’s claims and evidence regarding previous Federal acknowledgment.

This Phase I TA review discusses the deficiencies known to OFA at the time of review. The FTB petitioner’s submission of additional information or clarification in response to the TA review, or other materials added to the administrative record, might raise additional deficiencies or other issues that OFA would have to address in the Phase I proposed finding. In addition, the FTB petitioner should not assume it will establish previous Federal acknowledgment by simply submitting additional information or clarification. The FTB petitioner’s ability to cure the deficiencies identified above (should it attempt to do so) will depend on the content of those submissions and the Department’s review. Finally, the FTB petitioner should not assume OFA has made positive conclusions about claims and evidence not discussed in this letter.

After reviewing this letter, you must submit a written response that (1) withdraws the documented petition for further preparation; (2) submits additional information and/or clarification; or (3) asks OFA to proceed with the review (§ 83.26(a)(1)(i)(A)-(C)). If you have any questions, please feel free to contact the Office of Federal Acknowledgment at (202) 513-7650, via email at Nikki.Bass@bia.gov, or by mail at:

Department of the Interior
Office of the Assistant Secretary–Indian Affairs
Attention: Office of Federal Acknowledgment
Mail Stop 4071 MIB
1849 C Street NW
Washington, DC 20240

Sincerely,

A handwritten signature in black ink that reads "Nikki Bass". The signature is written in a cursive, slightly slanted style.

Director, Office of Federal Acknowledgment