

Salinan Tribe of Monterey and San Luis Obispo Counties

Petition for Federal Acknowledgment

Office of Federal Acknowledgment

Office of the Assistant Secretary – Indian Affairs

United States Department of the Interior

Washington, DC

August 25, 2024

**Salinan Tribe of Monterey and San Luis Obispo Counties
Petition for Federal Acknowledgment**

Table of Contents

Section I:	Introduction.....	1
Section II:	Claim of Historical Indian Tribe Before 1900.....	5
Section III:	Claim of Previous Federal Acknowledgment (§83.12)	15
Section IV:	Seven Mandatory Criteria	17
	Criterion 83.11(a): Identification of Indian Entity.....	18
	Criterion 83.11 (b and c): Distinct Community / Political Influence	161
	Criterion 83.11(d): Governing Documents	278
	Criterion 83.11(e): Descent From Historical Indian Tribe	280
	Criterion 83.11(f): Members Not from Any Federally Recognized Tribe	298
	Criterion 83.11(g): Congressional Legislation with The U.S. Government	300
Section V:	Appendix.....	302
	California Spanish Mission Records	303
	Mission Nuestra Señora de La Soledad.....	304
	Mission San Antonio de Padua.....	306
	Mission San Carlos Borromeo de Carmelo	315
	Mission San Luis Obispo de Tolosa	318
	Mission San Miguel Arcángel	320
	Mission Santa Clara de Asís	326
	Bibliography.....	328
	Footnotes / Endnotes	341

**Salinan Tribe of Monterey and San Luis Obispo Counties
Petition for Federal Acknowledgment**

Table of Contents: Salinan Tribe Digital Files (Flash Drive)

Salinan Tribe Petition for Federal Acknowledgment.pdf

Salinan Tribe Petition for Federal Acknowledgment (Redacted).pdf

Section 5: Appendix Files

Folder 1: Bibliography Documents

- Bibliography.pdf
- Bibliography Citation Document Scans [Folder]

Folder 2: Footnotes / Endnotes

- Footnotes / Endnotes.pdf
- Footnotes / Endnotes Document Scans [Folder]

Folder 3: Analyzed Documents

- Criterion 83.11(a) Analyzed Documents [Folder]
- Criterion 83.11 (b and c) Analyzed Documents [Folder]

Folder 4: Spanish Mission Records

1. Mission Nuestra Señora de La Soledad [Folder]
 - Mission Nuestra Señora de La Soledad Records List.pdf
 - Mission Nuestra Señora de La Soledad Document Scans / Translations [Folder]
2. Mission San Antonio de Padua [Folder]
 - Mission San Antonio de Padua Records List.pdf
 - Mission San Antonio de Padua Document Scans / Translations [Folder]

3. Mission San Carlos Borroméo de Carmelo [Folder]
 - Mission San Carlos Borroméo de Carmelo Records List.pdf
 - Mission San Carlos Borroméo de Carmelo Document Scans / Translations [Folder]
4. Mission San Luis Obispo de Tolosa [Folder]
 - San Luis Obispo de Tolosa Records List.pdf
 - San Luis Obispo de Tolosa Document Scans / Translations [Folder]
5. Mission San Miguel Arcángel [Folder]
 - Mission San Miguel Arcángel Records List.pdf
 - Mission San Miguel Arcángel Document Scans / Translations [Folder]
6. Mission Santa Clara de Asís [Folder]
 - Mission Santa Clara de Asís Records List.pdf
 - Mission Santa Clara de Asís Document Scans / Translations [Folder]

Folder 5: Spanish Mission Records for Claimed Historical Indian Tribe

- Spanish Mission Records for Claimed Historical Indian Tribe List.pdf
- Spanish Mission Records for Claimed Historical Indian Tribe Scans / Translations [Folder]

Folder 6: 1862 Homestead Act Original Applications

- 1862 Homestead Act Original Applications List.pdf
- 1862 Homestead Act Original Applications Scans [Folder]

Folder 7: Kelsey Census of Non-Reservation California Indians 1905 - 1906

- Kelsey Census of Non-Reservation California Indians 1905 – 1906 Abridged.pdf
- Kelsey Census of Non-Reservation California Indians 1905 – 1906.pdf

Folder 8: 1928 California Indian Jurisdictional Act Original Applications

- 1928 CIJA Original Applications List.pdf
- 1928 CIJA Original Applications Scans [Folder]

Folder 9: 1972 California Indian Judgment Roll Original Applications

1. 1972 CIJR Original Applications Costanoan [Folder]
 - 1972 CIJR Original Applications Costanoan List.pdf
 - 1972 CIJR Original Applications Costanoan Scans [Folder]
2. 1972 CIJR Original Applications Salinan [Folder]
 - 1972 CIJR Original Applications Salinan List.pdf
 - 1972 CIJR Original Applications Salinan Scans [Folder]

Folder 10: Salinan Tribal Documentation

1. Governing Documents [Folder]
2. Past Membership Rolls [Folder]
3. Current Membership Documentation [Folder]
 - Current Membership List as Descended from Claimed Historical Indian Tribe.pdf
 - Current Membership List
 - Current Membership Scans [Folder]: Each Current Membership Scan File includes copies of original applications, vital records, declarations, Family Group Sheets, and Family Tree Charts back to Claimed Historical Indian Tribe members.
4. Past Membership Documentation [Folder]
 - Past Membership List.pdf
 - Past Membership Scans / Translations [Folder]
- Current_Past_HIT_Spreadsheets.xlsx

Folder 11: GEDCOM Files

- 2024_08_25 GEDCOM Salinan Tribe.ged

Folder 12: Original Signature Sheets

- 2024_08_26 Membership Authorization.pdf
- 2024_08_26 Petition Authorization.pdf

**Salinan Tribe of Monterey and San Luis Obispo Counties
Petition for Federal Acknowledgment**

Research Notes

- This application for Federal Acknowledgment follows the basic outline of the “*Documented Petition Description with a Suggested Outline for Concise Written Narrative (Draft)*” as located on the website for the Office of Federal Acknowledgment at <https://www.bia.gov/as-ia/ofa>.
- This petition is submitted as an Adobe Acrobat PDF document on a flash drive that has both USB-A and USB-C connectivity. It was originally created using Microsoft Word (v. 16.88) and Microsoft Excel (v. 16.88). We have also included the original Excel spreadsheet of the Membership List, Past Membership List, and Historical Indian Tribe. This can be found in our Salinan Digital Files:
 - Section 5 Appendix Files → Folder 10 Salinan Tribal Documentation [Folder] → Current_Past_HIT_Spreadsheets.xlsx. The tabs are at the bottom.

If there is any desire to have copies of the original Word and Excel documents for other portions of this petition just let us know and we will be happy to provide those.

- We have also provided to your office both footnotes and identical endnotes to give your researchers the flexibility to review this petition and organize themselves as they see fit.
- As the Office of Federal Acknowledgment allows for evidence to be used interchangeably in Criterion 83.11(b) “Distinct Community” and for 83.11(c) “Political Influence or Authority” under certain special circumstances, we found that this petition made the most sense to the reader if the evidence for both criteria were combined into one section under Criterion 83.11 (b and c): “Distinct Community / Political Influence.”

We did this for two primary reasons:

1. We provide evidence that we meet the requirement for a Collective Identify under Criterion 83.11(b)(1)(viii) at a level that meets the requirement under Criterion 83.11(c)(1)(iv).
 2. The Office of Federal Acknowledgment allows for the use evidence meeting Criteria 83.11(b)(2) and 83.11(c)(2) interchangeably.
- At the beginning of each subsection is a listing of primary documents to be presented for a given time period. Copies of those documents can be located in the Salinan Tribe Digital Files under Folder 3 Analyzed Documents.
 - The Ancestry Charts enclosed were generated as a tabloid size pdf document (11” x 17”).

We found that printing the Ancestry Charts to a letter or legal size document created a legibility problem as these charts have to go back almost 250 years to the late 1700s and contain a good amount of information. Simply put, the type was extremely small due to the volume of information included.

To address this, we decided to use an 11” x 17” document as this solved both of these issues and can be folded in half to a standard letter size document which was much easier to work with as it would insert into any standard file folder.

If the Office of Federal Acknowledgment would like this done differently, we are more than happy to make the changes as requested.

- The electronic genealogical database located in our Salinan Tribe Digital Files (Section 5 Appendix Files → Folder 11 GEDCOM Folder) are as listed below using the following computer and software:

GEDCOM File: 2024_08_25 GEDCOM Salinan Tribe.ged

The original format of this database was prepared using MacFamilyTree 10 (Version 10.3.1) developed by Synium Software.

The computer used was an iMac Retina 5K, 27-inch, 2020 computer with 3.6 GHz 10-Core Intel Core i9 processor and 64 GB 2667 MHz DDR4 memory chips.

The GEDCOM File was exported from the above software using the following configuration:

GEDCOM Version:	GEDCOM 5.5.1
Character Encoding:	UTF-8 Format

If there are any issues with these files, or any other part of this petition, please let us know and we will be more than happy to accommodate the Office of Federal Acknowledgment to the best of our abilities.

**Salinan Tribe of Monterey and San Luis Obispo Counties
Petition for Federal Acknowledgment**

Petition Authorization



SALINAN TRIBE
of Monterey and San Luis Obispo Counties

August 26, 2024

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

RE: Salinan Tribe of Monterey and San Luis Obispo Counties Petition for Federal Acknowledgment

The Office of Federal Acknowledgment:

Please find enclosed our Petition for Federal Acknowledgment for the Salinan Tribe of Monterey and San Luis Obispo Counties under Part 83 of Title 25 of the Code of Federal Regulations (25 CFR Part 83) of 2015.

The signatures below represent the 12 members of our Tribal Council along with two members of our Elders Tribal Council.

If there is anything we can do to help facilitate the processing of this petition, please let us know.

Sincerely,

The Salinan Tribe of Monterey and San Luis Obispo Counties

 Kenneth James Pierce, Sr.	 Leslie Ernest Montgomery	 Gary Charles Pierce
 Sharon Kaye Thomas	 Michael Erin Woody	 John Peter Piatti, Jr.
 Pamela Holly Flood	 Donald Walter Pierce, Jr.	 Dayna Lyn Scioethetti
 Bruce Leslie Flood	 Mary Elizabeth Rodgers	 Joshua Allen Cody
 Robert Joel Piatti	 Yvonne Leslie Davis	

**Salinan Tribe of Monterey and San Luis Obispo Counties
Petition for Federal Acknowledgment**

Membership Authorization



SALINAN TRIBE
of Monterey and San Luis Obispo Counties

August 26, 2024

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

RE: Salinan Tribe of Monterey and San Luis Obispo Counties Petition for Federal Acknowledgment:
Membership List Certification.

The Office of Federal Acknowledgment:

Please find enclosed our Membership List of 248 members for the Petition for Federal Acknowledgment for the Salinan Tribe of Monterey and San Luis Obispo Counties under Part 83 of Title 25 of the Code of Federal Regulations (25 CFR Part 83) of 2015.

The signatures below represent the 12 members of our Tribal Council along with two members of our Elders Tribal Council.

If there is anything we can do to help facilitate the processing of this petition, please let us know.

Sincerely,

The Salinan Tribe of Monterey and San Luis Obispo Counties

Kenneth James Pierce, Sr.

Leslie Ernest Montgomery

Gary Charles Pierce

Sharon Kaye Thomas

Michael Erin Woody

John Peter Piatti, Jr.

Pamela Holly Flood

Donald Walter Pierce, Jr.

Dayna Lyn Sciocchetti

Bruce Leslie Flood

Mary Elizabeth Rodgers

Joshua Allen Cody

Robert Joel Piatti

Yvonne Leslie Davis

Salinan Tribe of Monterey and San Luis Obispo Counties

Petition for Federal Acknowledgment

Section I

Introduction

Section I Introduction

A. Current Official Name

Salinan Tribe of Monterey and San Luis Obispo Counties (Salinan Tribe)

B. Location/Headquarters

1. Office Address

Salinan Tribe of Monterey and San Luis Obispo Counties.
8270 Morro Road
Atascadero, CA 93422

2. Geographic Area Represented

Representing the counties of Monterey and San Luis Obispo Counties in California

3. Tribal Group Leader

Gary Charles Pierce – Contemporary Council Lead
U.S. FOIA (b)(6)

4. Correspondence from the Office of Federal Acknowledgment should be addressed to:

Michael Erin Woody - Council Member, Federal Recognition Lead
c/o Salinan Tribe of Monterey and San Luis Obispo Counties
U.S. FOIA (b)(6)

5. Correspondence from the general public as posted on the BIA/OFA website should be addressed to:

Michael Erin Woody – Council Member, Federal Recognition Lead
c/o Salinan Tribe of Monterey and San Luis Obispo Counties
8270 Morro Road, Atascadero, CA 93422
Phone: 805-464-2650

C. Other Contact Information

1. Main Office Phone Number

805-464-2650

2. Main Office Fax Number

805-464-2651

3. Main Office E-Mail Address

info@salinantribe.com

D. Total Number of Current Living Members: 248

1. Adult (18 Years of Age and Older)

202

2. Minor Children (Under 18 Years of Age)

46

Membership Broken Down by Ancestral Historical Tribal Lines

<u>Historical Tribal Line</u>	<u>Adult</u>	<u>Minor Children</u>	<u>Total Members</u>
Agata Maria Line	147	25	172
Encinales Bylon Toro Creek Line	38	21	59
Pedro Encinales Line	17	0	17
Totals	202	46	248

E. Current Officers and Members of Governing Body**Council**

<u>Full Name</u>	<u>Beginning of Term</u>	<u>End of Term</u>
1. Gary Charles Pierce	Jan 2022	Jan 2026
2. Mary Elizabeth Rodgers	Jan 2022	Jan 2026
3. Sharon Kaye Thomas	Jan 2024	Jan 2028
4. Robert Joel Piatti	Jan 2024	Jan 2028
5. Michael Erin Woody	Jan 2022	Jan 2026
6. John Peter Piatti Jr.	Jan 2024	Jan 2028
7. Pamela Holly Flood	Jan 2024	Jan 2028
8. Donald Walter Pierce Jr.	Jan 2022	Jan 2026
9. Dayna Lyn Sciocchetti	Jan 2022	Jan 2026
10. Bruce Leslie Flood	Jan 2022	Jan 2026
11. Yvonne Leslie Davis	Jan 2024	Jan 2028
12. Joshua Allen Cody	Jan 2024	Jan 2028

Elders Council

1. Yvonne Bernice Ayala	Jan 2024	Jan 2026
2. Leslie Ernest Montgomery	Jan 2024	Jan 2026
3. Kenneth James Pierce Sr.	Jan 2024	Jan 2026

F. Names of Members Authorized to Represent the Salinan Tribe to the Office of Federal Acknowledgment

Michael Erin Woody – Council Member, Federal Recognition Lead

U.S. FOIA (b)(6)

Kenneth James Pierce Sr. – Council Member; Tribal Law Lead

U.S. FOIA (b)(6)

G. Brief Statement of Claim for Federal Acknowledgment and Continuous Existence from 1900

After the secularization of the California Spanish Missions in 1834, the Indians along the coast of California were left without the very support system that had removed them from their lands. In Monterey County, a group of Indians formed an Indian settlement that would be come to known as “The Indians” or “The Indians Ranch” on the northwest tip of the Milpitas Land Grant.

This well documented settlement outside of the San Antonio Mission provided much needed land for a group Indians from the area. From this settlement came the Encinales and Bylon tribal lines that were interrelated through marriages and social contact.

During the later part of the 19th and into the early part of the 20th century, a portion of this documented group of Indians would eventually migrate south to an isolated area in San Luis Obispo County known as Toro Creek and forming what is referred to as the Toro Creek Indians.

From two of the Bylon sisters on this Indian settlement came the Pierce and Forsting families. Both families will be shown to be born and having lived at the Toro Creek Indian settlement during the very early part of the 20th century and many of which also lived into the 21st century.

By 1929, there would be a legal dispute over the land rights of this settlement before the Superior Court of San Luis Obispo County. After initially losing in court, the Bylons would be represented by the United States Department of Justice during the appeal process. The final appeal against the Indians was not resolved until July of 1934 before the State of California. It was at this point that the land was lost.

After the appeal was finalized in 1934, we see that O. H. Lipps., the Superintendent of Indian Affairs for Sacramento in 1935, put in a request to the Department of Justice to institute proceedings in federal court to obtain title to the property occupied by the Toro Creek Indians. To this day we are still not aware of what became of this request.

The Toro Creek Indians would also organize themselves into an identifiable group in February of 1934. This group through business, social, community, and political relationships, would work together throughout the 20th century.

Theses interrelationships would later include a second legal fight before the County of San Luis Obispo in the late 1970s and early 1980s to reclaim rights to the Toro Creek cemetery where many Indians are still buried today on private property.

By the end of the 20th century, we will see that the Toro Creek Indians would eventually form with others to create the Salinan Tribe of San Luis Obispo Counties that we see today.

Salinan Tribe of Monterey and San Luis Obispo Counties

Petition for Federal Acknowledgment

Section II

Claim of Historical Indian Tribe

Section II

Claim of Historical Indian Tribe Before 1900

Descriptive Claim of the Historical Indian Tribe

The Historical Indian Tribe

The Historical Indian Tribe that is being claimed is from the Indian population of both the San Antonio de Padua Mission (Mission San Antonio) and the San Miguel Arcángel Mission (Mission San Miguel), located in Monterey and San Luis Obispo counties respectively in California.

This Indian mission population originally came from the surrounding Indian villages that existed just prior to the founding of the two missions based on the result of Spanish policy at the time. The Spanish baptism records from these missions designate those who were baptized as Indian under such Spanish terms including gentile, india/indio, or neófito/neófito.

An Introduction to Mission San Antonio de Padua ¹



*Mission San Antonio de Padua
Courtesy of Santa Barbara Mission Archive-Library.*

The San Antonio Mission was established on July 14, 1771 by the Franciscan Order near the present day town of Jolon, Monterey County. It was the third mission founded in Alta California by Father Junipero Serra. At the time, Padres Junipero Serra, Miguel Piaras, and Buenaventura Sitjar hung bells on the branches of an oak tree in the area to signify the founding of this mission. The native name of the place chosen was Texhaya, sometimes spelled Teshaya.

By the end of 1772, 158 baptisms were reported. In 1780 the neophytes numbered 585, while by 1790 they had reached 1,076, making it the largest mission Indian community at that time in California. By

1800 the baptisms had increased to 1,118, while the greatest number in the history of the mission, 1,124, was reached in 1805. Up to 1834 the total number of Indians baptized was 4,348, of whom 2,587 were children.

The wealth of the mission was not so great as that of some others. The land was reported as rather sterile and difficult to irrigate, although the average crop for the decade ending 1810 was 3,780 bushels. In the year last named there were 3,700 cattle, 700 horses, and more than 8,000 sheep. Though the number of the neophytes gradually decreased, reaching 878 in 1820 and 681 in 1830, the mission livestock continued to multiply, and the crops were nearly as good as before. In 1830 Robinson (*Life in California*, 81, 1846) reported that everything at the mission was in the most perfect order, and the Indians cleanly and well dressed.

¹ Hodge, Frederick Webb. *The Handbook of American Indians North of Mexico*. Bureau of American Ethnology, Smithsonian Institution, Government Printing Office, Page 424 beginning at the middle of the first column "San Antonio de Padua". 1910. Much of this description was taken directly from the manuscript.

An Introduction to Mission San Miguel Arcángel ²



*Mission San Miguel Arcángel
Courtesy of Santa Barbara Mission Archive-Library.*

The San Miguel Mission was established on July 25, 1797 by the Franciscan Order and was located in the upper Salinas Valley, known by the natives as Vahia, between the San Antonio and San Luis Obispo missions in the northern part of the present San Luis Obispo county. It was the sixteenth Franciscan mission established in California.

Indian baptism rates were very high at this mission and the wealth was also very great. On the first day alone, there were 15 Indian children offered for baptism. By 1800 there were 362 neophytes, and 973 in 1810, while the greatest number, 1,076, was reached in 1814. At the end of the first three years the mission had 372 horses and cattle, and 1,582

small stocks, while the crops for that year (1800) were 1,900 bushels. In 1810 there were 5,281 cattle and horses, 11,160 small stocks, with an average crop for the preceding decade of 3,468 bushels.

During the next decade the stock increased considerably, but the crops began and continued to decline. In 1806 the mission lost several its buildings and a large quantity of supplies by fire, but the roof church roof was the only loss during this fire. Shortly after 1818 a new church was completed. In 1828 the mission lands were reported as extending from the ocean to Tulare Lake. In 1834 there were 599 neophytes. Up to this time the total number of natives baptized was 2,562, of whom 1,277 were children.

Location(s) of the Historical Indian Tribe Prior to 1900.

As discussed above, the Historical Indian Tribe that is being claimed is from the Indian population of both the San Antonio de Padua Mission (Mission San Antonio) and the San Miguel Arcángel Mission (Mission San Miguel), located in Monterey and San Luis Obispo counties respectively in California.

² Hodge, Frederick Webb. *The Handbook of American Indians North of Mexico*. Bureau of American Ethnology, Smithsonian Institution, Government Printing Office, Page 449 beginning at the bottom of the first column "San Miguel (Saint Michael)". 1910. Much of this description was taken directly from the manuscript.

The Historical Indian Records of the San Antonio and San Miguel Missions

Population: Mission San Antonio de Padua

By 1832, it had been reported that there had been a total of 4,419 baptisms, 1,1452 marriages, and 3,617 deaths of native Indians. Below represents the reported Indian population in 5 year increments before secularization in 1834.³

Year	Indian Population
1774	178
1780	502
1785	850
1790	1,092
1795	1,150
1800	1,114
1805	1,296
1810	1,122
1815	1,008
1820	878
1825	801
1830	681
1832	640

Population: Mission San Miguel Arcángel

By 1832, it had been reported that there had been a total of 2,471 baptisms, 764 marriages, and 1,868 deaths of native Indians. Below represents the reported Indian population in 5 year increments before secularization in 1834.⁴

Year	Indian Population
1797	28
1800	207
1806	949
1810	971
1815	1050
1820	973
1825	867
1830	684
1832	658

Individuals in the Historical Indian Tribe Claimed as Ancestors of Current Members

	Name	Mission Record	Baptism Number	Record Date
1.	Agata Maria	SAP-B	82	May 15, 1773
2.	Anasthasia Ignes	SAP-B	83	May 15, 1773
3.	Margarita de Cortona	SAP-B	75	May 01, 1773
4.	Leandro Esmequeuiya	SAP-B	321	Sept 21, 1775
5.	Maria de la Nieves	SAP-B	380	Mar 19, 1776

³ Engelhardt, Zephyrin. *Mission San Antonio de Padua*. Mission Santa Barbara, Santa Barbara, CA. Page 93. (1929).

⁴ Engelhardt, Zephyrin. *San Miguel, Arcangel; The Mission on the Highway*. Mission Santa Barbara, Santa Barbara, CA. Page 60. (1931).

6.	Severino Chonuto	SMA-B	1020	Nov 12, 1803
7.	Severina	SMA-B	1031	Nov 12, 1803
8.	Diego Bravo	SAP-B	48	Mar 07, 1773
9.	Barbara	SMA-B	725	Dec 04, 1802
10.	Jacobo Talges Chayau	SMA-B	2155	Dec 28, 1821
11.	Jacoba Chajeyat	SMA-B	2156	Dec 28, 1821
12.	Pascual Bylon	SMA-B	1477	Apr 24, 1810
13.	Gregoria Enterria	SMA-B	2157	Dec 28, 1821
14.	Onesimo Bylon	SMA-B	2417	Feb 23, 1830
15.	Jose Antonio Gambucera	SMA-M	396	Dec 30, 1855
16.	Opolo	SMA-B	2572	Oct 4, 1834
17.	Laureano Lisjayya	SAP-B	2674	Apr 28, 1802
18.	Martina Lisjayya	SAP-B	2713	Sept 25, 1802
19.	Sigismundo Kanep	SAP-B	2373	Mar 09, 1799
20.	Pedro Encinales	SAP-B	1761	Oct 14, 1790
21.	Eusebio Encinales	SAP-B	4186	Sept 11, 1824
22.	Perfecta Chaluic Garcia	SMA-B	2572	Oct 04, 1834
23.	Paula Lisjayya Olmeda	SAP-B	2025	Jan 14, 1794
24.	Rafaela Kanep	SAP-M	523	Mar 9, 1799
25.	Uotsomilt	SMA-B	2572	Oct 4, 1834
26.	Antonio Estronconio	SMA-B	1236	May 5, 1805
27.	Josefa Jarabo	SMA-B	2036	Feb 4, 1819
28.	Refugio Linares	SLD-M	734	Jul 5, 1849
29.	Paula Eu-Echic *	SMA-B	2604	Jan 13, 1835

Explanation of the Historical Indian Tribe List of Names and Individuals Claimed as Ancestors to Current Members

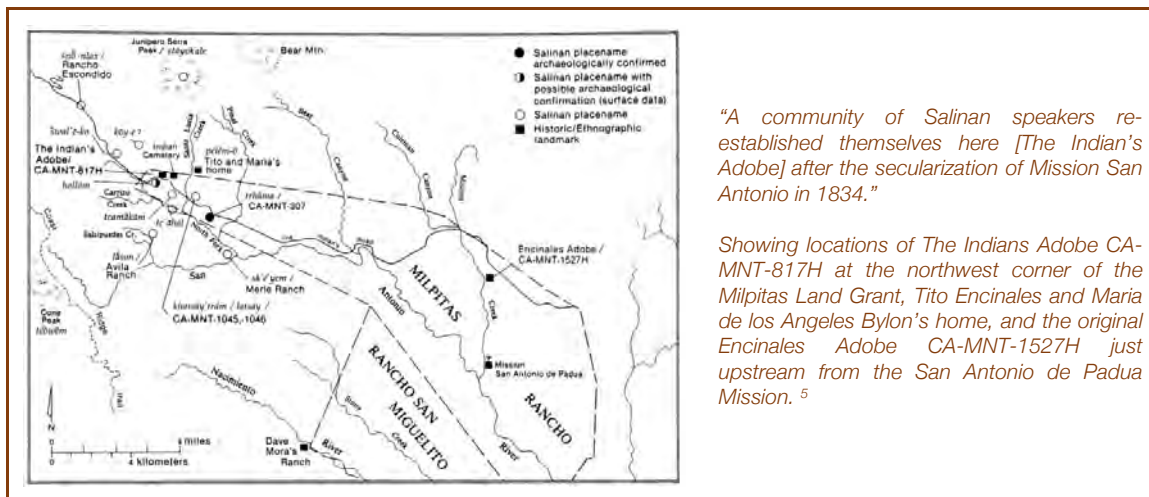
The Historical Indian Tribe list that is being used is from the baptism records of both the San Antonio de Padua Mission (Mission San Antonio) and the San Miguel Arcángel Mission (Mission San Miguel), located in Monterey and San Luis Obispo counties respectively in California. The Spanish baptism records from these missions designate those who were baptized as Indian under such Spanish terms including gentile, india/indio, or neófito/neófita. Some of the records needed further clarification as indicated above.

* Of the 29 members listed above, 28 have descendants in the current membership list. Although not associated directly with a Tribal Line today, Paula Eu-Echic (29) was the wife to Onesimo Bylon who gave birth to Maria de los Angeles Bylon. Maria de los Angeles Bylon is the half-sister to José Bylon, Maria Ceberia Teodora Bylon, and Maria Antonia Bylon of the Toro Creek Indian Settlement and future wife to Tito Encinales.

The 19th Century

The Encinales Adobe (CA-MNT-1527H) and the Indians Adobe (CA-MNT-817H)

After the secularization of the Spanish mission system in 1834, we continue to see evidence of our claimed Historical Indian Tribe staying throughout the 19th century.



From approximately 1860 until the early part of the 20th century, our group was well identified as "The Indians" located just northwest of the Milpitas Land Grant in Monterey County. Because of the loss of land from a fraudulent land grant, members of this group migrated further south to an area called Tecolote, known today as Toro Creek, located between Morro Bay and Atascadero. This group later became well identified as the Toro Creek Indians (CA-SLO-143, CA-SLO-144, CA-SLO-1080). ⁶

The Eighth Census of the United States, 1860

During the middle part of the 19th century, we see that the first three children of Eusebio and San Antonio Mission Indian Refugia Encinales (Maria Antonio, Juana Maria Carmen and Clara Maria), would all be raised by their stepmother, Perfecta Encinales, after the passing of Refugia. This can be verified by the 1860 U.S. Census in San Antonio, Monterey County of California, where we see in Dwelling 415, Family No. 374, eight Indians living together in the same unit: ⁷

Eighth Census of the United States, 1860: The San Antonio Township, Monterey County

Name	Notes
1. Francisco	Male, age 60. (Line Entry 2).
2. Tiburcio	Female, age 60. (Line Entry 3).

⁵ Rivers, Betty and Jones, Terry L. *Walking Along Deer Trails: A Contribution to Salinan Ethnography Based on the Field Notes of John Peabody Harrington*. Journal of California and Great Basin Anthropology. Page 152. Quote taken from page 146, top of second column.

⁶ Pilling, Arnold R. Archaeological Site Survey Records: SLO-143 and SLO-144. (July 1955); Hoover, Robert L. Archaeological Site Survey Records: SLO-1080/H. Toro Creek Indian Cemetery. (March 26, 1983). By agreement with the Northwest and Central Coast Information Centers, these records are confidential.

⁷ *Eighth Census of the United States, 1860*. Schedule No. 1 – San Antonio Township, Monterey County, California. Page No. 48. June 21, 1860. Retrieved at www.ancestry.com.

3. Ausivio Male, age 40. (Line Entry 4). Actual name was Eusebio Encinales.
4. Perfecta Female, age 25. (Line Entry 5). Actual name was Perfecta Encinales. Second marriage after the passing of Refugia.
5. Pedro Male, age 10/12. (Line Entry 6). Actual name was Pedro Encinales. First son to Eusebio and Perfecta Encinales.
6. Maria Antonia Female, age 10. (Line Entry 7). Actual name was Maria Antonia Encinales, birth daughter to Eusebio and stepdaughter to Perfecta.
7. Juana Female, age 5. (Line Entry 8). Actual name was Juana Maria Carmen Encinales, birth daughter to Eusebio and stepdaughter to Perfecta.
8. Clara Female, age 2. (Line Entry 9). Actual name was Clara Maria Encinales, birth daughter to Eusebio and stepdaughter to Perfecta.

Eighth Census of the United States, 1860. Schedule No. 1 – San Antonio Township, Monterey County, California. Page No. 48. June 21, 1860. Retrieved at www.ancestry.com/Monterey County, California.

We see listed together the Encinales family along with the children of Eusebio's first wife, Refugia. Those three daughters were Maria Antonia Encinales, Juana Maria Carmen Encinales, and Clara Maria Encinales.

The enumerator also listed the many other Indians on this sheet as the "San Antonio Mission Indians" along the left hand margin. This record also gives us many of the names of the Indians that were living around the San Antonio Mission contemporaneously to the 1860s.

Enumeration record retrieved at www.ancestry.com.

(Special Note: The enumerator listed the Indians on this sheet as the San Antonio Mission Indians along the left hand margin. This record also gives us many of the names of the Indians that were living around the San Antonio Mission contemporaneously to the 1860s.)

From this, the interrelationships and marriages continued within this group later as follows:

- Juana Maria Carmen would go on to have two children with San Antonio Mission Indian Faustino Mora: Jose Mora and David Mora. David Mora would later marry one of his mother's half-sisters, (daughter of Eusebio and Perfecta), Maria Jesua Encinales.
- Clara would go on to have four children with San Antonio Mission Indian Onesimo Baylon: Maria Ceberia Teodora, Jose Enesimo, Maria Catarina and Maria Antonia.
- Onesimo Baylon, before meeting Clara, would also have three children with San Miguel Mission Indian Paula Eu-Echic: Juan de Los Reyes, Maria de los Angeles Baylon and Maria Encarnacion. Maria de los Angeles Baylon would later marry Tito Encinales, son of Eusebio and Perfecta Encinales.

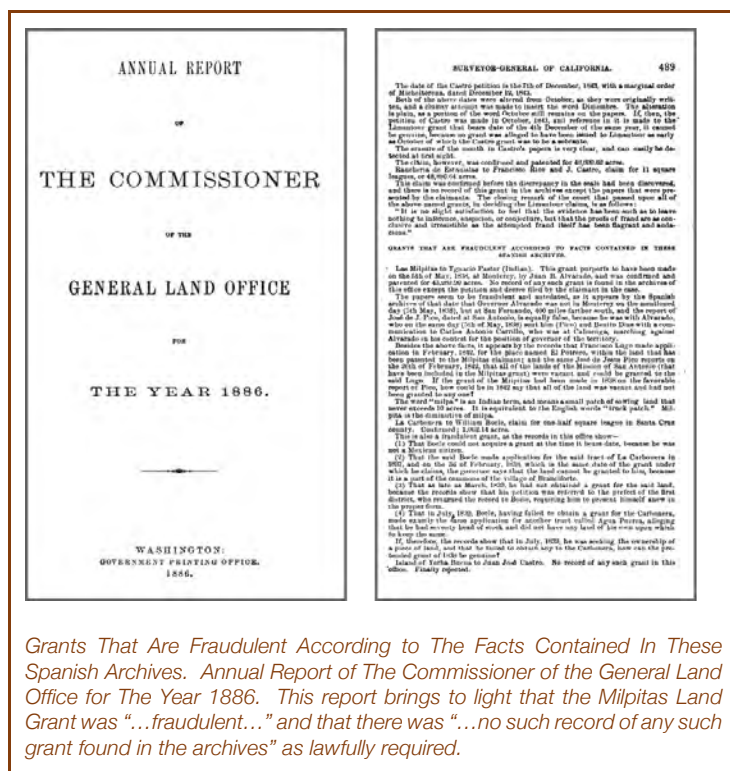
The Milpitas Land Grant

In February of 1875 Faxon D. Atherton obtained the fraudulent Milpitas Land Grant, which covered over 43,000 acres of property surrounding the San Antonio Mission, and those who were living around the region were forced from their homes through eviction.

After many legal challenges that were resolved through the U.S. Supreme Court, Eusebio Encinales finally ended up having to purchase 100 acres of property from the Atherton family for \$450 in U.S. gold coin on

July 1, 1882 in order to survive. Like others, his land was illegally taken from him. The property was located at the remote northwest tip of the Milpitas Grant and would become known later as “The Indians Adobe” or “The Indians Ranch.”

A few short years later, the General Land Office under the U.S. Department of the Interior release their 1886 Annual Report to The Commissioner ⁸ finally admitting that the Milpitas Mexican Land Grant was “fraudulent” and that there was “no such record of any such grant found in the archives” as lawfully required by the U.S. Supreme Court in their 1866 ruling in regard to their interpretation of the California Land Act of 1851.



Grants That Are Fraudulent According to The Facts Contained In These Spanish Archives. Annual Report of The Commissioner of the General Land Office for The Year 1886. This report brings to light that the Milpitas Land Grant was “...fraudulent...” and that there was “...no such record of any such grant found in the archives” as lawfully required.

has the Rancho de Santa Isabel, where there is a small vineyard. Other ranchos of the Mission in that direction are San Antonio, where barley is planted; Rancho del Paso de Robles where the wheat is sown; and the Rancho de la Asuncion.”

The Work of John P. Harrington

Linguist and ethnologist John P. Harrington spent much time with members of our tribal group during the early part of the 20th century. From these interviews we have obtained the following comments in regard to the location of Clara Maria Bylon (nee Encinales) and her children. ¹¹

⁸ *Grants That Are Fraudulent According to The Facts Contained In These Spanish Archives.* Annual Report of The Commissioner of the General Land Office for The Year 1886. U.S. Dept. of the Interior, General Land Office, Washington, D.C. Page 489. October 7, 1886.

⁹ Milliken, Randall and Johnson, John R. *An Ethnogeography of Salinan and Northern Chumash Communities – 1769 to 1810.* Page 46. References to the work of John P. Harrington provided by author.

¹⁰ Engelhardt, Zephyrin. *San Miguel, Arcangel; The Mission on the Highway.* Mission Santa Barbara, Santa Barbara, CA. Page 27-29. Yellow highlighted portion on page 28. (1931).

¹¹ Harrington, John P. John P. Harrington Papers 1907-1959, Microfilm 2, Reels 1, 84-88. National Anthropological Archives, Smithsonian Institution. Quotes used are designated as reel number and pdf page number.

During the latter part of the 19th century, Clara Encinales, Eusebio’s daughter, with her children, would finally find refuge on family tribal land in an area known by the tribe as Tecolote, known today as Toro Creek, located between Morro Bay and Atascadero. This location, as we will see later, was also called the Juan de Los Reyes Ranch, named for the stepson to Clara and the half-brother to Clara’s direct children. ⁹

This region was familiar to the San Miguel Indians as it was also part of the San Miguel Mission territory as outlined in the October 7, 1827 Territory Declaration as reported to Governor Jose M. Echeandia. As written in this declaration by Father Juan Cabot: ¹⁰

“In the direction toward the south, all the land is occupied, for the Mission there maintains all its sheep, besides the horses of the guards. It is there it

"Tritásu...is situated above the house of Clara, the M. Ind. (Migueleno Indian) woman living by Santa Rita or Tecolote." (Reel 84, Page 242)

"Started out with Jose Bailon (sic). Where JB (Jose Bailon) lives was Juan de Los Reyes ranch. The white house (?) of JB's (Jose Bailon's) belongs to the Mare's (sic)." (Reel 88, Page 542)

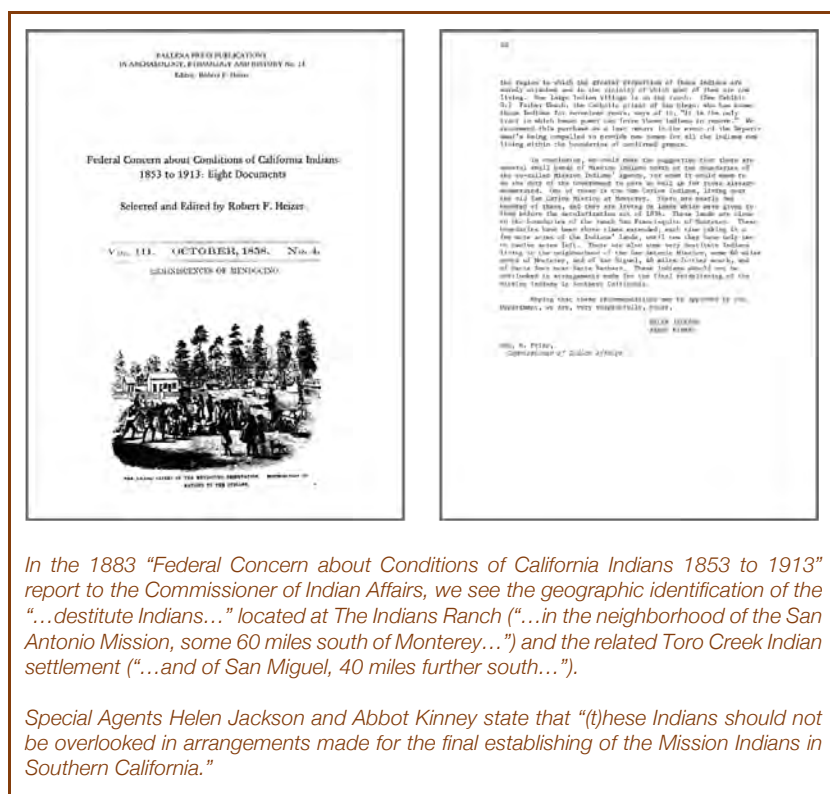
"Clara Encinal at Tecolote (in canyon before get to Morro). Is a widow, old. Talkes (sic) Migueleño and maybe some Luiseño." (Reel 1, Page 59)

"Severiana Bailón (sic) (called Mary) at Tecolote." (Reel 1, Page 67)

"Clara Encinal has a daughter – Severiana Bailón (sic). She lives at Tecolote also." (Reel 1, Page 67)

From the previous quotes, we can now conclude that our group was present at Toro Creek during the late part of the 19th century as H.W. Henshaw did his research of the Salinan language from 1880 to 1884.

Report on the Condition and Needs of the Mission Indians of California 1883



In the 1883 "Federal Concern about Conditions of California Indians 1853 to 1913" report to the Commissioner of Indian Affairs, we see the geographic identification of the "...destitute Indians..." located at The Indians Ranch ("...in the neighborhood of the San Antonio Mission, some 60 miles south of Monterey...") and the related Toro Creek Indian settlement ("...and of San Miguel, 40 miles further south...").

Special Agents Helen Jackson and Abbot Kinney state that "(t)hese Indians should not be overlooked in arrangements made for the final establishing of the Mission Indians in Southern California."

as well as for those already enumerated."

Further stating, in addition to other groups:

We also find compelling evidence of our distinct group located in both Toro Creek and in the San Antonio Mission region in the later part of the 19th century. In their "Report on the Condition and Needs of the Mission Indians of California" as presented to the Commission of Indian Affairs in 1883, Special Agents Helen Jackson and Abbot Kinney in the closing of their report state the following:¹²

"In conclusion, we would make the suggestion that there are several small bands of Mission Indians north of the boundaries of the so-called Mission Indians' Agency, for whom it would seem to be the duty of the Government to care

¹² Jackson, Helen and Kinney, Abbot. Report on the Condition and Needs of the Mission Indians of California to the Commissioner of Indian Affairs. Colorado Springs, Colorado. July 13, 1883. Reprinted by Heizer, Robert F. Federal Concern about Conditions of California Indians 1853 to 1913: Eight Documents, Volume 13. Ballena Press. Socorro, New Mexico. Copyright 1979. 1st Edition. Document V. Pages 75-94. Quote located on page 88. We have included both copies for review.

“There are also some very destitute Indians living in the neighborhood of the San Antonio Mission, some 60 miles south of Monterey, and of San Miguel, 40 miles further south...”

These seemingly two groups of Indians is actually the group previously identified from the San Antonio Mission region that eventually settled both at the Milpitas region of the San Antonio Mission (“...60 miles south of Monterey...”) and Toro Creek (“...and of San Miguel, 40 miles further south...”).¹³

The Work of Randall Milliken and John R. Johnson

Also helping to locate our interrelated group later we find Milliken and Johnson as stating the following:

“An important placename trip into the earlier homelands of María de los Angeles took place in March of 1932. Beginning on March 4, 1932, María de los Angeles Baylon, María Jesusa Encinales, and Harrington headed east from San Miguel.” ¶ “From those valleys they drove west to Templeton, then up into the Santa Lucía range to the ranch of Tecolote on the saddle between Old Creek and Toro Creek, where José Baylon, the younger brother of María de los Angeles Baylon, was living (his baptismal entry has not been identified). José Baylon joined the group at his home on upper Toro Creek for the coastal portion of their March 1932 placename trip (Harrington 1985: Reel 88, Frame 531).”¹⁴

From the previous quote, we can also see that Jose Baylon, son of Clara Encinales Baylon, was still living at Toro Creek when he was picked up by his two sisters (half-sisters) and Harrington for a placename trip around the region in March of 1932. This is also further evidence that this intermarried family was still involved with each other as well.



Severina (aka Ceberia Teodora) Bylon. Sister of Antonia Bylon and mother of Ramon Rosas. Living at Toro Creek. ca 1920.



Wedding picture for Antonia Bylon (Severina's sister) and Edward R. Pierce. Living at Toro Creek. ca 1900.



Ramon Rosas. Son of Severina Bylon and nephew of Antonia Bylon. Living at Toro Creek. ca 1920.

¹³ Map included to show geographic distances from Monterey to both the San Antonio settlements and to the Toro Creek settlement.

¹⁴ Milliken, Randall and Johnson, John R. *An Ethnogeography of Salinan and Northern Chumash Communities – 1769 to 1810*. Page 49. References to the work of John P. Harrington provided by author.

Salinan Tribe of Monterey and San Luis Obispo Counties

Petition for Federal Acknowledgment

Section III

Claim of Previous Federal Acknowledgment (§83.12)

Section III
Optional: Claim of Previous Federal Acknowledgement (§83.12)

The Salinan Tribe of San Luis Obispo and Monterey Counties makes no claim of previous federal acknowledgement under §83.12.

Salinan Tribe of Monterey and San Luis Obispo Counties

Petition for Federal Acknowledgment

Section IV

Seven Mandatory Criteria

Salinan Tribe of Monterey and San Luis Obispo Counties

Petition for Federal Acknowledgment

Section IV

Seven Mandatory Criteria

Criterion 83.11(a): Identification of Indian Entity

Section IV Seven Mandatory Criteria

A. Criterion 83.11(a) – Identification of Indian Entity

Brief Overview and Introduction

After the secularization of the California Spanish Missions in 1834, the Indians along the coast of California were left without the very support system that had removed them from their lands. In Monterey County, a group of Indians formed an Indian settlement that would be come to known as “The Indians” or “The Indians Ranch” on the northwest tip of the Milpitas Land Grant.

This well documented settlement outside of the San Antonio Mission provided much needed land for a group Indians from the area. From this settlement came the Encinales and Bylon tribal lines that were interrelated through marriages and social contact.

During the later part of the 19th and into the early part of the 20th century, a portion of this documented group of Indians would eventually migrate south to an isolated area in San Luis Obispo County known as Toro Creek and forming what is referred to as the Toro Creek Indians.

From two of the Bylon sisters on this Indian settlement came the Pierce and Forsting families. Both families will be shown to be born and having lived at the Toro Creek Indian settlement during the very early part of the 20th century and many of which also lived into the 21st century.

By 1929, there would be a legal dispute over the land rights of this settlement before the Superior Court of San Luis Obispo County. After initially losing in court, the Bylons would be represented by the United States Department of Justice during the appeal process. The final appeal against the Indians was not resolved until July of 1934 before the State of California. It was at this point that the land was lost.

After the appeal was finalized in 1934, we see that O. H. Lipps., the Superintendent of Indian Affairs for Sacramento in 1935, put in a request to the Department of Justice to institute proceedings in federal court to obtain title to the property occupied by the Toro Creek Indians. To this day we are still not aware of what became of this request.

The Toro Creek Indians would also organize themselves into an identifiable group in February of 1934. This group through business, social, community, and political relationships, would work together throughout the 20th century.

Theses interrelationships would later include a second legal fight before the County of San Luis Obispo in the late 1970s and early 1980s to reclaim rights to the Toro Creek cemetery where many Indians are still buried today on private property.

By the end of the 20th century, we will see that the Toro Creek Indians would eventually form with others to create the Salinan Tribe of San Luis Obispo Counties that we see today.

Section IV Seven Mandatory Criteria

A.2. Criterion 83.11(a) 1900-1909 – Identification of Indian Entity.

...

Subsection: 83.11(a) 1900-1909 Subsection 1

Document(s): 83.11(a) 1900-1909 Documents 1(a) to 1(b)

Title(s): Doc 1(a): Rivers, Betty (California Dept. of Parks and Recreation); Jones, Terry L. (Dept. of Anthropology, Univ. of California, Davis). *Walking Along Deer Trails: A Contribution to Salinan Ethnography Based on the Field Notes of John Peabody Harrington.* Journal of California and Great Basin Anthropology. Vol. 15, No. 2, pp 146-175 (1993).

Doc 1(b): Kroeber, A.L. *Handbook of the Indians of California.* New York, NY: Dover Publications, Inc. pp 544-549 (1976). Originally published by the Government Printing Office, Washington, D.C., in 1925 as *Bulletin 78* of the Bureau of American Ethnology of the Smithsonian Institution

Federal Code(s): 25 CFR § 83.11(a)(4): Identification as an Indian entity by anthropologists, historians, and/or other scholars.

Evidence for Inclusion:

As the Office of Federal Acknowledgement has, in the past, allowed for a combination of evidence to be used to meet the criteria of a given section, we are hoping for the same consideration with the evidence provided here.



The Indians Adobe CA-MNT-817H as it stands today in the Las Padres National Forest northwest of the Milpitas Land Grant. This adobe that was built by the Encinales family in the late 1800s was eventually sold and transformed into the Hunters and Fishers Club in the 1930s. The original Indians Adobe remains inside of the club building is somewhat preserved but lacking funds for preservation and restoration. (Photographs courtesy of Michael Erin Woody, ca 2022.)

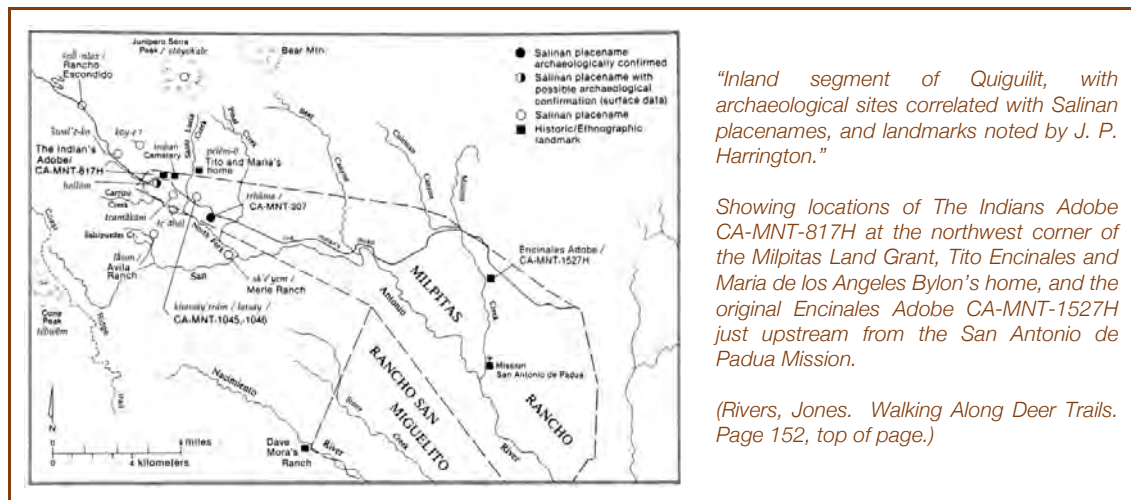
“Walking Along Deer Trails” (Doc 1(a); Rivers, Jones) demonstrates the existence of a distinct “population” of “Salinan speakers” living in “isolated refuges” in an area externally identified as “The Indians” (proper noun), as developed by the Encinales family, near the headwaters of the San Antonio River located on the northwest tip of the Milpitas Land Grant during the late 19th and early 20th centuries.

“Salinan speakers continued to reside in their homeland after contact, but the constant expansion of Euro-American settlement and the disease-induced decline of native populations relegated them to isolated refuges. One of these lay near the headwaters of the San Antonio River, in an

area referred to by Anglo-American settlers as “The Indians.” A community of Salinan speakers re-established themselves here after the secularizations of Mission San Antonio in 1834.”¹⁵

The timeline existence of “The Indians” was noted in this document as well. The original 100 acres was purchased by Eusebio Encinales in July of 1882 and was further expanded by his family through the 1862 Homestead Act Applications.¹⁶ This purchase date is also supported by records located in the Monterey County Clerk Recorder’s Office. As recorded, the date of this indenture for the 100 acre purchase is listed as July 1, 1882 for the amount of \$450 U.S. gold coin as paid to Faxon D. Atherton’s widow, Dominga de Goni Atherton.¹⁷

From this point, different researchers visited “The Indians” to study the Salinan culture. They include Henry W. Henshaw in 1884, John W. Powell in 1891, Alfred L. Kroeber in 1901, C. Hart Marriam in 1902 and later in 1933 to 1934, J. Alden Mason in 1910 and 1916, and John P. Harrington in 1922 and 1930 to 1932. Below, we give a brief overview of few of these visits since 1900.



The River/Jones research paper discusses how anthropologist Kroeber, who began his work with these Indians in 1901, recognized how his personal research was not as adequate as it should have been. Kroeber would later send archeological anthropologist J. Alden Mason to further research these Indians in 1910.¹⁸

In summarizing his research during this decade, Kroeber in 1925 (and later in a fully published book in 1976¹⁹. Doc 1(b); Kroeber) would state:

“The Salinan Indians are one of those bodies of natives whom four generations of contact with civilization have practically extinguished. Some 40 remain, but among these the children do not speak the language, and even the oldest retain only fragmentary memories of the national customs of their great-grandfathers. Missionaries and explorers happen to have left only the scantiest notices of the group; and thus it is that posterity can form but a vague impression of their distinctive traits.”

¹⁵ Rivers, Betty and Jones, Terry L. *Walking Along Deer Trails: A Contribution to Salinan Ethnography Based on the Field Notes of John Peabody Harrington*. Journal of California and Great Basin Anthropology. Vol. 15, No. 2, Page 146, beginning of column 2. (1993).

¹⁶ Rivers, Jones. *Walking Along Deer Trails*. Page 153, bottom of column 1.

¹⁷ Monterey County Clerk Recorder’s Office. Documentation of Deeds located in Book 4, Pages 428 to 430, July 1, 1882.

¹⁸ Rivers, Jones. *Walking Along Deer Trails*. Page 150, middle of column 1.

¹⁹ Kroeber, A.L. *Handbook of the Indians of California*. New York, NY: Dover Publications, Inc. Page 546. (1976). Originally published by the Government Printing Office, Washington, D.C., in 1925 as *Bulletin 78* of the Bureau of American Ethnology of the Smithsonian Institution.

Kroeber's reference to this "group" is contemporaneous to the time of Kroeber's research from 1901 to 1910 as he refers to this "group" as one that was "left" by the missionaries and explorers.²⁰ This reference as a "group" during this decade of research meets the requirements for 25 CFR § 83.11(a)(4): Identification as an Indian entity by anthropologists, historians, and/or other scholars.

For clarity, the evidence also shows that Kroeber was working directly with the Encinales Indian "group" during this decade. Mason would later write in 1918, in response to the direction by Kroeber to Mason, in reference Kroeber's research before 1910:

"This study . . . was begun in September 1910, when I made a visit to the neighborhood of the old Mission of San Antonio in Monterey County, where live the remaining members of this group. Here a little work was done with the oldest members of each of the two divisions, Jose Cruz of the Antoniano and Perfecta Encinales of the Migueleno dialect."^{21 22}



"Dave and Maria Encinales Mora at their ranch in 1933. Photograph by C. Hart Merriam. Courtesy of the Bancroft Library."

(Rivers, Jones. *Walking Along Deer Trails*. Page 155, top of page.)



"Tito and Maria de los Angeles Baylon Ocarpia Encinales at their ranch in 1933. Photograph by C. Hart Merriam. Courtesy of the Bancroft Library."

(Rivers, Jones. *Walking Along Deer Trails*. Page 157, top of page.)

"Walking Along Deer Trails" (Doc 1(a); Rivers, Jones) also makes a reference to "The Indians" as a distinct group that was well known locally.

"In 1882 the trustees of the Atherton estate sold 100 acres in the northwestern portion of the Milpitas to Eusebio Encinal. As noted above (the Encinales Family and Mason's Work), Encinal combined this acquisition with acreage he obtained through an adjacent homestead patent to form a 500-acre ranch. This area became known locally as 'The Indians,' 'the Indians

*farm," or "the Reservation" (Fig. 3). In the years between 1893 and 1910, six members of the Encinal family patented homesteads northwest of the The Indians."*²³

The reference "This area became known locally as 'The Indians,' 'the Indians farm,' or 'the Reservation'" as made by the authors is contemporaneous to the time when the Encinales family had acquired the land near the headwaters of the San Antonio River located on the northwest tip of the Milpitas Land Grant between 1893 and 1910.

²⁰ This identical reference can also be found in the Rivers, Jones manuscript *Walking Along Deer Trails* (1993) on page 150, middle of second column.

²¹ Rivers, Jones. *Walking Along Deer Trails*. Page 150, bottom of column 1.

²² Mason, J. Alden. *The Language of the Salinan Indians*. University of California Publications in American Archaeology and Ethnology. Vol. 14, No. 1, pp. 4. (January 10, 1918).

²³ Rivers, Jones. *Walking Along Deer Trails*. Page 166 (1993).

The existence of this group of Indians through the early part of the 20th century located at “The Indians” can further be substantiated when linguist and ethnologist J.P. Harrington visited the area in both 1922 and later in February of 1930 when he travelled with Dave Mora, his wife Maria Mora, and Maria de Los Angeles Bylon, the wife of Maria Mora’s brother, Tito Encinales. The group started from Tito and Maria’s house located on Santa Lucia Creek.

We feel that when taken as collective evidence, the timeline of visits from numerous anthropologists, ethnologists, and other researchers in this “Salinan... native population... isolated refuge... near the headwaters of the San Antonio River, in an area referred to by Anglo-American settlers as ‘The Indians’” shows collectively that this group of Indians existed during the years of 1900 to 1909.

Thus, 83.11(a) 1900-1909 Documents 1(a) to 1(b), when used in combination, meet the requirements for 25 CFR § 83.11(a)(4): Identification as an Indian entity by anthropologists, historians, and/or other scholars.

Subsection:	83.11(a) 1900-1909 Subsection 2
Document(s):	83.11(a) 1900-1909 Documents 2(a) to 2(h)
Title(s):	Doc 2(a): 1900 Twelfth Census of the United States. Schedule No. 1 – Population. Indian Population. San Antonio Township, Monterey County, California. Supervisor’s District Number 2, Enumeration District Number 14. Sheet Numbers 11 and 12. July 2nd and 3rd, 1900. Doc 2(b): 1862 Homestead Act Application Number 8052 for Eusebio Encinales. Doc 2(c): 1862 Homestead Act Application Number 8050 for Felipe Encinales. Doc 2(d): 1862 Homestead Act Application Number 19079 for Pedro Encinales. Doc 2(e): 1862 Homestead Act Application Number 16385 for Perfecta Encinales. Doc 2(f): 1862 Homestead Act Application Number 17456 for Petronila Encinales. Doc 2(g): 1862 Homestead Act Application Number 8051 for Tito Encinales. Doc 2(h): Map of Land Acquired by the Encinales family based on BLM 1862 Homestead Act Applications.

Federal Code(s): 25 CFR § 83.11(a)(1): Identification as an Indian entity by Federal authorities.

Evidence for Inclusion:

As the Office of Federal Acknowledgement has, in the past, allowed for a combination of evidence to be used to meet the criteria of a given section, we are hoping for the same consideration with the evidence provided here.

Although the Office of Federal Acknowledgement has been reluctant in the past to rely on the United States Census records as an external reference for identifying a group of Indians, we feel that the unique enumeration of Indians found on the 1900 Twelfth Census of the United States, Indian Population, located in the San Antonio Township, Monterey County, California,²⁴ when taken into consideration with other documentation, is worthy of consideration due to the uniqueness of 21 of the 23 Indians identified on this census and the geographic location of their residence.

Beginning with **83.11(a) 1900-1909: List A** below, we have identified the names of the Indians on this census along with further notes for clarification of how they were interrelated.

83.11(a) 1900-1909: List A

Name	Notes
1. Pedro Encinales	Son of Perfecta Encinales (Line Entry 19).
2. Francisca Encinales	Nee Gambuscera. Wife of Pedro (Line Entry 1).
3. Solia Encinales	Daughter of Pedro (Line Entry 1).
4. Arafa Encinales	Daughter of Pedro (Line Entry 1). Actual name is Josefa Encinales.

²⁴ *Twelfth Census of the United States, 1900*. Schedule No. 1 – San Antonio Township, Monterey County, California. Sheet No. 11. July 2nd and 3rd, 1900. Retrieved at www.ancestry.com.

5.	Antonia Encinales	Daughter of Pedro (Line Entry 1).
6.	Aniceto Encinales	Son of Pedro (Line Entry 1).
7.	Petronila Encinales	Son of Pedro (Line Entry 1).
8.	Maria Hocorpio	Maria de los Angeles Baylon Ocarpia Encinales. Maria would later marry Tito Encinales (Line Entry 20), son of Perfecta Encinales (Line Entry 19). Maria is listed as being born in 1825. We have come to learn that she was actually born in 1853. This mistake is what made many newspapers mistaken her age when she passed. (See 83.11(a) 1930-1939 Subsection 7 for discussion) Maria's father was "Anesmo Baylon" (Onesimo Baylon) who, along with the daughter of Eusebio Encinales, Clara Maria Encinales, were the parents of the Baylons located at Toro Creek in Morro Bay, CA.
9.	Margata Horcorpio	Daughter of Maria (Line Entry 8). Actual name is Margaret Ocarpia. Incorrectly listed as granddaughter. Would later marry Otto Emil Wolff from Holland and move to Toro Creek adjacent to the Baylons in Morro Bay, CA.
10.	Juanita Horcorpio	Daughter of Maria (Line Entry 8). Actual name Juanita Ocarpia. Incorrectly listed as granddaughter.
11.	Magdalena Horcorpio	Daughter of Maria (Line Entry 8). Actual name Mabelana Ocarpia. Incorrectly listed as granddaughter.
12.	Enis Munions	Head of household.
13.	Julian Munions	Wife of Enis (Line Entry 12).
14.	Felipe Encinales	Son of Perfecta Encinales (Line Entry 19).
15.	Marina Encinales ²⁵	Nee Gambuscera. Wife of Felipe (Line Entry 14).
16.	Marjina Encinales	Daughter of Felipe (Line Entry 14).
17.	Catherine Encinales	Daughter of Felipe (Line Entry 14).
18.	Manuela Encinales	Daughter of Felipe (Line Entry 14).
19.	Perfecta Encinales	Second wife of Eusebio Encinales.
20.	Tito Encinales	Son of Perfecta Encinales (Line Entry 19).
21.	Petronily Encinales	Daughter of Perfecta Encinales (Line Entry 19). Actual name is Petronila Encinales. Enumerator incorrectly listed her as the granddaughter of Perfecta Encinales.
22.	Majele Encinales	Daughter of Perfecta Encinales (Line Entry 19). Actual name is Miguela Encinales. Enumerator incorrectly listed her as the granddaughter of Perfecta Encinales.

²⁵ There is conflicting information for Marina Gambucera. According to the California Indian Judgement Roll for Marina's husband Felipe Encinales (Application #8066, accepted and signed on July 30, 1930), he states under Question 6 that he is married yet states under Question 8 that his wife "Maria Encinales...Died about 1896...." We also see that there was a marriage license issue in Monterey County for "Felipe Encinal and Miss Mary Gambucero [sic], both of Jolon..." as reported in The Californian Newspaper on January 13, 1895. This conflicts with a 1900 Indian Population Indian Census which states that his wife "Marina" was still alive at the time of the enumeration. We feel there is a reasonable assumption that Marina Encinales (nee Gambucero) passed away before, or around, 1900, and that the enumerator made a mistake during the interview with this population of Indians. We also see no record of Marina Encinales (nee Gambucera) in the "Census of Non-Reservation California Indians, 1905-1906" enumerated by C. E. Kelsey. On page 83 of the Kelsey Census, we see that Felipe Encinales is listed with no wife and 2 children while his brother above, Pedro Encinales, is listed as "Pedro Encinales & wife" giving evidence that Marina had already passed by the time of this enumeration. If the Office of Federal Acknowledgment has a different perspective, we would be very open to correcting this as needed.

23. Maria Encinales

Daughter of Perfecta Encinales (Line Entry 19). Maria Jesusa Encinales would later marry David Mora, grandson of Eusebio Encinales and step grandson of Perfecta Encinales. Enumerator incorrectly listed her as the granddaughter of Perfecta Encinales.

On the Indian Population census for these 23 Indians, the enumerator was instructed to:

“...secure the name of the tribe with which the person is connected and the name of the tribe of his or her parents, and enter the same in columns 30, 31, and 32.”²⁶

In this case, the enumerator used the generic term of “Mission” as the name of the tribe instead of the more contemporaneous name of “San Antonio Mission” or similar. Unfortunately, the generic term of “Mission” could technically mean any Indian throughout the Spanish Mission System in California regardless of location or place of birth.

Twelfth Census of the United States 1900, Schedule No. 1 – Population. Indian Population. San Antonio Township. Supervisor's District 2, Enumeration District No. 14. Sheet No. 11. Monterey County, California.

Enumeration listing those living at the location known as The Indians northwest of the Milpitas Land Grant.

Enumeration record retrieved at www.ancestry.com.

We based this assumption upon the Office of Federal Acknowledgement’s commentaries found in the Proposed Findings for The Juaneño Band of Mission Indians (Petitioner #84B).

“The census did not list them as SJC Mission Indians. The “Mission Indian” census category was much larger than a group that descended from or claimed descent from the historical Indian tribe of SJC Mission. ¶ The identification of individual students in a boarding school as “Mission Indians” is not the identification of a SJC Indian entity in 1930.”²⁷

And,

“The article made a general reference to the presence of “Mission Indians in the Southwest,” but was too vague to constitute an identification of a SJC Indian group. “Mission” Indian generally

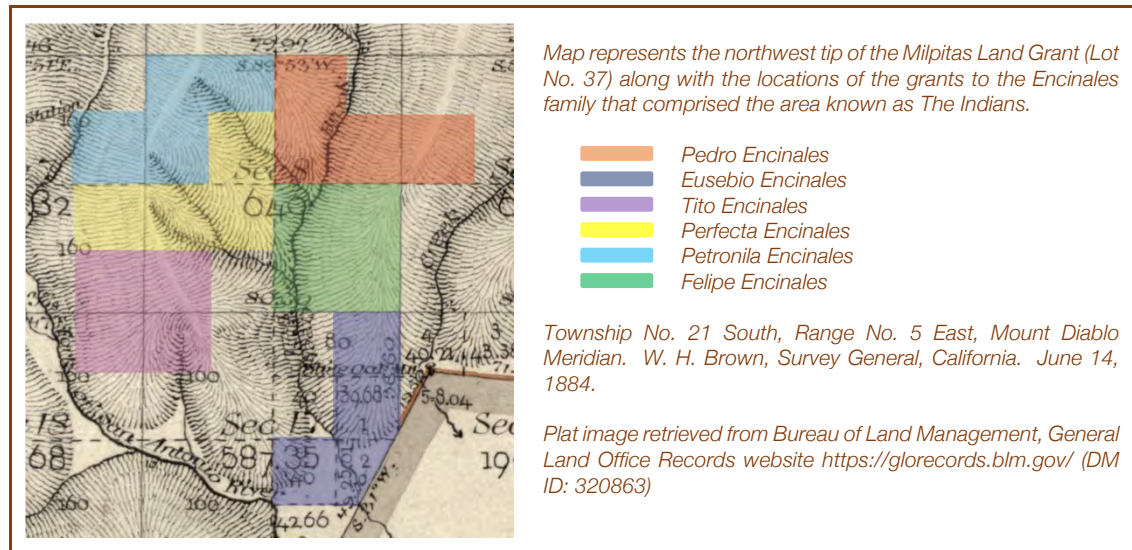
²⁶ *Measuring America: The Decennial Censuses From 1790 to 2000.* U.S. Census Bureau, U.S. Dept. of Commerce. Report No. POL/02-MA(RV). Page 44. (September 2002)

²⁷ *Proposed Finding Against Acknowledgment of The Juaneño Band of Mission Indians (Petitioner #84B).* (2007). Beginning at the top of page 39.

refers to an ethnic grouping much larger than any entity that could have been a precursor to the petitioner, or specifically associated with SJC Indians.”²⁸

However, we believe that other forms of evidence can be used in combination with the 1900 Indian census record to show that the enumerator was actually identifying a very specific group of Indians that not only represented the Indians enumerated in the San Antonio Township located in a very isolated and remote geographic area near the San Antonio Mission but was the same group that was recognized contemporaneously as “The Indians” as well.

Of the 23 Indians listed on this census, we have identified that 21 of them, over 90%, were closely interrelated to each other (excluding individuals on Lines 12 and 13, Enis and Julian Munions respectfully).



Further, we have also identified that Pedro Encinales (Line 1), Felipe Encinales (Line 14), Perfecta Encinales (Line 19), Tito Encinales (Line 20), and Petronila Encinales (Line 21) either held land through or would eventually acquire land within the decade in question (1900 to 1909), through the 1862 U.S. Homestead Act.²⁹ This isolated area, all located at the northwest tip of the Milpitas Land Grant, was also contemporaneously known as “The Indians.”

More specifically, when the enumerator took the census data from “The Indians” region on July 2nd and 3rd of 1900, Tito, Felipe, and Perfecta (Perfecta inherited Eusebio’s property after he passed on April 13, 1893) all owned adjoining property as demonstrated on the enclosed map.³⁰

And, in the past, The Office of Federal Acknowledgment has set precedence by allowing the external identification of the petitioning group to be factually incorrect as seen below.³¹

²⁸ *Proposed Finding Against Acknowledgment of The Juaneño Band of Mission Indians (Petitioner #84B)*. (2007). Beginning at the bottom of page 40.

²⁹ 1862 Homestead Act Application Number 8052 (Eusebio Encinales), Application Number 8050 (Felipe Encinales), Application Number 19079 (Pedro Encinales), Application Number 16385 (Perfecta Encinales), Application Number 17456 (Petronila Encinales), and Application Number 8051 (Tito Encinales). U.S. National Archives & Records Administration. www.archives.gov. Washington, D.C.

³⁰ Document 83.11(a) 1900-1909 Doc 2(h). *Map of Land Acquired by the Encinales family based on the BLM 1862 Homestead Act Applications*.

³¹ *Acknowledgement Precedent Manual*. Compiled by The Office of Federal Acknowledgment, U. S. Department of the Interior. Draft January 31, 2005. Downloaded June 3, 2023 (<https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/admindocs/PrecedentManual2005.pdf>) Criterion 83.7(a), page 9 (pdf page number 39), beginning at the bottom of page.

“...criterion 83.7(a) does not require that external identifications of the petitioning group have been factually correct...” (Ramapough FD 1996, 19; see also, 12).

And,

“Criterion 83.7(a) is designed to elicit a sense of the opinion about the group which was being expressed by external observers. The observers did not need to be knowledgeable.” ¶ “Therefore, the ‘facts’ to be analyzed under criterion 83.7(a) are... what the observer said – not whether the observer was correct. Does the opinion being expressed amount to identification of the petitioner’s antecedent group as an Indian entity?” (Ramapough FD 1996, 13).

Although the enumerator was incorrect in only using the generic term “Mission” as the “name of the tribe” on this census, we feel that the enumerator was clearly referring to a very distinct group of interrelated Indians living in a very isolated and remote geographic area near the San Antonio Mission.

Homestead Proof: Final Affidavit Required of Homestead Claimants for Eusebio Encinales. August 27, 1892.

One of the 160 acre homestead parcels that was acquired under the 1862 Homestead Act that eventually became The Indians Ranch located just northwest of the Milpitas Land Grant of Monterey County, California.

(1862 Homestead Act Application Number 8052 for Eusebio Encinales. Courtesy of the U.S. National Archives & Records Administration. www.archives.gov. Washington, D.C.)

Homestead Proof.
Final Affidavit Required of Homestead Claimants.
Section 2291 of the Revised Statutes of the United States.

I, Eusebio Encinales, having made a Homestead entry of the Section No. 17 in Township No. 21 S of Range No. 5 E T14N, subject to entry at San Francisco under Section No. 2289 of the Revised Statutes of the United States, do now apply to perfect my claim thereto by virtue of Section No. 2291 of the Revised Statutes of the United States; and for that purpose do solemnly swear that I am a citizen of the United States; that I have made actual settlement upon, and have cultivated said land, having resided thereon since the 1st day of August, 1886, to the present time; that no part of said land has been alienated, except as provided in Section No. 2288 of the Revised Statutes, but that I am the sole bona fide owner as an actual settler; that I will bear true allegiance to the Government of the United States; and further, that I have not heretofore perfected or abandoned an entry made under the homestead laws of the United States.

Witness my hand and seal this 27th day of August, 1892.

Eusebio Encinales
County Clerk and Ex-officio Clerk of the Superior Court of Monterey County, State of California.

J. J. Riordan
County Clerk and Ex-officio Clerk of the Superior Court of Monterey County, State of California.

By M. O. Nichols Deputy

Greiner's Blank Bk. 106.—HOMESTEAD PROOF. H. B. Greiner & Co., San Francisco and Portland, Ore.

Thus, 83.11(a) 1900-1909 Documents 2(a) to 2(h), when used in combination, meets the requirements for 25 CFR § 83.11(a)(1): Identification as an Indian entity by Federal Authorities.

Subsection: 83.11(a) 1900-1909 Subsection 3

Document(s): 83.11(a) 1900-1909 Document 3(a)

Title(s): Doc 3(a): Fergusen, Lillian. *Bend Knee at Shrine of Fathers*. The San Francisco Examiner. San Francisco, CA. June 20, 1904. Page 3.

Federal Code(s): 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:

This newspaper article is in reference to the annual festival that was contemporaneously held at the San Antonio Mission in June of 1904.

Very late in this article, Perfecta Encinales is referenced as contemporaneously belonging to the San Miguel tribe. As written:

"Among them was bright-eyed, bronze-cheeked, vivacious Donna Perfecta Encinal, one of the oldest and most intelligent Indians in the valley. She belongs to the San Miguel tribe, and came to the San Antonio a bride."

It is important to understand that the article refers to more than one Indian living in the valley at the time in this tribe by stating:

"...one of the oldest and most intelligent Indians in the valley."

This shows that the reporter was referring to multiple Indians living in the valley in which Perfecta Encinal was a member of an existing tribe.



From the San Francisco Examiner, San Francisco, CA. June 20, 1904. Pages 3 and 4.

"Among them was bright-eyed, bronze-cheeked, vivacious Donna Perfecta Encinal, one of the oldest and most intelligent Indians in the valley. She belongs to the San Miguel tribe, and came to the San Antonio a bride."

Identifying multiple Indians located in the "...valley..." belonging to a tribe identified as the "...San Miguel tribe..."

Although the journalist of the article was incorrect in the naming of the actual tribal group that Perfecta Encinales belonged to, this identification still meets the requirements as outlined by the Office of Federal Acknowledgment as it not only identifies one of the members of the contemporaneous tribe, but also identifies the contemporaneous tribe itself that was well recognized in the region, and thus 83.11(a) 1900-1909 Document 3(a) meets the requirements for 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Subsection: 83.11(a) 1900-1909 Subsection 4

Document(s): 83.11(a) 1900-1909 Documents 4(a) to 4(c)

Title(s): Doc 4(a): Casey, Beatrice. *Padres and People of Old Mission San Antonio*. King City, CA. Casey Printing, Inc in cooperation with Franciscans of San Antonio. (Fourth Edition. March, 2006). First Edition published May, 1957.

Doc 4(b): Engelhardt, Zephyrin. *San Antonio de Padua; The Mission in the Sierras*. Mission Santa Barbara, Santa Barbara, CA. (1929)

Doc 4(c): *Mission Founded by Fr. Serra Being Restored in California: Will be Brothers' Novitiate*. N.C.W.C. News Service. Fresno, CA. November 10, 1949. Issued by the Press Department, National Catholic Welfare Conference. Washington, D.C. November 14, 1949. Page 14.

(Special Note: This news release is archived with the Catholic Research Resources Alliance at <https://www.catholicresearch.org>.)

Federal Code(s): 25 CFR § 83.11(a)(3): Dealings with a county, parish, or other local government in a relationship based on the group's Indian identity.

Evidence for Inclusion:

As the Office of Federal Acknowledgement has, in the past, allowed for a combination of evidence to be used to meet the criteria of a given section, we are hoping for the same consideration with the evidence provided here.

"Padres and People of Old Mission San Antonio" (Doc 1(l); Casey) identifies how the Encinales family was widely known contemporaneously as an Indian entity that had a very active relationship with the San Antonio Mission.

Casey outlines how the region known as "The Indians" came to be northwest of the San Antonio Mission after the acquisition of the Milpitas Land Grant by Faxon D. Atherton in the mid 1870s. As written:

"Notwithstanding, Atherton not only eventually bought it but obtained it as a Spanish grant of 45,000 acres! This acreage included the ranches of many families. There were tears and threats of violence, anger, frustration and law suits (sic) but the Superior Court ultimately decided in Atherton's favor and these families, forced by sheriffs, were moved off."

*"Some of them were Indians who were transferred, as a little colony, to land back of the mission. Having, for years, been settled along the Santa Lucia Creek, they had operated many small gardens. Since garden in Spanish means 'milpa', and small garden means 'milpita', several small gardens are called 'milpitas'. Thus had originated the name of the grant, 'Milpitas'. Now, in their rush and mud huts on the tract behind the mission, the Milpitas Indians are hearing their settlement referred to as 'the reservation'."*³²

³² Casey, Beatrice. *Padres and People of Old Mission San Antonio*. King City, CA. Casey Printing, Inc in cooperation with Franciscans of San Antonio. Page 67. (Fourth Edition. March, 2006). First Edition published May, 1957.



San Antonio Mission Indians taken on St. Anthony's Day, 1904 – Left to right: Francisca Encinales, Perfecta Encinales, Loal Lugo, Petronila Encinales, Frank Lugo, Juan Carabajal (and grandchild), Miguela Encinales, Maria Encinales, Delgadana Carabajal, Soila Encinales, Dolores Encinales, Pedro Encinales, Felipe Encinales. Identification was made by Soila Encinales.

(Casey, Beatrice. Padres and People of Old Mission San Antonio. King City, CA. Casey Printing, Inc in cooperation with Franciscans of San Antonio. Page 77. (Fourth Edition. March, 2006). First Edition published May, 1957.)

By 1880:

*“About fifty of the mission Indians still farm at the head of the valley. Eusebio Encinal is one of these. They keep in close touch with their padre and, because of them, a mission orchestra still exists. Thus, the Franciscan tradition of ‘, making melody to the Lord’ is being perpetuated. Their instruments are flute, violin, bass ‘fiddle’ and drums. Their music is weird but their enthusiasm is high and, as one might expect of a San Antonio band, its members ever include sons of Encinal and Mora.”*³³

And by 1885:

*“About fifty Indians still farm at the head of the valley where our friend, Eusebio Encinales, is successfully working his 500 acres.... Perfecta's fame as a basket-maker continues while one of her sons, Tito, is becoming known for his skill in rawhide work.”*³⁴

The preceding three passages demonstrate how a “little colony” of Indians, contemporaneously referred to as the “Milpitas Indians” located at “the reservation” were displaced to the back of the mission during the late 1800s. The next two passages make it clear that the Encinales family of Indians was in this region as well, and were still in close relations with the San Antonio Mission as well before the turn of the century.

³³ Casey, Beatrice. *Padres and People of Old Mission San Antonio*. Page 69.

³⁴ Casey, Beatrice. *Padres and People of Old Mission San Antonio*. Page 74.

Casey also references Perfecta Encinales as member of the “San Miguel Indians”³⁵ as well as the, “matriarch of San Antonio Indians.”³⁶

The preceding also references to the location of a “little colony” of Indians located in the region just northwest of the mission that is contemporaneously known as “Milpitas Indians” demonstrates that this group was in existence well before 1900.

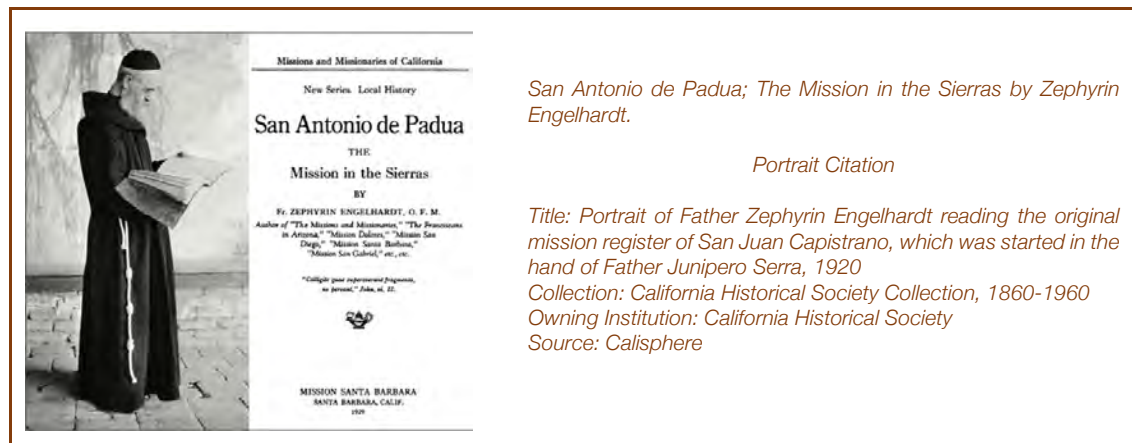
Just after the turn of the century, the San Antonio Mission had fallen into a state of disrepair. The renovation of this mission was of paramount importance to many in the region. The group of Indians located just northwest of the mission at the region, contemporaneously known as “The Indians,” played a very important part in this renovation. Evidence clearly shows that the Encinales family, as the Indian entity already identified, had continued to have a very close relationship with the San Antonio Mission well into the 20th century.

Casey identifies the relationship role that the Encinales family had during this era of renovation. Writing about St. Anthony’s Day in 1904, Casey writes:

“Enthusiasm soared. The event was highly publicized; and excellent results were obtained. But before counting them, it must be noted that, among all in the assemblage that day, there was one whose delight superseded all. That one was Dona Perfecta Encinales. A tiny matriarch she was – a dignified, devout, ancient neophyte with love of the mission shining from her eyes growing blind.”

*“These photos, which accompanied the news stories, helped promote sentiment and the League was enabled to begin preliminary labor toward restoration the following September. Six men locally, among them Perfecta’s sons, worked for a dollar a day until the end of November...”*³⁷

Perfecta Encinales here again is defined as the “matriarch” of what has already been identified as “matriarch of San Antonio Indians”³⁸ according to Casey. We also are made aware of how this group of San Antonio Indians was in a relationship with the San Antonio Mission, along with other community groups, to help with the restoration of this mission as a local parish. This identification meets the requirements for 25 CFR § 83.11(a)(3): Dealings with a county, parish, or other local government in a relationship based on the group’s Indian identity.



San Antonio de Padua; The Mission in the Sierras by Zephyrin Engelhardt.

Portrait Citation

Title: Portrait of Father Zephyrin Engelhardt reading the original mission register of San Juan Capistrano, which was started in the hand of Father Junipero Serra, 1920

Collection: California Historical Society Collection, 1860-1960
Owning Institution: California Historical Society

Source: Calisphere

³⁵ Casey, Beatrice. *Padres and People of Old Mission San Antonio*. Last sentence on page 58 to page 61.

³⁶ Casey, Beatrice. *Padres and People of Old Mission San Antonio*. Page 59, photograph.

³⁷ Casey, Beatrice. *Padres and People of Old Mission San Antonio*. Bottom half of page 86 continued on 89.

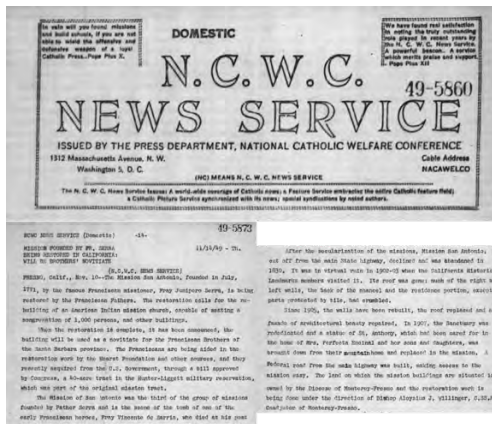
³⁸ Casey, Beatrice. *Padres and People of Old Mission San Antonio*. Page 59, photograph.

To further the evidence of this relationship between the entity identified as the “San Antonio Indians” located at “The Indians” locality northwest of the San Antonio Mission, we can also look to Zephyrin Engelhardt’s book “San Antonio de Padua; the Mission in the Sierras” (Doc 1(m); Engelhardt). As written:

“It is but just, as a matter of history and in token of gratitude, to remember the noble Doña Perfecta Encinal and her sons in connection with the work of San Antonio Mission Restoration. No one, probably, felt more interested than Mrs. Encinal, and no one doubtless followed every move in the restoration so prayerfully. Hon. Joseph R. Knowland himself, in a personal letter to the author, gives due credit in the following terms: ‘The picture of Donna Perfecta Encinal and her family taken at the Mission during the restoration, shows her sons and daughters and grandchildren. The woman has a most striking face. In regard to Donna Perfecta Encinal, I have to note that she brought her sons every week to labor at the Mission during the restoration. No one was more keenly interested in the work as it progressed than this old Indian woman.’ ”³⁹

Continuing with this evidence identifying the relationship of the “San Antonio Indians” with the local parish of the San Antonio Mission, the news release “Mission Founded by Fr. Serra Being Restored in California” (Doc 1(n); N.C.W.C. News Service) refers to the progress being made with the restoration of the San Antonio Mission. In this release, it is noted how Perfecta Encinales, along with her sons and daughters, were in possession of the St. Anthony statue, and were responsible for the care of this statue during this era of restoration. As written:

“In 1907, the Sanctuary was rededicated and a statue of St. Anthony, which had been cared for in the home of Mrs. Perfecta Encinal and her sons and daughters, was brought down from the mountain home and replaced in the mission.”⁴⁰



“In 1907, the Sanctuary was rededicated and a statue of St. Anthony, which had been cared for in the home of Mrs. Perfecta Encinal and her sons and daughters, was brought down from the mountain home and replaced in the mission.”

Mission Founded by Fr. Serra Being Restored in California: Will be Brothers' Novitiate. N.C.W.C. News Service. Fresno, CA. November 10, 1949. Issued by the Press Department, National Catholic Welfare Conference. Washington, D.C. Page 14. November 14, 1949.

The “mountain home” is in reference to “The Indians” locality as outlined previously as this area was also the only known area where this group was living contemporaneously to this era in discussion.

Thus, 83.11(a) 1900-1909 Document 4(a) to 4(c), when used in combination, meets the requirements for 25 CFR § 83.11(a)(3): Dealings with a county, parish, or other local government in a relationship based on the group’s Indian identity.

³⁹ Engelhardt, Zephyrin. *San Antonio de Padua; The Mission in the Sierras*. Mission Santa Barbara, Santa Barbara, CA. Page 131-132. (1929).

⁴⁰ *Mission Founded by Fr. Serra Being Restored in California: Will be Brothers' Novitiate*. N.C.W.C. News Service. Fresno, CA. November 10, 1949. Issued by the Press Department, National Catholic Welfare Conference. Washington, D.C. Page 14. November 14, 1949.

Section IV Seven Mandatory Criteria

A. 1900-1929: Kelsey, Asbury, Jenkins, Dorrington Section

Criterion 83.11(a) 1900-1929 – Identification of Indian Entity

...

Subsection:	83.11(a) 1900-1929 Subsection 1: Kelsey, Asbury, Dorrington Section
Document(s):	83.11(a) 1900-1929 Documents 1(a) to 1(g)
Title(s):	Doc 1(a): Kelsey, Charles Edwin. <i>Census of Non-Reservation California Indians. 1905-1906</i>. Archaeological Research Facility, Department of Anthropology. Berkeley, CA. 94720. 1971. (https://digicoll.lib.berkeley.edu/record/83367?ln=en) Doc 1(b): Kelsey, Charles Edwin. <i>Report of the Special Agent for California Indians to the Commissioner of Indian Affairs, March 21, 1906</i>. This report is attached to “Hearings Before A Subcommittee of the Committee on Indian Affairs, House of Representatives, 66th Congress, Second Session”. March 23, 1920. Pages 116-131. Doc 1(c): Kelsey, Charles Edwin. Map of California Showing Location of Indians. National Archives Catalog, NAID: 301 095 455, Local ID: 6541. Produced July 1, 1910. (https://catalog.archives.gov/id/301095455) Doc 1(d): Kelsey, Charles Edwin. Final Report to The Commissioner of Indian Affairs. United States Department of the Interior, Washington, D. C. July 25, 1913. Doc 1(e): Asbury, C. H. Report to The Commissioner of Indian Affairs. United States Department of the Interior, Washington, D. C. December 7, 1914. Doc 1(f): Jenkins, James E. 1923 Superintendent’s Annual Narrative and Statistical Report from the Reno Indian Agency. Bureau of Indian Affairs, United States Department of the Interior, Washington, D. C. June 30, 1923. Doc 1(g): Dorrington, Lafayette A. <i>Report to The Commissioner of Indian Affairs</i>. Indian Field Service, United States Department of the Interior, Washington, D. C. June 23, 1927.
Federal Code(s):	25 CFR § 83.11(a)(1): Identification as an Indian entity by Federal Authorities.

Evidence for Inclusion:

As the Office of Federal Acknowledgement has, in the past, allowed for a combination of evidence to be used to meet the criteria of a given section, we are hoping for the same consideration with the evidence provided here.



Charles E. Kelsey. Undated photograph. Courtesy of Larisa K. Miller "C. E. Kelsey | Northern California Indian Association" website.

<http://jabloner.users.sonic.net>

Born in Montello, Wisconsin in 1861, Attorney Charles Edwin Kelsey and his wife Abigail moved to San Jose, California, in 1901. After they arrived, Kelsey became heavily involved with the Northern California Indian Council (NCIA). Founded by a group of women in the mid 1890's that were deeply concerned over the plight of the California Indians, the NCIA worked energetically to lobby the government to provide the financial assistance needed to buy land for the homeless Indians of California.

At the time, the NCIA worked with the government Indian Office to obtain the any relevant reports that could assist them in their endeavor. After being told there were no such documents, the NCIA proceeded to collect its own data in the field and prepare their own reports and findings.

In 1903, President Theodore Roosevelt visited San Jose and was presented with a memorial report from the NCIA outlining not only the history of the NCIA but the difficult situation for the homeless California Indians as well. One of the suggestions of the memorial was to ask the government to buy back some of the very land that was wrongfully taken by the government and sold to non-Indians.

This Memorial of the Northern California Indian Association presented to President Roosevelt was eventually referred to the U.S. Senate Indian Affairs Committee on January 21, 1904. In response, the federal government in August of 1905 authorized an investigation of the condition of the Indians in Northern California. During this time, Kelsey served as Special Agent for the Office of Indian Affairs.

Special Agent Kelsey, with authorization from Congress, would go on to produce the Census of Non-Reservation California Indians, 1905-1906 (1905-1906 Kelsey Census).⁴¹ After its completion, Kelsey would be called back to Washington, D.C. to present his results.

On March 21, 1906, Kelsey presented his "Report of the Special Agent for California Indians to the Commissioner of Indian Affairs" in Washington, D. C. which outlined his findings, recommendations, and the results of the 1905-1906 Kelsey Census.

Upon examination, the 1905-1906 Kelsey Census as a standalone report did not list "settlements" or "groups" of Indians, but rather individual Indians, by name, that were living in geographic regions throughout California. Further, due to the limitation of time, Kelsey was only able to visit 36 of the 45 counties in Northern California at the time and was left with using, supposedly, data from the United States Census of 1900 for the 9 counties he did not visit.⁴²

However, during his March 21, 1906, presentation to the Commissioner of Indian Affairs, Kelsey refers to his census as follows:

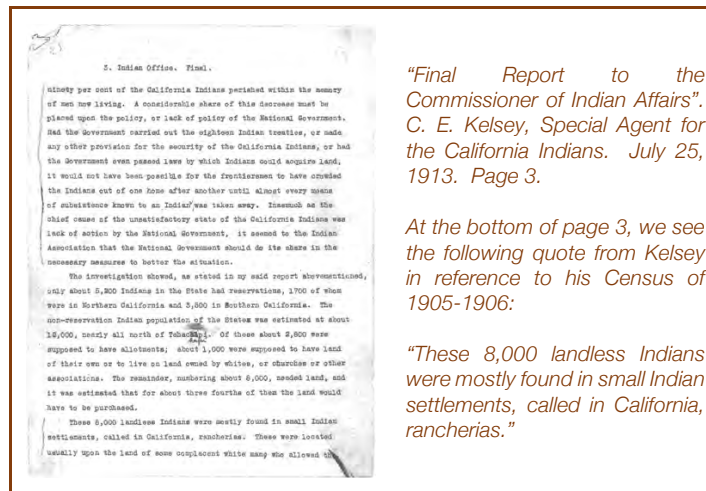
"The Indians are for the most part settled in little villages called in California rancherias. These little settlements contain all the way from 20 souls up to 250, the usual size being about 50. A schedule or census accompanying this report gives the location of each such settlement and the name of each head of a family and the number dependent upon him. These Indian settlements are for the most part located upon waste or worthless land as near as possible to their ancestral home.

⁴¹ Kelsey, Charles Edwin. *Census of Non-Reservation Indians. 1905-1906*. Archaeological Research Facility, Department of Anthropology. Berkeley, CA. 94720. 1971. (<https://digicoll.lib.berkeley.edu/record/83367?ln=en>)

⁴² Kelsey, Charles Edwin. *Census of Non-Reservation Indians. 1905-1906*. Pages i, ii, and 3.

These remnants of each stock or tribe or band occupy to-day almost exactly the same territory their ancestors did a century ago.”⁴³

So although the 1905-1906 Kelsey Census as a standalone report did not list “settlements” or “groups” of Indians, it is apparent that Kelsey did, in fact, interpret these Indians as being located in “little villages called in California rancherias” called “settlements.” Kelsey further states that these Indians in his census are “remnants of each stock or tribe or band” showing that they still exist at the time of his report in 1906. We will see this substantiated later in 1913 when Kelsey presents his “Final Report to the Commissioner of Indian Affairs.”



“Final Report to the Commissioner of Indian Affairs”. C. E. Kelsey, Special Agent for the California Indians. July 25, 1913. Page 3.

At the bottom of page 3, we see the following quote from Kelsey in reference to his Census of 1905-1906:

“These 8,000 landless Indians were mostly found in small Indian settlements, called in California, rancherias.”

While Congress was reviewing the results of his report along with the 1905-1906 Kelsey Census during the spring of 1906, the Forest Homestead Act of 1906 was gradually becoming a reality. This legislation would open agricultural lands within the forest reserves to settlement under the 1862 Homestead Act. The legislation applied only to citizens and not to Indians thereby opening up the potential for abuse by timber speculators. The Forest Homestead Act became law on June 11, 1906.

Ten days later on June 21, 1906, Congress finally responded back to Kelsey’s report. The congressional response included the hiring of Kelsey to oversee the purchase of land for the homeless Indians in California as newly appointed Special Agent for the Office of Indian Affairs. He held this position until 1913.

Looking back on the work of Kelsey for the 1905-1906 Kelsey Census, we see that he was able to visit Monterey County (location of the San Antonio Mission) but did not have time to visit San Luis Obispo County (location of the San Miguel Mission).

As we can see in the first county, Monterey County, Kelsey listed 77 individuals under 15 family heads, and referred to them as of “Salin Stock.” Broken down further, Kelsey listed them as follows:⁴⁴

83.11(a) 1900-1929: Table A

Geographic Location of Settlement	Number at Settlement
Pleyto	26
Sur	4
Mansfield	24
Milpitas	23
Monterey County Total	77

⁴³ Kelsey, Charles Edwin. *Report of the Special Agent for California Indians to the Commissioner of Indian Affairs, March 21, 1906*. This report is attached to “Hearings Before a Subcommittee of the Committee on Indian Affairs, House of Representatives, 66th Congress, Second Session” March 23, 1920. Pages 116-131. Quote located on page 124, top of page. United States Department of the Interior, Washington, D. C.

⁴⁴ Kelsey, Charles Edwin. *Census of Non-Reservation Indians. 1905-1906*. Pages 82-83.

Taken from the 1905-1906 Kelsey Census in Monterey County, the following Indian individuals are from our tribal group and are listed as: ⁴⁵

83.11(a) 1900-1929: Table B

MONTEREY COUNTY

Salin Stock

Mansfield

Without Land

<u>Name</u>	<u>Indians Heads of Families</u>	<u>Indians Number</u>
David Mora		
2 children		
Sister		
3 children	1	7
Jose Moro (sic)	1	1

Milpitas

Without Land

Jose Enesmo Bailone		
5 children		
Mother	1	7
Mrs. Maris Hocarpio		
1 child	1	2
Pedro Encinales & wife		
5 children	1	7
Felipe Encinales		
2 children	1	3
Tite (sic) Encinales	1	1
Petronila Encinales	1	1
Miguela Encinales	1	1
Owning Land		
Mrs. Perfecto Encinales	1	1

As we can see in the second county, San Luis Obispo County, we find that this was one of the nine counties that was not visited due to the limitation of time. For this county, Kelsey listed 70 individuals under 17 family heads. As reported, these numbers were taken from the Twelfth U.S. Census of 1900. ⁴⁶ We have painstakingly researched this Indian population claim and have been unsuccessful in verifying the 70

⁴⁵ Kelsey, Charles Edwin. *Census of Non-Reservation Indians. 1905-1906*. Replication of census pages. Pages 82-83.

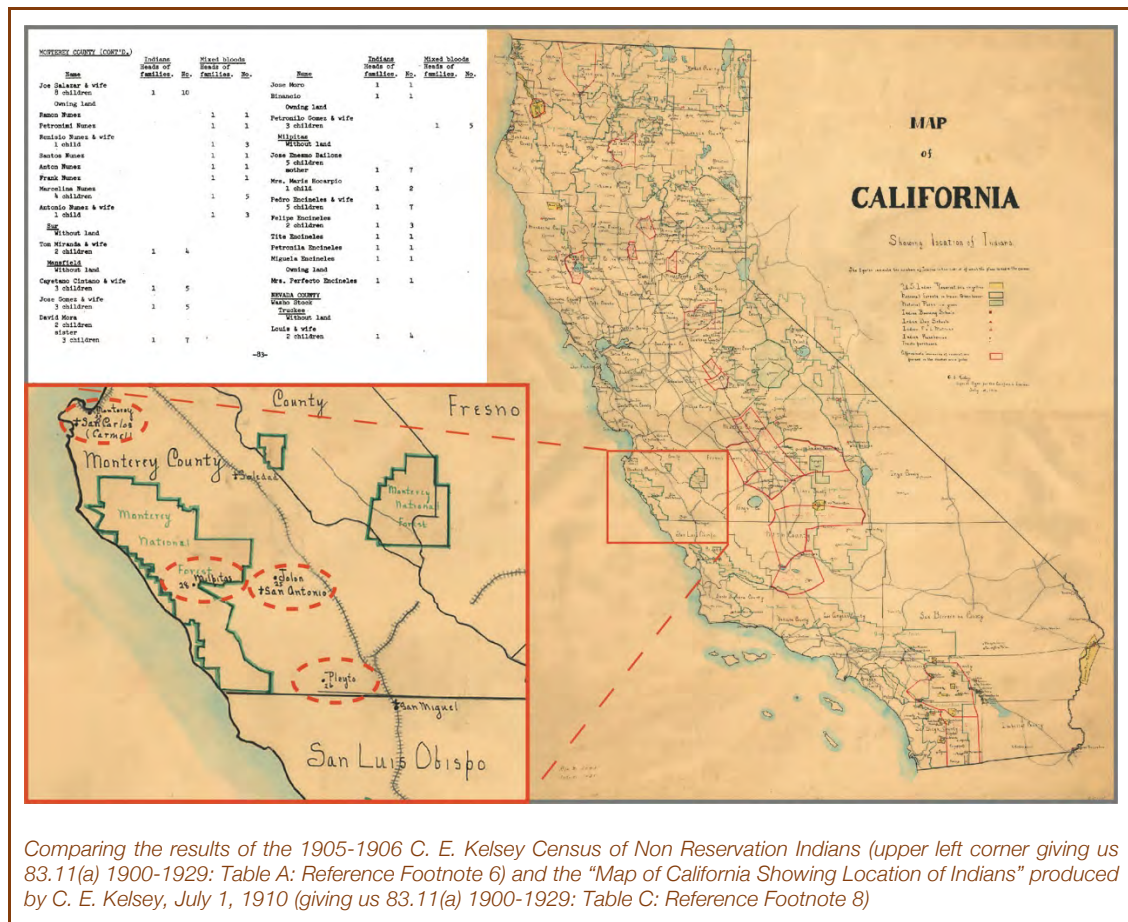
⁴⁶ Kelsey, Charles Edwin. *Census of Non-Reservation Indians. 1905-1906*. Pages i, 2, and 3.

individuals. Our own research has only located potentially 4 individuals listed as “Indian” on the 14 enumerated districts located in the San Luis Obispo County 1900 Census records.

It should be noted that this same discrepancy is also found by Larisa K. Miller, senior archivist at Sanford University who previously worked for the U.S. National Archives in San Bruno, California. In her research paper, “Counting Context: C. E. Kelsey’s 1906 Census of Nonreservation Indians in Norther California” she writes:

*"Aside from these overt errors, there are several aspects of Kelsey's original census that are problematic. The most puzzling involves the numbers he tapped for the nine counties he did not visit, which are mostly incorrect." ¶ "The reason for this error is unknown."*⁴⁷

A few years later while serving in his role as the Special Agent for the Office of Indian Affairs, Kelsey produced a “Map of California Showing Location of Indians” (1910 Kelsey Map).⁴⁸ This map, dated July 1, 1910, states above the legend, “The figures indicate the numbers of Indians in the district of which the place named is the center.” In other words, an “Indian Rancheria” notated with a small black dot is simply noting the existence of a “Rancheria” with the number of Indians located next to the small black dot with the “place name” in the center. The “place name” is not indicative of the Indian group name.



⁴⁷ Miller, Larisa K. *Counting Context: C. E. Kelsey's 1906 Census of Nonreservation Indians in Northern California*. American Indian Culture and Research Journal: Volume 38, Number 2 (2014). Page 54 and 55. Also available at <http://jabloner.users.sonic.net/articles/>

⁴⁸ Kelsey, Charles Edwin. Map of California Showing Location of Indians. National Archives Catalog, NAID: 301 095 455, Local ID: 6541. Produced July 1, 1910. <https://catalog.archives.gov/id/301095455>

On the 1910 Kelsey Map, Monterey County is shown to have the following “Rancherias” located at four specific geographic locations as follows:

83.11(a) 1900-1929: Table C

Geographic Location of Rancheria	Number at Settlement
Pleyto	26
Jolon	25
Milpitas	28
<u>Monterey</u>	<u>50</u>
Monterey County Total	129

Also on the 1910 Kelsey Map, San Luis Obispo County is shown to not have any “Rancheria” locations. This should not be surprising as this was one of the nine counties that was not visited by Kelsey for the 1905-1906 Kelsey Census. In fact, upon review, of the nine counties that were not originally visited, eight of the nine counties on the 1910 Kelsey Map do not show any “Rancherias” as well. The only exception would be in San Benito County which shows the number “40” next to the San Juan Bautista Mission in the north.

For Monterey County we feel the discrepancies between 83.11(a) 1900-1929 Table A and Table C above can be reasonably addressed when we compare the 1905-1906 Kelsey Census to the 1910 Kelsey Map in the following way:

- Pleyto’s Indian population is identical, so no further discussion is required.
- Mansfield (24: Kelsey Census) and Jolon (25: Kelsey Map) are referring to the same geographic location around the San Antonio Mission. Being that the Indian population is off by one, we feel that this is a reasonable discrepancy.
- For Milpitas and Sur (27: Kelsey Census), geographically the Milpitas (28: Kelsey Map) area just northwest of the Milpitas Land Grant and the Sur region towards the coastline were simply combined four years later for ease of reporting giving us a difference of one.
- For Monterey (50: Kelsey Map) in the north, this could be argued that this is an approximate rounded number given by the San Carlos Mission to Kelsey in 1910, as it was also overlooked by Kelsey during his 1905-1906 visit of county. Our assumption is further based on that of the nine counties that were not visited by Kelsey in 1905-1906, only San Benito County had a “Rancheria” group of Indians noted on the 1910 Kelsey Map. Coincidentally, the number of Indians reported at San Benito County seems to also be a rounded number of “40” and is also located next to a mission, the San Juan Bautista Mission.

Although there are no absolute answers as to exactly what went into these census numbers and how they changed in 4 years, we feel that the above assumptions are reasonable and hope that the Office of Federal Acknowledgement will agree.

In 1913, Kelsey’s time as Special Agent for the Office of Indian Affairs was coming to an end. On July 25, 1913, he would write his “Final Report to the Commissioner of Indian Affairs” that was requested of him on July 14, 1913. In this report, he again makes clear that the landless Indians that he listed in the 1905-1906 Kelsey Census were, in fact, grouped into “settlements.” As quoted from his report:

"These 8,000 landless Indians were mostly found in small Indian settlements, called in California, rancherias." 49

The 8,000 landless Indians referred to here were a part of the approximate 12,000 non-reservation Indian population from the 1905-1906 Kelsey Census.

In this same report, Kelsey informs the Commissioner of Indian Affairs that he will be transmitting much of his data for future use to the new superintendents.

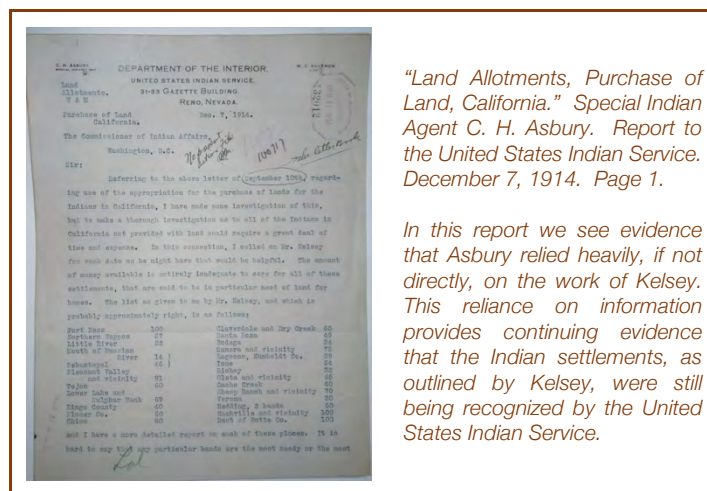
"I will transmit to these gentlemen, unless otherwise instructed, the maps and other data I have in regard to the purchased lands and some other small matters." ⁵⁰

After his departure, California would go on to be divided into separate regions for allotment work. The area that would be directly responsible for Monterey and San Luis Obispo Counties would fall into the Reno Agency located in Reno, Nevada under the purview of C.H. Asbury.

After assuming office, Asbury was requested by the Commissioner of Indian Affairs for a report:
*"...regarding the use of the appropriation for the purchase of lands for the Indians of California..."*⁵¹

Although this report did not mention our group specifically, we site this document as evidence that Asbury relied heavily, if not directly, on the work of Kelsey. To wit:

*"In this connection, I called on Mr. Kelsey for such data as he might have that would be helpful." ¶ "The list as given to me by Mr. Kelsey, and which is probably approximately right is as follows:..."*⁵²



And as we will see, Kelsey's statistical influence and work was evident for many years to come in regard to California Indian issues.

In the 1923 Annual Report from the Reno Indian Agency, as prepared by James E. Jenkins, we are given a breakdown and location of the groups of Indians who are either residing on "...reservations, colonies, etc." with land, or those "...Indians in California under this jurisdiction but not occupying Government lands..." without land.

⁴⁹ Kelsey, Charles Edwin. *Final Report to The Commissioner of Indian Affairs*. United States Department of the Interior, Washington, D. C. July 25, 1913. Bottom of page 3.

⁵⁰ Kelsey, Charles Edwin. *Final Report to The Commissioner of Indian Affairs*. United States Department of the Interior, Washington, D. C. July 25, 1913. Middle of page 26.

⁵¹ Asbury, C. H. *Purchase of Land California to The Commissioner of Indian Affairs*. United States Department of the Interior, Washington, D. C. December 7, 1914. Top of page 1.

⁵² Asbury, C. H. *Purchase of Land California to The Commissioner of Indian Affairs*. United States Department of the Interior, Washington, D. C. December 7, 1914. Middle of page 1.

⁵³ Jenkins, James E. 1923 Superintendent's Annual Narrative and Statistical Report from the Reno Indian Agency. Bureau of Indian Affairs, United States Department of the Interior. Washington, D. C. June 30, 1923. Pages 3 and 4.

The County of Monterey was listed on the later list with multiple “communities” as follows:⁵⁴

Other Indians in California under this jurisdiction but not occupying Government lands are found in the localities named below:

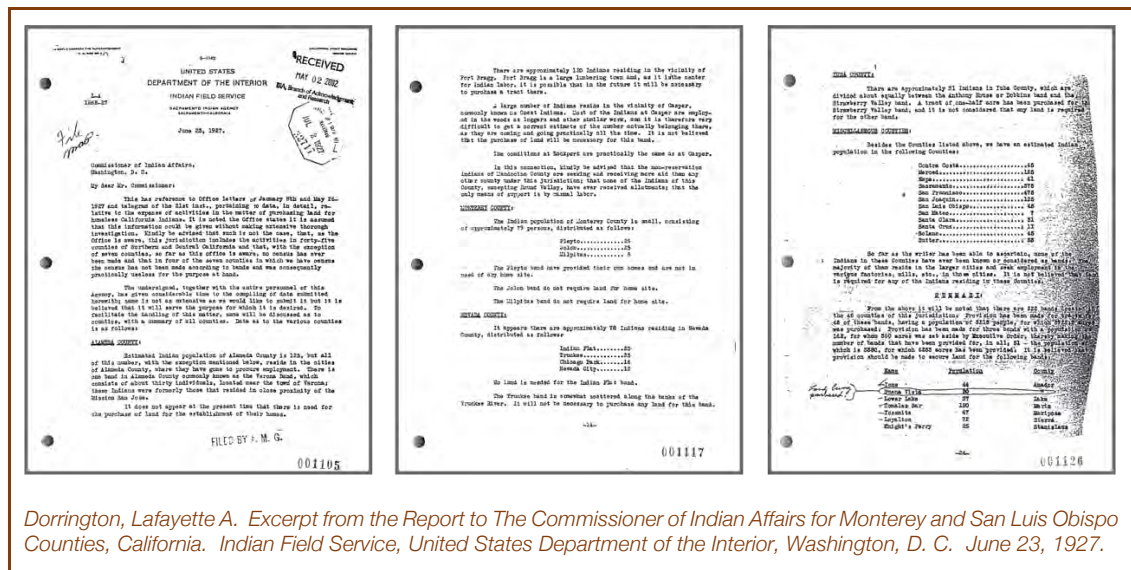
<u>County</u>	<u>Communities</u>	<u>Population Est.</u>
Monterey	Monterey, Jolon, etc.	125

There are three reasonable assumptions that can be made from this table:

- The first assumption would be that James E. Jenkins, Superintendent for the Reno Indian Agency, simply referenced information that was passed on originally from Kelsey and Asbury as he was only required to generate a list of estimated populations in the different areas. This is readily reinforced when we see that all the estimates listed are rounded to the nearest factor of 5.
- The second assumption would be that the remaining communities in Monterey County that were not listed were simply omitted due to the lack of space, not lack of knowledge. We can see that this was done for multiple entries on this page as well as on the previous page.
- The third assumption would be that the “communities” that were omitted were Milpitas and Pleyto. We base this on that the population estimate is listed as 125 which infers that the community of Monterey with 50, as notated on the July 1, 1910 Kelsey Map, was included with the other three communities from the same map to give us the population estimate (Milpitas 28, Jolon 25, Pleyto 26).

Based on the preceding, we feel that the four “communities” recognized in 1923 by Jenkins for the Reno Indian Agency would be the settlements located at Monterey, Jolon, Milpitas, and Pleyto.

In 1927, Superintendent L. A. Dorrington would prepare a report for the Commissioner of Indian Affairs dated June 23, 1927. Dorrington included the Indian activities in 45 counties. Two of those counties included Monterey County and San Luis Obispo County.



Dorrington, Lafayette A. Excerpt from the Report to The Commissioner of Indian Affairs for Monterey and San Luis Obispo Counties, California. Indian Field Service, United States Department of the Interior, Washington, D. C. June 23, 1927.

⁵⁴ Jenkins, James E. 1923 Superintendent's Annual Narrative and Statistical Report from the Reno Indian Agency. Bureau of Indian Affairs, United States Department of the Interior, Washington, D. C. June 30, 1923. Pages 4 and 5.

For San Luis Obispo County, Dorrington reported this under the heading of “Miscellaneous Counties.” Each county under this heading were given an estimated Indian population count. For San Luis Obispo County, this would be consistent with the federal government’s decision to not census survey this county during the early portion of the 20th century starting with the 1905-1906 Kelsey Census. The following was reported for San Luis Obispo County:

Miscellaneous Counties:⁵⁵

Besides the Counties listed above, we have an estimated Indian population in the following Counties:

San Luis Obispo..... 45

This decision by Kelsey to not survey San Luis Obispo County, amongst other counties as well, was based on the lack of time given to him as he was called back to Washington, D. C. before he could adequately complete his census survey.

For Monterey County, the following was reported:⁵⁶

Monterey County:

The Indian population of Monterey County is small, consisting of approximately 79 persons, distributed as follows:

Pleyto 26
Jolon 25
Milpitas 8

The Pleyto band have provided their own homes and are not in need of any home site.

The Jolon band do not require land for home site.

The Milpitas band do not require land for home site.

There are two reasonable assumptions that can be made from the above table and statements:

- The first assumption would be that Dorrington relied heavily on previous data collected by Kelsey and Asbury. We not only base this on the fact that the numbers presented were identical to the 1910 Kelsey Map, but also on previous analysis from the Office of Federal Acknowledgement that has concluded the same about the June 23, 1927 report from Dorrington to the Commissioner of Indian Affairs. To wit:

“There is no documentation in the record to reveal what sources the Reno or Sacramento Agencies relied upon in making there 1923 and 1927 statements, but it appears that they merely repeated information from Kelsey which had been used on the ‘Indian Map’ about 1911 and by Asbury in 1914.”⁵⁷

⁵⁵ Dorrington, Lafayette A. *Report to The Commissioner of Indian Affairs*. Indian Field Service, United States Department of the Interior, Washington, D. C. June 23, 1927. Middle of page 24.

⁵⁶ Dorrington, Lafayette A. *Report to The Commissioner of Indian Affairs*. Indian Field Service, United States Department of the Interior, Washington, D. C. June 23, 1927. Middle of page 14.

⁵⁷ Summary under the Criteria for the *Proposed Finding on the Ohlone/Coastanoan Muwekma Tribe*. Description and Analysis of the Evidence, Criterion (a), middle of page 7 (PDF page 72 of 266). The Office of Federal Acknowledgement, Indian Affairs, U.S. Dept. of the Interior. July 30, 2001.

- The second assumption would be that the population for Milpitas listed was a typographical error not corrected for the final draft. The actual number should have been 28. We base this on that the total of this list only adds up to 59 which contradicts the total of 79 given in the introductory sentence. Second, the 28 figure would be consistent with the number given on the 1910 Kelsey Map that was arguably used as a reference for this report.

From the foregoing analysis and discussion of the 1927 Dorrington Report, we believe that the federal government identified the “bands” of Indians located at Pleyto, Jolon, and Milpitas as distinct Indian entities as required by the Office of Federal Acknowledgement.

Therefore, based on the preceding documentation from Kelsey, Asbury, Jenkins, Dorrington, and the Indian Field Service of the U.S. Department of the Interior, we believe that this meets the Office of Federal Recognition requirements for 25 CFR § 83.11(a)(1): Identification as an Indian entity by Federal authorities for the three decennial eras between 1900 to 1929.

Section IV Seven Mandatory Criteria

A. 1900-1939: Bylon/Encinales Section

Criterion 83.11(a) 1900-1939 – Identification of Indian Entity.

...

Subsection:	83.11(a) 1900-1939 Subsection 1: Bylon/Encinales Section
Document(s):	83.11(a) 1900-1939 Documents 1(a) to 1(j)
Title(s):	Doc 1(a): Twelfth Census of the United States. Schedule No. 1 – Population. Indian Population. San Antonio Township, Monterey County, California. Supervisor's District Number 2, Enumeration District Number 14. Sheet Numbers 11 and 12. July 2nd and 3rd, 1900. Doc 1(b): Harrington, John P. John P. Harrington Papers 1907-1959, Microfilm 2, Reels 1, 84-88. National Anthropological Archives, Smithsonian Institution. Quotes used are designated as reel number and pdf page number. Doc 1(c): Atherton, Gertrude. <i>Adventures of a Novelist</i>. Blue Ribbon Books, Inc. 386 Fourth Avenue, New York, NY. Copyright 1932, by Atherton Company, Inc. Third Printing. Pages 74-77. (1932) Doc 1(d): Milliken, Randall and Johnson, John R. <i>An Ethnogeography of Salinan and Northern Chumash Communities – 1769 to 1810</i>. Far Western Anthropological Research Group, Inc. Prepared for Caltrans Contract No. 06A0148 & 06A0391. Davis, CA. (March 2005) Doc 1(e): Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon. Case No. 9266. San Luis Obispo County Superior Court. Originally filed April 17, 1929. Doc 1(f): Letter from Dr. Richard J. Krejsa, Chairman, San Luis Obispo County Board of Supervisors to Edward Pierce. March 5, 1975. Doc 1(g): Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tennaco. Case No. 56926. Declaration of Robert O. Gibson. San Luis Obispo County Superior Court. Filed November 9, 1982. Doc 1(h): 1862 Homestead Act Application Number 8845 for Edward R. Pierce. Doc 1(i): Map of Toro Creek region showing locations Edward Romeo Pierce 1862 Homestead in relation to Baylon Historical Archaeological gravesites SLO-143 and SLO-144. Doc 1(j): Humphrey, Brad. Only Graves Now. Atascadero News, Et Cetera Section. Atascadero, California. November 24, 1978. Pages 1-6.
Federal Code(s):	25 CFR § 83.11(a)(1): Identification as an Indian entity by Federal Authorities.

25 CFR § 83.11(a)(4): Identification as an Indian entity by anthropologists, historians, and/or other scholars.

25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:

As the Office of Federal Acknowledgement has, in the past, allowed for a combination of evidence to be used to meet the criteria of a given section, we are hoping for the same consideration with the evidence provided here.

To understand the evidence for this portion, we need to go back to the middle part of the 19th century and tell the story of how our Indian group remained in contact through intermarriages, as well as how long they were living in an area called Tecolote, known today as Toro Creek, located between Morro Bay and Atascadero on the southern region of the Asuncion Mexican Land Grant.

Eighth Census of the United States, 1860. Schedule No. 1 – San Antonio Township, Monterey County, California. Page No. 48. June 21, 1860. Retrieved at www.ancestry.com. Monterey County, California.

We see listed together the Encinales family along with the children of Eusebio's first wife, Refugia. Those three daughters were Maria Antonia Encinales, Juana Maria Carmen Encinales, and Clara Maria Encinales.

The enumerator also listed the many other Indians on this sheet as the "San Antonio Mission Indians" along the left hand margin. This record also gives us many of the names of the Indians that were living around the San Antonio Mission contemporaneously to the 1860s.

Enumeration record retrieved at www.ancestry.com.

During the middle part of the 19th century, we see that the first three children of Eusebio and San Antonio Mission Indian Refugia Encinales (Maria Antonio, Juana Maria Carmen and Clara Maria), would all be raised by their stepmother, Perfecta Encinales, after the passing of Refugia. This can be verified by the 1860 U.S. Census in San Antonio, Monterey County of California, where we see in Dwelling 415, Family No. 374, eight Indians living together in the same unit: ⁵⁸

83.11(a) 1900-1939: List B

Name	Notes
1. Francisco	Male, age 60. (Line Entry 2).
2. Tiburcio	Female, age 60. (Line Entry 3).
3. Ausivio	Male, age 40. (Line Entry 4). Actual name was Eusebio Encinales.
4. Perfecta	Female, age 25. (Line Entry 5). Actual name was Perfecta Encinales. Second marriage after the passing of Refugia.
5. Pedro	Male, age 10/12. (Line Entry 6). Actual name was Pedro Encinales. First son to Eusebio and Perfecta Encinales.

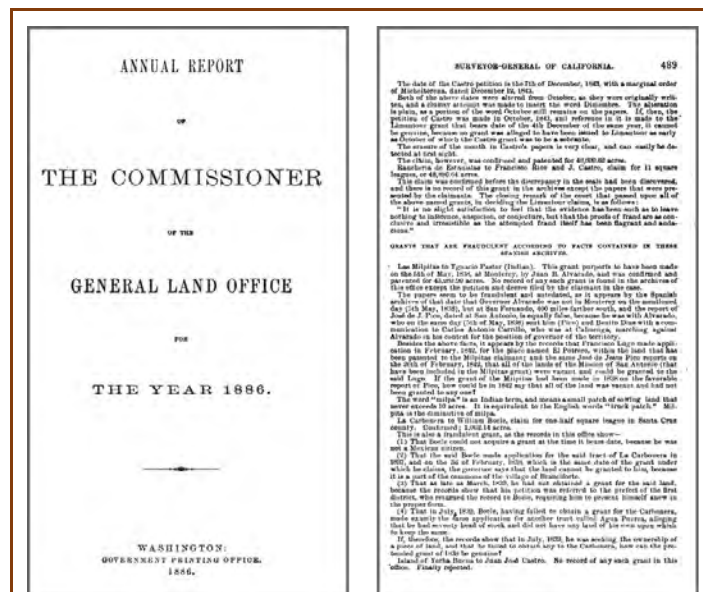
⁵⁸ *Eighth Census of the United States, 1860. Schedule No. 1 – San Antonio Township, Monterey County, California. Page No. 48. June 21, 1860. Retrieved at www.ancestry.com.*

6. Maria Antonia	Female, age 10. (Line Entry 7). Actual name was Maria Antonia Encinales, birth daughter to Eusebio and stepdaughter to Perfecta.
7. Juana	Female, age 5. (Line Entry 8). Actual name was Juana Maria Carmen Encinales, birth daughter to Eusebio and stepdaughter to Perfecta.
8. Clara	Female, age 2. (Line Entry 9). Actual name was Clara Maria Encinales, birth daughter to Eusebio and stepdaughter to Perfecta.

(Special Note: The enumerator listed the Indians on this sheet as the San Antonio Mission Indians along the left hand margin. This record also gives us many of the names of the Indians that were living around the San Antonio Mission contemporaneously to the 1860s.)

From this, the interrelationships and marriages continued within this group as follows:

- Juana Maria Carmen would go on to have two children with San Antonio Mission Indian Faustino Mora: Jose Mora and David Mora. David Mora would later marry one of his mother's half-sisters, (daughter of Eusebio and Perfecta), Maria Jesua Encinales.
- Clara would go on to have four children with San Antonio Mission Indian Onesimo Baylon: Maria Ceberia Teodora, Jose Enesimo, Maria Catarina and Maria Antonia.
- Onesimo Baylon, before meeting Clara, would also have three children with San Miguel Mission Indian Paula Eu-Echic: Juan de Los Reyes, Maria de los Angeles Baylon and Maria Encarnacion. Maria de los Angeles Baylon would later marry Tito Encinales, son of Eusebio and Perfecta Encinales.



Grants That Are Fraudulent According to The Facts Contained In These Spanish Archives. Annual Report of The Commissioner of the General Land Office for The Year 1886. This report brings to light that the Milpitas Land Grant was "...fraudulent..." and that there was "...no such record of any such grant found in the archives" as lawfully required. Reference Footnote 2.

In February of 1875 Faxon D. Atherton obtained the fraudulent Milpitas Mexican Land Grant, which covered over 43,000 acres of property surrounding the San Antonio Mission, and those who were living around the region were forced from their homes through eviction.

After many legal challenges that were resolved through the U.S. Supreme Court, Eusebio Encinales finally ended up having to purchase 100 acres of property from the Atherton family for \$450 in U.S. gold coin on July 1, 1882 in order to survive. Like others, his land was illegally taken from him. The property was located at the remote northwest tip of the Milpitas Grant and would become known later as "The Indians" or "The Indians Ranch."

A few short years later, the General Land Office under the U.S. Department of the Interior release their 1886 Annual Report The

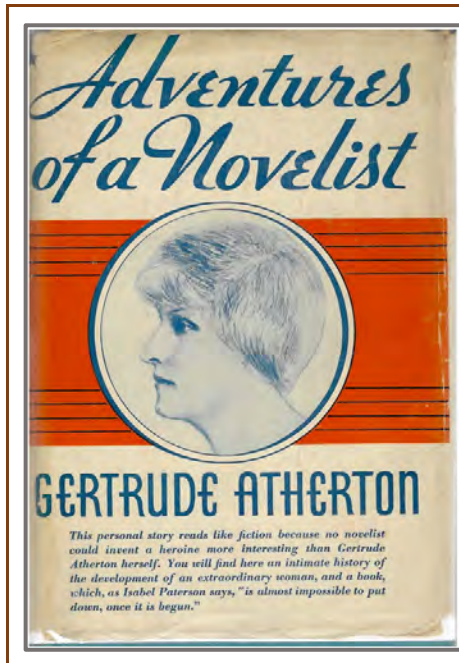
Commissioner⁵⁹ finally admitting that the Milpitas Mexican Land Grant was "fraudulent" and that there

⁵⁹ *Grants That Are Fraudulent According to The Facts Contained In These Spanish Archives. Annual Report of The Commissioner of the General Land Office for The Year 1886. U.S. Dept. of the Interior, General Land Office, Washington, D.C. Page 489. October 7, 1886.*

was “no such record of any such grant found in the archives” as lawfully required by the U.S. Supreme Court in their 1866 ruling in regard to their interpretation of the California Land Act of 1851.

To comprehend the difficulty that our tribal group was facing at the time, the treatment of our group cannot go without discussion. Novelist Gertrude Atherton, the daughter-in-law of Faxon D. Atherton, describes the scene of desperation, cruelty and poverty put upon our ancestors and others. As written:

“The business of evicting began on the following morning. Of course they [local sheriff deputies] would not take me along, and although I had had enough of spring wagons, I watched them with some envy as they piled in, armed to the teeth, and went forth to their adventure.”



After the Atherton family obtained the Milpitas Land Grant under fraudulent terms, the daughter-in-law of Faxon D. Atherton, Gertrude, memorialized the desperation, cruelty, and poverty that she witnessed when the Indians of the San Antonio Mission being wrongly evicted from their homes by her husband George and the local sheriffs.

“At the first farm where George and the sheriffs stopped, six men were drawn up in a row with rifles at their shoulders. Our heroes [George Atherton and the sheriffs] ... marched into the house and flung the furniture out the windows.”

“Several days later I drove to the Mission of San Antonio. The church and the yard were crowded with women, children, sheep, and goats. ... The brown children, playing with goats, were stark naked. It was no warmer in the tottering church and the first rain would add to their miseries.”

“At the first farm where George [Gertrude’s husband] and the sheriffs stopped, six men were drawn up in a row with rifles at their shoulders. Our heroes sprang to the ground, brushed the fire-eaters aside, marched into the house and flung the furniture out of the windows.”

“Several days later I drove over to the Mission of San Antonio. It stood almost in the center of the ranch, and the squatters had herded their families and livestock into its precincts while they went off to seek warmer hospitality elsewhere.”

“It was strange sight. The church and yard were crowded with women, children, sheep, and goats. Winter was approaching and it was already very cold. The brown children, playing with the goats, were stark naked. It was no warmer in the tottering church and the first rain would add to their miseries.”

“Mrs. Atherton [Gertrude’s mother-in-law] was a generous woman but knew as much about poverty as an infant in arms. I doubt if she had ever seen any one poorer than a well-paid servant. For that matter there was no actual poverty in San Francisco [where the Atherton’s were from] at that time, nor for many years after. But she had felt vaguely that something should be done by the victor for the vanquished, and given me a bolt of calico and two red flannel petticoats to

*bestow upon the dispossessed. This was the first time that I had been brought into contact with poverty and I was horrified.”*⁶⁰

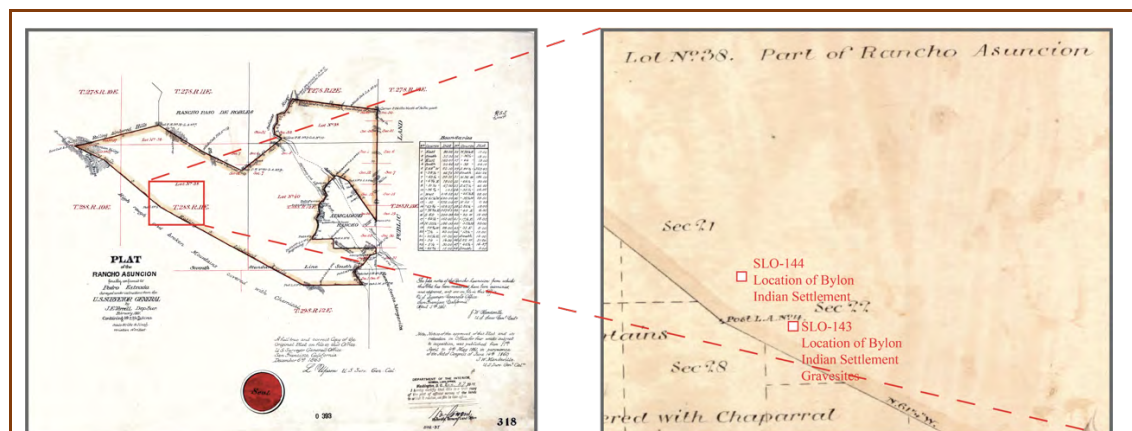
It’s important to understand the perspective of how our tribal ancestors had lost everything, as well as the living conditions put upon them. It’s also important to understand the lack of empathy and moral compass displayed by both the Atherton family and as well by government officials at all levels towards our group. These were very desperate times, especially for our ancestors, and nobody cared, not even the law.

It was from these events that many of our tribal group, as well as other Salinan Indians, had to do what was necessary to survive.

During the latter part of the 19th century, Clara Encinales, Eusebio’s daughter, with her children, would finally find refuge on family tribal land in an area known by the tribe as Tecolote, known today as Toro Creek, located between Morro Bay and Atascadero. This location, as we will see later, was also called the Juan de Los Reyes Ranch, named for the stepson to Clara and the half-brother to Clara’s direct children.⁶¹

This region was familiar to the San Miguel Indians as it was also part of the San Miguel Mission territory as outlined in the October 7, 1827 Territory Declaration as reported to Governor Jose M. Echeandia. As written in this declaration by Father Juan Cabot:⁶²

“In the direction toward the south, all the land is occupied, for the Mission there maintains all its sheep, besides the horses of the guards. It is there it has the Rancho de Santa Isabel, where there is a small vineyard. Other ranchos of the Mission in that direction are San Antonio, where barley is planted; Rancho del Paso de Robles where the wheat is sown; and the Rancho de la Asuncion.”



Maps showing the location of the Indian settlement at Toro Creek on the Asuncion Land Grant. Toro Creek is located halfway between Morro Bay and Atascadero today.

This settlement was also known as Santa Rita, Tecolote or the Juan de Los Reyes Ranch. Juan de Los Reyes was the stepson to Clara Bylon (nee Encinales) making him the half-brother to Clara’s children from Onesimo Bylon.

⁶⁰ Atherton, Gertrude. *Adventures of a Novelist*. Blue Ribbon Books, Inc. 386 Fourth Avenue, New York, NY. Copyright 1932, by Atherton Company, Inc. Third Printing. Pages 75-77. (1932)

⁶¹ Milliken, Randall and Johnson, John R. *An Ethnogeography of Salinan and Northern Chumash Communities – 1769 to 1810*. Page 46. References to the work of John P. Harrington provided by author.

⁶² Engelhardt, Zephyrin. *San Miguel, Arcangel; The Mission on the Highway*. Mission Santa Barbara, Santa Barbara, CA. Page 27-29. Yellow highlighted portion on page 28. (1931).

Linguist and ethnologist John P. Harrington spent much time with members of our tribal group during the early part of the 20th century. From these interviews we have obtained the following comments regarding the location of Clara Maria Bylon (nee Encinales) and her children.⁶³

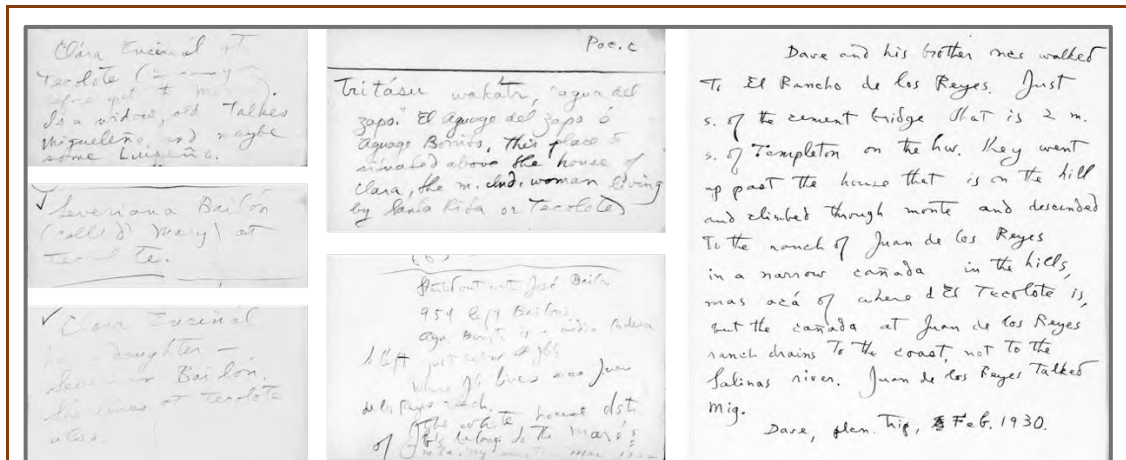
"Tritásu...is situated above the house of Clara, the M. Ind. (Migueléño Indian) woman living by Santa Rita or Tecolote." (Reel 84, Page 242)

"Started out with Jose Bailon (sic). Where JB (Jose Bailon) lives was Juan de Los Reyes ranch. The white house (?) of JB's (Jose Bailon's) belongs to the Mare's (sic)." (Reel 88, Page 542)

"Clára Encinal at Tecolote (in canyon before get to Morro). Is a widow, old. Talks (sic) Migueleño and maybe some Luiseño." (Reel 1, Page 59)

"Severiana Bailón (sic) (called Mary) at Tecolote." (Reel 1, Page 67)

"Clara Encinal has a daughter – Severiana Bailón (sic). She lives at Tecolote also." (Reel 1, Page 67)



Original interview notecards from the Papers of John Peabody Harrington. These notes are the result of his work and interviews with the group of Indians from the Toro Creek Indian settlement including Clara Bylon (nee Encinales), David Mora and his brother, Jose Bylon, Severiana Bylon, and Juan de Los Reyes.

Courtesy of the Smithsonian Institution Nationale Museum of Natural History. John P. Harrington Papers 1907-1959
Microfilm 2, Reels 84 and 88. Further referenced in the enclosed footnotes.

We are given other evidence of the continued relationship within this intermarried Indian family as well. On one particular page of notes, we are told of the story, by David Mora (nephew of Clara Maria Bylon), of when he and his brother walked to El Rancho de los Reyes. El Rancho de los Reyes is known as Toro Creek where the Bylons were living.⁶⁴

"Dave and his brother once walked to El Rancho de los Reyes. Just s. of the cement bridge that is 2 m. s. of Templeton on the hw. They went up past the house that is on the hill and climbed through monte [mountain] and descended to the ranch of Juan de los Reyes in a narrow cañada in the hills, mas acá [more here] of where d El Tecolote is, but the cañada at Juan de los Reyes

⁶³ Harrington, John P. John P. Harrington Papers 1907-1959, Microfilm 2, Reels 1, 84-88. National Anthropological Archives, Smithsonian Institution. Quotes used are designated as reel number and pdf page number.

⁶⁴ Harrington, John P. John P. Harrington Papers 1907-1959, Microfilm 2, Reel 88. National Anthropological Archives, Smithsonian Institution. PDF page number 457, left page.

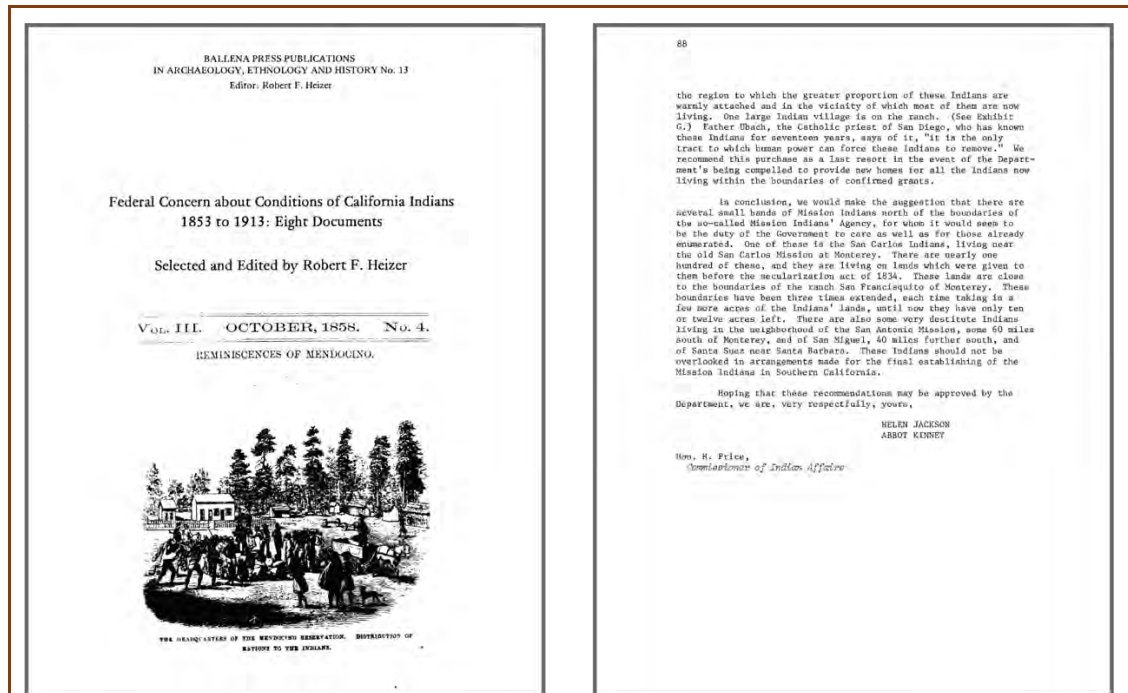
ranch drains to the coast, not to the Salinas river. Juan de los Reyes spoke mig. [migueleño]”
(Reel 88, Page 457)

“Dave, plcn, trip, Feb 1930 [David Mora, placename trip, Feb 1930]”

Further evidence in regard to the early history of the Toro Creek indigenous community can also be found in “An Ethnography of Salinan and Northern Chumash Communities – 1769 to 1810” by Randall Milliken and John R. Johnson. From this research we find the following evidence:

“Pacífico [San Migueleño Indian] lived as a youth at the Santa Rosa Ranch on the coast at Cambria (Harrington 1985: Reel 87, Frame 995). It was said that he wanted to die at the old Juan de Los Reyes ranch of Tecolote on upper Toro Creek, a place where “old Pacífico” had lived in the days of Henshaw (José Baylon 1932, in Harrington 1985: Reel 88, Frame 549)”⁶⁵

From the previous quote, we are able to show that the Salinan indigenous culture was present at Toro Creek during the late part of the 19th century as H.W. Henshaw did his research of the Salinan language from 1880 to 1884.



In the 1883 “Federal Concern about Conditions of California Indians 1853 to 1913” report to the Commissioner of Indian Affairs, we see the geographic identification of the “...destitute Indians...” located at The Indians Ranch (“...in the neighborhood of the San Antonio Mission, some 60 miles south of Monterey...”) and the related Toro Creek Indian settlement (“...and of San Miguel, 40 miles further south...”).

Special Agents Helen Jackson and Abbot Kinney state that “(t)hese Indians should not be overlooked in arrangements made for the final establishing of the Mission Indians in Southern California.” As we see later, neither of these Indian groups were ever included in the final arrangements in the establishment of the Mission Indians of Southern California.

⁶⁵ Milliken, Randall and Johnson, John R. *An Ethnogeography of Salinan and Northern Chumash Communities – 1769 to 1810*. Page 46. References to the work of John P. Harrington provided by author.

We also find compelling evidence of this distinct Indian group in the “Report on the Condition and Needs of the Mission Indians of California” as presented to the Commissioner of Indian Affairs in 1883.

In this report, Special Agents Helen Jackson and Abbot Kinney in the closing of their report state the following: ⁶⁶

“In conclusion, we would make the suggestion that there are several small bands of Mission Indians north of the boundaries of the so-called Mission Indians’ Agency, for whom it would seem to be the duty of the Government to care as well as for those already enumerated.”

Further stating, in addition to other groups:

“There are also some very destitute Indians living in the neighborhood of the San Antonio Mission, some 60 miles south of Monterey, and of San Miguel, 40 miles further south...”

And stating:

“These Indians should not be overlooked in arrangements made for the final establishing of the Mission Indians in Southern California.”

These seemingly two groups of Indians is actually the group previously identified from the San Antonio Mission region that eventually settled both at the Milpitas region of the San Antonio Mission (“...60 miles south of Monterey...”) and Toro Creek (“...and of San Miguel, 40 miles further south...”). ⁶⁷

Unfortunately, because the Federal Government decided not to heed the recommendations of the Special Agents, the Indians of this region would eventually become destitute. They would also be without any help from the very government that was requested to protect them.

As previously pointed out, the U. S. Department of the Interior just a few short years after the Jackson and Kinney report, found the Milpitas Mexican Land Grant surrounding the San Antonio Mission was “fraudulent.” And as we will later see, this lack of assistance eventually led to the removal of the Indians located at Toro Creek in San Luis Obispo County.

Also helping to identify the Toro Creek Indians we find Milliken and Johnson as stating the following:

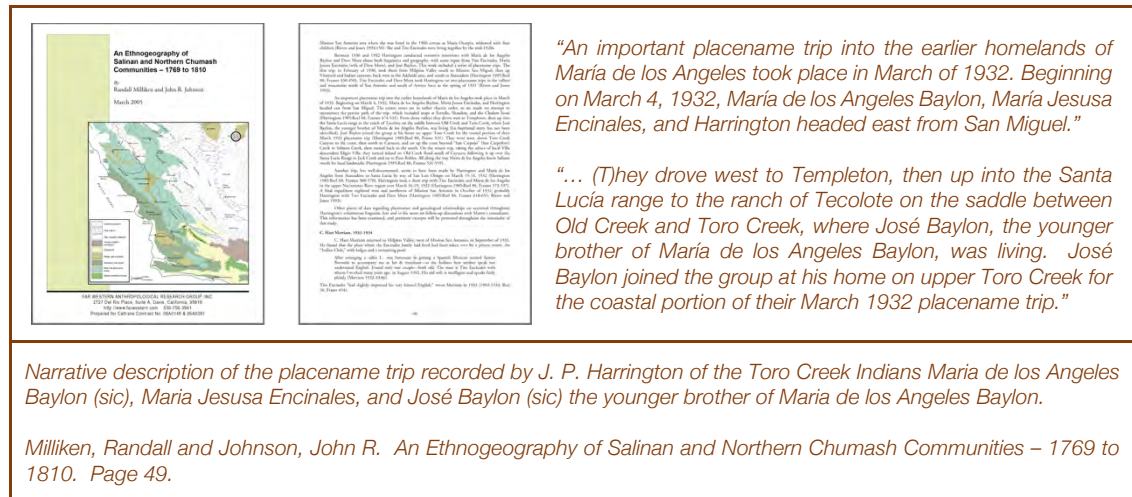
“An important placename trip into the earlier homelands of María de los Angeles took place in March of 1932. Beginning on March 4, 1932, María de los Angeles Baylon, María Jesusa Encinales, and Harrington headed east from San Miguel. The extant notes are in rather chaotic order, so we made no attempt to reconstruct the precise path of the trip, which included stops at Estrella, Shandon, and the Cholan Store (Harrington 1985: Reel 88, Frames 474-531). From those valleys they drove west to Templeton, then up into the Santa Lucía range to the ranch of Tecolote on the saddle between Old Creek and Toro Creek, where José Baylon, the younger brother of María de los Angeles Baylon, was living (his baptismal entry has not been identified). José Baylon joined the group at his home on upper Toro Creek for the coastal portion of their March 1932 placename trip (Harrington 1985: Reel 88, Frame 531).” ⁶⁸

⁶⁶ Jackson, Helen and Kinney, Abbot. Report on the Condition and Needs of the Mission Indians of California to the Commissioner of Indian Affairs. Colorado Springs, Colorado. July 13, 1883. Reprinted by Heizer, Robert F. Federal Concern about Conditions of California Indians 1853 to 1913: Eight Documents, Volume 13. Ballena Press. Socorro, New Mexico. Copyright 1979. 1st Edition. Document V. Pages 75-94. Quote located on page 88. We have included both copies for review.

⁶⁷ Map included to show geographic distances from Monterey to both the San Antonio settlements and to the Toro Creek settlement.

⁶⁸ Milliken, Randall and Johnson, John R. *An Ethnogeography of Salinan and Northern Chumash Communities – 1769 to 1810*. Page 49. References to the work of John P. Harrington provided by author.

From the previous quote, we can also see that Jose Baylon, son of Clara Encinales Baylon, was still living at Toro Creek when he was picked up by his two sisters (half-sisters) and Harrington for a placename trip around the region in March of 1932. This is also further evidence that this intermarried family was still involved with each other as well.



On April 17, 1929, the Luigi Marre Land & Cattle Company who had bought up much of the property in the Toro Creek region, filed a lawsuit to have Jose Baylon, Maria Ceberia Teodora Baylon, and her son, Ramon Baylon Rosas all evicted from their homes at Toro Creek.⁶⁹

The Baylons lost this eviction case on August 21, 1929 primarily based on not being able to prove that the Toro Creek Indian settlement had been in the possession of the Indians for over the 5 years required for legal possession⁷⁰ even though the location of the Toro Creek Indians settlement had already been established previously in the aforementioned 1883 "Federal Concern about Conditions of California Indians 1853 to 1913."

The following year in 1930, the original attorneys were joined by Samuel W. McNabb, United States Attorney for the Southern District of California, and Ignatius F. Parker, Assistant United States Attorney for the same Southern District of California.⁷¹ The United States Government was quick to identify that the Baylons were California Indians and as such, wards of the United States Government.

As declared by Parker on behalf of the Attorney General and the Commissioner of Indian Affairs:

⁶⁹ *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon.* Case No. 9266. Complaint. San Luis Obispo County Superior Court. Filed April 17, 1929.

⁷⁰ *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon.* Case No. 9266. Answer of Defendants for Raymond Rosas, Maria Baylon, and José Baylon. San Luis Obispo County Superior Court. Filed April 17, 1929. As quoted from the court filings:

"III. Further answering said complaint the defendants allege that plaintiffs' cause of action herein is barred by the terms and provisions of Section 318 and 319 of the Code of Civil Procedure of the State of California."

We have enclosed in this footnote contemporaneous copies of CCP 318 and CCP 319 for review as well.

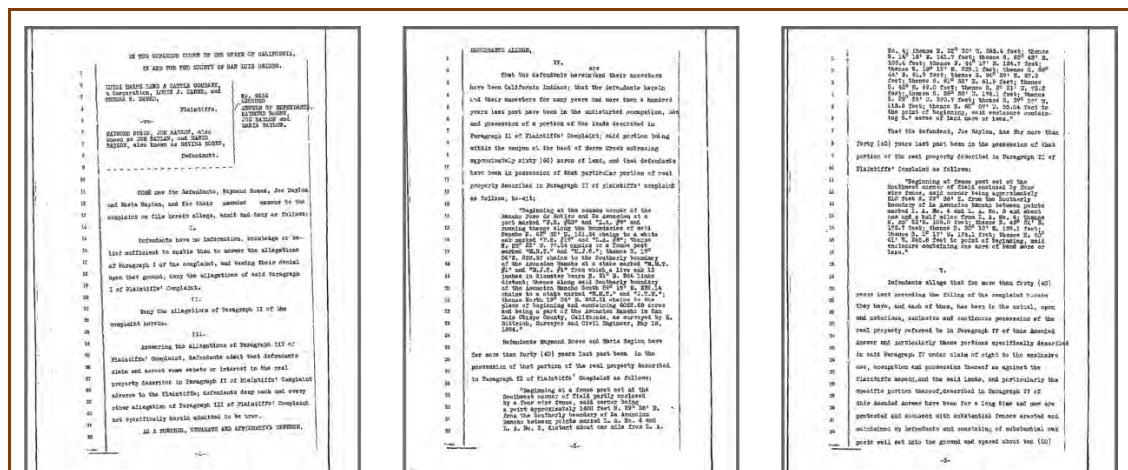
⁷¹ *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon.* Case No. 9266. Notice of Association of Counsel. San Luis Obispo County Superior Court. Filed February 13, 1930.

*"... that defendants herein as California Indians are deemed to be at least as regards their interest in lands, wards of the United States Government..."*⁷²

The United States Government further filed an Amended Answer of Defendants on February 13, 1930, on behalf of the Bylons. In this, the following is stated by the government:⁷³

"IV."

"That the defendants herein are and their ancestors have been California Indians; that the defendants herein and their ancestors for many years and more than a hundred years last past have been in the undisturbed occupation, use and possession of a portion of the lands described in Paragraph II of Plaintiffs' Complaint; said portion being within the canyon at the head of Toro Creek embracing approximately sixty (60) acres of land, and that defendants have been in possession of that particular portion of real property described in Paragraph II of plaintiffs' complaint..."



"That the defendants herein are and their ancestors have been California Indians; that the defendants herein and their ancestors for many years and more than a hundred years last past have been in the undisturbed occupation, use and possession of a... portion being within the canyon at the head of Toro Creek"

"I am one of the attorneys for the defendants in the above entitled action and have read the foregoing Answer and know the contents thereof, and that I believe the same to be true ..."

- Ignatius F. Parker, Assistant United States Attorney
For The Southern District of California

Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon. Case No. 9266. Amended Answer of Defendants. San Luis Obispo County Superior Court. Filed February 13, 1930.

"V."

"Defendants allege that for more than forty (40) years last preceding the filing of the complaint herein they have, and each of them, has been in the actual, open and notorious, exclusive and continuous possession of the real property referred to in Paragraph IV of the Amended Answer

⁷² *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon.* Case No. 9266. Affidavit of Ignatius F. Parker on Motion Under Section 473 of the Code of Civil Procedure to Set Aside Judgement Herein. San Luis Obispo County Superior Court. Filed February 13, 1930.

⁷³ *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon.* Case No. 9266. Amended Answer of Defendants. San Luis Obispo County Superior Court. Filed February 13, 1930.

and particularly those portions specifically described in said Paragraph IV under claim of right to the exclusive use, occupation and possession thereof...

Attached to this Amended Answer is the sworn deposition of Parker stating:

"I am one of the attorneys for the defendants in the above entitled action and have read the foregoing Answer and know the contents thereof, and that I believe the same to be true; that this verification is made by me as attorney for the defendants based upon my investigation of the files and records in this case and the papers referred to herein and the files and records of the General Land Office of the United States."

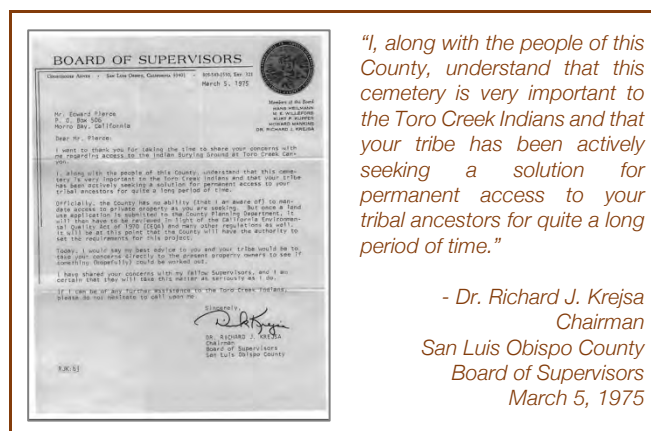
"That as such attorney and by reason of such investigation I am in a better position to know the facts alleged herein than the defendants."

From the foregoing, the federal government has identified that the Baylons, as "Indians [and as such] wards of the United States Government," along with their ancestors, as "Indians" who have for "...more than a hundred years... been in the undisturbed occupation, use and possession of a portion of lands... at the head of Toro Creek embracing approximately sixty (60) acres..."

And further, the United States Government stated that the Baylons were also "... for more than forty (40) years... [have] been in the actual, open and notorious, exclusive and continuous possession of the real property referred to in... the Amended Answer..." within those same sixty (60) acres as described above.

This statement coincides with the previous findings identified previously in the 1883 "Federal Concern about Conditions of California Indians 1853 to 1913" report to the Commissioner of Indian Affairs in which we see the geographic identification of the "...destitute Indians..." located at The Indians Ranch ("...in the neighborhood of the San Antonio Mission, some 60 miles south of Monterey...") and the related Toro Creek Indian settlement ("...and of San Miguel, 40 miles further south...").

This identification by the United States Government, on behalf Attorney General and the Commissioner of Indian Affairs, of the "Indians" (plural) who were interrelated as "ancestors" that occupied a portion of said property exclusively, undisturbed, and continuously for over a hundred years meets the Office of Federal Acknowledgement's standard for a settlement, village, and group of Indians in the Toro Creek area from the early part of the 19th century and well into the 1930s well into the 20th century, and thus meets the requirements for 25 CFR § 83.11(a)(1): Identification as an Indian entity by Federal Authorities.



These legal battles of Toro Creek by our group did not end during the 1930s.

On March 5, 1975, we see a letter from Dr. Richard J. Krejsa, Chairman of the San Luis Obispo County Board of Supervisors, memorializing a discussion that took place with Edward Pierce regarding how the Toro Creek Indians are still seeking a solution for access to the Toro Creek Cemetery.⁷⁴ As written to Edward Pierce:

"I, along with the people of this County, understand that this cemetery is very important to the Toro Creek Indians and

that your tribe has been actively seeking a solution for permanent access to your tribal ancestors for quite a long period of time."

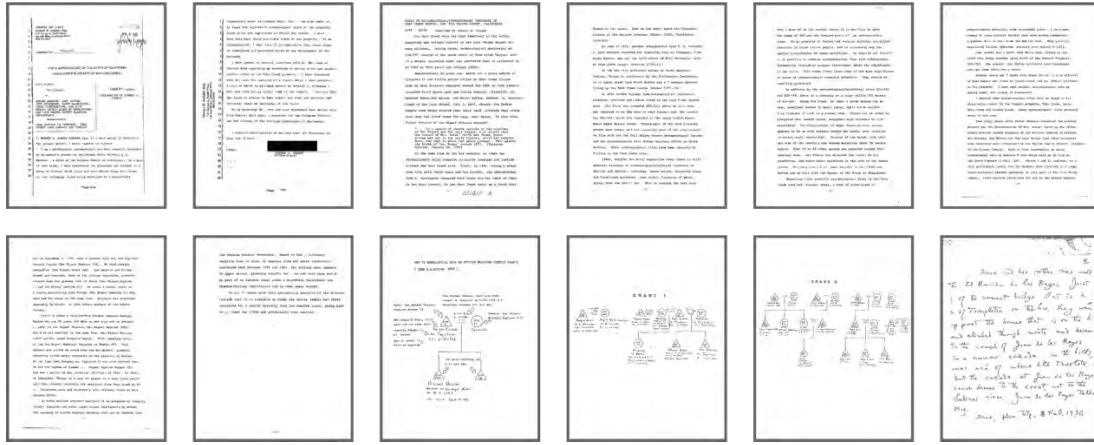
⁷⁴ Krejsa, Richard J. Chairman of the Board of Supervisors, San Luis Obispo County. Letter to Edward Pierce, March 5, 1975.

In 1982, Richard Pierce, son of Toro Creek Indian Adrian Rudolph “Dutch” Pierce and grandson of Maria Antonia Baylon, brought forward a lawsuit against the eventual owners of the Toro Creek property, Kern County Land Company and Tenneco, as well as against the San Luis County Board of Supervisors, who had recently approved the development of the land in question for Kern County Land Company and Tenneco without following the proper procedures in regard to the California Environmental Quality Act of 1970.

During this lawsuit, Professional Archaeologist Robert O. Gibson filed a declaration for this case. In his declaration Gibson asserts:

*“I am a professional archaeologist and have recently completed as my master’s thesis for California State University at Hayward a study of the Salinan People of California. As a part of that study, I have researched the genealogy of a group of Indians [underline added] which lived and were buried along Toro Creek on land belonging to and being developed by a Bakersfield Corporation known as Tenneco West, Inc. These sites are registered as SLO-143 and SLO-144.”*⁷⁵

It should be noted here that SLO-143 is the registered archaeological home site for Jose Baylon, and SLO-144 is the registered archaeological home site for Maria Baylon and her son Raymond Rosas Baylon.⁷⁶



...despite the heavy vegetation cover there is still abundant evidence of archaeological/cultural resources at SLO-143 and SLO-144, including adobe bricks, household items and farm/ranch equipment, rock walls, fragments of metal, glass, bone and shell, etc. This is perhaps the only case that I know of in the county, where it is possible to know the names of Indians who created parts of the archaeological sites.”

“Among the brush, at least a dozen graves can be seen, sometimes marked by metal posts, while other exhibit only clusters of rock in a sunken area. Some 40 to 50 other graves are reported beyond this cemetery area. Les Pierce has attended the burial of his grandmother and other close relatives in the area of the dozen graves.”

Declaration of Archaeologist Robert O. Gibson. *Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tenneco.* Case No. 56926. PDF Page 26-27. San Luis Obispo County Superior Court. Filed November 9, 1982.

⁷⁵ *Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tenneco.* Case No. 56926. Declaration of Robert O. Gibson. PDF Page 26-27. San Luis Obispo County Superior Court. Filed November 9, 1982.

⁷⁶ Pilling, Arnold R. Archaeological Site Survey Records: CA-SLO-143, CA-SLO-144 and CA-SLO-1080. (July 1955). By agreement with the Northwest and Central Coast Information Centers, these records are confidential but provided to the Office of Federal Acknowledgement for review.

Mr. Gibson also included in his declaration a report of his knowledge of this region as well. In his report, labeled Attachment A, Gibson makes the following assertions:⁷⁷

“1980s, despite the heavy vegetation cover there is still abundant evidence of archaeological/cultural resources at SLO-143 and SLO-144, including adobe bricks, household items and farm/ranch equipment, rock walls, fragments of metal, glass, bone and shell, etc. This is perhaps the only case that I know of in the county, where it is possible to know the names of Indians who created parts of the archaeological sites. It is possible to factor out various cultural activities practiced by the native people, and to accurately map the special distribution of these activities. At SLO-143 and SLO-144 it is possible to combine archaeological data with ethnographic information (including current interviews) about the inhabitants of the sites.” [PDF page 29, page 2 of Exhibit A, Red Border]

“In addition to the archaeological/historical sites SLO-143 and SLO-144, there is a cemetery on a ridge within 100 meters of SLO-143. Among the brush, at least a dozen graves can be seen, sometimes marked by metal posts, while other exhibit only clusters of rock in a sunken area. Some 40 to 50 other graves are reported beyond this cemetery area. Les Pierce has attended the burial of his grandmother and other close relatives in the area of the dozen graves.” [PDF page 30, page 3 of Exhibit A, Blue Border]



Severina (aka Ceberia Teodora) Bylon. Sister of Antonia Bylon and mother of Ramon Rosas. Living at Toro Creek. ca 1920.



Wedding picture for Antonia Bylon (Severina's sister) and Edward R. Pierce. Living at Toro Creek. ca 1900.



Ramon Rosas. Son of Severina Bylon and nephew of Antonia Bylon. Living at Toro Creek. ca 1920.

“Regarding other possible archaeological sites in the Toro Creek area and adjacent areas, I know of three cases of archaeological material from unrecorded sites. I have seen dozens of stone mortars (bowls) that have washed downstream a quarter mile or more from the SLO-143 area. They probably originated further upstream, possibly even beyond SLO-144.” [PDF page 30, page 3 of Exhibit A, Green Border]

“...recent mission record analysis of the mission records at Mission San Antonio, San Miguel and San Luis Obispo (and other missions) have uncovered more references to the Baylon family (direct relatives of the Pierce family).” [PDF page 31, page 4 of Exhibit A, Pink Border]

⁷⁷ *Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tennaco.* Case No. 56926. Attachment A, Notes on Archaeological/Ethnohistoric Resources in Toro Creek Canyon, San Luis Obispo County, California. PDF Pages 28-37. San Luis Obispo County Superior Court. Filed November 9, 1982.

Gibson goes on to analyze the historical relevance of the Baylon Indians in the area dating back to the early mission era at the San Miguel Mission.

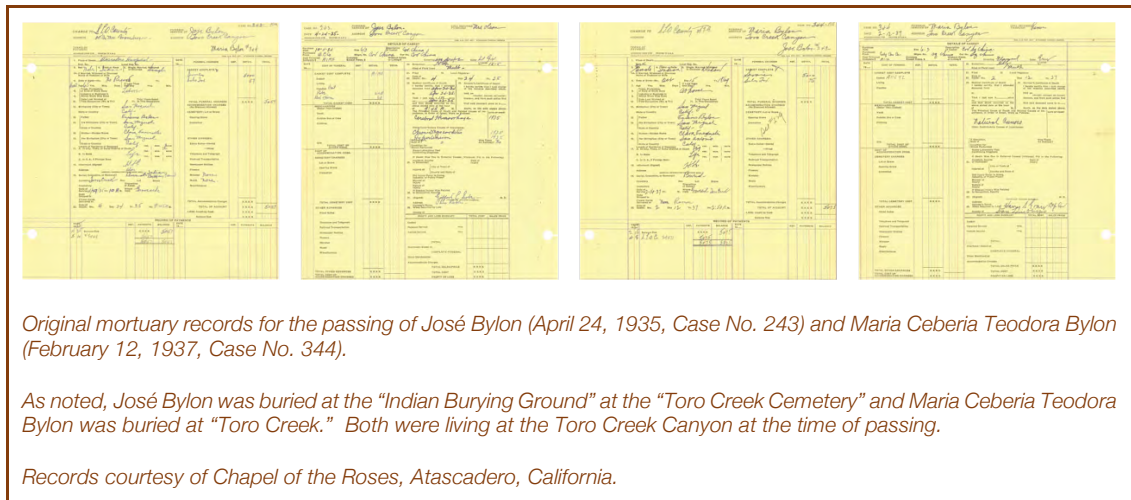
“Charts I and II indicate, on a very preliminary level, how the Baylons were involved in a large socio-political network operating in this part of San Luis Obispo County. First mention noted thus far was at San Miguel Mission was on September 4, 1799, when a newborn baby boy was baptized Pasqual Baylon (San Miguel Baptism 242. His parents are Filipe Cusade and Fernanda, both of the village Tojolojcm, probably located near the town of Jolon.”

“Chart II shows a relationship between another Pasqual Baylon who was 26 years old when he was baptized on January 8, 1804 (San Miguel Baptism 1081). At the time the Pasqual was baptized it was also entered that he was the nephew of Thadeo who was a native of the rancheria of Cazz. As Chart II indicates, Thadeo is a central figure in a very large socio-political network involving the territory from Toro Creek up to the Nacimiento area and ultimately into adjacent areas as well.” [PDF pages 31 and 32, pages 4 and 5 of Exhibit A, Orange Border]

In closing, Gibson asserts:

“It can be shown with this preliminary analysis of the mission records that it is possible to study the Baylon family and their relatives for a period spanning some two hundred years, going back to at least the 1750s and potentially even earlier.” [PDF page 33, page 6 of Exhibit A, Black Border]

Throughout the preceding, we can see that Gibson has provided strong evidence of our tribal entity and village that has existed in the Toro Creek region since the mission era from the San Miguel Mission.



Gibson begins with his assertions by stating that there were:

“...a group of Indians which lived and were buried along Toro Creek...”

and directly includes this “group of Indians” with SLO-143, the registered archaeological home site for Jose Baylon, and SLO-144, the registered archaeological home site for Maria Baylon and her son Raymond Rosas Baylon. Gibson also provides strong evidence that there was more than just the three Baylons living in the area contemporaneously to the late 19th and early 20th centuries, as well as historically to the mid 1700s.

Gibson goes on further to state that a small cemetery is nearby with

“... at least a dozen graves...” with “...40 to 50... beyond this cemetery area.”

Adrian’s brother, Les Pierce, also recognized by Gibson and, as we will see shortly has been externally identified as a “Toro Creek Indian,” born in Toro Creek,

“... has attended the burial of his grandmother [Clara Encinales Baylon] and other close relatives in the area of the dozen graves.”

Contemporaneously to the early part of the 20th century, Gibson describes how it would be possible to combine relevant information of the area to fully understand the Indian culture of this group that was existing at the time.

“It is possible to factor out various cultural activities practiced by the native people, and to accurately map the special distribution of these activities. At SLO-143 and SLO-144 it is possible to combine archaeological data with ethnographic information (including current interviews) about the inhabitants of the sites.”

He lastly describes how historically throughout the 19th century that:

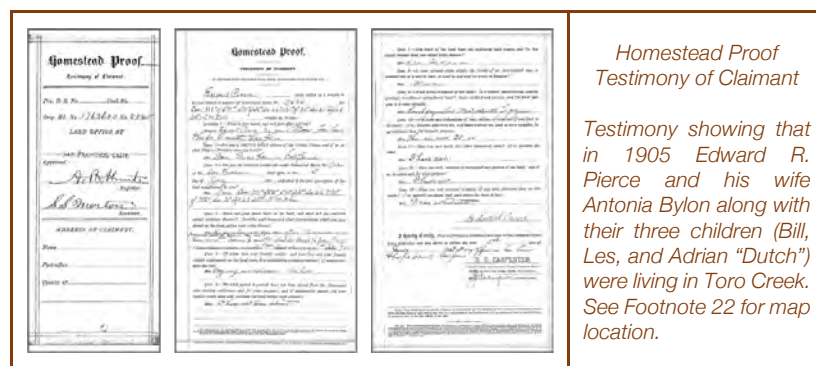
“... the Baylons were involved in a large socio-political network operating in this part of San Luis Obispo County...”

and how another Baylon, Thadeo, was:

“... a central figure in a very large socio-political network involving the territory from Toro Creek up to the Nacimiento area and ultimately into adjacent areas...”

Gibson has provided us clear evidence that there was a group of Salinan Indians, our direct ancestors, that existed at Toro Creek. This group originated from the San Miguel Mission from the early 19th century mission era and formed a socio-political network that stayed together well into the 20th century.

Based on the foregoing, we believe that the work of Archaeologist Robert O. Gibson meets the Office of Federal Recognition requirements for 25 CFR § 83.11(a)(4): Identification as an Indian entity by anthropologists, historians, and/or other scholars during the 19th century and well into the 1930s during the 20th century.



On November 5, 1900, Maria Antonia Baylon, the youngest of the four children to Onesimo Baylon and Clara Encinales, and Edward Romeo Pierce were married in San Luis Obispo County. The following year, Edward Romeo Pierce filed an application for homestead

land at Toro Creek under the 1862 U.S. Homestead Act.⁷⁸ The land applied for was adjacent to the Baylons located at the southern region of the Asuncion Mexican Land Grant in Toro Creek.⁷⁹

⁷⁸ 1862 Homestead Act Application Number 8845 (Edward Romeo Pierce). U.S. National Archives & Records Administration. www.archives.gov. Washington, D.C.

⁷⁹ Map of Toro Creek region showing locations Edward Romeo Pierce 1862 Homestead in relation to Baylon Historical Archaeological gravesites SLO-143 and SLO-144.

According to Pierce's land grant affidavit and supported by the testimony of the two witnesses, Pierce established his residence in May of 1900, six months before his marriage to Maria Antonia. By the time of the final acquisition of the 149.25 acre parcel on July 1, 1905, Maria Antonia and Edward had three children who were born in Toro Creek. Those three children were Bill Pierce, Les Pierce, and Adrian Rudolph "Dutch" Pierce.

On November 24, 1978, a newspaper article appeared in the Et Cetera section of the Atascadero News newspaper by Brad Humphrey.⁸⁰ In this article, there are numerous instances where a group known as the Toro Creek Indians, specifically named as the Bailons (sic), as well as Les Pierce who is also referred to as, "...one of the few remaining Toro Creek Indians..." are routinely and externally identified.



Identification of a "group" of Indians living at Toro Creek. In this case, the Baylons at Toro Creek.

"Few records have been kept to recount the history of this little-known group of native Californians." (Page 3, 5th paragraph)

Identification of a "band" of Indians living at Toro Creek. In this case, the Baylons at Toro Creek.

"It is not known just when these small bands of Indians settled in the canyons of the Sant Lucia Mountains but it is thought they moved from the coast and from the Jolon area in order to escape epidemics." (Page 2, 2nd paragraph)

Identification of the Toro Creek Indians, the Indian entity, by a newspaper.

"This issue of ET CETERA recounts the history of the Indians at Toro Creek and takes a look at the area as it is today." (Page 2, 4th paragraph)

⁸⁰ Humphrey, Brad. *Only Graves Now*. Atascadero News, Et Cetera Section. Atascadero, California. November 24, 1978. Pages 1-6.

“I always came up here and I never wanted to go home,” said Les Pierce, as he walked through the ivy covered trees and brush covered walkways. Pierce recalled the site as the place of his relatives, the Toro Creek Indians.” (Page 3, 4th paragraph)

“During a land-possession trial in 1929, Toro Creek Indians said their ancestors had lived on the site at least 100 years prior and that a fence enclosed the area since 1859.” (Page 3, bottom of 1st column)

“The Toro Creek Indians lived on an area of approximately five acres.” (Page 4, 1st sentence)

“All that inhabits the area now are small animals, deer and an occasional grazing cow. It’s a different place. During the evening fog starts to roll over the hills. The quiet is almost deafening as the wind blows through the small valley where little remains of the Indians at Toro Creek.” (Page 4, bottom of second column)

Identification of Les Pierce, son of Maria Antonia Baylon Pierce, by a newspaper as a contemporaneous Toro Creek Indian between 1900 to 1909, and throughout his life, active with this group at the Toro Creek settlement.

“Les Pierce was born May 27, 1902 in a one-room, dirt-floor house, half-way between Atascadero and Morro Bay in a valley called Van Ness near Toro Creek. His parents, Ed Pierce, a handsome man who worked as a blacksmith in Templeton, and Antonia Bailon (sic), a Toro Creek Indian, met at a small Indian settlement near the banks of Toro Creek. The senior Pierce homesteaded property nearby and returned to his ranch on the weekends.” (Page 6, top of 1st column)

“[Les] Pierce, one of the few remaining Toro Creek Indians, remembers burying his aunt, Severiana Rosas, and uncle, Jose Bailon (sic).” (Page 4, 1st column, 4th paragraph)

“The Toro Creek Indian settlement is not accessible to the public. Pierce and his relatives must get permission to visit the cemetery.” (Page 4, 1st column, 8th paragraph)

“As Pierce walked along the decayed Indian settlement, he looked around the surroundings hillsides enjoying the warm breeze that lightly moved his hair.” (Page 4, 1st column, 10th paragraph)

“A miner, a diver, a fisherman, a rancher, but above all, Pierce is a Toro Creek Indian and proud of it.” (Page 6, bottom of 1st column)

From this we can conclude that this intermarried indigenous Indian group of the Encinales, Baylon, and Pierce Indians were recognized as exclusively established, continuous, and undisturbed for well over a century in this region, and were sharing lands and keeping cultural relationships amongst themselves during the desperate times that they faced as California Mission Indians attempting to survive during the 19th century and well into 20th century.

Based on the preceding newspaper articles and documentation, we believe that this meets the Office of Federal Recognition requirements for 25 CFR § 83.11(a)(1): Identification as an Indian entity by Federal authorities, 25 CFR § 83.11(a)(4): Identification as an Indian entity by anthropologists, historians, and/or other scholars, and for 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspaper and books for the decennial eras of 1900 to 1939.

Section IV Seven Mandatory Criteria

A.3. Criterion 83.11(a) 1910-1919 – Identification of Indian Entity.

...

Subsection:	83.11(a) 1910-1919 Subsection 1
Document(s):	83.11(a) 1910-1919 Documents 1(a) to 1(c)
Title(s):	Doc 1(a): Rivers, Betty (California Dept. of Parks and Recreation); Jones, Terry L. (Dept. of Anthropology, Univ. of California, Davis). <i><u>Walking Along Deer Trails: A Contribution to Salinan Ethnography Based on the Field Notes of John Peabody Harrington.</u></i> Journal of California and Great Basin Anthropology. Vol. 15, No. 2, pp 146-175 (1993). Doc 1(b): Kroeber, A.L. <i><u>Handbook of the Indians of California.</u></i> New York, NY: Dover Publications, Inc. pp 544-549 (1976). Originally published by the Government Printing Office, Washington, D.C., in 1925 as <i>Bulletin 78</i> of the Bureau of American Ethnology of the Smithsonian Institution. Doc 1(c): Mason, J. Alden. <i>The Language of the Salinan Indians.</i> University of California Publications in American Archaeology and Ethnology. Vol. 14, No. 1, pp. 1-154. (January 10, 1918).
Federal Code(s):	25 CFR § 83.11(a)(4): Identification as an Indian entity by anthropologists, historians, and/or other scholars.

Evidence for Inclusion:

As the Office of Federal Acknowledgement has, in the past, allowed for a combination of evidence to be used to meet the criteria of a given section, we are hoping for the same consideration with the evidence provided here.

“Walking Along Deer Trails” (Doc 1(a); Rivers, Jones) demonstrates the existence of a distinct “population” of “Salinan speakers” living in “isolated refuges” in an area externally identified as “The Indians” (proper noun), as developed by the Encinales family, near the headwaters of the San Antonio River located on the northwest tip of the Milpitas Land Grant during the late 19th and early 20th centuries.

*“Salinan speakers continued to reside in their homeland after contact, but the constant expansion of Euro-American settlement and the disease-induced decline of native populations relegated them to isolated refuges. One of these lay near the headwaters of the San Antonio River, in an area referred to by Anglo-American settlers as “The Indians.” A community of Salinan speakers re-established themselves here after the secularizations of Mission San Antonio in 1834.”*⁸¹

The timeline existence of “The Indians” was noted in this document as well. The original 100 acres was purchased by Eusebio Encinales in July of 1882 and was further expanded by his family through the 1862 Homestead Act Applications.⁸² This purchase date is also supported by records located in the Monterey County Clerk Recorder’s Office. As recorded, the date of this indenture for the 100 acre purchase is listed

⁸¹ Rivers, Betty and Jones, Terry L. *Walking Along Deer Trails: A Contribution to Salinan Ethnography Based on the Field Notes of John Peabody Harrington.* Journal of California and Great Basin Anthropology. Vol. 15, No. 2, Page 146, beginning of column 2. (1993).

⁸² Rivers, Jones. *Walking Along Deer Trails.* Page 153, bottom of column 1.

as July 1, 1882 for the amount of \$450 U.S. gold coin as paid to Faxon D. Atherton's widow, Dominga Goni de Atherton.⁸³

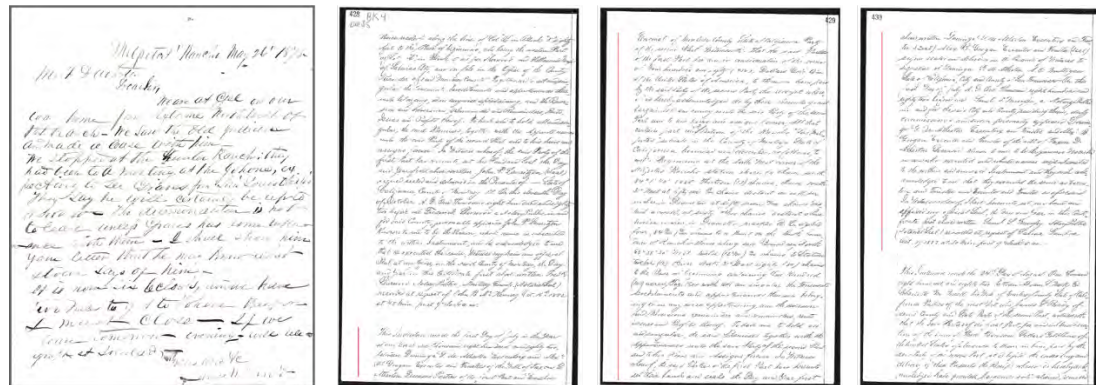
After losing their property to Faxon D. Atherton in February of 1875, Eusebio Encinales would have to sign a lease in May Of 1875 with Atherton to live on the very land that was taken from the Indians. By 1882, Eusebio would eventually have to purchase from the Atherton Estate 100 acres of property to survive and support his tribal group for \$450. See Footnote 3 and illustration below.

The following year in 1883, the Indians were identified at this location were recognized as "...very destitute Indians living in the location of the San Antonio Mission..." as reported to the Commissioner of Indian Affairs.⁸⁴

Four years later in 1886, the same Milpitas Land Grant was now identified as a "...fraudulent..." grant in the "Annual Report of The Commissioner of the General Land Office for The Year 1886."⁸⁵

After the passing of Eusebio Encinales on April 13, 1893, the courts eventually sold off all the possessions of the Indians to pay off any debts owed. At the close of the probate hearings, Sabino Gamboa ended up with the last of the \$414.80 that should have gone to the Encinales Indians as Gamboa claimed it as partial payment for the mortgage due to him against the Indians property.⁸⁶

This chain of events left the Indians financially destitute and would lead to the eventual loss of all property and lands.



Letter to Faxon D. Atherton from his attorney James W. Thrift claiming, "...we are on our way home from the extreme northwest of the ranch – we saw the old Indian and made a lease with him." May 26, 1875, Milpitas Rancho.⁸⁷ (Left)

(Right 3 documents) Indenture on file with the Monterey County Recorder dated July 1, 1882 showing the agreement filed at the request of Sabino Gamboa for the purchase of 100 acres of property for Eusebio Encinal from Atherton's widow, Dominga Goni de Atherton for \$450. See Footnote 3. (Right 3 documents)

From this point, different researchers visited "The Indians" to study the Salinan culture. They include Henry W. Henshaw in 1884, John W. Powell in 1891, Alfred L. Kroeber in 1901, C. Hart Marriam in 1902

⁸³ Monterey County Clerk Recorder's Office. Documentation of Deeds located in Book 4, Pages 428 to 430, July 1, 1882.

⁸⁴ Jackson, Helen and Kinney, Abbot. Report on the Condition and Needs of the Mission Indians of California to the Commissioner of Indian Affairs. Colorado Springs, Colorado. July 13, 1883. Reprinted by Heizer, Robert F. Federal Concern about Conditions of California Indians 1853 to 1913: Eight Documents, Volume 13. Ballena Press. Socorro, New Mexico. Copyright 1979. 1st Edition. Document V. Pages 75-94. Quote located on page 88. We have included both copies for review.

⁸⁵ Grants That Are Fraudulent According to The Facts Contained In These Spanish Archives. Annual Report of The Commissioner of the General Land Office for The Year 1886. U.S. Dept. of the Interior, General Land Office, Washington, D.C. Page 489. October 7, 1886.

⁸⁶ Encinal, Eusebio. Probate Records in the Superior Court of Monterey County. No. 530. Filed May 2, 1893. Order of Decree of Settlement of Accounts and Final Distribution. PDF pages 63 to 67. Annotated in red box on pdf page 64. Courtesy of the Monterey Historical Society, Boronda Adobe History Center, Salinas, California.

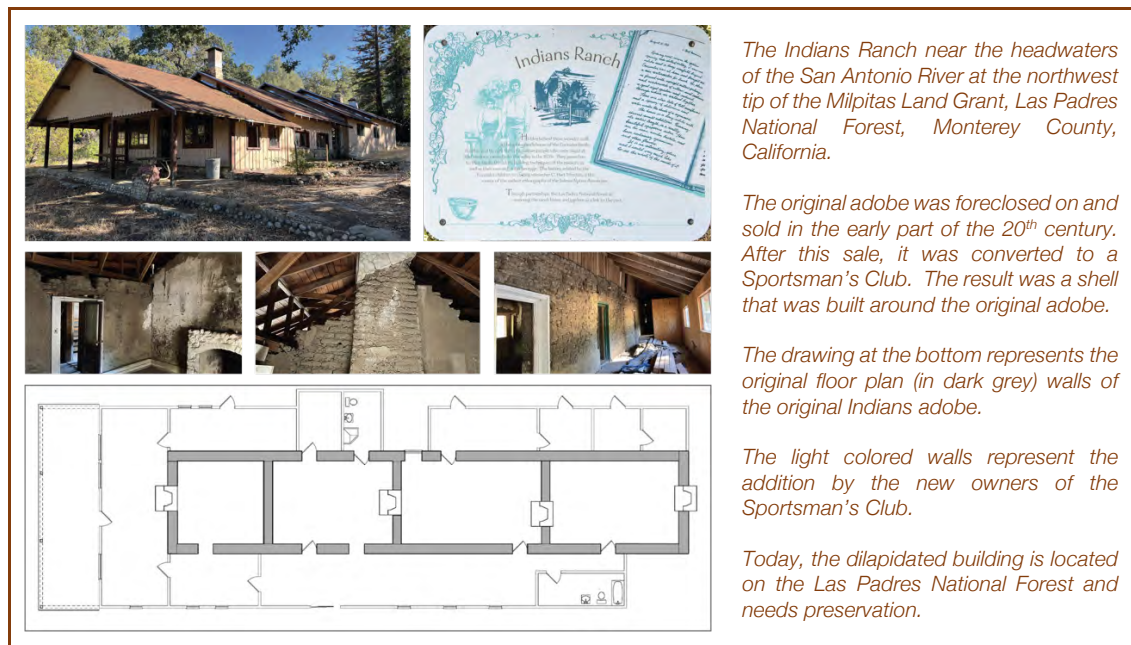
⁸⁷ Thrift, James W. Attorney for Faxon D. Atherton. Personal letter to Faxon D. Atherton dated May 26, 1875. Milpitas Rancho. Courtesy of the California Historical Society, San Francisco, California.

and later in 1933 to 1934, J. Alden Mason in 1910 and 1916, and John P. Harrington in 1922 and 1930 to 1932. Below, we give a brief overview of few of these visits since 1900.

The River/Jones research paper discusses how anthropologist Kroeber, who began his work with these Indians in 1901, recognized how his personal research was not as adequate as it should have been. Kroeber would later send archeological anthropologist J. Alden Mason to further research these Indians in 1910.⁸⁸

“Walking Along Deer Trails” also makes a direct contemporaneous reference to “The Indians” as a distinct group that was “known locally” well.

“In 1882 the trustees of the Atherton estate sold 100 acres in the northwestern portion of the Milpitas to Eusebio Encinal. As noted above (the Encinales Family and Mason’s Work), Encinal combined this acquisition with acreage he obtained through an adjacent homestead patent to form a 500-acre ranch. This area became known locally as “The Indians,” “the Indians farm,” or “the Reservation” (Fig. 3). In the years between 1893 and 1910, six members of the Encinal family patented homesteads northwest of the The Indians.”⁸⁹



The reference “This area became known locally as ‘The Indians,’ ‘the Indians farm,’ or ‘the Reservation’” as made by the authors is contemporaneous to the time when the Encinales family had acquired the land near the headwaters of the San Antonio River located on the northwest tip of the Milpitas Land Grant between 1893 and 1910.

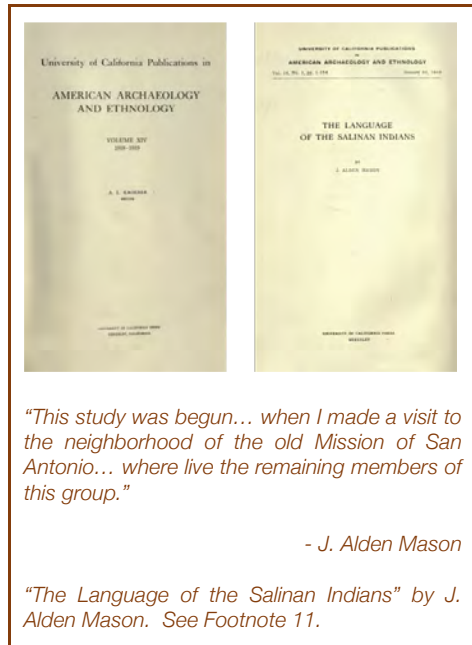
As mentioned, Mason would visit “The Indians” area in order to study the Salinan culture in 1910 and 1916. During these visits, the evidence shows that Mason was working directly with the Encinales Indian “group” during this decade. Mason would later write in 1918 about his field work:

“This study . . . was begun in September 1910, when I made a visit to the neighborhood of the old Mission of San Antonio in Monterey County, where live the remaining members of this group.

⁸⁸ Rivers, Jones. *Walking Along Deer Trails*. Page 150, middle of column 1 (1993).

⁸⁹ Rivers, Jones. *Walking Along Deer Trails*. Page 166, bottom of column 1 to top of column 2 (1993).

Here a little work was done with the oldest members of each of the two divisions, Jose Cruz of the Antoniano and Perfecta Encinales of the Migueleno dialect.”^{90 91}



The existence of this group of Indians through the early part of the 20th century located at "The Indians" can further be substantiated when linguist and ethnologist J.P. Harrington visited the area in both 1922 and later in February of 1930 when he travelled with Dave Mora, his wife Maria Jesua Encinales Mora, and Maria de Los Angeles, the wife of Maria Jesua Encinales Mora's brother, Tito Encinales. The group started from Tito and Maria's house located on Santa Lucia Creek.

We feel that when taken as collective evidence, the timeline of visits from numerous anthropologists, ethnologists, and other researchers in this "... isolated refuge... near the headwaters of the San Antonio River, in an area referred to by Anglo-American settlers as 'The Indians'" shows collectively that this group of Indians existed during the years of 1910 to 1919.

Thus, 83.11(a) 1900-1909 Documents 1(a) to 1(b), when used in combination, meet the requirements for 25 CFR § 83.11(a)(4): Identification as an Indian entity by anthropologists, historians, and/or other scholars.

⁹⁰ Rivers, Jones. *Walking Along Deer Trails*. Page 150, bottom of column 1 (1993).

⁹¹ Mason, J. Alden. *The Language of the Salinan Indians*. University of California Publications in American Archaeology and Ethnology. Vol. 14, No. 1, pp. 4, top of page. (January 10, 1918).

Subsection:	83.11(a) 1910-1919 Subsection 2
Document(s):	83.11(a) 1910-1919 Documents 2(a) to 2(h)
Title(s):	Doc 2(a): 1910 Thirteenth Census of the United States. Schedule No. 1 – Population. Indian Population. San Antonio Township, Monterey County, California. Supervisor’s District Number 5, Enumeration District Number 19. Sheet Number 11. May 18th, 1910. Doc 2(b): 1862 Homestead Act Application Number 8052 for Eusebio Encinales. Doc 2(c): 1862 Homestead Act Application Number 8050 for Felipe Encinales. Doc 2(d): 1862 Homestead Act Application Number 19079 for Pedro Encinales. Doc 2(e): 1862 Homestead Act Application Number 16385 for Perfecta Encinales. Doc 2(f): 1862 Homestead Act Application Number 17456 for Petronila Encinales. Doc 2(g): 1862 Homestead Act Application Number 8051 for Tito Encinales. Doc 2(h): Map of Land Acquired by the Encinales family based on BLM 1862 Homestead Act Applications.

Federal Code(s): 25 CFR § 83.11(a)(1): Identification as an Indian entity by Federal authorities.

Evidence for Inclusion:

As the Office of Federal Acknowledgement has, in the past, allowed for a combination of evidence to be used to meet the criteria of a given section, we are hoping for the same consideration with the evidence provided here.

Although the Office of Federal Acknowledgement has been reluctant in the past to rely on the United States Census records as an external reference for identifying a group of Indians (a position we support), we feel that the unique enumeration of Indians found on the 1910 Thirteenth Census of the United States , Indian Population, located in the San Antonio Township, Monterey County, California, ⁹² when taken into consideration with other documentation, is worthy of consideration due to the uniqueness of all 14 Indians identified on this census and the geographic location of their residence.

Beginning with **83.11(a) 1910-1919: List A** below, we have identified the names of the Indians on this census along with further notes for clarification of how they were interrelated.

83.11(a) 1910-1919: List A

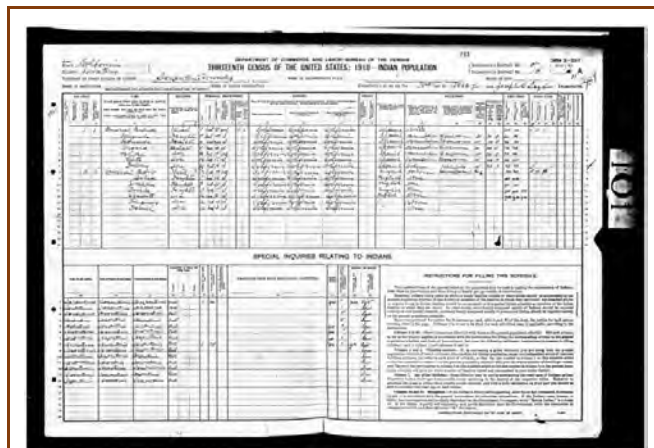
Name	Notes
1. Perfecta Encinales	Second wife of Eusebio Encinales and head of household.
2. Miguela Encinal	Daughter of Perfecta Encinales (Line Entry 1).
3. Petronila Encinal	Daughter of Perfecta Encinales (Line Entry 1).
4. Maria Encinal	Daughter of Perfecta Encinales (Line Entry 1).

⁹² *Thirteenth Census of the United States, 1910*. Indian Population – San Antonio Township, Monterey County, California. Sheet 11A. May 18, 1910. Supervisor's District 5, Enumeration District 19. Retrieved at www.ancestry.com.

5. Felipe Encinal	Son of Perfecta Encinales (Line Entry 1).
6. Tito Encinal	Son of Perfecta Encinales (Line Entry 1).
7. Dolores Encinal	Son of Perfecta Encinales (Line Entry 1).
8. Pedro Encinal	Son of Perfecta Encinales (Line Entry 1) and head of household.
9. Solia Encinal	Daughter of Pedro Encinales (Line Entry 8) and granddaughter to Perfecta Encinal (Line Entry 1).
10. Josepha Encinal	Daughter of Pedro Encinales (Line Entry 8) and granddaughter to Perfecta Encinal (Line Entry 1).
11. Tonia Encinal	Antonia Encinales. Daughter of Pedro Encinales (Line Entry 8) and granddaughter to Perfecta Encinal (Line Entry 1).
12. Ariseto Encinal	Son of Pedro Encinales (Line Entry 8) and grandson to Perfecta Encinal (Line Entry 1).
13. Linginos Encinal	Son of Pedro Encinales (Line Entry 8) and grandson to Perfecta Encinal (Line Entry 1).
14. Daniel Encinal	Son of Pedro Encinales (Line Entry 8) and grandson to Perfecta Encinal (Line Entry 1).

On the Indian Population census for these 14 Indians, the enumerator was instructed to:

“Columns 33, 34, and 35. Tribal relations. If the Indian was born in this country answers should be obtained, if possible, to inquiries 12, 13, and 14, relating to the state of territory of birth of the person and of his or her parents. In any event, take particular pains to secure the name of the tribe with which the person is connected and the name of the tribe of each of his or her parents, and enter the same in columns 33, 34, and 35.”⁹³



Columns 33, 34, and 35 identify the Tribe of Indians as the San Antonio Tribe located at "The Indians Ranch" in Monterey County.

Thirteenth Census of the United States, 1910. Indian Population – San Antonio Township, Monterey County, California.

In this case, the enumerator used the term of “San Antonio” as the name of the tribal group. This contemporaneous name for this interrelated group of Indians located at “The Indians” region northwest of the San Antonio Mission, gives a strong indication of the federal government identifying this group as an Indian entity.

In order to strengthen this argument, we believe that other forms of evidence can be used in combination with the 1910 Indian census record to show that the enumerator was definitely identifying a very specific group of Indians that not only represented the Indians enumerated in the San Antonio Township located in a very isolated and remote geographic area near the San Antonio Mission but was the same group that was recognized

⁹³ *Measuring America: The Decennial Censuses From 1790 to 2000*. U.S. Census Bureau, U.S. Dept. of Commerce. Report No. POL/02-MA(RV). Page 56, top of second column. (September 2002)

contemporaneously as “The Indians” as well.

Of the 14 Indians listed on this Indian census, we have identified that all of them were interrelated based on the Notes column from 83.11(a) 1910-1919: List A.

Further, we have also identified that Perfecta Encinales (1), Petronila Encinales (3), Felipe Encinales (5), Tito Encinales (6), and Pedro Encinales (8), have during the period in question (1910 to 1919), acquired lands through the 1862 U.S. Homestead Act.⁹⁴ This isolated area, all located at the northwest tip of the Milpitas Land Grant, was also contemporaneously known as “The Indians.”

More specifically, when the enumerator took the census data from “The Indians” region on May 18, 1910, all of these properties were adjoined as demonstrated on the enclosed map.⁹⁵

And, in the past, The Office of Federal Acknowledgment has set precedence by allowing the external identification of the petitioning group to be factually incorrect.⁹⁶

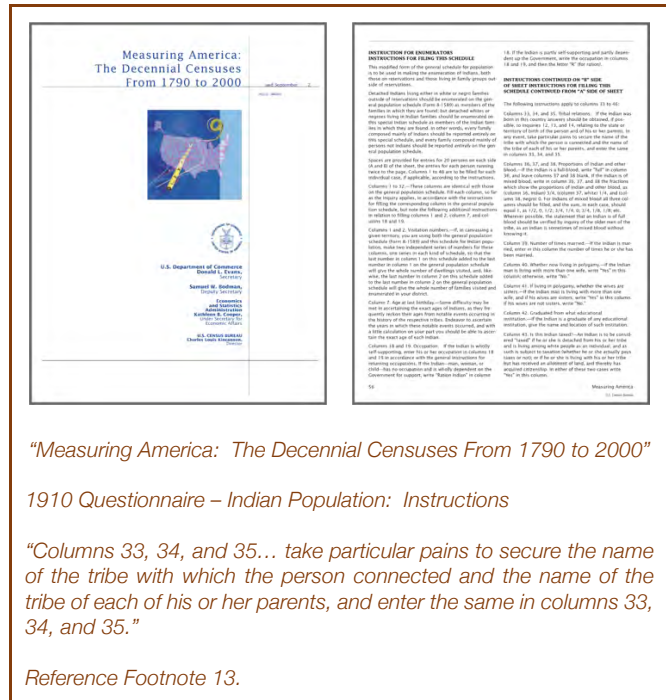
“...criterion 83.7(a) does not require that external identifications of the petitioning group have been factually correct...” (Ramapough FD 1996, 19; see also, 12).

And,

“Criterion 83.7(a) is designed to elicit a sense of the opinion about the group which was being expressed by external observers. The observers did not need to be knowledgeable.” ¶ “Therefore, the ‘facts’ to be analyzed under criterion 83.7(a) are... what the observer said – not whether the observer was correct. Does the opinion being expressed amount to identification of the petitioner’s antecedent group as an Indian entity?” (Ramapough FD 1996, 13).

Even if the enumerator was incorrect in using the generic term “San Antonio” as the “name of the tribe” on this census, and we feel he was not, we believe that the enumerator was clearly referring to a very distinct Indian entity living in a very isolated and remote geographic area near the San Antonio Mission.

Thus, 83.11(a) 1910-1919 Documents 2(a) to 2(h), when used in combination, meets the requirements for 25 CFR § 83.11(a)(1): Identification as an Indian entity by Federal Authorities.



“Measuring America: The Decennial Censuses From 1790 to 2000”

1910 Questionnaire – Indian Population: Instructions

“Columns 33, 34, and 35... take particular pains to secure the name of the tribe with which the person connected and the name of the tribe of each of his or her parents, and enter the same in columns 33, 34, and 35.”

Reference Footnote 13.

⁹⁴ 1862 Homestead Act Application Number 8052 (Eusebio Encinales), Application Number 8050 (Felipe Encinales), Application Number 19079 (Pedro Encinales), Application Number 16385 (Perfecta Encinales), Application Number 17456 (Petronila Encinales), and Application Number 8051 (Tito Encinales). U.S. National Archives & Records Administration. www.archives.gov. Washington, D.C.

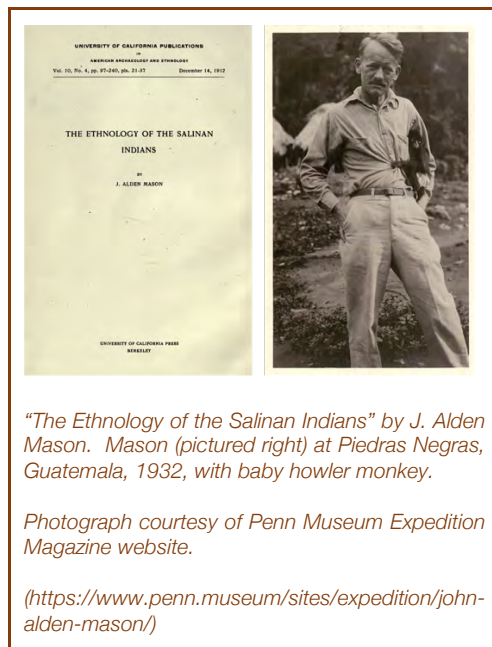
⁹⁵ Document 83.11(a) 1900-1909 Doc 2(h). *Map of Land Acquired by the Encinales family based on BLM 1862 Homestead Act Applications*.

⁹⁶ *Acknowledgement Precedent Manual*. Compiled by The Office of Federal Acknowledgment, U. S. Department of the Interior. Draft January 31, 2005. Downloaded June 3, 2023 (<https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/admindocs/PrecedentManual2005.pdf>) Criterion 83.7(a), page 9 (pdf page number 39), beginning at the bottom of page.

- Subsection:** 83.11(a) 1910-1919 Subsection 3
- Document(s):** 83.11(a) 1910-1919 Document 3(a) to 3(c)
- Title(s):**
- Doc 3(a): Mason, J. Alden. *The Ethnology of the Salinan Indians*. University of California Publications in American Archaeology and Ethnology. Vol. 10, No. 4, pp. 97-240. (December 14, 1912).
 - Doc 3(b): Mason, J. Alden. *The Language of the Salinan Indians*. University of California Publications in American Archaeology and Ethnology. Vol. 14, No. 1, pp. 1-154. (January 10, 1918).
 - Doc 3(c): *Salinas Tribes Had Bird Deity – Monterey County Indians Considered Eagle Creator and Maker of the Universe*. The San Francisco Call, San Francisco, California. Page 9, top of page. (October 5, 1910).
- Federal Code(s):** 25 CFR § 83.11(a)(4): Identification as an Indian entity by anthropologists, historians, and/or other scholars.
- 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:

After his visit with the Encinales Indians located at “The Indians” rancheria northwest of the San Antonio Mission in 1910 and again in 1916, J. Alden Mason produced his findings in two separate research papers “The Ethnology of the Salinan Indians” in 1912 and “The Language of the Salinan Indians” in 1918.



In “The Ethnology of the Salinan Indians,” Mason researches the Salinan language stock by focusing on Indian members from the San Antonio Mission and the San Miguel Mission. In his introduction, Mason refers to the oldest two members of the stock as follows:

“The oldest two members of the stock, Perfecta Encinales of the San Miguel, and José Cruz of the San Antonio division, afforded information through various interpreters...”⁹⁷

Later in the same research paper, Mason again refers to Perfecta Encinales as follows:

“So far as is known, all the basketry is the product of one woman, Perfecta Encinales, the oldest woman of the Salinan stock, and of her several daughters.”⁹⁸

Lastly, Mason makes direct reference to Perfecta Encinales while discussing the use of a “digging-stick” as follows:

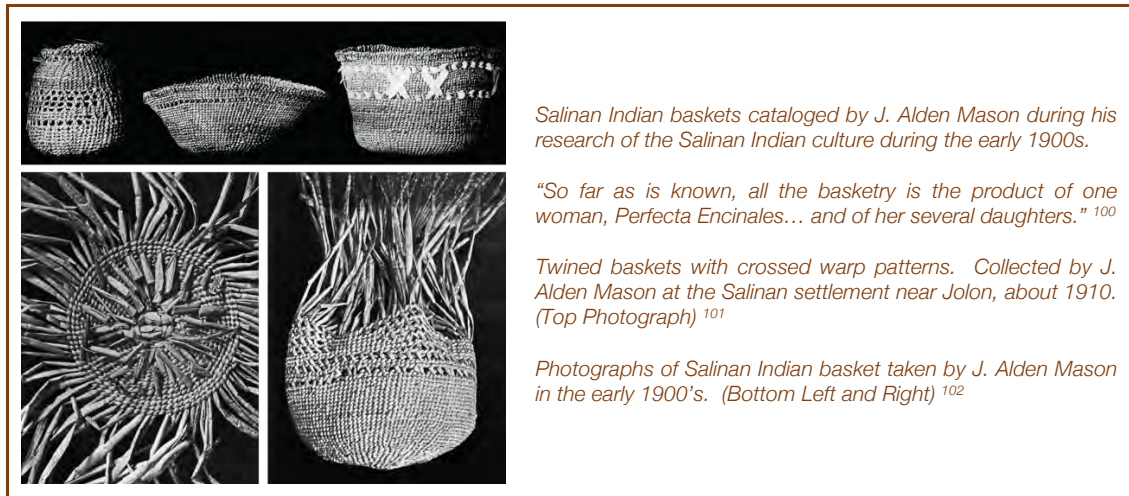
⁹⁷ Mason, J. Alden. *The Ethnology of the Salinan Indians*. University of California Publications in American Archaeology and Ethnology. Vol. 10, No. 4, page 99 (pdf page 5), top of page. (December 14, 1912).

⁹⁸ Mason, J. Alden. *The Ethnology of the Salinan Indians*. University of California Publications in American Archaeology and Ethnology. Vol. 10, No. 4, page 143 (pdf page 49), middle of page. (December 14, 1912).

“The oldest woman of the tribe does not remember the use of the digging-stick, and does not recognize the digging-stick weight.”⁹⁹

Although not by name, Mason has made it clear in other statements that Perfecta Encinales is the oldest woman of the Salinan language stock. Further, there were no other Indians that were interviewed for this research paper for the investigation of the Salinan language that fell outside of the Salinan stock.

Being that as it may, Mason has made it clear that Perfecta Encinales was a member of a “tribe” that was, along with her daughters, making Salinan Indian baskets. This inclusion of her daughters in the making of these Salinan baskets infers that the daughters were also part of the tribe as well.



Mason also confirms where Perfecta and her daughters were living during the fall of 1910.

“Mortar holes in the bedrock are found in many places throughout the Salinan area. One place noted (pl. 29, fig. 1) is not a stone's throw from the house of Perfecta Encinales at the foot of San Lucia Peak.”¹⁰³

Again, Mason spoke of the Jolon region he was visiting when he met with many of the Indians in 1916. As stated:

“A second trip was made to the region of Jolon, Monterey County. In the intervening years José Cruz and Perfecta Encinales were found to have died, but better linguistic informants were found in the persons of David Mora, a pure Antoniaño Indian, and Maria Ocarpia [Maria de los Angeles Bylon Ocarpia Encinales, half-sister to the Bylon's located at Toro Creek Indian settlement], a pure Migueliño. An unexpectedly good series of mythological texts were secured from those.

⁹⁹ Mason, J. Alden. *The Ethnology of the Salinan Indians*. University of California Publications in American Archaeology and Ethnology. Vol. 10, No. 4, page 120 (pdf page 26), middle of page. (December 14, 1912).

¹⁰⁰ Mason, J. Alden. *The Ethnology of the Salinan Indians*. University of California Publications in American Archaeology and Ethnology. Vol. 10, No. 4, page 143 (pdf page 49), middle of page. (December 14, 1912).

¹⁰¹ Sturtevant, William C., General Editor. “Handbook of North American Indians”. Volume 8: California, Robert F. Heizer, Volume Editor. “Salinan” pages 500-504, Thomas Roy Hester. Smithsonian Institution, Washington, DC. Photographs located on page 502, top of page.

¹⁰² Photographs courtesy of the San Antonio Valley Historical Association. “First People – The Salinans” <https://www.savha.org/photos/?gallery=3>.

¹⁰³ Mason, J. Alden. *The Ethnology of the Salinan Indians*. University of California Publications in American Archaeology and Ethnology. Vol. 10, No. 4, page 137, middle of page. (December 14, 1912).

Another old Indian, Juan Quintana, was found to be an unsatisfactory linguistic informant, but gave a number of mythological stories in Spanish, which were translated into Salinan by Maria Encinales [wife of David Mora], a sister of Pedro, and by David Mora.”¹⁰⁴

[It should be noted that Pedro and Maria Jesua Encinales are the son and daughter of Perfecta; Maria Ocarpio (Maria de Los Angeles Bylon Ocarpio Encinales) is the half-sister to the Bylons living in Toro Creek and wife of Perfecta’s son Tito Encinales; and David Mora is the grandson of Eusebio Encinales and husband to Perfecta’s daughter Maria Jesua Encinales.]

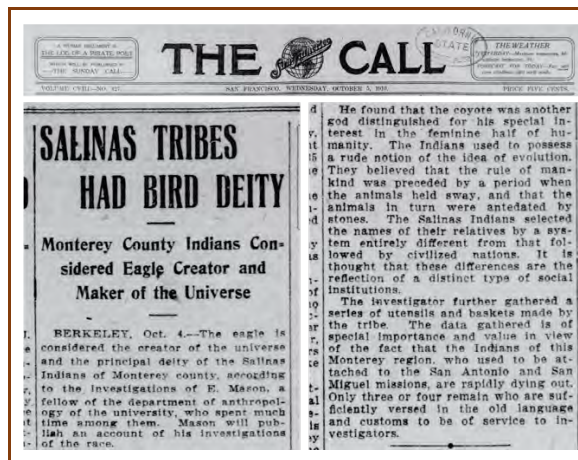
And again, in his 1918 paper, Mason writes:

“The Migueleño texts were all taken in 1916 from Maria Ocarpia, an elderly woman living at the ‘reservation’ at the foot of Santa Lucia Peak, a little north of the San Antonio Mission.”¹⁰⁵

The preceding quote reaffirms not only the location of the known “reservation” at the base of Santa Lucia Peak, but directly names another of the Encinales/Bylon Indian entity that inhabited this area.

As further evidence that Mason was referring to a specific Indian group comprised of the Encinales group, an article appeared in The San Francisco Call that referenced Mason’s work in 1910. In the article it is stated:

“The investigator further gathered a series of utensils and baskets made by the tribe. The data gathered is of special importance and value in view of the fact that the Indians of this Monterey region, who used to be attached to the San Antonio and San Miguel missions, are rapidly dying out.”¹⁰⁶



Newspaper article referencing the work of E. Mason (sic) with the Salinas (sic) Indians.

The article refers to “... the Indians of this Monterey region, who used to be at the San Antonio and San Miguel missions...”

In conjunction with the final publications by Mason in 1912 and 1918, we see the actual names of those that he worked with. Those names referenced in those reports (Perfecta Encinales, David Mora, Maria de los Angeles Bylon, et al.) are consistent with those associated with The Indians Ranch in Monterey County.

See Footnotes 24, 25, and 26.

The statement, “... the Indians of this Monterey region, who used to be attached to the San Antonio and San Miguel missions...” when taken in context that this article was referencing Mason’s work, along with other contemporaneous evidence supplied, identifies the same aforementioned group of Indians.

¹⁰⁴ Mason, J. Alden. *The Language of the Salinan Indians*. University of California Publications in American Archaeology and Ethnology. Vol. 14, No. 1, page 4, bottom of page. (January 10, 1918).

¹⁰⁵ Mason, J. Alden. *The Language of the Salinan Indians*. University of California Publications in American Archaeology and Ethnology. Vol. 14, No. 1, page 59, middle of page. (January 10, 1918).

¹⁰⁶ *Salinas Tribes Had Bird Deity – Monterey County Indians Considered Eagle Creator and Maker of the Universe*. The San Francisco Call, San Francisco, California. Page 9, top of page. (October 5, 1910). Note: The article refers to “... E. Mason, a fellow of the department of anthropology of the university...” at Berkeley. Our research cannot locate an “E. Mason” as written and are under the impression that the newspaper article simply made a transcription error for J. Alden Mason. If the Office of Federal Acknowledgment can locate evidence that this is incorrect, we will be more than happy to amend this section.

As previously noted, Mason's only contact with Indians that had made baskets were Perfecta Encinales and her daughters from the region of Jolon in Monterey County. This article makes the case that the baskets that were gathered were "made by the tribe" thereby showing that Perfecta and her daughters were part of an Indian entity.

Thus, 83.11(a) 1910-1919 Documents 3(a) and 3(b) by anthropologist J. Alden Mason, when used in combination, meets the requirements for 25 CFR § 83.11(a)(4): Identification as an Indian entity by anthropologists, historians, and/or other scholars, and 83.11(a) 1910-1919 Document 3(c) found in The San Francisco Call meets the requirements for 25 CFR § 83.11(a)(5): Identification as an Indian entity by anthropologists, historians, and/or other scholars.

Section IV Seven Mandatory Criteria

A.4. Criterion 83.11(a) 1920-1929 – Identification of Indian Entity.

...

- Subsection:** 83.11(a) 1920-1929 Subsection 1
- Document(s):** 83.11(a) 1920-1929 Documents 1(a) to 1(c)
- Title(s):**
- Doc 1(a): Rivers, Betty (California Dept. of Parks and Recreation); Jones, Terry L. (Dept. of Anthropology, Univ. of California, Davis). *Walking Along Deer Trails: A Contribution to Salinan Ethnography Based on the Field Notes of John Peabody Harrington*. Journal of California and Great Basin Anthropology. Vol. 15, No. 2, pp 146-175 (1993).
 - Doc 1(b): Mills, Elaine L. *The Papers of John Peabody Harrington in the Smithsonian Institute 1907-1957, Volume Two*. Prepared in the National Anthropological Archives, Dept. of Anthropology, National Museum of Natural History, Washington D. C. Copyright The Smithsonian Institution 1985. Salinan, pages 130-141.
 - Doc 1(c): Harrington, John P. NMNH Harrington Microfilm 8, Reel 2. National Anthropological Archives, Smithsonian Institution. Quotes used are designated as reel number and pdf page number.
- Federal Code(s):** 25 CFR § 83.11(a)(4): Identification as an Indian entity by anthropologists, historians, and/or other scholars.
- 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:

Walking Along Deer Trails by Rivers and Jones makes the case for identification of an Indian entity community between the years 1920 to 1929. As written: ¹⁰⁷

“Salinan speakers continued to reside in their homeland after contact, but the constant expansion of Euro-American settlement and the disease-induced decline of native populations relegated them to isolated refuges. One of these lay near the headwaters of the San Antonio River, in an area referred to by Anglo-American settlers as “The Indians” (Fig. 2).”

“A community of Salinan speakers re-established themselves here after the secularization of Mission San Antonio in 1834. Anthropologists, seeking to record remnants of pre-contact culture, began visiting this community in the late nineteenth century (see Turner [1987:4-10, 1988] and Gibson [1983] for histories of this work). These projects continued well into the early part of the twentieth century, and most of recorded Salinan ethnography is based on memories of residents of the San Antonio Valley area. John Peabody Harrington was among the last of these workers, but by far the most thorough.”

¹⁰⁷ Rivers, Betty (California Dept. of Parks and Recreation); Jones, Terry L. (Dept. of Anthropology, Univ. of California, Davis). *Walking Along Deer Trails: A Contribution to Salinan Ethnography Based on the Field Notes of John Peabody Harrington*. Journal of California and Great Basin Anthropology. Vol. 15, No. 2, page 146, second column. (1993).

The foregoing outlines a very distinct Indian "...community..." residing in an "isolated refuge... near the headwaters of the San Antonio River in an area referred to... as "The Indians." This community was often visited by anthropologists beginning in the late nineteenth century and "well into the early part of the twentieth century..."

Amongst those "anthropologists" who were identified by Rivers and Jones as visiting this "community" of Indians was John Peabody Harrington. Harrington visited "The Indians" in both 1922 and from 1930 to 1932.¹⁰⁸



*The Papers of John Peabody Harrington, Volume 2. Native American History, Language; and Culture of Northern and Central California.*¹⁰⁹

Tito Encinales (left) who led Harrington on many placename trips on horseback throughout Salinan territory, 1931-1932. (Top row middle picture).

Maria Encinales de Mora [wife of David Mora] entertaining a young visitor at her ranch with an armful of kittens, 1923. (Top row, right picture).

"Group of Indian survivors of the Mission San Antonio," as captioned by Harrington. Among those pictured are several of his Salinan informants: David Mora, Maria de los Angeles Bylon Ocarpia Encinales, and Maria Mora, ca 1930s. (Bottom row, right picture).

Harrington was also noted to have worked with many of the same Indians at "The Indians" that J. A. Mason worked during the 1910s. Some of those names as noted by Rivers and Jones included:¹¹⁰

¹⁰⁸ Rivers, Betty (California Dept. of Parks and Recreation); Jones, Terry L. (Dept. of Anthropology, Univ. of California, Davis). *Walking Along Deer Trails: A Contribution to Salinan Ethnography Based on the Field Notes of John Peabody Harrington*. Journal of California and Great Basin Anthropology. Vol. 15, No. 2, page 146, bottom of second column. (1993).

¹⁰⁹ Mills, Elaine L. *The Papers of John Peabody Harrington in the Smithsonian Institution 1907-1957, Volume Two*. Prepared in the National Anthropological Archives, Dept. of Anthropology, National Museum of Natural History, Washington D. C. Copyright The Smithsonian Institution 1985. Photographs located on page II / xxxvii.

¹¹⁰ Rivers, Betty (California Dept. of Parks and Recreation); Jones, Terry L. (Dept. of Anthropology, Univ. of California, Davis). *Walking Along Deer Trails: A Contribution to Salinan Ethnography Based on the Field Notes of John Peabody Harrington*. Journal of California and Great Basin Anthropology. Vol. 15, No. 2, page 152, bottom of second column. (1993).

- Tito Encinales: Son of Eusebio and Perfecta Encinales. Husband to Maria de Los Angeles Baylon Ocarpia Encinales.
- Maria de los Angeles Baylon Ocarpia Encinales: Daughter of Onesimo Baylon and Paula Ue-Echic Baylon. Wife to Tito Encinales. Half-sister to Baylon's living at Toro Creek.
- David Mora: Son-in-law to Eusebio and Perfecta Encinales. Husband to Maria Jesua Encinales Mora.
- Maria Jesua Encinales Mora: Daughter of Eusebio and Perfecta Encinales. Wife to David Mora.
- Pedro Encinales: Son of Eusebio and Perfecta Encinales.

The veracity of the names listed in the Rivers and Jones research is established in "The Papers of John Peabody Harrington, A Guide to the Field Notes: Volume Two" thereby ensuring the accuracy of the Rivers and Jones research. As written: ¹¹¹

PERSONS CONTACTED BY HARRINGTON

Linguistic Informants

ANTONIANO

Maria de los Angeles (Mla., Maria Ocarpia, M. O.)
 Tito Encinales
 David Mora (Ad., Dave)
 Maria Jesua Encinales Mora (Am., Mar., Mj., Me., M. E., Enc.)

MIGUELEÑO

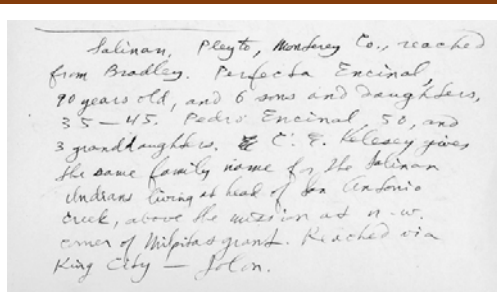
Pacifico Archuleta (Pac., Gallego)
 Rosario Cooper (rc.)
 Maria de los Angeles
 Maggie
 David Mora
 Maria Jesua Encinales Mora
 Juan Solano (Juan S., J. S.)

The names and locations of these members are also personally recognized by Harrington as well. In his field notes we find the following: ¹¹²

"Salinan. Pleyto, Monterey Co., reached from Bradley. Perfecta Encinal, 90 years old, and 6 sons and daughters, 35 – 45. Pedro Encinal, 50, and 3 granddaughters. C. E. Kelsey gives the same family name for the Salinan Indians living at head of San Antonio Creek, above the mission at n.w. corner of Milpitas grant. Reached via King City – Jolon." (Reel Page 0254, PDF page 509)

¹¹¹ Mills, Elaine L. *The Papers of John Peabody Harrington in the Smithsonian Institution 1907-1957, Volume Two*. Prepared in the National Anthropological Archives, Dept. of Anthropology, National Museum of Natural History, Washington D. C. Copyright The Smithsonian Institution 1985. Salinan, pages 137-138.

¹¹² Harrington, John P. NMNH Harrington Microfilm 8, Reel 2. National Anthropological Archives, Smithsonian Institution. Quotes used are designated as reel number and pdf page number.



Field notes from John Peabody Harrington from his research of the Salinan Indians living at the head of San Antonio Creek northwest of the San Antonio Mission at the corner of the Milpitas Land Grant. This region has been well documented as the location of The Indians Ranch. See Footnote 6.

"? dialect. At Jolon, Monterey County via King City. Felix Buelnas, ca. 6 years old in 1884 (Used by Henshaw?)." (Reel Page 0255, PDF page 511)

"San Antonio dialect Salinan. At Jolon, Monterey County. Clario, 50 years old in 1884 (Used by Henshaw?)" (Reel Page 0255, PDF page 511)

San Miguel dialect. At Jolon, Monterey County (via King City). Anesmo (of Tcoal tam tram tribe), ca. 45 years old in 1884. (Used by Henshaw?)" (Reel Page 0255, PDF page 511)

"Salinan. West base of Santa Lucia mountains peak, Monterey County, near Milpitas school house, 17 miles by a wagon road from Jolon. 3 families." (Reel Page 0255, PDF page 511)

Thus, 83.11(a) 1920-1929 Documents 1(a) to 1(c) meets the requirements 25 CFR § 83.11(a)(4): Identification as an Indian entity by anthropologists, historians, and/or other scholars and 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Subsection:	83.11(a) 1920-1929 Subsection 2
Document(s):	83.11(a) 1920-1929 Documents 2(a)
Title(s):	Doc 2(a): <i>Huge Crowd at Fete of Old Mission.</i> The Oakland Tribune, Oakland, California. July 16, 1921. Top of page 13.
Federal Code(s):	25 CFR § 83.11(a)(3): Dealings with a county, parish, or other local government in a relationship based on the group's Indian identity. 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:

On July 16, 1921, the Oakland Tribune ran an article regarding the 150th Anniversary Celebration of the San Antonio Mission. In this article, they refer to the Encinales Indians as a tribal entity contemporaneous to the event and as in a relationship with the mission itself as they have done in the past. As published:

*“Over the trails have come the Mission Indians... to give color to the day's program or to take part in the pageant that is to take place tomorrow.”*¹¹³

Later in the same article it states:

*“When the California Historic Landmarks League nearly twenty years ago spent several thousand dollars in reroofing San Antonio Mission the most interested people were old Dona Perfecta and her four children, all full-blooded Mission Indians. She has since died on her 102d birthday, and her four children are all that are left of the great tribe of Indians that swarmed the valleys more than 150 years ago. Pedro Ensenal, her son, as soon as he heard that they were preparing for the fiesta this year, come over the mountains and began to clean up around his beloved mission.”*¹¹⁴



The article references the Encinales Indians as remaining members of a “tribe of Indians” indicating that the writer was referencing a tribal Indian entity that was still in existence contemporaneously in 1921. Further, the use of the label “Mission Indians” capitalized as a proper noun also indicates that the writer was referencing an actual Indian entity.

Although we realize that the Office of Federal Acknowledgement in the past has viewed the term “mission indian” as too vague of a term, we feel in this case that the writer was clearly referencing a specific Indian entity associated locally with the San Antonio Mission based on the following:

- The quote

“She (Perfecta Encinales) ... and her four children are all that are left of the great tribe of Indians that swarmed the valleys...”

¹¹³ *Huge Crowd at Fete of Old Mission.* The Oakland Tribune, Oakland, California. July 16, 1921. Top of page 13, first part of article.

¹¹⁴ *Huge Crowd at Fete of Old Mission.* The Oakland Tribune, Oakland, California. July 16, 1921. Top of page 13, last part of article.

makes it clear that this group was from the “valley” which was a common term for the San Antonio Valley region where the mission is located and that the phrase “all that are left of the great tribe” implies that the tribe is still in existence contemporaneously.

- The quote

“...150 years ago...”

gives reference to a specific local tribe that existed in the area at the founding of the San Antonio Mission 150 years ago.

- The quote

“Pedro Ensenal, her son, as soon as he heard that they were preparing for the fiesta this year, come over the mountains and began to clean up around his beloved mission.”

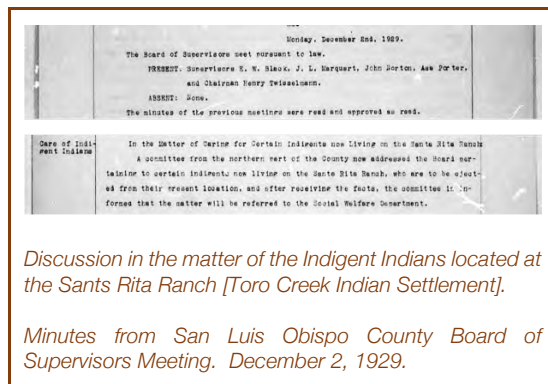
gives us evidence that not only was this Indian entity was still living in the area, but they were still in a relationship with the San Antonio Mission in 1921.

Even if the writer was incorrect in using the generic term “Mission Indian” as the “name of the tribe” in this article, we believe that the writer was clearly referring to a very distinct Indian entity, in this case “tribe,” living in the geographic area near the San Antonio Mission.

Thus, 83.11(a) 1920-1929 Document 2(a) meets the requirements for 25 CFR § 83.11(a)(3): Dealings with a county, parish, or other local government in a relationship based on the group’s Indian identity, and 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

- Subsection:** 83.11(a) 1920-1929 Subsection 3
- Document(s):** 83.11(a) 1920-1929 Documents 3(a) to 3(d)
- Title(s):**
- Doc 3(a): *Care of Indigent Indians.* Minutes for the Meeting of the San Luis Obispo Board of Supervisors. December 2, 1929. Book S, page 36, middle of page.
 - Doc 3(b): *Seek Home for Indians.* The San Luis Obispo Daily Telegram. San Luis Obispo, California. Dec 3, 1929. Page 1, bottom right quarter portion of page.
 - Doc 3(c): *Letters to the Editor.* The San Luis Obispo Daily Telegram. San Luis Obispo, California. Dec 9, 1929. Letter written by Mrs. Iversen Letter as the County Chairman of Indian Welfare, Women's Federated Clubs. Dec 9, 1929. Page 4, top half of page.
 - Doc 3(d): *Paso Women's Club Meets.* The San Luis Obispo Daily Telegram. San Luis Obispo, California. Dec 11, 1929. Page 3, upper portion of page.
- Federal Code(s):** 25 CFR § 83.11(a)(3): Dealings with a county, parish, or other local government in a relationship based on the group's Indian identity.
- 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:



On December 2, 1929, a delegation appeared before the County Board of Supervisors to seek assistance with finding a place to live for the Indians that were being evicted by the San Luis County Superior Court ruling.

As recorded in the San Luis Obispo County Office of the Clerk, this agenda item was presented and recorded as follows in the minutes: ¹¹⁵

“Care of Indigent Indians”

“In the Matter of Caring for Certain Indigents

now Living on the Santa Rita Ranch.”

“A committee from the northern part of the County now addressed the Board pertaining to certain indigents now living on the Santa Rita Ranch, who are to be ejected from their present location, and after receiving the facts, the committee informed that the matter will be referred to the Social Welfare Department.”

Records and references of this meeting were recorded in the local newspaper.

On December 3, 1929 a story appeared in The San Luis Obispo Daily Telegram telling the story of what transpired the day before in court. A delegation of Mrs. Iverson, Father Modesto of the San Miguel

¹¹⁵ *Care of Indigent Indians.* Minutes for the Meeting of the San Luis Obispo Board of Supervisors. December 2, 1929. Book S, page 36, middle of page.

Mission, along with other community representatives appeared before the Board of Supervisors to make their case. The following was reported:

“The delegation presented the one side of the question that these were three of the original Mission Indians and that they had been on their location in the Marre ranch for over 60 years and had grown to consider it as their home.”¹¹⁶

		<i>Seek Home for The Indians</i> Article appearing on December 3, 1929, reporting on the San Luis Obispo Board of Supervisors Meeting from the day before.
Seek Home For Indians Indications that the long feud between the Indian and his white brother may be composed in this county were made by a committee headed by Mrs. Fred Iverson of Paso Robles Monday afternoon at the board of supervisors' meeting. Mrs. Iverson, Father Modesto of San Miguel Mission and other county representatives appeared before the board to ask that some arrangements be made to care for three Indians, Ramon Roses, Marie Baylon and Jose Baylon, who are to be dispossessed from the Luigi Marre ranch, between Avila and San Gonzalo. Real Ancients. The delegation presented the one side of the question that these were three of the original Mission Indians and that they had been on their location in the Marre ranch for over 60 years and had grown to consider it as their home.	HERE'S MORE ABOUT Indians STARTS ON PAGE ONE “Possibly you supervisors might bring some influence to bear on superior Judge T. A. Norton,” Mrs. Iverson declared, “to see if he order that they vacate their home might be suggested or if Mr. Marre might be persuaded to let the Indians remain.” “We have no power over court orders,” Superior Henry Twissel said, explained to the committee, and Judge Norton has already ruled that the Indians have no right to the property. Will Offer Aid. “The Social Welfare department will undoubtedly take care of them if they are rendered homeless,” he continued, “but there is no other action that we could take.” From Mr. Marre's viewpoint another picture is painted. According to Mr. Marre he has allowed the Indians, in violation of superior's ruling, to be a productive portion of his ranch for many years, supplying them with foodstuffs and allowing them to take from his vines and grapes what they needed for their existence. However, the Indians have assumed a hostile attitude of late, Mr. Marre explained, and only taking (Continued on page two)	<i>“Mrs. Iverson, Father Modesto of San Miguel Mission and other county representatives appeared before the board to ask that some arrangement be made to care for three Indians, Ramon Roses, Marie Baylon (sic) and Jose Baylon, who are dispossessed from the Luigi Marre ranch...”</i> <i>“The delegation presented the one side of the question that these were three of the original Mission Indians and that they had been on their location in the Marre ranch for over 60 years...”</i>

This quotation makes the case for a contemporaneous Indian entity. Although the wording is in past tense and can give the impression that the Indians were no longer living at the location in question, that should not come as a surprise when taken in context that the reporter was reporting on events that had already taken place at the time of writing which is standard for reporting on events in the immediate past.

As evidence, the minutes from the Board of Supervisors meeting clearly state that the Indians were still on the property at the time of the hearing.

“A committee... now addressed the Board pertaining to certain indigents now living on the Santa Rita Ranch, who are to be ejected from their present location...”

Based on this, the San Luis Obispo Daily Telegram has reported that there are presently “three of the original Mission Indians” living on a “location” at the Marre Ranch as they have for the last 60 years.

And although the term “Mission Indian” is of a generic nature, we feel that further contemporaneous evidence shows that this article is specifically identifying an Indian entity that has an ongoing relationship with the San Miguel Mission based on their Indian identity. Mrs. Iverson wrote a Letter to the Editor a few days later in reference to the Board of Supervisors meeting. To wit:

“Father Modesto of the Mission San Miguel has been of the greatest of help to us as the Indians trust him far more than they do us.”¹¹⁷

This letter from Mrs. Iverson gives us evidence that the Indians have had an ongoing relationship with Father Modesto from the San Miguel Mission. This relationship should not come as a surprise as the San Miguel Mission is part of Salinan culture and the territory of this mission also covered the Asuncion

¹¹⁶ *Seek Home for Indians.* The San Luis Obispo Daily Telegram. San Luis Obispo, California. Dec 3, 1929. Page 1, bottom right quarter portion of page.

¹¹⁷ *Letters to the Editor.* The San Luis Obispo Daily Telegram. San Luis Obispo, California. Dec 9, 1929. Letter written by Mrs. Iverson Letter as the County Chairman of Indian Welfare, Women's Federated Clubs. Dec 9, 1929. Page 4, top half of page, bottom of first column in the letter.

Spanish Land Grant that the property in question was located. To the Indians, they were simply living on their rightful property.



Paso Women's Club Meets

Article appearing on December 11, 1929, reporting on a meeting that took place a week later after appearing before the Board of Supervisors.

"(Father Modesto) spoke of the pitiful remnant of 'our last pure Indians' about to be evicted.... He visits them frequently, and speaks with them in their own language."

"Altogether the talk by Father Modesto was most informative and interesting, and immensely apropos of the Indian situation being threshed out in our county today."

The letter also argues that the Indians in question were in a relationship with the San Miguel Mission as a tribal entity as Father Modesto was documented as having:

"...been of the greatest help to us as the Indians trust him far more than they do us."

This "trust" that is spoken of could not have taken place unless there was a relationship history between the church and the Indians at Toro Creek.

As further evidence of the relationship with the San Miguel Mission and Father Modesto, the San Luis Obispo Tribune reported a few days later about a

presentation that Father Modesto made before the Paso Robles Women's Club.

During this meeting, it is reported that Father Modesto of the San Miguel Mission was on hand to discuss the restoration of the mission and the plight of the Indians at Toro Creek. He discusses the situation with the Indians of Toro Creek and was reported as follows:

*"He [Father Modesto] spoke of the pitiful remnant of 'our last pure Indians' about to be evicted from the only home they have ever known. He visits them frequently, and speaks with them in their own language."*¹¹⁸

Thus giving further evidence that Father Modesto was working with the Indians of Toro Creek on an ongoing basis.

Thus, 83.11(a) 1920-1929 Documents 3(a) to 3(d) meet the requirements for 25 CFR § 83.11(a)(3): Dealings with a county, parish, or other local government in a relationship based on the group's Indian identity, and 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

¹¹⁸ *Paso Women's Club Meets*. The San Luis Obispo Daily Telegram. San Luis Obispo, California. Dec 11, 1929. Page 3, upper portion of page.

Subsection: 83.11(a) 1920-1929 Subsection 4

Document(s): 83.11(a) 1920-1929 Documents 4(a)

Title(s): Doc 4(a): *Cayucos News Notes: Interested in Indians.* The San Luis Obispo Daily Telegram. San Luis Obispo, California. Dec 18, 1929. Page 12, top right quarter portion of page.

Federal Code(s): 25 CFR § 83.11(a)(4): Identification as an Indian entity by anthropologists, historians, and/or other scholars.

Evidence for Inclusion:

San Luis Obispo Tribune, San Luis Obispo, California. December 18, 1929, Page 12. “Cayucos News Notes: Interested in Indians”.

Article discussing the interest and how: ¹¹⁹

“The people of Cayucos are much interested in the outcome of the trouble between Mr. Marre and the Indians of Toro Creek. The Indians, who are frequent visitors here, are very well known and have always been friendly and respectful to the people here.”

“This community would like to see the Indians be allowed to remain in the dwellings they so dearly love.”



Cayucos News Notes: Interested in Indians

Article appearing on December 11, 1929, reporting on a meeting that took place a week later after appearing before the Board of Supervisors.

“The people of Cayucos are much interested in the outcome of the trouble between Mr. Marre and the Indians of Toro Creek. The Indians, who are frequent visitors here, are very well known and have always been friendly and respectful to the people here.”

“This community would like to see the Indians be allowed to remain in the dwellings they so dearly love.”

In this article, we are told of the “Indians [plural] of Toro Creek” and how the community would like “... to see the Indians be allowed to remain in the dwellings they so dearly love.” These excerpts give a persuasive argument for a group of Indians that were living in a specific settlement of dwellings contemporaneous to and leading up to the late 1920s as recognized by a newspaper.

Thus, 83.11(a) 1920-1929 Document 4(a) meets the requirements for 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

¹¹⁹ *Cayucos News Notes: Interested in Indians.* The San Luis Obispo Daily Telegram. San Luis Obispo, California. Dec 18, 1929. Page 12, top right quarter portion of page.

Preface to the 1930s Forward Section 83.11(a)

Introduction

Under 25 CFR § 83.10(b)(5), the Office of Federal Acknowledgment, when evaluating a petition, will:¹²⁰

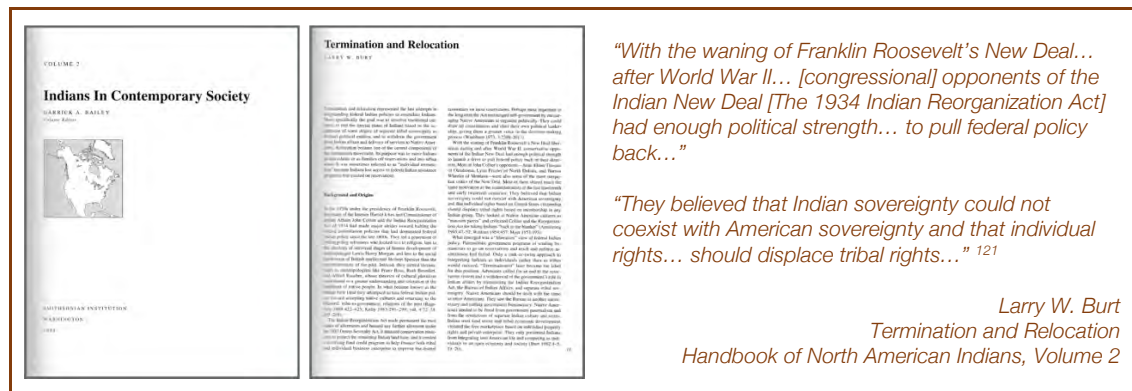
“Apply these criteria in context with the history, regional differences, culture, and social organization of the petitioner.”

Considering the unique challenges found with the Indians and Indian entities that trace their heritage back to the California Spanish Mission Era, we feel that the following provides evidence that should be taken in consideration when reviewing this application moving forward from the 1930s.

Section 1: Toro Creek Indian Settlement Issue and the Years Leading Up to the Beginning of the Indian Termination Era of 1953.

To many, the Indian Termination Era is marked with the passage of House Concurrent Resolution 108 on August 1, 1953, and, two weeks later, House Resolution 1063, Public Law 280. But for California, the policy directive for Indians began much earlier.

Beginning in 1935, reports from the Sacramento Indian Agency would routinely suggest that the solution to the California Indian issue would be to terminate the United States Indian Services in Sacramento. These types of recommendations for the California Indians continued until the early 1950s leading up to the Indian Termination Era.



During the Indian Termination Era that we will discuss in Section 2 below, California was the only state that was originally listed on both Resolution 108 and Public Law 280, was the home of three of the six Field Relocation Offices under The American Indian Relocation Program and faced the California Rancheria Termination Acts passed by Congress from 1956 to 1964.

The above timeline is important to our story as we see that in February of 1935, Superintendent O. H. Lipps sent a request to the Department of Justice to begin proceedings to obtain land for the Toro Creek Indians. We are not aware of what ever became of this request or if the lack of known response by the Department of Justice was related to a policy directive of terminating Indian Services in California that also began in 1935.

¹²⁰ “Procedures For Federal Acknowledgement of Indian Tribes” 25 CFR § 83.10(b)(5): <https://www.ecfr.gov/current/title-25/chapter-I/subchapter-F/part-83#83.10> (Page 6 of 20)

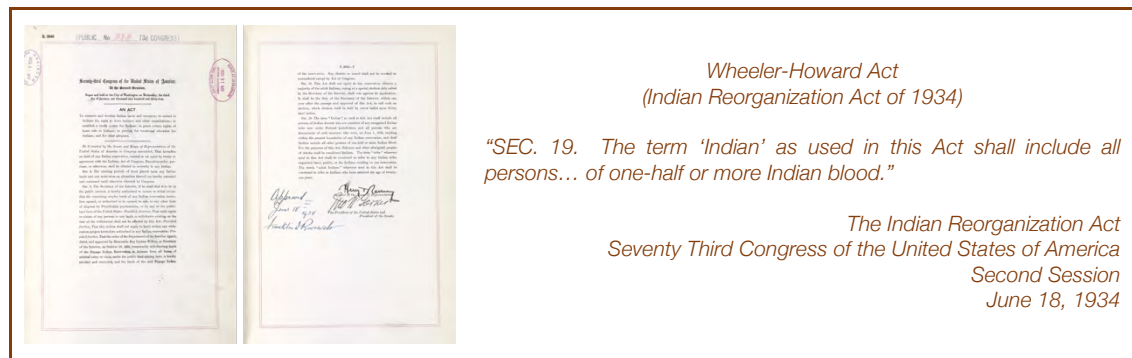
¹²¹ Burt, Larry W. “Termination and Relocation.” Handbook of North American Indians, Volume 2: Indians in Contemporary Society. William C Sturtevant. Volume Editor Garrick A. Bailey. Copyright 2008. Page 19, second column.

1929 to 1934: Toro Creek Indian Settlement Lawsuit

On April 17, 1929, a lawsuit was filed against the Toro Creek Indians Raymond Roses, Joe Baylon, and Maria Bylon by the Luigi Marre Land & Cattle Company to settle a dispute over a long existing Indian settlement at Toro Creek.¹²²

On August 26, 1929, the final ruling was found in favor of the Luigi Marre Land & Cattle Company. This ruling left the Bylons without a home.¹²³

6 months later, the United States Department of Justice along with the Commissioner of Indian Affairs, claimed that the Bylons were wards of the federal government and filed an appeal on their behalf in the First Appellate District Court of Appeals. This appeal was filed February 13, 1930.¹²⁴



As the appeal progressed, the Toro Creek Indians By-Laws were adopted on February 17, 1934.¹²⁵ Later during this appeal process, Congress would go on to adopt the Indian Reorganization Act.¹²⁶ This act was signed into law on June 18, 1934, by President Franklin D. Roosevelt and provided an opportunity for tribes to sustainably organize themselves.

We see that under Section 19 of this Act the following:¹²⁷

“SEC. 19. The term ‘Indian’ as used in this Act shall include all persons... of one-half or more Indian blood.”

¹²² *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Complaint. San Luis Obispo County Superior Court. Filed April 17, 1929.

¹²³ *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Final Ruling from the California Court of Appeals. July 2, 1934.

¹²⁴ *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Affidavit of Assistant U. S. Attorney for the Southern District of California Ignatius F. Parker on Motion under section 473 of the Code of Civil Procedures to set aside judgment herein. Page 2 of Affidavit. February 13, 1930.

“... That deponent [Assistant U. S. Attorney Ignatius F. Parker] is requested by the Attorney General of the United States and the Commissioner of Indian Affairs to present the Motion filed herein to set aside the judgment heretofore entered herein under Section 473 of the Code of Civil Procedure of California by reason of the fact that defendants herein as California Indians are deemed to be at least as regards their interest in lands, wards of the United States Government...”

¹²⁵ Toro Creek Indians By-Laws, February 17, 1934.

¹²⁶ Indian Reorganization Act. Public Law 73-383, 48 Stat. 984. June 18, 1934.

¹²⁷ Indian Reorganization Act. Public Law 73-383, 48 Stat. 984. Section 19, last page. June 18, 1934.

It should be noted that at the time that the Act was adopted, all the adult members of the Toro Creek Indians were either one-half or full-blooded Indians.

Two weeks later on July 2, 1934, the First Appellate District Court of Appeals ruled against the Bylons and the land was permanently lost.¹²⁸

February 1935: Request by Sacramento Agency Superintendent O. H. Lipps to the Department of Justice for the Toro Creek Indians.

Seven months later on February 25, 1935, we see a newspaper article in the San Luis Obispo Daily Telegram. In this article we find that Mrs. Fred Iversen, who was helpful to the Toro Creek Indians in protecting their rights, had received a notification from Superintendent O. H. Lipps of the Indian Affairs of Sacramento that the Indian Service had requested the Department of Justice institute proceedings to obtain title to the property occupied by the Toro Creek Indians.¹²⁹



*U. S. Ready to Aid S.L.O. County Indians
Toro Creek Land Sought for Natives*

"The Indian Service has requested the department of justice to institute proceedings in federal court to obtain title to the tract occupied by the Toro Creek Indians..."

"Through the efforts of persons interested in the Indians, the U. S. district attorney from Los Angeles was brought into the case and attempted to reopen it on the claim that the defendants were 'California Indians' and that they were wards of the federal government and incompetent in law to take care of their own affairs."

*The San Luis Obispo Daily Telegram
San Luis Obispo, California
February 25, 1935*

"The Indian Service has requested the department of justice (sic) to institute proceedings in federal court to obtain title to the tract occupied by the Toro Creek Indians it was learned at Paso Robles today."

We should be reminded of the original request by the Department of Justice and the Commissioner of Indian Affairs during the aforementioned appeal filed on February 13, 1930, so this 1935 request is reasonable and consistent with both departments.

Yet over the years we have never understood what happened with this request to the Department of Justice in 1935, nor have we been able to locate any of the related correspondence between the Commissioner of Indian Affairs and the Department of Justice between 1930 and 1935 or any related and internal files regarding this Indian land dispute. Any assistance from the Office of Federal Acknowledgement in locating documentation would be very appreciated.

¹²⁸ *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Final Appeal. February 13, 1930.

¹²⁹ "U. S. Ready to Aid S. L. O. County Indians: Toro Creek Land Sought For Natives". San Luis Obispo Daily Telegram, San Luis Obispo County. February 25, 1935. Front page, headline and first column.

Although we have no conclusive evidence over what transpired, we can see over the next 17 years leading up to beginning of the Indian Termination Era of 1953 a consistent policy directive to end the Sacramento Indian Agency.

1935: Fiscal Year 1935 Annual Report Narrative Section for the Sacramento Indian Agency, O.H Lipps.

[illegible]

After O.H. Lipps made his land request for the Toro Creek Indians to the Department of Justice, he would later write his Fiscal Year 1935 Annual Report Narrative Section for the Sacramento Indian Agency,¹³⁰ In his report, Lipps provides us with a table¹³¹ that gives us the acreage and prices paid for land purchased for landless Indians in the Sacramento Agency Jurisdiction.

And even though Lipps requested the Department of Justice to institute proceedings to obtain title occupied by the Toro Creek Indians as described above, we discover that at the time of this report a few months later that no lands were ever acquired for the Toro Creek Indians or any of the Indian groups in either San Luis Obispo or Monterey Counties.

Lipps would go on to claim in the Fiscal Year 1935 Annual Report:

132

“... it appears evident that the first step to be taken in order to rehabilitate the dispossessed and landless California Indians in this jurisdiction is the purchase of several large tracts of good agricultural land, to be immediately followed by the building of houses, providing tools and equipment...”

Later stating:

"Until sufficient funds are provided there is not a great deal any Superintendent can do permanently to improve the condition of the scattered bands of neglected Indians in the Sacramento jurisdiction."

¹³⁰ Lipps, O. H., Superintendent for the Sacramento Indian Agency. Fiscal Year 1935 Annual Report Narrative Section.

¹³¹ Lipps, O. H., Superintendent for the Sacramento Indian Agency. 1935 Annual Report Narrative Section. Section II, Agricultural Development. Pages 5-6.

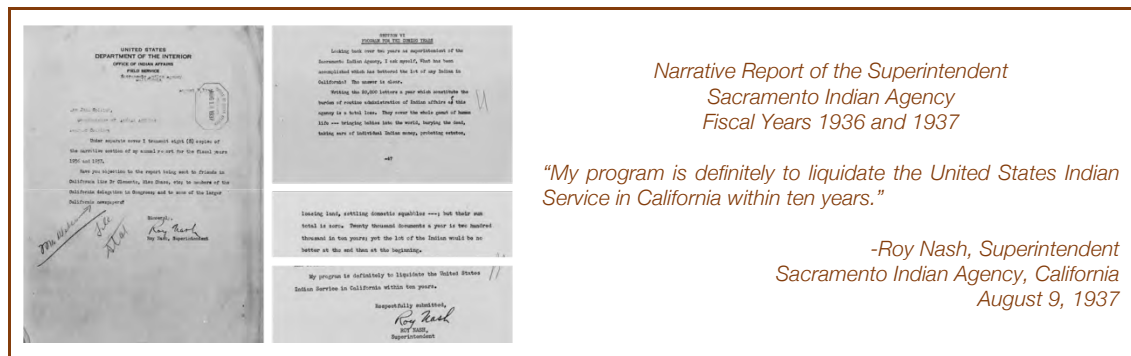
¹³² Lipps, O. H., Superintendent for the Sacramento Indian Agency. 1935 Annual Report Narrative Section. Section V, Program For The Coming Year. Pages 3-4.

From his letter to the Department of Justice on behalf of members of the Toro Creek Indians to his comments above, it seems fair to conclude that Lipps was at least supportive of helping California Indians who were both dispossessed and landless.

1936 to 1937: Fiscal Year 1936 to 1937 Annual Report Narrative Section for the Sacramento Indian Agency, O.H Lipps.

On August 1, 1935, Roy Nash would later take over as Superintendent of the Sacramento Indian Agency. In his first Narrative Report for the Sacramento Indian Agency for Fiscal Years 1936 and 1937¹³³, Nash would erroneously claim that the agency had no function along the region of the Spanish Missions for many years:¹³⁴

"It will be seen that Indians have almost disappeared form the counties south of San Francisco Bay, along the lines of the old Spanish Mission. The 112 remaining in the five counties of Santa Cruz, Santa Clara, Monterey, San Benito, and San Luis Obispo are so scattered and so assimilated into the general population that this agency has performed no function there for many years."



We know this was a mistake as just 2 years before Superintendent Lipps had reached out to the Department of Justice to request proceedings to obtain land for the Toro Creek Indians in San Luis Obispo County.

Nash would go on to outline his program for his agency for the coming ten years.¹³⁵

"Looking back over two years as superintendent of the Sacramento Indian Agency, I ask myself, What (sic) has been accomplished which has bettered the lot of any Indian in California? The answer is clear."

Writing 20,000 letters a year which constitute the burden of routine administration of Indian affairs at the agency is a total loss. ... Twenty thousand documents a year is two hundred thousand in ten years; yet the lot of the Indian would be no better at the end than at the beginning."

Concluding:¹³⁶

¹³³ Nash, Roy. Superintendent for the Sacramento Indian Agency. Fiscal Year 1936-1937 Annual Report Narrative Section.

¹³⁴ Nash, Roy. Superintendent for the Sacramento Indian Agency. Fiscal Year 1936-1937 Annual Report Narrative Section. Page 9.

¹³⁵ Nash, Roy. Superintendent for the Sacramento Indian Agency. Fiscal Year 1936-1937 Annual Report Narrative Section. Section VI. Program for the coming Years. Pages 47-48.

¹³⁶ Nash, Roy. Superintendent for the Sacramento Indian Agency. Fiscal Year 1936-1937 Annual Report Narrative Section. Section VI. Program for the coming Years. Page 49.

“My program is definitely to liquidate the United States Indian Service in California within ten years.”

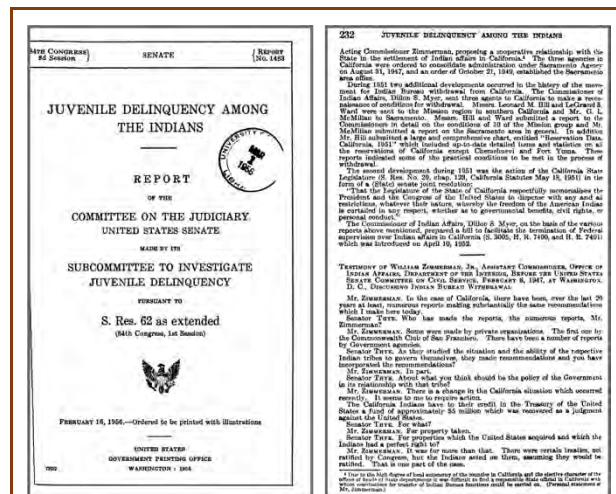
May 1, 1944: Report on the California Indian Problem, John G. Rockwell.

On May 1, 1944, Superintendent John G. Rockwell of the Sacramento Indian Agency, observes that the hearings and reports that he has studied all have a unified policy direction towards removing help for California Indians. From this he observes the following:¹³⁷

“Although I may not have interpreted the import of these reports and hearings altogether correctly, the simple fact remains that there is a grave doubt within the minds of not one but many, perhaps the majority, of the students of the California Indians whether Federal control over Indian affairs should remain in this State and whether the interests of the California Indians would not be better served by removing all distinctions which separate them from the rest of the citizenry of the State.”

June 1951 to 1952: Report by the Commissioner of Indian Affairs Dillon S. Myer and California State Senate Joint Resolution No. 29, Chapter 123, May 18, 1951 “Relative to the American Indian.”

138



Based on various reports as presented in 1951 to the Commissioner of Indian Affairs Dillon S. Meyer, Meyer would prepare a bill to facilitate the termination of Federal Supervision over Indian Affairs in California in 1952. (S. 3005, H. R. 7490, and H. R. 7491).

the freedom of the American Indian is curtailed in any respect, whether as to governmental benefits, civil rights, or personal conduct.”

Commissioner Myer, based on the above reports, on April 10, 1952, would prepare a bill to facilitate the termination of Federal supervision over Indian affairs in California.

In 1951, Dillon S. Myer, the Commissioner of Indian Affairs, sent three agents to California to survey the conditions for withdrawal from California. Two of the agents, Leonard Hill and LeGrand Ward, came back with a report on the conditions of 10 of the Mission Group and the third, G. L. McMillan, submitted a report in regard to the Sacramento area of California. The reports indicated practical conditions to be met in the process of withdrawal.

And we see in the same year that the State of California would adopt S. Res. No. 29 in the form of a senate joint resolution. In it we see the following:

“That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to dispense with any and all restrictions, whatever their nature, whereby

¹³⁷ Rockwell, John G., “The Status of the Indian in California Today”. Published by the Sacramento Indian Agency. Section I “Findings and Recommendations of Previous Studies”. Page 24.

¹³⁸ “Juvenile Delinquency Among the Indians: Report of the Committee on the Judiciary United States Senate Pursuant to S. Res. 62 as Extended”. Senate Report 1483, 84th Congress, 2nd Session. Page 232.

Section 2: Brief Overview of the Indian Termination Era and the California Rancheria Termination Acts (1953-1970)

The Indian Termination Era, beginning in the 1950s, disproportionately affected California Indians. When the first two key pieces of legislation were adopted two weeks apart in August of 1953, namely House Concurrent Resolution 108 and Public Law 280, we see that California was the only state that was named in both Acts. Additionally, under the Indian Relocation Program, we see that California went on to be the home to three of the six Field Relocation Offices under the direction of the Bureau of Indian Affairs.

House Concurrent Resolution 108¹³⁹

The beginning of the Indian Termination Era is generally marked with the passage of House Concurrent Resolution 108 on August 1, 1953. From this, we find that the Bureau of Indian Affairs will no longer provide any support for all Indian tribes listed in four very specific states. As passed:

*“Resolved by the House of Representatives (the Senate concurring), That... at the earliest possible time, all of the Indian tribes and the individual members thereof located with the States of **California** [emphasis added], Florida, New York, and Texas... should be freed from Federal supervision and control...”*

*“It is further declared... that... all offices of the Bureau of Indian Affairs in the States of **California** [emphasis added], Florida, New York, and Texas and all other offices of the Bureau of Indian Affairs whose primary purpose was to serve any Indian tribe or individual freed from Federal supervision should be abolished.”*

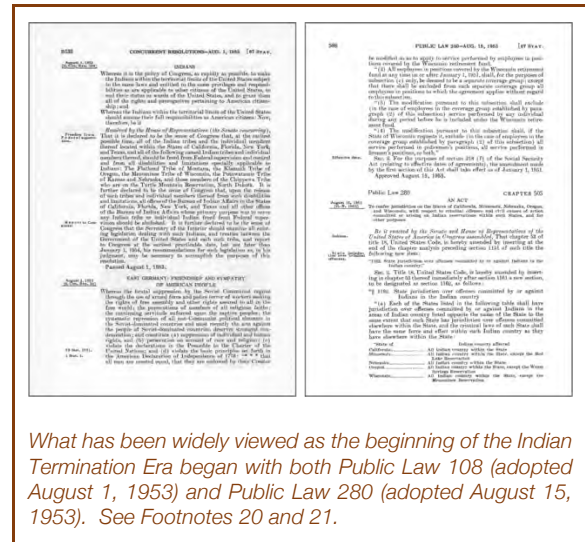
Public Law 280¹⁴⁰

Two weeks later in 1953, we see that passage of House Resolution 1063, Public Law 280. This Act transferred jurisdiction away from the tribes, to their respective state governments, the jurisdictional authority for criminal and civil offenses committed on reservations. As adopted:

“§ 1162. State jurisdiction over offenses committed by or against Indians in the Indian country.”

“(a) Each of the States listed in the following table shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over offenses committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country as they have elsewhere within the State.”

*“State of Indian country affected”
“California..... All Indian country within the State” [emphasis added]*



¹³⁹ 67 Stat. House Concurrent Resolution 108, Public Law 108 “Indians”, August 1, 1953.

¹⁴⁰ 67. Stat. H. R. 1063, Public Law 280. “An Act To confer on the States of California, Minnesota, Nebraska, Oregon, and Wisconsin, with respect to criminal offenses and civil causes of action committed or arising on Indians reservations within such States, and for other purposes.” August 15, 1953.

“Minnesota.....	<i>All Indian country within the State, except the Red Lake Reservation”</i>
“Nebraska	<i>All Indian country within the State”</i>
“Oregon	<i>All Indian country within the state, except the Warm Springs Reservation”</i>
“Wisconsin	<i>All Indian country within the State, except the Menominee Reservation”</i>

The Indian Relocation Program

In 1956, Senate Bill 3416, Public Law 959, was adopted. This resulted in what is known today as The American Indian Relocation Program. Public Law 959 was a codification of a policy that the Bureau of Indian Affairs had in place since 1952 referred to as the Voluntary Relocation Program. Under this program, the Bureau of Indian Affairs incentivized individual Indians and families to leave their reservations and assimilate into American culture.¹⁴¹

As noted in “The American Indian Relocation Program” report from 1956, there were six Field Relocation Offices located throughout the United States at the time. Of the six, half were in California as we see listed below:¹⁴²

- Chicago, Illinois
- Denver, Colorado
- Los Angeles, California
- San Francisco, California
- San Jose, California
- St. Louis, Missouri

The California Rancheria Termination Acts

It was during this time that the United States would also pass the California Rancheria Termination Acts. These Acts had a further devastating effect not only the California Indians, but for cultural perspectives of the existence of Indians in California as well. Below are the three Acts along with the amendment to the third.

- **House Resolution 585, Public Law 443. March 29, 1956:**¹⁴³ To Authorize the Conveyance to Lake County, California, of the Lower Lake Rancheria, and for Other Purposes.
- **House Resolution 6692, Public Law 85-91. July 10, 1957:**¹⁴⁴ To Authorize the Transfer of the Coyote Valley Rancheria to the Secretary of the Army, and for Other Purposes.
- **House Resolution 2824, Public Law 85-671. August 18, 1958:**¹⁴⁵ To Provide for the Distribution of the Land and Assets of Certain Indian Rancherias and Reservation in California, and for Other Purposes. This targeted 41 rancherias throughout California.

¹⁴¹ 70. Stat. S. 3416. Public Law 959 “*An Act Relative to employment for certain adult Indians on or near Indian reservations.*” August 3, 1956.

¹⁴² Madigan, La Verne. “*The American Indian Relocation Program*”. A report undertaken with the assistance of The Field Foundation; Inc. based upon the findings of a Relocation Survey Team under the direction of Dr. Mary H. S. Hayes. Published by The Association of American Indian Affairs, Inc. December 1956. Page 4 “Branch of Relocation Organization Chart – 1957”.

¹⁴³ 70. Stat. H. R. 585, Public Law 443, Chapter 100 “*An Act To authorize the conveyance to lake County, California, of the Lower Lake Rancheria, and for other purposes.*” March 29, 1956.

¹⁴⁴ 70. Stat. H. R. 6692, Public Law 85-91, “*An Act To authorize the transfer of the Coyote Valley Indian Rancheria to the Secretary of the Army, and for other purposes.*” July 10, 1957.

¹⁴⁵ 72. Stat. H. R. 2824, Public Law 85-671, “*An Act To provide for the distribution of the land and assets of certain rancherias and reservations in California, and for other purposes.*” August 18, 1958.

- **House Resolution 7833, Public Law 88-419, August 11, 1964:** ¹⁴⁶ To amend the Act entitled “An Act to Provide for the Distribution of the Land and Assets of Certain Indian Rancherias and Reservation in California, and for Other Purposes”, approved August 18, 1958 (72 Stat. 619).

Conclusion

From the preceding discussion, it is reasonable to conclude the for much of the United States, especially for the Indian groups residing in California, the actions of the federal government fostered a cultural atmosphere from the 1930s forward in which government agencies, academics, researchers, news outlets, and society saw the existence of Indians and tribal groups as either a vanishing or bygone era.

For much of the United States, especially for the Indian groups residing in California, the actions of the federal government fostered a cultural atmosphere from the 1930s forward in which government agencies, academics, researchers, news outlets, and society saw the existence of Indians and tribal groups as either a vanishing or bygone era.



Left Column: “Indian, 120, Dies; Race is Vanishing” ¹⁴⁷ (December 9, 1936)

Top Row Middle Column: “Member of Vanishing Indian Tribe Braves Storms, Illness and Weary Miles To Protect His Lonely Wife” ¹⁴⁸ (January 19, 1933)

Top Row Right Column: “Jose Bylon, Toro Indian, At Happy Hunting Ground. ‘...one of the few native Indians left in San Luis Obispo County...’” ¹⁴⁹ (April 25, 1935)

Bottom Row Middle Column: “[Les] Pierce, one of the few remaining Toro Creek Indians...” ¹⁵⁰ (November 24, 1978)

Right Column Middle Row: “‘Tito’ Encinales Dies; One of Last Indian Families” ¹⁵¹ (May 24, 1934)

Right Column Bottom row: “One Of Last San Miguel Indians Dies At 120” ¹⁵² (December 3, 1936)

¹⁴⁶ 78. Stat. H. R. 7833, Public Law 88-419, “An Act to amend the Act entitled ‘An Act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes’ approved August 18, 1958 (72 Stat. 619). August 11, 1964.

¹⁴⁷ “Indian, 120, Dies; Race is Vanishing – One of Last “Diggers” is Buried at Jolon. The Californian. Salinas, California. December 9, 1936. Front page, top of third column.

¹⁴⁸ “Member of Vanishing Indian Tribe Braves Storms, Illness and Weary Miles to Protect His Lonely Wife.” The Californian. Salinas, California. January 19, 1933. Page 2, lower left hand corner.

¹⁴⁹ “Jose Bylon, Toro Indian, At Happy Hunting Ground.” The San Luis Obispo Daily Telegram. San Luis Obispo, California. April 25, 1935. Page 8, upper right corner.

¹⁵⁰ Humphrey, Brad. Special Section Et Cetera: “Only Graves Now, Troubled Times at Toro Creek.” Atascadero News. Atascadero, California. November 24, 1978.

¹⁵¹ “Tito Encinales Dies; One of Last Indian Families.” Salinas Morning Post. Salinas, California. May 24, 1934. Front page, lower part of sixth column.

¹⁵² “One of Last San Miguel Indians Dies at 120.” The Fresno Bee. Fresno, California. December 3, 1936. Page 20 overall, page 8-B, bottom of second column.

We can also see time and again throughout this application that most academics, researchers, and news outlets would only identify Indians and Indian entities if they were born and baptized at one of the original California Spanish Missions. As such most were routinely identified in research and obituaries as the last of a tribal group even though this was not accurate. These types of cultural inaccuracies further fostered a societal viewpoint that Indians and Indian entities were a bygone era.

In other words, it perpetuated the social and cultural genocide of the California Spanish Mission Indians that has been taking place since 1769, for almost a quarter of a millennium.

As such, locating identification as required by the Office of Federal Acknowledgement can be a bit challenging for those tribal entities that trace their history to the California Spanish Missions.



"The Situation of the California Indians has no parallel in America." ¹⁵³

*"Final Report to the Commissioner of Indian Affairs"
C. E. Kelsey
Special Agent for the California Indians
July 25, 1913*

We hope the Office of Federal Acknowledgment will take the above discussion into consideration when reviewing this application in terms of the volume of evidence provided from 1930 forward as required to meet the standards for federal acknowledgment.

And we also hope that the Office of Federal Acknowledgement can assist us in finding out exactly what became of the request from O. H. Lipps and the Indian Service to the Department of Justice asking for proceedings to acquire land for the Toro Creek Indians back in 1935.

¹⁵³ Kelsey, Charles Edwin. *Final Report to The Commissioner of Indian Affairs*. United States Department of the Interior, Washington, D. C. July 25, 1913. Bottom of page 2 middle of page.

Section IV Seven Mandatory Criteria

A.5. Criterion 83.11(a) 1930-1939 – Identification of Indian Entity.

...

Subsection: 83.11(a) 1930-1939 Subsection 1

Document(s): 83.11(a) 1930-1939 Documents 1(a) to 1(d)

Title(s):

Doc 1(a): *"BY-LAWS, THE TORO CREEK INDIANS"* February 17, 1934.

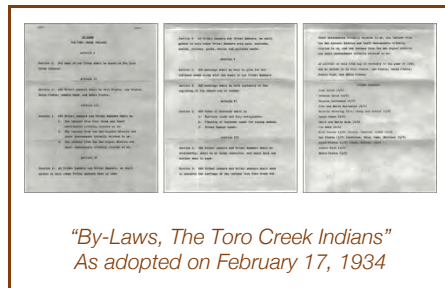
Doc 1(b): *"THE TORO CREEK INDIANS PLANNING MEETING" 3rd & C, Morro Bay, CA. February 16, 1935.*

Doc 1(c): *"The Toro Creek Indians Planning Meeting For Coming Year 1938, Paladini's Shop 3rd & C Morro Bay" Morro Bay, CA. February 12, 1938.*

Doc 1(d): *"THE TORO CREEK INDIANS MEETING, CDFG NEW RULES 1939, Paladini's Plant 3rd & C, Morro Bay, California"* Morro Bay, CA. September 9, 1939.

Federal Code(s): 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself.

Evidence for Inclusion:



The enclosed By-Laws for the Toro Creek Indians ¹⁵⁴ as adopted on February 17, 1934, contemporaneously identifies a group of Indians as written. As evidence, we see an organization formed with "Tribal Members" listed at the end, along with identified minor children and corresponding degree of blood.

We also see defined Tribal Leaders, Tribal Members, and requirements to be a member of this group under Articles II and III.

We later see enclosed meeting notes for the Toro Creek Indians contemporaneously identifies the group as an Indian entity itself.

As evidence, we see that the heading of the documents routinely identifies the group as an Indian entity itself. To wit:

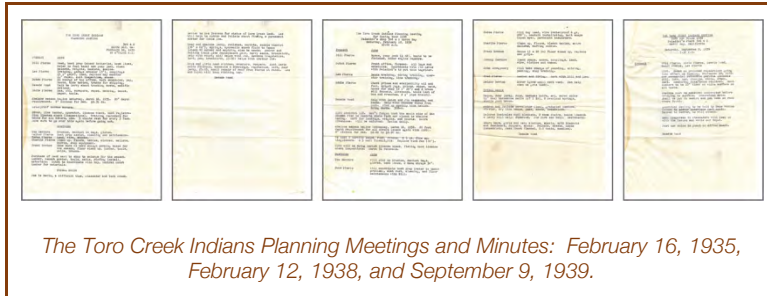
"THE TORO CREEK INDIANS PLANNING MEETING" ¹⁵⁵

¹⁵⁴ Subsection 83.11(a) 1930-1939 Subsection 1, Document 1(a) *"BY-LAWS, THE TORO CREEK INDIANS"*. February 17, 1934.

¹⁵⁵ Subsection 83.11(a) 1930-1939 Subsection 1, Document 1(b) *"THE TORO CREEK INDIANS PLANNING MEETING" 3rd & C, Morro Bay, CA. February 16, 1935.* See highlighted areas.

*“The Toro Creek Indians Planning Meeting For Coming Year 1938, Paladini’s Shop 3rd & C Morro Bay”*¹⁵⁶

*“THE TORO CREEK INDIANS MEETING, CDFG NEW RULES 1939, Paladini’s Plant 3rd & C, Morro Bay, California”*¹⁵⁷



The Toro Creek Indians Planning Meetings and Minutes: February 16, 1935, February 12, 1938, and September 9, 1939.

We can also see that each one of these documents contain evidence that this was a functioning Indian entity with a group of leaders found at the beginning as well as a discussion of tribal needs of its members. As one example, we see from Document 1(b) listed above:¹⁵⁸

“TRIBAL NEEDS”

“Joe is having a difficult time, Atascader (sic) and Toro Creek.”

“Letter to Eva Iversen for status of Toro Creek land. Les will talk with Andrew and Felicia about finding a permanent doctor for Uncle Joe.”

“Deer and abalone jerky, radishes, carrots, saddle blanket (36” x 62”), springs, hydraulic shock fluid to Ramon (check on 40 acres) and anything else he needs. Andrew and Felicia (walk gate replacement galv, berry seeds, broadcloth, help with county aid) helps with Joe, Seveana (vegetables, lard, pan, broadcloth, \$3.50) helps with brother Joe.”

“Boys and girls need clothes, sweaters, rompers. Aunt Maria needs firewood, blankets & sheetings, vegetables, lard, deer jerky, \$5.25, small repair of roof from storms at ranch. Les and Dutch will keep visiting her.”

“Bessie Wood”

Based on the foregoing, we can conclude that this group contemporaneously identified themselves as Indian entity during the 1930s as required by the Office of Federal Acknowledgement.

Thus, 83.11(a) 1930-1939 Document 1(a) to 1(d) meet the requirements for 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself.

¹⁵⁶ Subsection 83.11(a) 1930-1939 Subsection 1, Document 1(c) *“The Toro Creek Indians Planning Meeting For Coming Year 1938, Paladini’s Shop 3rd & C Morro Bay”* Morro Bay, CA. February 12, 1938. See highlighted areas.

¹⁵⁷ Subsection 83.11(a) 1930-1939 Subsection 1, Document 1(d) *“THE TORO CREEK INDIANS MEETING, CDFG NEW RULES 1939, Paladini’s Plant 3rd & C, Morro Bay, California”* Morro Bay, CA. September 9, 1939. See highlighted areas.

¹⁵⁸ Subsection 83.11(a) 1930-1939 Subsection 1, Document 1(b) *“THE TORO CREEK INDIANS PLANNING”* 3rd & C, Morro Bay, CA. February 16, 1935. See highlighted areas.

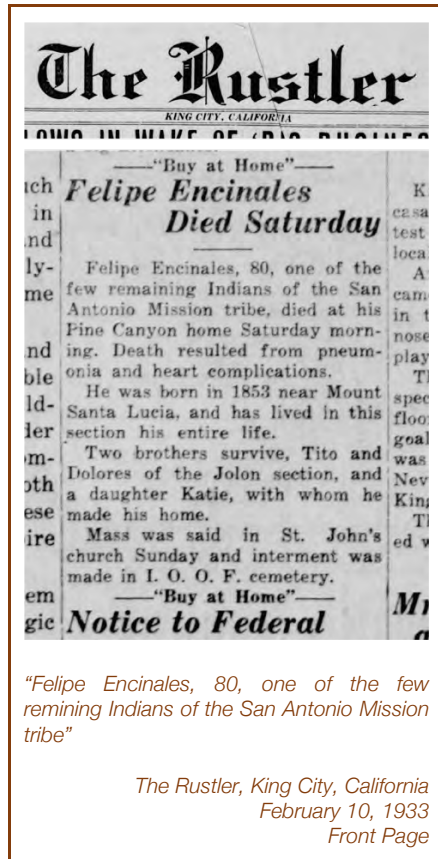
Subsection: 83.11(a) 1930-1939 Subsection 2

Document(s): 83.11(a) 1930-1939 Documents 2(a)

Title(s): Doc 2(a): *Felipe Encinales Died Saturday*. The Rustler. King City, California. February 10, 1933.

Federal Code(s): 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

Evidence for Inclusion:



This newspaper article shows the existence of a contemporaneous Indian entity at the time of the passing of Felipe Encinales. To wit:

*“Felipe Encinales, 80, one of the few remaining Indians of the San Antonio Mission tribe, died at his Pine Canyon home Saturday morning.”*¹⁵⁹

This reference to “...one of the few remaining Indians of the San Antonio Mission tribe...” shows the contemporaneous existence of the Indian entity at the time of his passing.

Thus, 83.11(a) 1930-1939 Document 2(a) meets the requirements 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

¹⁵⁹ *Felipe Encinales Died Saturday*. The Rustler. King City, California. February 10, 1933. Bottom half of front page, second column.

Subsection: 83.11(a) 1930-1939 Subsection 3

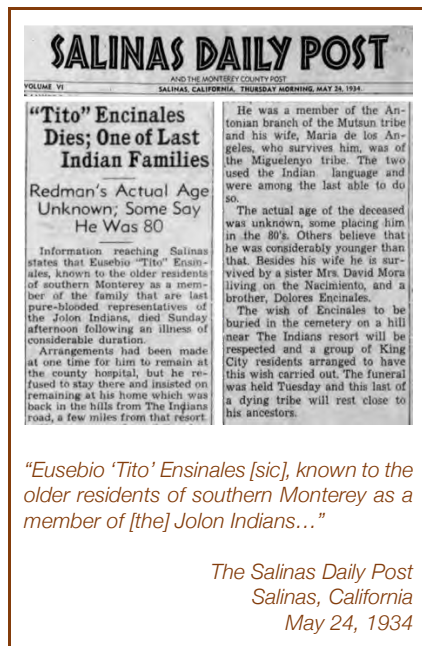
Document(s): 83.11(a) 1930-1939 Documents 3(a) to 3(b)

Title(s): Doc 3(a): *“Tito” Encinales Dies; One of Last Indian Families.* The Salinas Daily Post. Salinas, California. May 24, 1934.

Doc 3(b): *Around the City: Recollections of the Jolon Mission Fiesta.* The Salinas Morning Post. Salinas, California. June 10, 1936.

Federal Code(s): 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

Evidence for Inclusion:



Dolores Encinales is recognized as being a part of an existing contemporaneous Indian entity in the 1930s.

When Dolores' brother Tito passes, we can see evidence that Dolores was part of a contemporaneous Indian entity. As noted in the article:¹⁶⁰

“Information reaching Salinas states that Eusebio “Tito” Ensinales [sic], known to the older residents of southern Monterey as a member of the family that are last pure-blooded representatives of Jolon Indians, died Sunday afternoon following an illness of considerable duration.”

The article goes on to state:

“He was a member of the Antonian branch of the Mutsun tribe and his wife, Maria de los Angeles, who survives him, was of the Miguelenyo (sic) tribe.”

Lastly:

“Besides his wife, he is survived by a sister Mrs. David Mora living in Nacimiento, and a brother, Dolores Encinales.”

Although the article uses the word family, we can surmise that these family members were part of the *“...Jolon Indians...”* a distinct contemporaneous Indian settlement.

Further evidence can be found in a second article in which we see that Dolores was recognized again as part of an Indian entity contemporaneously existing in the 1930s in the Jolon Valley in the very near region of the San Antonio Mission. To wit:¹⁶¹

“RECOLLECTIONS OF THE JOLON MISSION FIESTA: Dolores Encinales, the western counterpart of the ‘last of the Mohicans.’ He doesn’t know how old he is, but he is the last of the once numerous Mutsun tribe which inhabited the Jolon region when the Spanish padres built San Antonio de Padua mission 165 years ago.”

¹⁶⁰ *“Tito” Encinales Dies; One of Last Indian Families.* The Salinas Daily Post. Salinas, California. May 24, 1934. Bottom half of front page, sixth column.

¹⁶¹ *Around the City: Recollections of the Jolon Mission Fiesta.* The Salinas Morning Post. Salinas, California. June 10, 1936. Bottom left hand corner.

We can see from the two articles that Dolores and his family were externally recognized as being part of a contemporaneous tribe in the San Antonio region of Monterey County. As previously quoted:

- “...representatives of Jolon Indians...”
- “...member of the Antonian branch of the Mutsun tribe...”
- “...Maria de los Angeles, who survives him, was of the Miguelenyo tribe.”
- “...he is the last of the once numerous Mutsun tribe which inhabited the Jolon region...”

And, in the past, The Office of Federal Acknowledgment has set precedence by allowing the external identification of the petitioning group to be factually incorrect.¹⁶²

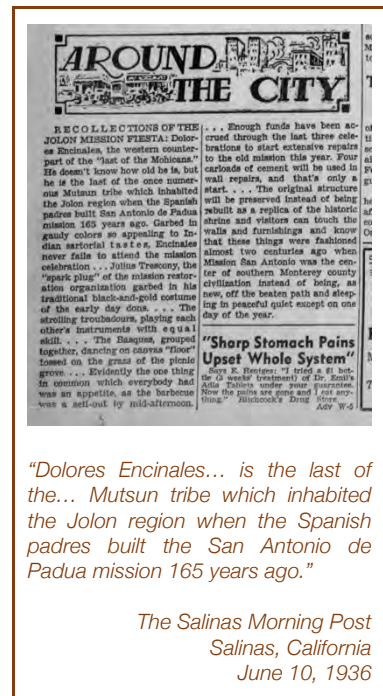
“...criterion 83.7(a) does not require that external identifications of the petitioning group have been factually correct...” (Ramapough FD 1996, 19; see also, 12).

And,

“Criterion 83.7(a) is designed to elicit a sense of the opinion about the group which was being expressed by external observers. The observers did not need to be knowledgeable.” ¶
“Therefore, the ‘facts’ to be analyzed under criterion 83.7(a) are... what the observer said – not whether the observer was correct. Does the opinion being expressed amount to identification of the petitioner’s antecedent group as an Indian entity?” (Ramapough FD 1996, 13).

So even if the journalists and the publications were incorrect and/or inconsistent in their identifications used for the tribe, we believe that the enumerator was clearly referring to a very distinct Indian entity living in a very isolated and remote geographic area near the San Antonio Mission during the 1930s.

Thus, 83.11(a) 1930-1939 Documents 3(a) and 3(b) meet the requirements 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.



¹⁶² Acknowledgement Precedent Manual. Compiled by The Office of Federal Acknowledgement, U. S. Department of the Interior. Draft January 31, 2005. Downloaded June 3, 2023 (<https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/admindocs/PrecedentManual2005.pdf>) Criterion 83.7(a), page 9 (pdf page number 39), beginning at the bottom of page.

Subsection: 83.11(a) 1930-1939 Subsection 4

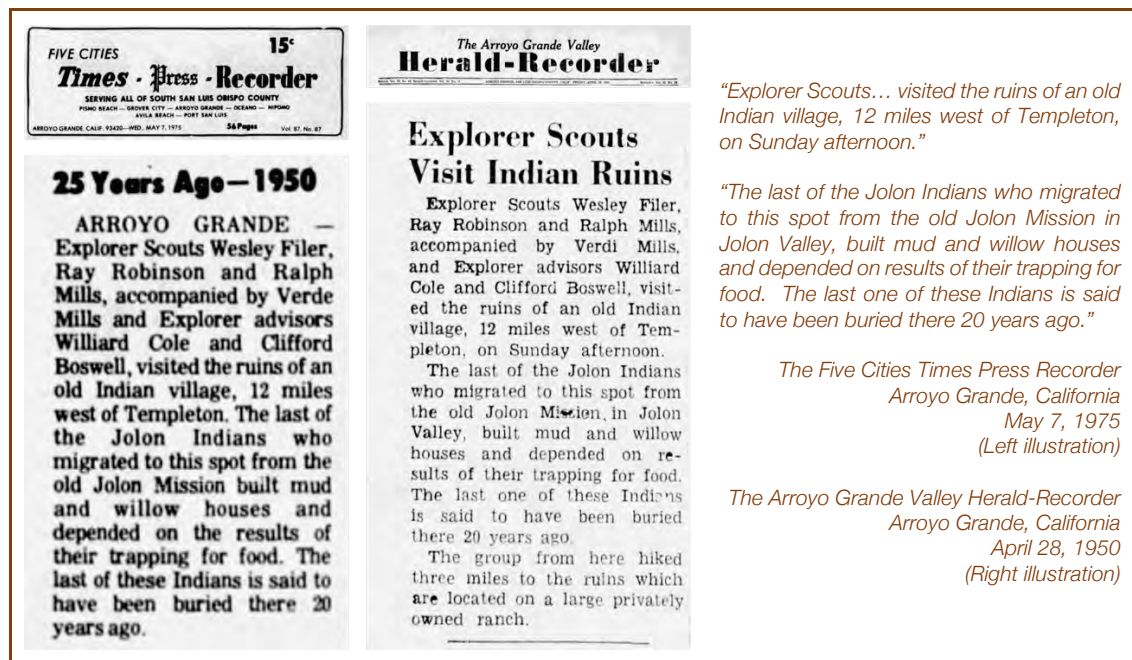
Document(s): 83.11(a) 1930-1939 Documents 4(a) to 4(b)

Title(s): Doc 4(a): *Explorer Scouts Visit Indian Ruins.* The Arroyo Grande Valley Herald Recorder. Arroyo Grande, California. April 28, 1950.

Doc 4(b): *25 Years Ago - 1950.* The Five Cities Times Press Recorder. Arroyo Grande, California. May 7, 1975.

Federal Code(s): 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

Evidence for Inclusion:



These two newspaper articles are referencing the same event that took place in 1950 that referenced a contemporaneous Indian entity from the 1930s. (Of note, Document 5(b) from 1975 above was just part of a feature where the newspaper would pick out old stories from the past a reprint them. Both articles are virtually identical).

In both articles, we can see reference to the “Jolon Indians” settlement located 12 miles west of Templeton. As written:¹⁶³

“Explorer Scouts... visited the ruins of an old Indian village, 12 miles west of Templeton, on Sunday afternoon.”

“The last of the Jolon Indians who migrated to this spot from the old Jolon Mission in Jolon Valley, built mud and willow houses and depended on results of their trapping for food. The last one of these Indians is said to have been buried there 20 years ago.”

¹⁶³ *Explorer Scouts Visit Indian Ruins.* The Arroyo Grande Valley Herald Recorder. Arroyo Grande, California. April 28, 1950. Bottom half of front page, first column.

The term “Jolon Indians” was one of many terms used to report on the Indian tribe from the San Antonio Mission (Jolon Mission). We see the settlement placename of “Jolon” used time and time again from anthropologists such as Kelsey, Harrington, and Dorrington, as well as the term “Jolon Indians” being used to identify an Indian entity as well as tribal members such as Tito Encinales^{164 165 166 167}, Maria de los Angeles Baylon Ocarpia Encinales¹⁶⁸, and Dolores Encinales.¹⁶⁹

We are also given compelling evidence that a village settlement was also being referenced as well. As written:¹⁷⁰

“...the ruins of an old Indian village...” and how “The last of the Jolon Indians... migrated to this spot from the old Jolon Mission [San Antonio Mission], built mud and willow houses.”

Although we are not aware of the exact names of the individuals involved with this village, the evidence as combined is reasonable for recognizing our Indian entity and village settlement that existed leading up to the early 1930s.

Thus, 83.11(a) 1930-1939 Documents 4(a) and 4(b), in combination with other evidence, meets the requirements 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

¹⁶⁴ *Last Jolon Indian Survivor Succumbs*. The Los Angeles Times. Los Angeles, California. June 3, 1934. Page 24, fourth column, middle of page. Not intended to identify a contemporaneous tribal entity as this article references Tito as a “...direct descendant of the... tribe of Jolon Indians...” which infers that the tribal entity was not in existence at the time of his passing.

¹⁶⁵ *Last Direct Descendant of Jolon Indian Tribe Is Dead*. The Californian. Salinas, California. May 22, 1934. Front page, middle bottom of page. Not intended to identify a contemporaneous tribal entity as this article references Tito as a “...direct descendant of the... tribe of Jolon Indians...” which infers that the tribal entity was not in existence at the time of his passing.

¹⁶⁶ “Tito” Encinales Dies; One of Last Indian Families. Salinas Daily Post. Salinas, California. May 24, 1934. Front page, bottom of sixth column.

¹⁶⁷ Last of Mission Indians is Dying. Salinas Morning Post. Salinas, California. May 11, 1934. Front page, first column, middle of page.

¹⁶⁸ Indian Woman Dies at Age of 120 Years. The Los Angeles Times. Los Angeles, California. December 12, 1936. Page 23, eighth column, bottom of page.

¹⁶⁹ “Tito” Encinales Dies; One of Last Indian Families. Salinas Morning Post. Salinas, California. May 24, 1934. Front page, bottom of sixth column. This article makes references to Tito’s surviving Indian family members including his brother Dolores.

¹⁷⁰ *25 Years Ago - 1950*. The Five Cities Times Press Recorder. Arroyo Grande, California. May 7, 1975. Bottom half of front page, first column.

Subsection:	83.11(a) 1930-1939 Subsection 5
Document(s):	83.11(a) 1930-1939 Documents 5(a) to 5(e)
Title(s):	Doc 5(a): <i>Indians Cited for Contempt.</i> The San Luis Obispo Daily Telegram. San Luis Obispo, California. January 6, 1930. Front Page. Doc 5(b): <i>Social and Club News, Paso Robles, Miscellaneous News Item.</i> The San Luis Obispo Daily Telegram Tribune. San Luis Obispo, California. January 7, 1930. Page 3 Doc 5(c): <i>Jan. 13 Set for Indians.</i> The San Luis Obispo Daily Telegram Tribune. San Luis Obispo, California. January 7, 1930. Page 8. Doc 5(d): <i>Letters to the Editor.</i> The San Luis Obispo Daily Telegram Tribune. San Luis Obispo, California. January 11, 1930. Page 4. Doc 5(e): <i>Joe Bylon, Toro Indian, At Happy Hunting Ground.</i> The San Luis Obispo Daily Telegram. San Luis Obispo, California. Page 8.
Federal Code(s):	25 CFR § 83.11(a)(a): Other evidence of identification. Other evidence – local non-Indian residents. This section is in reference to external identification of an Indian entity by local non-Indian residents and miscellaneous evidence as outlined by the Acknowledgement Precedent Manual of the Office of Federal Acknowledgement, U. S. Department of the Interior.

Evidence for Inclusion:

The following is being asked for inclusion evidence of external identification as the Office of Federal Acknowledgement, in the past, has allowed for evidence of external identification of an Indian entity to include material that is of a compelling nature from a non-Indian community group or organization.

In 2004, the Office of Federal Acknowledgement prepared their Proposed Finding in response to the petition received from the Burt Lake Band of Ottawa and Chippewas Indians, Inc. In this Proposed Finding, the Office of Federal Acknowledgement allowed for an external identification of the Burt Lake Band from the following:¹⁷¹

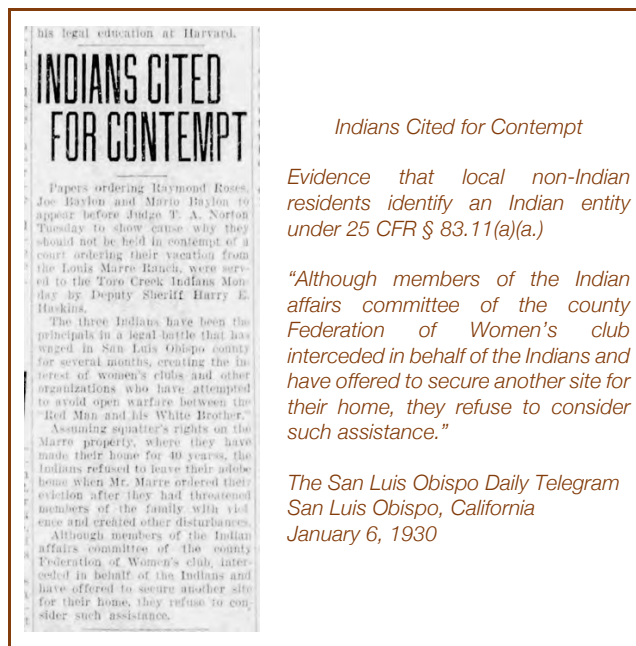
*“Individuals and organizations outside the local area and the State also identified a Burt Lake Indian entity during the decade after the burnout. Both a Michigan representative of the Women's National Indian Association and a Chicago advocate issued appeals on "behalf of a band of Cheboygan Indians," thus identifying the Indians at Burt Lake as a band in 1903 (Grand Rapids Evening Press 2/7/1903; Cheboygan Democrat 217/1903).”*¹⁷²

This precedent is very similar to the evidence we are presenting in this subsection.

¹⁷¹ *Acknowledgement Precedent Manual.* Compiled by The Office of Federal Acknowledgement, U. S. Department of the Interior. Draft January 31, 2005. Downloaded June 3, 2023 (<https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/admindocs/PrecedentManual2005.pdf>) Criterion 83.7(a), pages 53-55 (pdf page number 83-85). In particular, this is in reference to the example found on page 54 (pdf page number 84) in the middle of the page. *“Both a Michigan representative of the Women's National Indian Association...”*

¹⁷² *Proposed Finding Against Acknowledgment of Burt Lake Band of Ottawa and Chippewa Indians, Inc.* The Office of Federal Acknowledgement, Indian Affairs, U.S. Dept. of the Interior. March 25, 2004. Page 30 (pdf page number 34, bottom of page).

Mrs. C. F. Iversen, local District Chairman of Indian Welfare for the Federation of Women's club in San Luis Obispo County played a very active role in leading community leaders to support the plight of our group and gives us compelling evidence that the community identified our group as an Indian entity.



Indians Cited for Contempt

Evidence that local non-Indian residents identify an Indian entity under 25 CFR § 83.11(a)(a.)

"Although members of the Indian affairs committee of the county Federation of Women's club interceded in behalf of the Indians and have offered to secure another site for their home, they refuse to consider such assistance."

*The San Luis Obispo Daily Telegram
San Luis Obispo, California
January 6, 1930*

On January 6, 1930, in the article titled *Indians Cited for Contempt*, we see that the Indian Welfare group was interceding on behalf of the Baylons at Toro Creek. As quoted in the article at the bottom: ¹⁷³

"Although members of the Indian affairs committee of the county Federation of Women's club interceded in behalf of the Indians and have offered to secure another site for their home, they refuse to consider such assistance."

The next day on January 7, 1930, we see a small news item telling how Mrs. Iversen was visited by the southern district chairman of Indian Welfare from Los Angeles in regard to the issue of the Toro Creek Indians. As quoted: ¹⁷⁴

"Mrs. Robert Glasby, southern district chairman of Indian Welfare, living in Los Angeles, was a guest of Mrs. Fred Iversen, local district chairman, Sunday. She was here relative to the affair of the Indians of Toro Creek."

On the very same day we also see the following written in another article in the same newspaper: ¹⁷⁵

"Refusal of the Indians to accept assistance from county women's clubs and individuals marked their hostile attitude and the papers were ordered served."

A few days later on January 11, 1930, Mrs. Iversen wrote a Letter to the Editor as the County Chairman Indian Welfare. In this letter she makes clear identification of the Toro Creek Indians in her role. She tells of her time, along with those in her group, working with the Indians, as well as her time working with federal authorities. To wit: ¹⁷⁶

"For some two weeks past I have been in touch with the federal authorities on the case. I have written them all I know of both sides of the case, trying to be as fair and impartial as possible."

"As for the Indians being hostile – well, probably we'd feel hostile too if it were us who were being threatened with eviction from our homes. While we greatly regret that we have not been able to win their confidence in as great a degree as we could desire, I would like to say that the

¹⁷³ *Indians Cited for Contempt*. The San Luis Obispo Daily Telegram. San Luis Obispo, California. January 6, 1930. Bottom half of front page, sixth column.

¹⁷⁴ *Social and Club News*, Miscellaneous News Item. The San Luis Obispo Daily Telegram Tribune. San Luis Obispo, California. January 7, 1930. Page 3, bottom region of column 1.

¹⁷⁵ *Jan. 13 Set for Indians*. The San Luis Obispo Daily Telegram Tribune. San Luis Obispo, California. January 7, 1930. Page 8, top of third column.

¹⁷⁶ *Letters to the Editor*. The San Luis Obispo Daily Telegram Tribune. San Luis Obispo, California. January 11, 1930. Page 4, upper right hand corner.

older people have been kind and friendly, while the younger man is more inclined to doubt our sincerity.”

“Having put the matter up to the Superintendent of Indian Affairs in Southern California we did not believe it to be our place to ask a stay of serving a summons for appearance before the superior judge.”

Further, we see this same level of evidence for external identification from a non-Indian community group or organization in previous articles at the end of the previous decade located in 83.11(a) Subsection 3. These articles include the following passages as well: ¹⁷⁷

“Intimations that the long time feud between the Indian and his white brother may be reopened in this country were made by a committee headed by Mrs. Fred Iversen of Paso Robles Monday afternoon at the board of supervisors’ meeting.”

“Mrs. Iversen, Father Modesto of San Miguel Mission and other county representatives appeared before the board to ask that some arrangements be made to care for three Indians, Ramon Roses, Marie Baylon and Jose Baylon, who are to be dispossessed from the Luigi Marre ranch, between Avila and See Canyon.”

And at a meeting of the Paso Robles Women’s Club in December of 1929, the following presentation was given to the group in regard to the plight of Toro Creek Indians from Father Modesto and was reported in the local newspaper as well: ¹⁷⁸

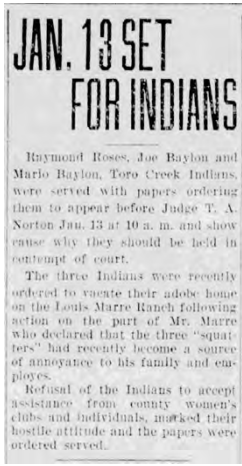
“... Father Modesto, of Mission San Miguel was introduced to speak upon the historic mission.”

“He spoke of the pitiful remnant of “our last pure Indians” about to be evicted from the only home they have ever known. He visits them frequently, and speaks with them in their own language.”

We realize that this evidence is from the previous decade of the 1920s but hope that the Office of Federal Acknowledgement will consider it pertinent when used continuously in conjunction with the evidence for the 1930s.

An obituary for Jose Bylon on April 25, 1937 also refers to local “County women’s clubs” as interested in helping this same group of Indians. As written: ¹⁷⁹

“Jose Bylon, Toro Indian, At Happy Hunting Ground”



Jan. 13 Set For Indians

Evidence that local non-Indian residents identify an Indian entity under 25 CFR § 83.11(a)(a.)

“Refusal of the Indians to accept assistance from county women's clubs and individuals marked their hostile attitude and the papers were ordered served.”

*The San Luis Obispo Daily Telegram
San Luis Obispo, California
January 7, 1930*

¹⁷⁷ *Seek Homes for Indians*. The San Luis Obispo Daily Telegram Tribune. San Luis Obispo, California. December 3, 1929. Front page, bottom half of page, sixth column.

¹⁷⁸ Merrifield, M. G., Daily Telegram Reporter. *Paso Women’s Club Meets*. The San Luis Obispo Daily Telegram Tribune. San Luis Obispo, California. December 11, 1929. Page 3, top of page, columns 2 and 3.

¹⁷⁹ *Jose Bylon, Toro Indian, At Happy Hunting Ground*. The San Luis Obispo Daily Telegram. San Luis Obispo, California. April 25, 1935. Page 8, upper right corner.

“Jose Bylon, 65, one of the few native Indians left in San Luis Obispo county, died Wednesday evening at his home in the Toro Creek district.”

The article goes on to say:

“Surviving Jose are his nephew, Ramon Rosas and his sister, Mrs. Rosas, who have been living on a part of the Marre ranch in the Toro creek district.”

“County women’s clubs interested themselves in guaranteeing the Indians a permanent home on the land claimed by the Marres.”

“Bylon will be laid to rest by the side of his ancestors in the old Indian burial ground on Toro creek.”

	<i>Jose Bylon, Toro Indian, At Happy Hunting Ground</i> <i>Evidence that local non-Indian residents identify an Indian entity under 25 CFR § 83.11(a)(a.)</i> <i>“Jose Bylon... died... at his home in the Toro Creek district.”</i> <i>“County women’s clubs interested themselves in guaranteeing the Indians a permanent home...”</i> <i>The San Luis Obispo Daily Telegram San Luis Obispo, California April 25, 1935</i>

In combination, the headline and the four excerpts provide a compelling argument for an existing tribal entity called Toro Indians by the use of the singular descriptive title for an individual in the headline. The tribal entity is inferred to still be in existence by the recognition of surviving members from the phrase:

“Surviving Jose are... Ramon Rosas and... Mrs. Rosas, who have been living... in the Toro creek district.”

The existing location of the group is verified as well with the quote:

“Jose Bylon... died... at his home in the Toro Creek district.”

Previous external identification of the group from multiple organizations is also noted from the past tense phrase:

“County women’s clubs interested themselves in guaranteeing the Indians a permanent home...”

And in the headline, there is also a reasonable assumption that can be made that the name typically used for the Toro Creek Indians had to be abbreviated and changed to “Toro Indian” (singular) in order to fit in the width of two columns and to represent a single individual.

We feel there is enough evidence provided here to make a persuasive case for the non-Indian community identification of an Indian entity that was in existence at Toro Creek.

Thus, 83.11(a) 1930-1939 Documents 5(a) and 5(e), in combination with other evidence, meets the requirements for 25 CFR § 83.11(a)(a): Other evidence of identification. Other evidence – local non-Indian residents.

Subsection: 83.11(a) 1930-1939 Subsection 6

Document(s): 83.11(a) 1930-1939 Documents 6(a) to 6(e)

Title(s):

Doc 6(a): *Member of Vanishing Indian Tribe Braves Storms, Illness and Weary Miles to Protect His Lonely Wife.* The Californian. Salinas, California. January 19, 1933.

Doc 6(b): *Last of Mission Indians is Dying.* Salinas Morning Post. Salinas, California. May 11, 1934.

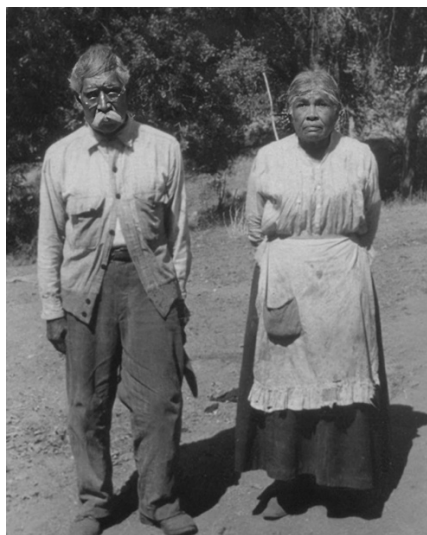
Doc 6(c): *“Tito” Encinales Dies; One of Last Indian Families.* Salinas Morning Post. Salinas, California. May 24, 1934.

Doc 6(d): *Burial of “Vanishing Tribe” Member Near King City Told.* The Californian. Salinas, California. May 25, 1934.

Doc 6(e): *Old Indian Takes Secrets to Grave.* The Morning Union. Grass Valley, California. June 2, 1934.

Federal Code(s): 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

Evidence for Inclusion:



Tito Encinales and his wife Maria de los Angeles Bylon Ocarpia Encinales. Milpitas Valley. September 20, 1933.

C. Hart Merriam Collection of native American Photographs. Ennesen Stock (Salinan). Courtesy of the Bancroft Library, UC Berkeley.

The passing of Tito Encinales was well reported by numerous news outlets. His passing provides compelling evidence of a contemporaneous Indian tribe.

We also feel that presenting these articles as a group will help bring to light how the same public event can be externally interpreted differently by multiple news outlets by using different tribal group names.

Tito Encinales was routinely identified as belonging to a contemporaneous tribal group at the time of his passing as we can see in the multiple excerpts below.

- The headline “*Member of Vanishing Indian Tribe Braves Storms...*” combined with the following quotes in the same article “*...one of the three surviving California Indians who were turned out of their home at Mission San Antonio...*” and “*...said to be the only surviving Indians who can speak the ancient language of the San Antonio tribe...*” gives evidence to an existing tribe from the San Antonio Mission who is survived by still existing members.¹⁸⁰

¹⁸⁰ *Member of Vanishing Indian Tribe Braves Storms, Illness and Weary Miles to Protect His Lonely Wife.* The Californian. Salinas, California. January 19, 1933. Page 2, lower left hand corner.

- “Tito Encinales, the last of the Jolon Mission Indians...” identifies an existing band of Indians referred to as the Jolon Mission Indians at the time the article was written.¹⁸¹
- “He [Tito Encinales] was a member of the Antonian branch of the Mutsun tribe...” identifies an existing band of Indians referred to as the Antonian branch of the Mutsun tribe at the time the article was written.¹⁸²

The image displays three newspaper clippings from 1934, arranged side-by-side. The first clipping on the left is titled "Member of Vanishing Indian Tribe" and discusses the death of Tito Encinales. The middle clipping is titled "Tito Encinales Dies; One of Last Indian Families" and provides details about his life and family. The third clipping on the right is titled "Burial Of 'Vanishing Tribe' Member Near King City Told" and describes the burial ceremony. Below the clippings is a caption explaining the references to Tito Encinales in the articles.

Member of Vanishing Indian Tribe
Braves Storms, Illness And Weary Miles To Protect His Lonely Wife

True to the traditions of his tribe, loyal with a loyalty that many a white man never knew, Tito Encinales has gone home.

Old, old age, sickness and storms could not deter him. In his fitful sleep, he heard the cry of his aging wife—or thought he did—and that was enough. He was off on a trek of more than 50 miles to be by her side.

Tito, one of three surviving California Indians who were turned out of their home at Mission San Antonio and left without the kindly supervision of the Mission Fathers years ago, was taken to the county hospital last week for treatment of what was believed to be cancer of the tongue.

Meanwhile, his declining wife, Maria, was left alone in a little cabin in a remote canyon of Southern Monterey county.

Several days ago, daily growing more restive, Tito stepped outdoors at the hospital and “sniffed the wind.” As with his redskin forefathers, that action told him much.

With uncanny accuracy he predicted that a storm—the present storm—was coming.

“And when the rains come, Maria will need me,” he confided to one of the pale faces. Then he whispered of his dream about her.

That was the last seen of him. He left on foot for his distant canyon home.

But when the storms are gone and he has looked after his wife, he will come back. The nurses are sure of it, for the aged Indian appeared happy with his treatment and showed genuine appreciation for the kindly attention given him by Dr. Garth Parker, county physician.

Tito and his two brothers are said to be the only surviving Indians of the San Antonio tribe, and with them will pass the tongue which sounded in the hills of Jolon before the arrival of Father Junipero Serra in July of 1776.

The Encinales brothers were taken to Monterey in 1831 for participation in the Monterey county fair. Their skill in making hair ropes, head stalls, riata and other equipment for horsemen was one of the features which drew wide attention to the southern Monterey county exhibit.

“Tito” Encinales Dies; One of Last Indian Families
Redman's Actual Age Unknown; Some Say He Was 80

Information reaching Salinas states that Eusebio “Tito” Encinales, known to the older residents of southern Monterey as a member of the family that are last pure-blooded representatives of the Jolon Indians, died Sunday afternoon following an illness of considerable duration.

Arrangements had been made at one time for him to remain at the county hospital, but he refused to stay there and insisted on remaining at his home which was back in the hills from The Indians road, a few miles from that resort.

He was a member of the Antonian branch of the Mutsun tribe and his wife, Maria de los Angeles, who survives him, was of the Miguelyeno tribe. The two used the Indian language and were among the last able to do so.

The actual age of the deceased was unknown, some placing him in the 80's. Others believe that he was considerably younger than that. Besides his wife he is survived by a sister Mrs. David Mora living on the Nacimiento, and a brother, Dolores Encinales.

The wish of Encinales to be buried in the cemetery on a hill near The Indians resort will be respected and a group of King City residents arranged to have this wish carried out. The funeral was held Tuesday and this last of a dying tribe will rest close to his ancestors.

Burial Of “Vanishing Tribe” Member Near King City Told

EDITOR'S NOTE—The death of Eusebio Encinales, 84, one of the few remaining members of the Mutsun Indian tribe, called for more than passing interest among the residents of this county this week. Through the cooperation of Miss Maxine Cornelius, journalism instructor at King City high school, Eva Cadwalader, one of her students, secured the first authentic story of the Indian's burial by interviewing Encinales' brother through an interpreter. Her story follows:

BY EVA CADWALADER
Written For The Index-Journal

With the death on Sunday and the burial on Tuesday of Eusebio Encinales, familiarly known as “Tito,” there passed from contemporary California history one of the few remaining Mutsun Indians, whose tribe flourished in the days of the mission fathers in the vicinity of the San Antonio Mission, near Jolon.

His burial was as he had requested—simple in every detail, from the absence of tribal ceremonies to his interment in a plain wooden casket beside the graves of his immediate family in an ill-kept cemetery at the foot of Mount Lucia.

Father Daniel of San Miguel performed the last rites as Tito was laid to rest. His body was prepared for burial by his brother, Dolores Encinales, who told of having shaved and dressed him as a final gesture of farewell in accordance with the custom of the tribe which prefers that the red man bury his own dead.

GRAVE HOLDS SECRETS
Locked in the humble crypt with Tito are secrets practically unknown to the white man—secrets of dyes made from sage brush, of rope, saddles, lariats and quilts made from rawhide. A few relics given to friends in and near King City are mute evidence of the skill of this dying race.

Two of the prides of Tito's humble life were his vineyard and his orchard which he himself kept and cultivated, and which formed the only relief from the dry, uncultivated surroundings of his tiny hut.

SPEEDILY VANISHING
The few remaining members of these old Indian tribes are speedily fading into obscurity, but, contrary to popular belief, the brother and sister of Tito are not the only pure-blood Indians of his tribe which remain. Dolores, brother of the deceased, told me through an interpreter that far in the recesses of the mountain live numerous other pure-blooded members of the same tribe. They are practically unknown to the majority of white men.

When questioned further by this writer, Dolores shyly refused, in his native tongue, to say more on the subject.

Articles from 1934 telling the story of the passing of Tito Encinales. In these articles, we routinely see references to Tito belonging to a tribe of different names including the San Antonio Tribe, the Jolon Indians, and the Mutsun Indians. In two of the articles, we see that Tito was also recognized as being a member of a contemporaneous “...Vanishing Tribe...” The Office of Federal Acknowledgement has in the past allowed for the misidentification of a tribal entity if a compelling case can be made that the tribe was, in fact, in existence. To wit: “...criterion 83.7(a) does not require that external identifications of the petitioning group have been factually correct....” See Footnote 8 above.

- The headline “Burial of ‘Vanishing Tribe’ Member...” along with excerpts from the same article including “The death of Eusebio [Tito] Encinales (sic), 84, one of the few remaining members of the Mutsun Indian tribe...” and “...one of the few remaining Mutsun Indians, whose tribe flourished in the days of the mission fathers in the vicinity of the San Antonio Mission, near Jolon.” Here again we further see references to a contemporaneous Indian tribe, as Tito was one of the “...remaining members of these old Indian tribes...” and his brother Dolores tells us that “...far in the recesses of the mountain live numerous other pure-blooded members of the same tribe. They are practically unknown to the white men.”¹⁸³

¹⁸¹ Last of Mission Indians is Dying. Salinas Morning Post. Salinas, California. May 11, 1934. Front page, middle of first column.

¹⁸² “Tito” Encinales Dies; One of Last Indian Families. Salinas Morning Post. Salinas, California. May 24, 1934. Front page, lower part of sixth column.

¹⁸³ Burial of “Vanishing Tribe” Member Near King City Told. The Californian. Salinas, California. May 25, 1934. Front page, lower half of sixth and seventh columns.

- “*The freshly turned grave is that of Tito Ensenales (sic), 84, who was one of the few remaining [members of the] Mutsun Indian tribe.*” This article also refers to an existing tribe that Tito was a member of at the time of his passing.¹⁸⁴

The foregoing provides a strong and compelling argument for an existing Indian entity at the time of the passing of Tito Encinales in 1934.

Although there were different tribal names used externally by the different news outlets (San Antonio tribe, Jolon Mission Indians, Mutsun Indian tribe, and the Antoniano branch of the Mutsun tribe), the Office of Federal Acknowledgement in the past has allowed for the misidentification of a tribal entity (see closing arguments in 83.11(a) 1930-1939 Subsection 3 above) if a compelling argument can be made that the tribe was both in existence and contemporaneous. We feel that in this case, both requirements have been met.

Thus, 83.11(a) 1930-1939 Documents 6(a) and 6(e) meets the requirements 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

¹⁸⁴ *Old Indian Takes Secrets to Grave.* The Morning Union. Grass Valley, California. June 2, 1934. Front page, lower half, fourth column.

Subsection:	83.11(a) 1930-1939 Subsection 7
Document(s):	83.11(a) 1930-1939 Documents 7(a) to 7(f)
Title(s):	Doc 7(a): <i>120-Year Old Indian Woman Dies – Was Smithsonian Advisor</i>. San Luis Obispo Daily Telegram. San Luis Obispo, California. December 1, 1936. Doc 7(b): <i>San Miguel Indian Woman, 120, Dies</i>. The Los Angeles Times. Los Angeles, California. December 2, 1936. Doc 7(c): <i>One of Last San Miguel Indians Dies at 120</i>. The Fresno Bee. Fresno, California. December 3, 1936. Doc 7(d): <i>The Week in Pismo Beach</i>. The Pismo Times. Pismo Beach, California. December 4, 1936. Doc 7(e): <i>Indian, 120, Dies; Race is Vanishing – One of Last “Diggers” is Buried at Jolon</i>. The Californian. Salinas, California. Doc 7(f): <i>Indian Woman Dies at Age of 120 Years</i>. The Los Angeles Times. Los Angeles, California. December 12, 1936.
Federal Code(s):	25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

Evidence for Inclusion:

The passing of Maria de Los Angeles Baylon Ocarpia Encinales was well reported by numerous news outlets. Her passing provides compelling evidence of a contemporaneous Indian tribe.

We also feel that presenting these articles as a group will help bring to light how the same public event can be externally interpreted differently by multiple news outlets by using different tribal group names.

Maria de Los Angeles Baylon Ocarpia Encinales was routinely identified as belonging to a contemporaneous tribal group at the time of his passing as we can see in the multiple excerpts below.

- At the time of her passing, Maria de Los Angeles Baylon Ocarpia Encinales was identified as a “*San Miguel Indian*” and as “*One of the few remaining members of the famous San Miguel tribe of Indians...*” thereby identifying the contemporaneous existence of an Indian entity that was in existence after her passing as well.¹⁸⁵
- At the time of her passing, Maria de Los Angeles Baylon Ocarpia Encinales was identified as “*one of the few remaining members of the San Miguel tribe of Indians...*” thereby identifying the contemporaneous existence of an Indian entity that was in existence after her passing as well.¹⁸⁶

¹⁸⁵ *120-Year Old Indian Woman Dies – Was Smithsonian Advisor*. San Luis Obispo Daily Telegram. San Luis Obispo, California. December 1, 1936. Front page, top of fifth column.

¹⁸⁶ *San Miguel Indian Woman, 120, Dies*. The Los Angeles Times. Los Angeles, California. December 2, 1936. Page 35 overall, page 15 of part 2, lower half of column 2.

Indian, 120, Dies; Race Is Vanishing
One Of Last "Diggers" Is Buried At Jolon

Full of Indian civilization in California, the "golden" era following the advent of the Spaniards, was annihilated four days ago in the burial of Maria Encinales, one of the last remaining pure Digger Indians—believed to be 120 years old.

Story of the death of the aged Indian was brought to Salinas Wednesday by Mike Siminoff, manager of the Indians Hunting and Fanning lodge situated in the Jolon mountains, 20 miles above the San Antonio mission between the San Antonio and Arroyo Seco rivers.

Buried At Mission
Buried in the San Antonio Mission cemetery last week, Maria Encinales was found upon examination of records of the San Miguel mission in San Luis Obispo county to have been born in 1814. Siminoff said, making her at the time of her death, the oldest living person in this region.

Age of the Indian, who spoke the mild, soft language of the tribe, which inhabited the Jolon area before the coming of white men, was given by the mission fathers at San Miguel, who marveled at the length of her life.

Siminoff said that the Indian, who must have lived through many of the most dramatic scenes in the history of the county, marking the coming of the mission fathers to her land—the Jolon district—the ingress of white farmers, hunters and prospectors, survived the death of her last husband, Tito Encinales, by a year.

One Of Last San Miguel Indians Dies At 120
SAN LUIS OBISPO, Dec. 2.—(AP)—Death took Maria De Los Angeles Encinales, of the nearly-extinct San Miguel Indian tribe, whose birth record at San Miguel Mission shows she was 120 years of age.

Indian Woman Dies at Age of 120 Years
SALINAS, Dec. 11. (AP)—Maria Encinales, Jolon Indian reputed to have been 120 years of age, died last week in the rugged Jolon Mountains, twenty miles above the old San Antonio Mission.

Mike Siminoff, manager of a hunting lodge, brought word of the old Indian's death today.

San Miguel Indian Woman, 120, Dies
SAN LUIS OBISPO, Dec. 1. (AP) Maria De Los Angeles Encinales, one of the few remaining members of the San Miguel tribe of Indians, died today at the age of 120. Records at San Miguel Mission appear to substantiate the woman's age.

120-Year Old Indian Woman Dies
Was Smithsonian Institute Advisor

Maria De Los Angeles Encinales, 120-year-old San Miguel Indian, passed away in San Luis Obispo Tuesday morning at the home of her daughter, Mrs. Margaret Wolff, 2463 Victoria ave.

Encinales at the San Miguel Mission show Mrs. Encinales both her as being in 1818. Father says, but One more record at back to show the birth of Mrs. Encinales mother, who in the San Miguel tribe.

One of the few remaining members of the famous San Miguel tribe of Indians, Mrs. Encinales for the past few years has been providing information to the Bureau of Ethnology, Smithsonian Institute, on the origin, relations and characteristics of her race.

Other than the exotic aristocracy which she was born, Mrs. Encinales had been living for the past 25 years of the Indian Club at Jolon.

ALPS INSTITUTE
Representatives of the Smithsonian Institute, who came here to consult her on Indian lore, have been securing from her the Indian terminology for flowers and birds.

Death came to the 120-year-old woman after an illness that had lasted only a week.

Encinales' daughter, Mrs. Wolff, Mrs. Encinales is also survived by a sister, Maria Ryan, who resides on Three creek, two brothers, three grandsons and seven great grandchildren.

The body lies in state at the C. W. Palmer Mortuary in San Luis Obispo and funeral services will be announced later.

Maria de los Angeles Baylon Ocarpia Encinales passed away in San Luis Obispo, California, at the home of her daughter.

As we see from the enclosed articles, she was routinely referenced as being a member of a contemporaneous tribe.

Although there were many different identifications by the newspapers of the name of her tribe, (San Miguel tribe of Indians, San Miguel Indian tribe, Digger Indians, and Jolon Indians), it is reasonable to assume that a contemporaneous tribe had been identified at the time of her passing.

In terms of journalistic accuracy, it should be noted that the Los Angeles Times article claimed that she had passed away "... in the rugged Jolon Mountains, 20 miles above the San Antonio Mission."

- At the time of her passing, Maria de Los Angeles Baylon Ocarpia Encinales was identified as part *"...of the nearly-extinct San Miguel Indian tribe..."* thereby identifying the contemporaneous existence of an Indian entity that was in existence after her passing as well.¹⁸⁷
- At the time of her passing, Maria de Los Angeles Baylon Ocarpia Encinales was identified as *"One of the few remaining members of the San Miguel tribe of Indians..."* thereby identifying the contemporaneous existence of an Indian entity after her passing as well.¹⁸⁸
- At the time of her passing, Maria de Los Angeles Baylon Ocarpia Encinales was identified as *"...one of the last remaining pure Digger Indians... who spoke the mild, soft language of the tribe, which inhabited the Jolon area before the coming of white men..."*.

The prior excerpts provide evidence that she was not the last, but *"...one of the last remaining..."* Indians of her group that, in the past, inhabited *"...the Jolon area..."*. Even though they no longer inhabit the Jolon area, there is still enough evidence presented here to show that as an Indian group (*"...Digger Indians..."*), they were still in existence at the time of her passing. This also provides an example of how different terms were used to externally identify the same person or individuals.¹⁸⁹

¹⁸⁷ *One of Last San Miguel Indians Dies at 120*. The Fresno Bee. Fresno, California. December 3, 1936. Page 20 overall, page 8-B, bottom of second column.

¹⁸⁸ *The Week in Pismo Beach*. The Pismo Times. Pismo Beach, California. December 4, 1936. Page 4, top of page, columns 4 and 5.

¹⁸⁹ *Indian, 120, Dies; Race is Vanishing – One of Last "Diggers" is Buried at Jolon*. The Californian. Salinas, California. December 9, 1936. Front page, top of third column.

- At the time of her passing, Maria de Los Angeles Baylon Ocarpia Encinales was identified as a “...*Jolon Indian*...” thereby giving us another routine example of how different terms were used to externally identify the same person or individuals.¹⁹⁰

The foregoing provides a strong and compelling argument for an existing Indian entity at the time of the passing of Maria de Los Angeles Baylon Ocarpia Encinales in 1936.

Although there were different tribal names used externally by the different news outlets (San Miguel tribe of Indians, San Miguel Indian tribe, Digger Indians, and Jolon Indians), the Office of Federal Acknowledgement in the past has allowed for the misidentification of a tribal entity if a compelling argument can be made that the tribe was both in existence and contemporaneous. We feel that in this case, both requirements have been met.

Thus, 83.11(a) 1930-1939 Documents 7(a) and 7(f) meets the requirements 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

¹⁹⁰ *Indian Woman Dies at Age of 120 Years*. The Los Angeles Times. Los Angeles, California. December 12, 1936. Page 23 overall, page 23 of part 1, bottom right corner.

- Subsection:** 83.11(a) 1930-1939 Subsection 8
- Document(s):** 83.11(a) 1930-1939 Documents 8(a) to 8(b)
- Title(s):** Doc 8(a): *California News Briefs*. Santa Ynez Valley News. Solvang, California. January 24, 1930.
- Doc 8(b): *Toro Creek Land Sought for Natives*. The San Luis Obispo Daily Telegram. San Luis Obispo, California. February 25, 1935.
- Federal Code(s):** 25 CFR § 83.11(a)(1): Identification as an Indian entity by Federal authorities.
- 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

Evidence for Inclusion:

"The federal government offered to find homes for four San Luis Obispo County Indians who are about to be evicted from land upon which they have lived for many years and claim as their own. Mrs. (F)red Iverson (sic), Indian commissioner at Paso Robles, announced the receipt of instructions from Washington to provide for the Indians, Jose Bylon... Mary Roses... Kleno Hill... and Roman Roses."

See Footnote 37.

*The Santa Ynez Valley News
Solvang, Santa Barbara County, California
January 24, 1930*

Between 1930 and 1935, during the legal proceedings for Luigi Marre Land Etc. Co. v. Roses, et al. (9266), we are made aware that the federal government had been actively helping the Indians at Toro Creek to obtain land as they were wards of the federal government.

As reported in 1930 during the legal proceedings in which the federal government was representing the Indians at Toro Creek:¹⁹¹

"The federal government offered to find homes for four San Luis Obispo County Indians who are about to be evicted from land upon which they have lived for many years and claim as their own. Mrs. (F)red Iverson (sic), Indian commissioner at Paso Robles, announced the receipt of instructions from Washington to provide for the Indians, Jose Bylon... Mary Roses... Kleno Hill... and Roman Roses."

At this point, the reader would be left with the impression that the federal government is offering to find homes for individual Indians and not a tribal entity. And as a standalone article, we would have to agree.

¹⁹¹ *California News Briefs*. Santa Ynez Valley News. Solvang, California. January 24, 1930. Page 6, bottom half of second column.

FEDERAL BANKS
San Luis Obispo, Cal., Feb. 25, 1935.
The San Luis Obispo Daily Telegram, published by the San Luis Obispo Daily Telegram Co., is a daily newspaper published at San Luis Obispo, California. It is published at 1000 Broadway, San Luis Obispo, California. It is published at 1000 Broadway, San Luis Obispo, California. It is published at 1000 Broadway, San Luis Obispo, California.

SAN LUIS OBISPO DAILY TELEGRAM
PUBLISHED DAILY EXCEPT SUNDAYS
SAN LUIS OBISPO, CALIFORNIA, MONDAY, FEBRUARY 25, 1935
COMMENCED BY JOHN L. ANDERSON IN 1890
OWNED BY THE SAN LUIS OBISPO DAILY TELEGRAM CO.
PUBLISHED BY THE SAN LUIS OBISPO DAILY TELEGRAM CO.
SAN LUIS OBISPO, CALIFORNIA

U. S. READY TO AID S. L. O. COUNTY INDIANS

TORO CREEK LAND SOUGHT FOR NATIVES
Title to Marre Ranch Property in Question

HERE'S MORE ABOUT Indians STARTS ON PAGE ONE

LATE TO SCHOOL

**U. S. Ready to Aid S.L.O. County Indians
Toro Creek Land Sought for Natives**

"The Indian Service has requested the department of justice to institute proceedings in federal court to obtain title to the tract occupied by the Toro Creek Indians..."

"Through the efforts of persons interested in the Indians, the U. S. district attorney from Los Angeles was brought into the case and attempted to reopen it on the claim that the defendants were 'California Indians and that they were wards of the federal government and incompetent in law to take care of their own affairs.'"

*The San Luis Obispo Daily Telegram
San Luis Obispo, California
February 25, 1935*

However, by 1935, a year after the Court of Appeal of California had affirmed the order appealed from, the same federal government is much clearer about their identification and aims with the Toro Creek Indians. To wit:¹⁹²

"California Indians living in San Luis Obispo county will be aided by the federal government in an attempt to secure title to lands they occupy."

"The Indian Service has requested the department of justice (sic) to institute proceedings in federal court to obtain title to the tract occupied by the Toro Creek Indians, it was learned at Paso Robles today."

"Mrs. Fred Iversen, former Paso Robles club woman, foremost in attempting to keep the small band of Indians on the land they have occupied since the coming of the white man."

"Mrs. Iversen has been notified by O. H. Lipps, superintendent of Indian affairs at Sacramento."

"Through the efforts of persons interested in the Indians, the U. S. district attorney (sic) from Los Angeles was brought into the case and attempted to reopen it on the claim that the defendants were 'California Indians and that they were wards of the federal government and incompetent in law to take care of their own affairs.'"

There is compelling evidence presented here that by 1935, the Indian Service recognized the group of "...Toro Creek Indians..." as "...wards of the federal government..." located at "...tract of land they have occupied..." by its request to the U. S. Department of Justice to:

"...institute proceedings in federal court to obtain title to the tract occupied by the Toro Creek Indians..."

Further stating:

"...the U. S. district attorney (sic) from Los Angeles was brought into the case and attempted to reopen it on the claim that the defendants were 'California Indians and that they were wards of the federal government..."

Lastly, we can also see that the newspaper also identified the Indian group from Toro Creek as:

¹⁹² Toro Creek Land Sought for Natives. The San Luis Obispo Daily Telegram. San Luis Obispo, California. February 25, 1935. Front page, top of first column.

“...the small band of Indians...”

Although in 1930 there was not clear evidence of a contemporaneous Indian entity being recognized by both the Federal government and the local newspaper, we feel that by 1935, both the Federal government and same newspaper were specifically identifying the Toro Creek Indians as required by the Office of Federal Acknowledgement.

Thus, 83.11(a) 1930-1939 Documents 8(a) and 8(b) meet the requirements for 25 CFR § 83.11(a)(1): Identification as an Indian entity by Federal authorities and for 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

Epilogue to 83.11(a) 1930-1939 Subsection 8.

Although our group has done much research, we have never been able to locate neither the request from the Indian Service to the U. S. Department of Justice instructing them to institute proceedings in federal court for the tract of land in question, nor the original correspondence from Superintendent O. H. Lipps to Mrs. Fred Iversen, or any of the correspondence between the Department of Justice and the Indian Services of California regarding this lawsuit.

Section IV Seven Mandatory Criteria

A.6. Criterion 83.11(a) 1940-1949 – Identification of Indian Entity.

...

Subsection:	83.11(a) 1940-1949 Subsection 1
Document(s):	83.11(a) 1940-1949 Documents 1(a) to 1(b)
Title(s):	Doc 1(a): <i>Lower Monterey County Recreation Area Sold.</i> The Californian. Salinas, California. June 28, 1946. Doc 1(b): <i>'The Indians' Sold to Pettitt Lands.</i> King City, California. The Rustler-Herald. June 20, 1946.
Federal Code(s):	25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:



"To the people of Monterey county The Indians is a spot of romance – for on it is an old adobe... that was built on the then Milpitas grant by Mr. Pastore. After secularization... the Indians scattered from sheltering mission walls to find refuge where they could."

"To the Milpitas Ranch adobe some went, among them the Encinales family, three generations of whom called that place home."

*The Rustler-Herald
Salinas, California
June 20, 1946*

"The Indians" property was sold from Mr. and Mrs. Grutly Dedini to Pettitt Lands, Inc. in 1946.¹⁹³ The article makes clear reference that this is the same property on the Milpitas Land Grant that has been widely and historically recognized in the community as the settlement for a group of Indians including the Encinales family. As stated in the article:¹⁹⁴

"To the people of Monterey county The Indians is a spot of romance – for on it is an old adobe... that was built on the then Milpitas grant by Mr. Pastore. After secularization... the Indians scattered from sheltering mission walls to find refuge where they could."

"To the Milpitas Ranch adobe some went, among them the Encinales family, three generations of whom called that place home."

The phrase "...some went..." indicates that those who located at "The Indians" were the Indians that were forced into refuge settlements after the secularization of the missions.

We are also made aware in the same article that "The Indians" was an active Indian settlement during the time of occupation and spoke of how the Encinales' were given life-long privilege to live on the "...reservation..." as was reported:

¹⁹³ *'The Indians' Sold to Pettitt Lands.* King City, California. The King City Rustler. June 20, 1946. Front page, bottom left corner of page. This article is an earlier version of the article that appeared in The Californian, 83.11(a) 1940-1949 Document 1(a) above.

¹⁹⁴ *Lower Monterey County Recreation Area Sold.* The Californian. Salinas, California. June 28, 1946. Page 18, upper right corner.

"They raised a few sheep, cattle and chickens as their forebears had been taught to do at the mission; the men were clever with hair rope, making of it riatas, hackamores and saddle cinches that were sold."

"One of them, 'old Donna Perfecta,' is recalled by local fold as the 'friendly old lady of the reservation'..."

On this settlement, Perfecta:

"...could be found in the orchard, under the grape arbor, weaving baskets of raffia intertwined with beaded patterns..."

Of this group of Indians that was living at the "...reservation..." known as "...The Indians..." we find that Dolores Encinales is recognized as one of "...the surviving members..." living in King City who, at the time of the article still had his granted "...life-long privilege to live there..." at "...The Indians..." settlement.

We are also made aware in this article that there were actually,

"...three generations of whom called this place home..."

Who were given,

"...life-long privilege to live..."

at "...The Indians..." from the Encinales group. We are made aware, by name, of some members that belonged to the first two generations. To wit:

"...old Donna Perfecta... Felipe, Tito, Maria, and others."

This recognition by the contemporaneous landowners, newspapers, and community shows the existence of a contemporaneous tribal entity of "...three generations..." and that the location of the "...reservation..." known as The Indians was still, in 1946, well respected culturally and recognized in Monterey County.

Lastly, although not necessarily meeting the definition of a "newspaper article" as defined by the Office of Federal Acknowledgement, it should be noted that the son of Mr. and Mrs. Grutly Dedini, Eldon Dedini, was a staff cartoonist for the Salinas Morning Post in the 1940s and was the illustrator of the single panel cartoon known as "Private Bath" which made light of the Fort Ord Military Base near the Monterey Peninsula.¹⁹⁵

In one of his panels, Eldon Dedini makes a direct reference to the Jolon Indians as quoted:

"Don't get excited, sarge! My pal the Jolon Indian just gets the ol' urge to dance every time he sees a fire."

We include this not so much as evidence for acknowledgement, but as evidence that the "Jolon Indians" were a recognized entity in the Monterey County region and the larger community, including the Dedini family. It should be also noted that that the Dedini family were also the contemporaneous owners of "The



"Don't get excited, sarge! My pal the Jolon Indian just gets the ol' urge to dance every time he sees a fire."

*Private Bath
As illustrated by Eldon Dedini*

*The Salinas Morning Post
Salinas, California
December 12, 1940*

¹⁹⁵ Dedini, Eldon, Staff Cartoonist. Private Bath. Salinas Morning Post. Salinas, California. December 12, 1940. Page 3, upper middle part of page.

Indians' adobe where the actual Jolon Indian settlement was located, thereby giving them firsthand knowledge of the Indian group associated with the settlement.

Thus, 83.11(a) 1940-1949 Documents 1(a) to 1(b) meet the requirements 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

Subsection: 83.11(a) 1930-1939 Subsection 2

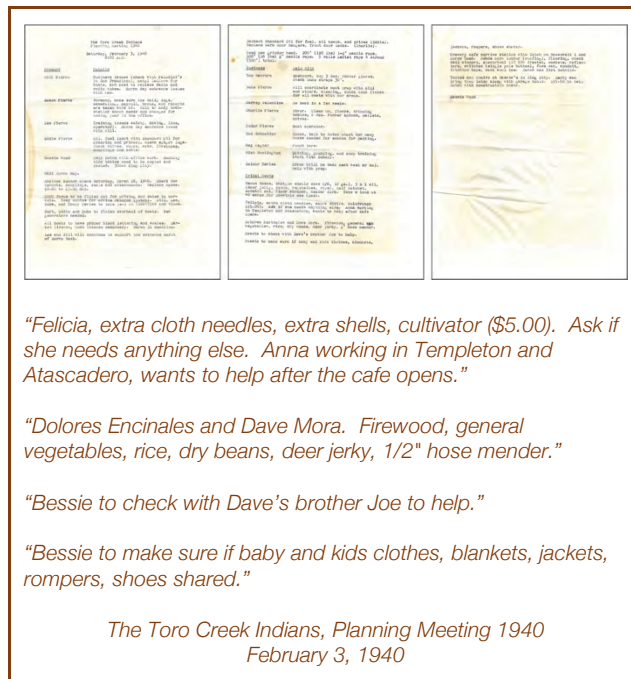
Document(s): 83.11(a) 1930-1939 Documents 2(a) to 2(b)

Title(s): Doc 2(a): *“The Toro Creek Indians, Planning Meeting 1940”* Morro Bay, CA. February 3, 1940.

Doc 2(b): *“1948 PLANNING MEETING TORO CREEK INDIANS”* Pierce Brothers Ranch, Creston, CA. November 22, 1947.

Federal Code(s): 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself.

Evidence for Inclusion:



The enclosed meeting notes for the Toro Creek Indians contemporaneously identifies the group as an Indian entity itself.

As evidence, we see that the heading of the documents routinely identifies the group as an Indian entity itself. To wit:

*“The Toro Creek Indians, Planning Meeting 1940”*¹⁹⁶ and *“1948 PLANNING MEETING TORO CREEK INDIANS”*¹⁹⁷

We can also see that each one of these documents contain evidence that this was a functioning Indian entity with a group of leaders as written at the beginning, as well as a discussion of tribal needs of its members. We see from 1940 Document 2(a) listed above:¹⁹⁸

“Tribal Needs”

“Ramon Rosas, Shotgun shells case (#6, 12 ga.), 3 n 1 oil, (deer jerky, seeds, vegetables, rope), half hatchet, scratch awl, floor scraper, header fork. Take a look at 40 acres for possible use. (Les)”

“Felicia, extra cloth needles, extra shells, cultivator (\$5.00). Ask if she needs anything else. Anna working in Templeton and Atascadero, wants to help after the cafe opens.”

“Dolores Encinales and Dave Mora. Firewood, general vegetables, rice, dry beans, deer jerky, 1/2" hose mender.”

“Bessie to check with Dave's brother Joe to help.”

¹⁹⁶ Subsection 83.11(a) 1940-1949 Subsection 2, Document 2(a) *“The Toro Creek Indians, Planning Meeting 1940”* Morro Bay, CA. February 3, 1940. See highlighted areas.

¹⁹⁷ Subsection 83.11(a) 1940-1949 Subsection 2, Document 2(b) *“1948 PLANNING MEETING TORO CREEK INDIANS”* Pierce Brothers Ranch, Creston, CA. November 22, 1947. See highlighted areas.

¹⁹⁸ Subsection 83.11(a) 1940-1949 Subsection 2, Document 2(a) *“The Toro Creek Indians Planning Meeting 1940”* Morro Bay, CA. February 3, 1940. See highlighted areas.

"Bessie to make sure if baby and kids clothes, blankets, jackets, rompers, shoes shared."

"Grocery cafe service station with Dutch on Roosevelt 1 and Morro Road. Needs extra lumber (roofing), flooring, check rail windows, electrical (17 50W frosted, sockets, reflectors, switches (single pole button), fuse cab, conduit, friction tape, rock wool ins. Dutch has list details."

"Tables and chairs at Bessie's in King City. Larry can bring them later along with garage tools. \$95 to Dutch to help with construction costs."

"Bessie Wood"

We also see later from 1947, Document 2(b) the following:¹⁹⁹

"Business:"

"Ranch payments to Charles Valys: \$500 payments plus interest due against \$12,500 principal. Interest rate 6% per year. Payments due on July 1 and January 1. First payment paid on July 1, 1947. Title Insurance Company has papers (321)."

"Ramon is interested in trading 40 acres for Toro Creek cemetery property. Les spoke with Anna about this. Marion picking up two turkeys tomorrow, bringing vegetables, peaches, and sweet potato slips. Fence needs repair (pick white cedar 2" x 4' pickets, 20 lbs)."

"Bessie spoke with Bernice about Dolores Encinales and Dave Mora. They have a hard time hearing and health is good but not well. David's brother Joe helping. Firewood, cotton batts, general fruits and vegetables, beans, cabbage, rice, deer jerky. Small cast-iron wood burner. Bessie will talk to David's brother Joe about helping in King City."

1948 Planning Meeting Toro Creek Indians
November 22, 1947

"Les and Eddie entered mortgage with Ralston Purina Company for \$2,220.80 with 6% interest. Mortgage 11,000 turkeys and all future poults and turkeys. Amount from Ralston Purina up to \$38,500.00 including monies spent on behalf of the ranch."

"4 rolls 12 1/2 ga poultry fencing (165' pr). 42 2x3 posts 24" cut for roosts. New turkey nests (straw, shavings, rice hulls). 12 ga galv smooth wire 50 lb roll. Need new poultry scale (20 lb)."

"From CDFG. Replace all spears and gaff hooks, must be less than 36". Commission has power to change areas for abalone fishing in 10 (sth of Point Lobos), 18, 19, 20, and 20A."

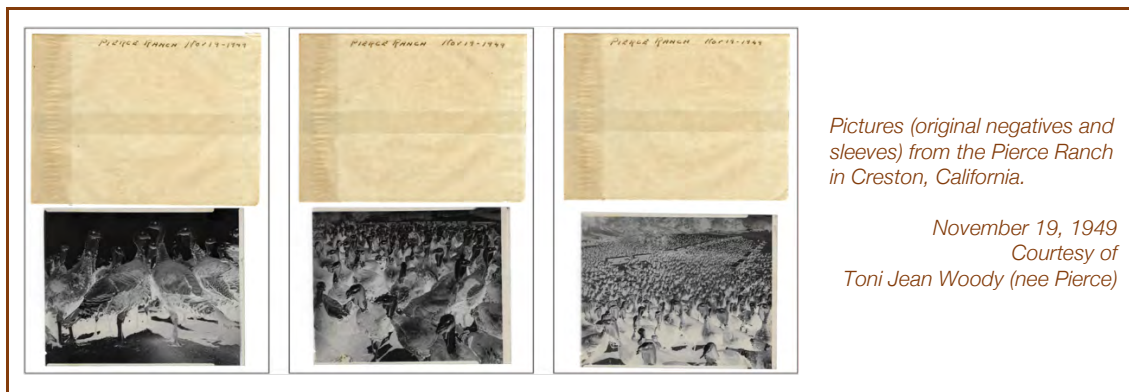
¹⁹⁹ Subsection 83.11(a) 1940-1949 Subsection 2, Document 2(b) *"1948 PLANNING MEETING TORO CREEK INDIANS"* Pierce Brothers Ranch, Creston, CA. November 22, 1947. See highlighted areas.

"Red 8", green 7 1/4", black and pink 6". Rules posted in office. All abalone must be brought up alive with shell. Abalone cannot be transported out of state unless trimmings are reduced, canned chowder, similar. Diving apparatus only for commercial."

"Tribal Needs"

"Felista Forsting. Les will pick her up at River Garden, bring her out to ranch to spend time with after Thanksgiving. Anna clothes, shoes, crib blankets (Eddie, Les) for kids and is helping Ramon."

"Any of the kids can work at the ranch, just contact any of us. Hunting lessons for the kids will be coordinated by Les and Eddie. Working at United Seafoods is good with Dutch, but training is required along with licensing (CDFG)."



"Ramon is interested in trading 40 acres for Toro Creek cemetery property. Les spoke with Anna about this. Marion picking up two turkeys tomorrow, bringing vegetables, peaches, and sweet potato slips. Fence needs repair (pick white cedar 2" x 4' pickets, 20 lbs)."

"Bessie spoke with Bernice about Dolores Encinales and Dave Mora. They have a hard time hearing and health is good but not well. David's brother Joe helping. Firewood, cotton batts, general fruits and vegetables, beans, cabbage, rice, deer jerky. Small cast-iron wood burner. Bessie will talk to David's brother Joe about helping in King City."

Bessie Martin

Based on the foregoing, we can conclude that this group contemporaneously identified themselves as Indian entity during the 1940s as required by the Office of Federal Acknowledgement.

Thus, 83.11(a) 1940-1949 Document 2(a) to 2(c) meet the requirements for 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself.

Subsection: 83.11(a) 1940-1949 Subsection 3

Document(s): 83.11(a) 1940-1949 Document 3(a)

Title(s): Doc 3(a): *Among the Last of San Antonio Indian Tribe.* The Californian. Salinas, California. April 9, 1949.

Federal Code(s): 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:

Headline and article both make a direct reference to Dolores Encinales as:²⁰⁰

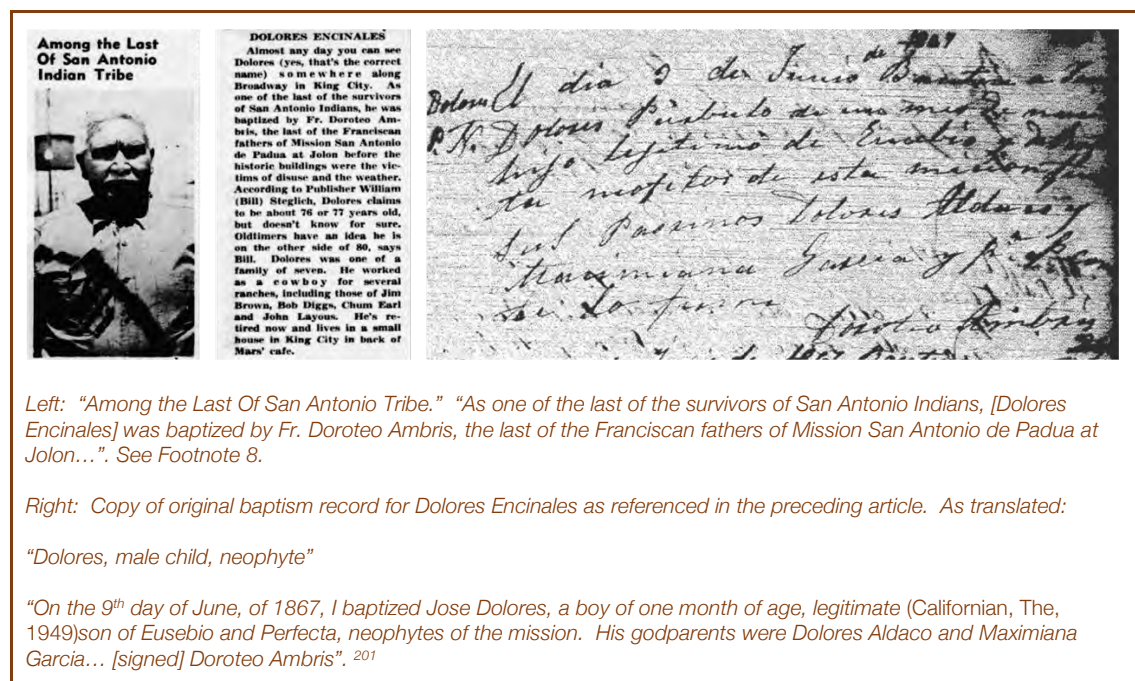
“Among the Last of San Antonio Tribe”

And,

“... one of the last of the survivors of the San Antonio Indians...”

Both references infer that there are other members of the tribal entity that are still in existence contemporaneously in 1949.

Thus, 83.11(a) 1940-1949 Document 3(a) meets the requirements 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.



²⁰⁰ *Among the Last Of San Antonio Indian Tribe.* The Californian. Salinas, California. April 9, 1949. Page 15A, 27 overall, middle of first column.

²⁰¹ Mission San Antonio de Padua, Baptism Register. FHL microfilm #0913297. Courtesy of the Genealogical Society of Utah. Salt Lake City, Utah. As entered for Jose Dolores Encinales on June 9, 1867.

Subsection: 83.11(a) 1940-1949 Subsection 4

Document(s): 83.11(a) 1940-1949 Document 4(a)

Title(s): Doc 4(a): *Near the Close of the Century in Jolon Area.* The Californian. Salinas, California. May 21, 1949.

Federal Code(s): 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:



A photograph taken in 1889 shows two members of the Encinales family. Although taken in the past, the caption gives us a contemporaneous identification of a tribal entity. As written:²⁰²

"Seated, left to right, are – Perfecta Encinales,... Mekela Encinales, a sister of Dolores Encinales of King City (one of the last of the Jolon Indians), and now lives in Mexico."

The reference of "...Dolores Encinales of King City (one of the last of the Jolon Indians)..." demonstrates that a tribal entity identified as the Jolon Indians are still in contemporaneous existence.

Thus, 83.11(a) 1940-1949 Documents 4(a) meets the requirements 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

²⁰² *Near the Close of the Century in Jolon Area.* The Californian. Page 30. Salinas, California. May 21, 1949.

Section IV Seven Mandatory Criteria

A.7. Criterion 83.11(a) 1950-1959 – Identification of Indian Entity.

...

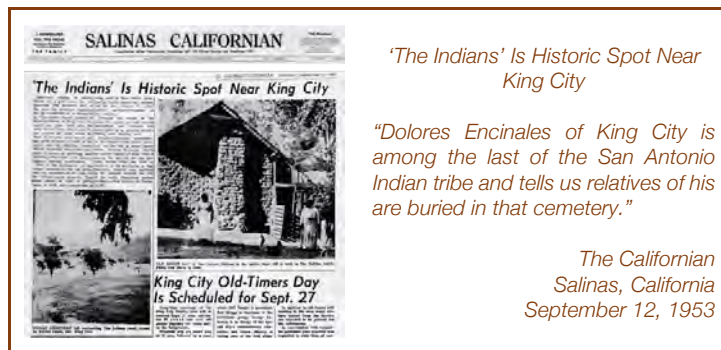
Subsection: 83.11(a) 1950-1959 Subsection 1

Document(s): 83.11(a) 1950-1959 Document 1(a)

Title(s): Doc 1(a): *'The Indians' Is Historic Spot Near King City.* The Californian. Salinas, California. September 12, 1953.

Federal Code(s): 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:



Article that tells of the history of “The Indians” adobe located just northwest of the Milpitas Mexican Land Grant in Monterey County.

In this article, we are told of: ²⁰³

“Dolores Encinales... of King City [who] is among the last of the San Antonio Indian tribe...”

By stating that Dolores Encinales is:

“...among the last...of the tribe...”

provides us evidence of external identification of a contemporaneous Indian tribe that has other members who are still alive at the time of this article.

Thus, 83.11(a) 1950-1959 Document 1(a) meets the requirements 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

²⁰³ *'The Indians' Is Historic Spot Near King City.* The Californian. Salinas, California. September 12, 1953. Page 8A, pdf page 20, top half of page.

Subsection: 83.11(a) 1950-1959 Subsection 2

Document(s): 83.11(a) 1950-1959 Document 2(a)

Title(s): Doc 2(a): *The Chuck Wagon, Dolores Encinales.* The Californian. Salinas, California. September 12, 1953.

Federal Code(s): 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:

Short feature profile article that tells of Dolores Encinales of King City.

In this article, we are told that Dolores Encinales is:²⁰⁴

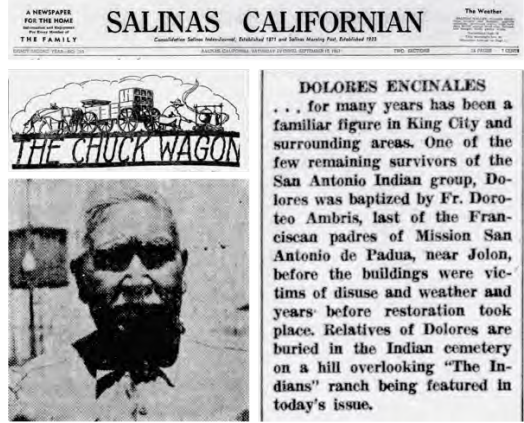
“One of the few remaining survivors of the San Antonio Indian group... [who] was baptized [at the] Mission San Antonio de Padua, near Jolon...”

By stating that Dolores Encinales is:

“One of the few remaining survivors of the San Antonio Indian group...”

is evidence of external identification of a contemporaneous Indian group that has other members who are still alive at the time of this article.

Thus, 83.11(a) 1950-1959 Document 2(a) meets the requirements 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.



The Chuck Wagon: Dolores Encinales

“Dolores Encinales... for many years has been a familiar figure in King City and surrounding areas. One of the few remaining survivors of the San Antonio Indian group...”

Provide evidence of external identification of a contemporaneous Indian group that has other members who are still alive at the time of this article.

*The Californian
Salinas, California
September 12, 1953*

²⁰⁴ *The Chuck Wagon, Dolores Encinales.* The Californian. Salinas, California. September 12, 1953. Page 4A, pdf page 16, upper right portion of page.

- Subsection:** 83.11(a) 1950-1959 Subsection 3
- Document(s):** 83.11(a) 1950-1959 Documents 3(a) to 3(b)
- Title(s):** Doc 3(a): *Death Takes Old Mission Indian in King City Today.* The Californian. Salinas, California. July 5, 1954.
- Doc 3(b): *Services for Last of Old Mission Indians Set Friday.* The Californian. Salinas, California. July 7, 1954.
- Federal Code(s):** 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:

These two articles describing the events of the passing of Dolores Encinal (sic) gives us a compelling argument for the external identification of a contemporaneous Indian entity by a local newspaper.

The first article, Document 3(a), from July 5, 1954, tells us the story of how:²⁰⁵

“Death Takes Old Mission Indian in King City Today”

“Dolores Encinal, about 90 years of age and one of the last Mission Indians, died early this morning in King City hospital...”

This same article further states:

“Mr. Encinal, whose exact age is unknown, was born on the Indians ranch, which was owned by his late father, near the San Antonio Mission.”

We are very aware that on its own merits, the Office of Federal Acknowledgement might see this as inadequate documentation as the Indian entity that Dolores Encinal is being related to is generically referred to as “Mission Indians.” As we have stated previously, we agree with this interpretation.

However, just a few days later, the same newspaper printed the following:²⁰⁶

“Services for Last of Old Mission Indians Set Friday”

“Mr. Encinal, one of the last Mission Indians...” ¶ “...was baptized by Father Doroteo Ambris, the last of the Franciscan fathers of Mission San Antonio de Padua at Jolon before the historic buildings became the victims of disuse and the weather.”

These two articles from the same newspaper, two days apart, covering the same event provide us with the following evidence that Dolores Encinal:



Left: “Dolores Encinal... one of the last Mission Indians... was born on the Indians ranch, which was owned by his late father, near the San Antonio Mission.”

Death Takes Old Mission Indian in King City Today
The Californian
Salinas, California
July 5, 1954

²⁰⁵ *Death Takes Old Mission Indian in King City Today.* The Californian. Salinas, California. July 5, 1954. Page 11, middle of column 4.

²⁰⁶ *Services for Last of Old Mission Indians Set Friday.* The Californian. Salinas, California. July 7, 1954. Page 13, middle of columns 3 and 4.

“...was born on the Indians ranch...” as stated above. And as a reminder to the reader, The Indians Ranch has been extensively documented in previous sections for Criterion 83.11(a) and was a well-established and recognized Indian settlement northwest of the San Antonio Mission.

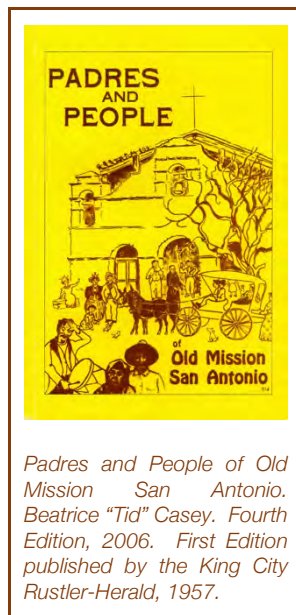
And that Dolores Encinal:

was “*...one of the last Mission Indians...*” and “*...was baptized...*” at “*... Mission San Antonio de Padua at Jolon...*”. This gives us the evidence that Dolores was more than just a “Mission Indian.” This evidence shows that Dolores Encinal was a member of an Indian entity specific to Mission San Antonio de Padua at Jolon which is in the same region as “The Indians” was, where he was born, and was a member of the same Indian entity that was still in existence at the time of his passing.

When combined, we feel that these two articles from the same newspaper, two days apart, covering the same event provide us with reasonable evidence of the existence of a contemporaneous Indian entity as externally identified by a local newspaper.

Thus, 83.11(a) 1950-1959 Documents 3(a) to 3(b), in combination, meet the requirements 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

- Subsection:** 83.11(a) 1950-1959 Subsection 4
- Document(s):** 83.11(a) 1950-1959 Documents 4(a) to 4(e)
- Title(s):**
- Doc 4(a): Casey, Beatrice "Tid". *Padres and People of Old Mission San Antonio*. Fourth Edition. Casey Printing, Inc. King City, California. March 2006. (First Edition published by The King City Rustler-Herald. King City, California. May 1957).
 - Doc 4(b): *Augustine Mora Service Friday*. The San Luis Obispo County Telegram-Tribune. San Luis Obispo, California. May 30, 1951.
 - Doc 4(c): *Services Conducted For Accident Victim*. The Santa Barbara News-Press. Santa Barbara, California. May 31, 1951.
 - Doc 4(d): *Injuries Fatal to Augustine Mora, 84*. The Santa Maria Times. Santa Maria, California. May 31, 1951.
 - Doc 4(e): *Augustine Mora, 84, Dies of Injuries*. The Arroyo Grande Valley Herald Recorder. Arroyo Grande, California. June 1, 1951.
- Federal Code(s):** 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:

In *Padres and People*, Beatrice Casey gives us insight into Indian population, and relationships, during the 1950s surrounding the San Antonio Mission.²⁰⁷

"XXVI"

"Now, let's leave the mission, momentarily, for a final survey of its environs. With Hunter Liggett (presently a subsidiary of Ft. Ord) still encompassing thousands of acres, we want to know whether or not, by 1955, any of the pioneer adobes have been allowed to remain."

"The answer is 'yes'."

"And what of the Indian population? Has it entirely disappeared? No, not entirely. There are many of this generation, descended from San Antonio Mission Indians, but in their background they no longer can be called full-blooded Indians. And most of these, though remaining in Monterey County, have left the mission area. However, there is one, Joe Mora, who lives in the Lockwood region... in an adobe that was quite old..."

"For many years Joe had his companionship of this half-brother, Dave [David Mora] ... years his senior who, after the death of his wife, Maria Encinales [Maria Jesua Encinales Mora – daughter of Perfecta and Eusebio Encinales], had resided with him in a cabin southwest of Jolon. But, in his declining years, the aged Dave had gone to King City where, companioned by his brother-in-law, Dolores Encinales – son of Perfecta and Eusebio [Encinales] – he had remained until

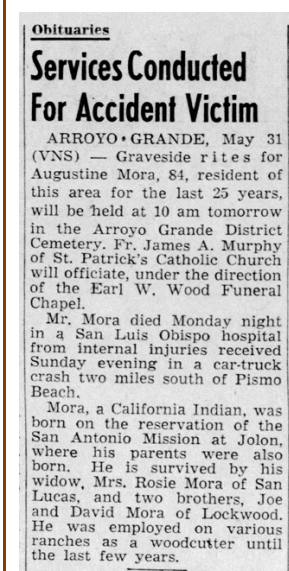
²⁰⁷ Casey, Beatrice "Tid". *Padres and People of Old Mission San Antonio*. Fourth Edition. Casey Printing, Inc. King City, California. March 2006. (First Edition published by The King City Rustler-Herald. King City, California. May 1957). Pages 125-128. Of note, page 127 was omitted as it was a photograph that did not play into the evidence.

increasing frailty and necessitated his removal to the county hospital at Salinas. This was in the spring of '54."

Although Casey refers to Indians who have "...descended from the San Antonio Mission Indians...", she, in this case, is referencing only those who can "...no longer be called full-blooded Indians." Although seemingly pedantic, we address this issue as we know that the Office of Federal Acknowledgment has, rightfully in the past, taken the position that being simply "...descended..." from a known Indian entity does not constitute external identification of a contemporaneous Indian entity.

But we do see that Casey separately discusses the full-blooded Indians, Joseph Mora, his brother David Mora, and their brother-in-law Dolores Encinales. She states that they are still part of the "...Indian population..." that has not "...entirely disappeared..." from the surrounding area of the San Antonio Mission. This external identification gives a persuasive argument that the group of Indians that have been well recognized in this region as a tribal group are still in existence.

We are also made aware of the external identification of not only the Indian heritage of the three above, but also the identification of an immediate relative who passed away a few years prior: Augustine Mora, the brother of Joseph and David Mora, and the brother-in-law to Dolores Encinales.



Services Conducted for Accident Victim

"[Augustine] Mora, a California Indian, was born on the reservation of the San Antonio Mission at Jolon, where his parents were also born. He is survived by his... two brothers, Joe and David Mora of Lockwood."

*The Santa Barbara News-Press
Santa Barbara, California
May 31, 1951*

Augustine Mora was in a fatal automobile accident in May of 1951. The articles that followed not only made the connection between Augustine and his brothers Joseph and David, but they also made the following statements as well:

"Mr. Mora, 84-year-old California Indian.... He was born on the San Antonio Mission reservation near Jolon.... Surviving are two brothers, Joe Mora and David Mora, both of Lockwood: and his wife, Rosie Mora of San Lucas." ²⁰⁸

"Mora, a California Indian, was born on the reservation of the San Antonio Mission at Jolon where his parents were also born." ²⁰⁹

"Mora, a full blooded Indian... was born, as were his parents, at the San Antonio Mission." ²¹⁰

"He [Augustine Mora] was born of Indian parents on the reservation at the San Antonio Mission, near Jolon, where his parents were also born." ²¹¹

²⁰⁸ *Augustine Mora Service Friday.* The San Luis Obispo County Telegram-Tribune. San Luis Obispo, California. May 30, 1951. Page 10, middle of second column.

²⁰⁹ *Services Conducted For Accident Victim.* The Santa Barbara News-Press. Santa Barbara, California. May 31, 1951. Page 16, top of fifth column.

²¹⁰ *Injuries Fatal to Augustine Mora, 84.* The Santa Maria Times. Santa Maria, California. May 31, 1951. Front page, bottom of fourth column.

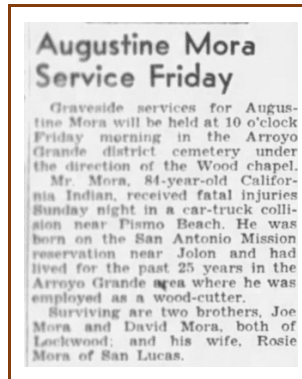
²¹¹ *Augustine Mora, 84, Dies of Injuries.* The Arroyo Grande Valley Herald Recorder. Arroyo Grande, California. June 1, 1951. Page 6, top of fifth column.

The above articles, all recognizing the same tragic event, state that Augustine Mora was known, contemporaneously, as a singular “California Indian,” this means that he was identified as a member of a larger group of Indians known as the “California Indians.”

Although the Office of Federal Acknowledgement, in the past, has rightfully concluded that this “California Indian” label, much like the label “Mission Indian,” is far too generic to externally identify a specific Indian entity, we feel that in this unique case there should be a second look at all the evidence written.

The articles take the identification of Augustine a step further. As we can see collectively from the individual articles, there was acknowledgment by the newspapers that Augustine was also:

*“...a full blooded Indian...” who
“...was born on the San Antonio Mission reservation near Jolon...”
to “...Indian parents...”*

	<i>Augustine Mora Services Friday</i> <i>“[Augustine] Mora, an 84-year-old California Indian... was born on the San Antonio Mission reservation near Jolon...”</i> <i>“Surviving are two brothers, Joe Mora and David Mora, both of Lockwood...”</i> <i>The San Luis Obispo Tribune San Luis Obispo, California May 30, 1951</i>

This additional evidence makes it apparent that Augustine was, in fact, part of a contemporaneous Indian entity from the San Antonio Mission/Jolon area.

Also, the journalists improperly labeled Augustine as a contemporaneous “California Indian” from what one can only conclude is a larger group of California Indians, the Office of Federal Acknowledgment has set precedence by allowing the external identification of the petitioning group to be factually incorrect.²¹²

“...criterion 83.7(a) does not require that external identifications of the petitioning group have been factually correct...” (Ramapough FD 1996, 19; see also, 12).

And,

“Criterion 83.7(a) is designed to elicit a sense of the opinion about the group which was being expressed by external observers. The observers did not need to be knowledgeable.” ¶ “Therefore, the ‘facts’ to be analyzed under criterion 83.7(a) are... what the observer said – not whether the observer was correct. Does the opinion being expressed amount to identification of the petitioner’s antecedent group as an Indian entity?” (Ramapough FD 1996, 13).

Even if the journalists were incorrect in using the generic term “California Indian” as the name of the contemporaneous tribe in the articles, we believe that the journalists were actually making an identification of a tribal group from a very specific area.

We should also be reminded that in the past, the Office of Federal Acknowledgement has stated:²¹³

“Close family ties between parents, children and siblings would not have severed immediately. People generally maintain ties to close kin until they die,⁴⁰ this assumption should be applied in

²¹² Acknowledgement Precedent Manual. Compiled by The Office of Federal Acknowledgement, U. S. Department of the Interior. Draft January 31, 2005. Downloaded June 3, 2023 (<https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/admindocs/PrecedentManual2005.pdf>) Criterion 83.7(a), page 9 (pdf page number 39), beginning at the bottom of page.

²¹³ Ruling by the Office of Federal Acknowledgment under The U. S. Department of the Interior. “Reconsideration on Referral by the Secretary and Summary Under the Criteria and Evidence for the Reconsidered Final Determination Against Federal Acknowledgment of the Chinook Indian Tribe/Chinook Nation.” July 5, 2002. Page 87, beginning of first full paragraph.

this case.” Further stating, “The petitioner also only submitted anecdotal compilations drawn from the documents submitted for the Final Determination. However, it would seem likely, and the anecdotal evidence supports the contention that, close relatives would have remained in continuous contact following the diaspora from Chinookville for another generation, allowing the petitioner to meet criterion (b) to 1910.”

“⁴⁰ The assumption that first degree kin (parents, grandparents, children and siblings) maintain contact has been used in a number of past acknowledgement decisions.”

The Office of Federal Acknowledgement has defined that those members who have been identified as living in a distinct community of Indians (Augustine has already been identified as “... born on the San Antonio Mission reservation near Jolon...”) can be reasonably expected to have maintained those relationships based on residence in those communities even though specific evidence was lacking. To wit:

“The regulations require that a distinct social community be maintained within which substantial social interaction and social relationships are maintained and which are distinct from non-Indian populations in the area. They do not require that the group or substantial portions of it live in a geographic area which is exclusively or almost exclusively occupied by members, e.g., a village or neighborhood. Such exclusive geographic settlement is sufficient evidence in itself to demonstrate that a group constitutes a distinct social community which meets the requirements of criterion (b).” ²¹⁴

We see further in this same report that this criterion can be met by demonstrating that many of the members had been born in and lived in a distinct Indian community.

“In addition to kinship ties, many or most of the individuals alive in the decades between 1914 and 1956 had been born in and had previously lived in the distinct communities. They can reasonably be expected therefore to have maintained social relationships based on previous residence in those communities, even though this was not demonstrated by specific evidence.” ²¹⁵

From the above discussion, we reasonably conclude, based on previous interpretations by the office of Federal Acknowledgement, that the passing of Augustine Mora who “was born of Indian parents on the reservation at the San Antonio Mission, near Jolon, where his parents were also born” provides us with contemporaneous evidence of an externally identified group of Indians.

When combined in totality, the recognition that Augustine Mora was a “...full blooded Indian [born to] Indian parents...” from “...the San Antonio reservation near Jolon...”, and that the journalists were recognizing him to be a part of an incorrectly labeled contemporaneous tribal entity, and also recognized his brothers still in existence as identified by Casey, we feel that the evidence is persuasive for a contemporaneous Indian entity during the decade in question.

Thus, 83.11(a) 1950-1959 Documents 4(a) to 4(e), when used in combination, meets the requirements for 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

²¹⁴ Ruling by the Office of Federal Acknowledgment under The U. S. Department of the Interior. “Summary Under the Criteria and Evidence for Proposed Finding for Federal Acknowledgement of the Snoqualmie Indian Tribe.” April 26, 1993. Page 8, beginning of paragraph 4.

²¹⁵ Ibid. Page 8, beginning of paragraph 3.

Subsection: 83.11(a) 1950-1959 Subsection 5

Document(s): 83.11(a) 1950-1959 Documents 5(a)

Title(s): Doc 5(a): "1954 PLANNING MEETING NOTES, TORO CREEK INDIANS".
Pierce Turkey Ranch, Creston, CA. December 19, 1953.

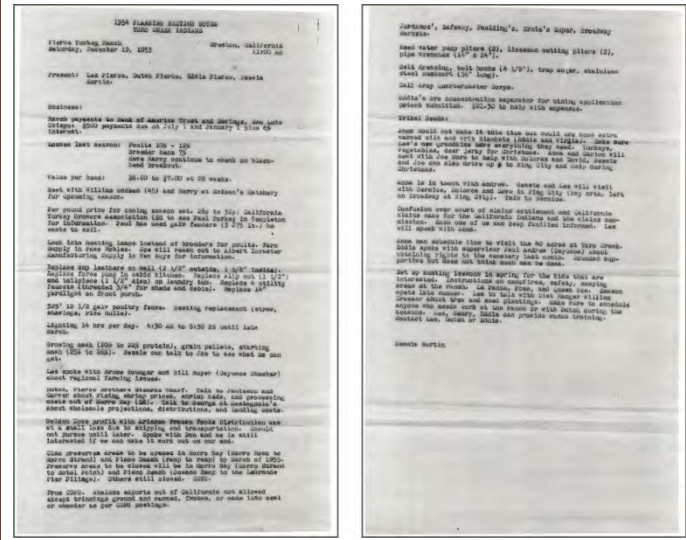
Federal Code(s): 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself.

Evidence for Inclusion:

The enclosed meeting notes for the Toro Creek Indians contemporaneously identifies the group as an Indian entity itself.

As evidence, we see that the heading of the documents routinely identifies the group as an Indian entity itself. To wit:

"1954 PLANNING MEETING NOTES, TORO CREEK INDIANS"²¹⁶



"Anna could not make it this time but could use some extra canned milk and crib blankets (Eddie and Virgie). Turkeys, vegetables, deer jerky for Christmas. Anna and Marion will meet with Joe Mora to help with Dolores and David, Bessie and Joe can also drive up to King City and help during Christmas."

"Confusion over court of claims settlement and California claims case for the California Indians and the claims commission. Each one of us can keep the families informed."

"Eddie spoke with supervisor Paul Andrew (Cayucos) about obtaining rights to the cemetery last month."

1954 Planning Meeting Notes
Toro Creek Indians
December 19, 1953

We can also see that the above document contains evidence that this was a functioning Indian entity with a group of leaders a found at the beginning as well as a discussion of tribal needs of its members. For example, we see from Document 5(a) listed above:²¹⁷

"Business:"

"Ranch payments to Bank of America Trust and Savings, San Luis Obispo: \$500 payments due on July 1 and January 1 plus 6% interest."

"Losses last season: Poult 10%-12%"

²¹⁶ Subsection 83.11(a) 1950-1959 Subsection 2, Document 5(a) "1954 PLANNING MEETING NOTES, TORO CREEK INDIANS". Pierce Turkey Ranch, Creston, CA. December 19, 1953. See highlighted areas.

²¹⁷ Subsection 83.11(a) 1950-1959 Subsection 2, Document 5(a) "1954 PLANNING MEETING NOTES, TORO CREEK INDIANS". Pierce Turkey Ranch, Creston, CA. December 19, 1953. See highlighted areas.

“Breeder hens 7%”

“Have Harry continue to check on blackhead breakout.”

“Value per head: \$6.60 to \$7.00 at 28 weeks”

“Meet with William McKeen (45) and Harry at McKeen’s Hatchery for upcoming season.”

“Per pound price for coming season est. 28¢ to 32¢: California Turkey Growers Association (Ed to see Paul Borkey in Templeton for information. Paul has used galv feeders (3 275 lb.) he wants to sell.”

“Les spoke with Bruce Younger and Bill Boyle (Cayucos Chamber) about regional farming issues.”

“Dutch, Pierce Brothers Stearns Wharf. Talk to Jamieson and Carver about rising shrimp prices, shrimp beds, and processing costs out of Morro Bay (Ed). Talk to George at Castagnola’s about wholesale projections, distributions, and landing costs.”

“Clam preserve areas to be opened in Morro Bay (Morro Rock to Morro Strand) and Pismo Beach (ramp to ramp) by March of 1955. Preserve areas to be closed will be in Morro Bay (Morro Strand to Hotel Point) and Pismo Beach (Oceano Ramp to the LeGrande Pier Pilings). Others still closed. CDFG”

“Eddie’s ore concentration separator for mining application patent submitted. \$21.30 to help with expenses.”

“Tribal Needs:”

“Anna is in touch with Andrew. Bessie and Les will visit with Bernice, Dolores and Dave in King City (hwy nrth, left on Broadway at King City). Talk to Bernice.”

“Confusion over court of claims settlement and California claims case for the California Indians and the claims commission. Each one of us can keep the families informed. Les will speak with Anna.”

“Set up hunting lessons in spring for the kids that are interested. Instructions on campfires, safety, camping areas at the ranch. La Panza, Pozo, and Queen Bee. Season opens late summer. Les to talk with Dist Ranger William Dresser about tree and seed plantings. Make sure to schedule anyone who needs work at the ranch or with Dutch during the seasons. Les, Henry, Eddie can provide ranch training. Contact Les, Dutch or Eddie.”

“Bessie Martin”

Based on the foregoing, we can conclude that this group contemporaneously identified themselves as Indian entity during the 1950s as required by the Office of Federal Acknowledgement. Thus, 83.11(a) 1950-1959 Document 5(a) meets the requirements for 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself.

Subsection: 83.11(a) 1950-1959 Subsection 6

Document(s): 83.11(a) 1950-1959 Documents 6(a)

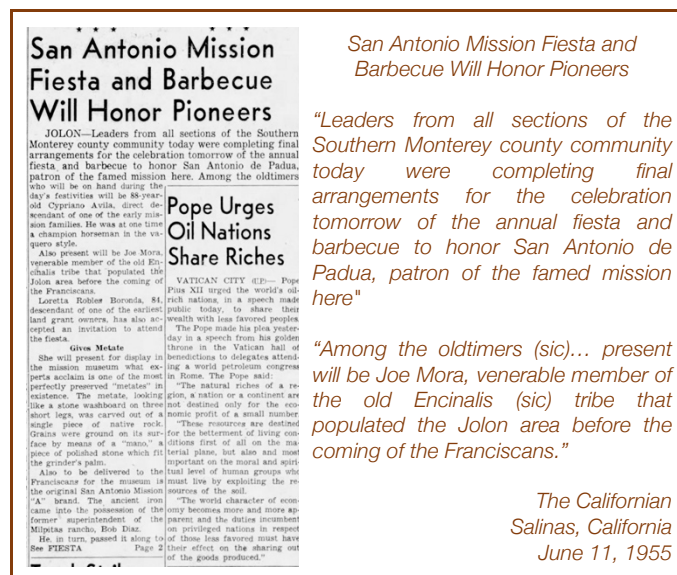
Title(s): Doc 6(a): *San Antonio Mission Fiesta and Barbecue Will Honor Pioneers.* The Californian. Salinas, California. June 11, 1955.

Federal Code(s): 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:

Article that externally identifies Joe Mora, brother of Dave Mora, as a member of contemporaneous tribe during the San Antonio Mission Fiesta. As written:²¹⁸

"Also present will be Joe Mora, venerable member of the old Encinalis (sic) tribe that populated the Jolon area before the coming of the Franciscans."



This identification is of an Indian entity called the "...Encinales tribe..." that has been in existence for quite some time as it is referred to as "...old..." and has "...populated the Jolon area before the coming of the Franciscans."

Although the newspaper did improperly label Joe Mora as a member of the "...Encinales tribe...", it can be easily assumed that this was simply a misidentification of the Indian entity.

The Office of Federal Acknowledgment has set precedence by allowing the external identification of the petitioning group to be factually incorrect.²¹⁹

"...criterion 83.7(a) does not require that external identifications of the petitioning group have been factually correct..." (Ramapough FD 1996, 19; see also, 12). Further stating, "Criterion 83.7(a) is designed to elicit a sense of the opinion about the group which was being expressed by external observers. The observers did not need to be knowledgeable." ¶ "Therefore, the 'facts' to be analyzed under criterion 83.7(a) are... what the observer said – not whether the observer was correct. Does the opinion being expressed amount to identification of the petitioner's antecedent group as an Indian entity?" (Ramapough FD 1996, 13).

Even if the newspaper article was incorrect in using the term "...Encinales tribe..." as the name of the contemporaneous tribe in the article, we believe that the journalist identified an Indian entity.

Thus, 83.11(a) 1950-1959 Document 6(a) meets the requirements for 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

²¹⁸ *San Antonio Mission Fiesta and Barbecue Will Honor Pioneers.* The Californian. Salinas, California. June 11, 1955. Page 1, columns 4 and 5, middle of lower half of page, and page 2, column 2, lower half of page.

²¹⁹ *Acknowledgement Precedent Manual.* Compiled by The Office of Federal Acknowledgment, U. S. Department of the Interior. Draft January 31, 2005. Downloaded June 3, 2023 (<https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/admindocs/PrecedentManual2005.pdf>) Criterion 83.7(a), page 9 (pdf page number 39), beginning at the bottom of page.

Section IV Seven Mandatory Criteria

A.8. Criterion 83.11(a) 1960-1969 – Identification of Indian Entity.

...

Subsection: 83.11(a) 1960-1969 Subsection 1

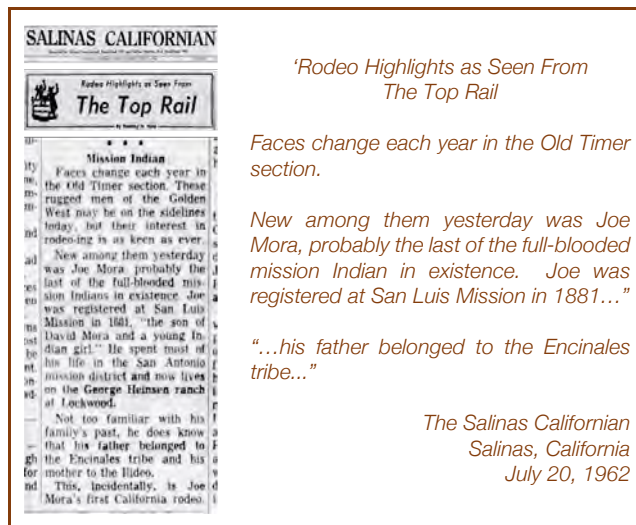
Document(s): 83.11(a) 1960-1969 Documents 1(a) to 1(b)

Title(s): Doc 1(a): *Rodeo Highlights as Seen From The Top Rail – Mission Indian.* The Californian. Salinas, California. July 20, 1962.

Doc 1(b): *Joe Mora, 81, Valley Indian, Passes Away.* The Californian. Salinas, California. October 29, 1962.

Federal Code(s): 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:



In 1962, The Californian Newspaper published two articles regarding Joe Mora.

The first article identifies Joe Mora as:²²⁰

“...probably last of the full-blooded mission Indians... [who] spent most of his life in the San Antonio mission district and now lives... at Lockwood.”

(It should be noted here that Lockwood is located geographically between the previously identified Indian settlements of Pleyto and Jolon as identified in previous sections under this Criterion 83.11(a).)

The article further states:

“...he does know that his father belonged to the Encinales tribe...”

Just three months later, Joe Mora passed away and the same newspaper identified him with the following:²²¹

“Joe Mora, 81, Valley Indian, Passes Away”

“Joe Mora, one of the few full-blooded Indians left in this valley... born 81 years ago in the Pleyto country... has lived for many years on the George Heinzen ranch in the southern Salinas Valley.”

²²⁰ “Rodeo Highlights as Seen From The Top Rail; Mission Indian”. The Californian, Salinas, California. July 20, 1962. Page 2.

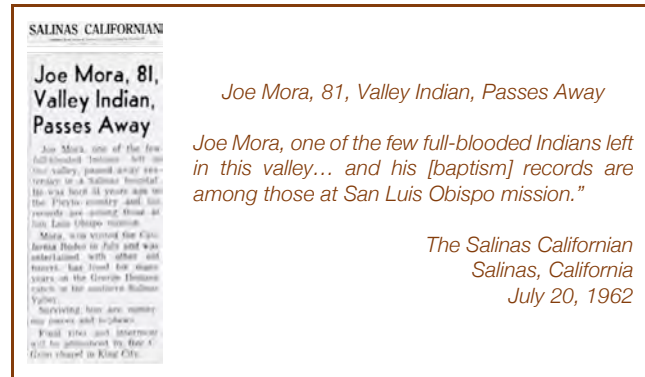
²²¹ “Joe Mora, 81, Valley Indian, Passes Away”. The Californian, Salinas, California. October 29, 1962.

The previous two articles have collectively identified Joe Mora as a “...full-blooded Indian...” who was a member of tribes generically identified as both “...*Valley Indian*...” and “...*mission Indian*...” and who’s father was a member of the “...*Encinales tribe*...” which is obviously identifying the specific group of San Antonio Mission Indians that have been very well documented in previous sections of this criterion. Further, Joe Mora was married to Maria Josepha Encinales, daughter of Eusebio and Perfecta Encinales.

The locality of Joe Mora was also identified as “...*living most of his life in the San Antonio mission district and now lives... in Lockwood*...” at the time of his passing.

The newspaper also makes the claim that Joe Mora was “...probably last of the full-blooded mission Indians...” thereby never concluding one way or the other exactly how large of a group was still in existence.

As we can see again, journalists even from the same newspaper, were never consistent with the labeling tribal entities during the 20th century. As noted previously, the Office of Federal Acknowledgment has set precedence by allowing the external identification of the petitioning group to be factually incorrect.²²²



“...criterion 83.7(a) does not require that external identifications of the petitioning group have been factually correct...” (Ramapough FD 1996, 19; see also, 12).

And,

“Criterion 83.7(a) is designed to elicit a sense of the opinion about the group which was being expressed by external observers. The observers did not need to be knowledgeable.” ¶ “Therefore, the ‘facts’ to be analyzed under criterion 83.7(a) are... what the observer said – not whether the observer was correct. Does the opinion being expressed amount to identification of the petitioner’s antecedent group as an Indian entity?” (Ramapough FD 1996, 13).

Even if the journalists were incorrect by using the generic terms such as “...*Valley Indian*...” and “...*mission Indian*...” as the name of the contemporaneous tribe in these articles, we believe that the journalists were making an identification of a specific tribal group from a very specific area that was in existence at the time of Joe Mora’s passing.

When combined in totality, the recognition that Joe Mora was a “...*full-blooded Indian*...” born to a father who “...*belonged to the Encinales tribe*...” and lived most of his life in the “...*the San Antonio mission district*...” and later in Lockwood, and that the journalists were recognizing him to be a part of an incorrectly labeled contemporaneous tribal entity, we feel that the evidence is persuasive for a contemporaneous Indian entity being recognized during the decade in question.

Thus, 83.11(a) 1960-1969 Documents 1(a) to 1(b), when used in combination, meets the requirements for 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

²²² Acknowledgement Precedent Manual. Compiled by The Office of Federal Acknowledgement, U. S. Department of the Interior. Draft January 31, 2005. Downloaded June 3, 2023 (<https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/admindocs/PrecedentManual2005.pdf>) Criterion 83.7(a), page 9 (pdf page number 39), beginning at the bottom of page.

Subsection: 83.11(a) 1960-1969 Subsection 2

Document(s): 83.11(a) 1960-1969 Documents 2(a)

Title(s): Doc 2(a): *Personal Letter from Bessie Martin (nee Pierce) to her brother Eddie Pierce. s, 1969*

Federal Code(s): 83.11(a) 1960-1969 Document 2(a) meets the requirements for 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself.

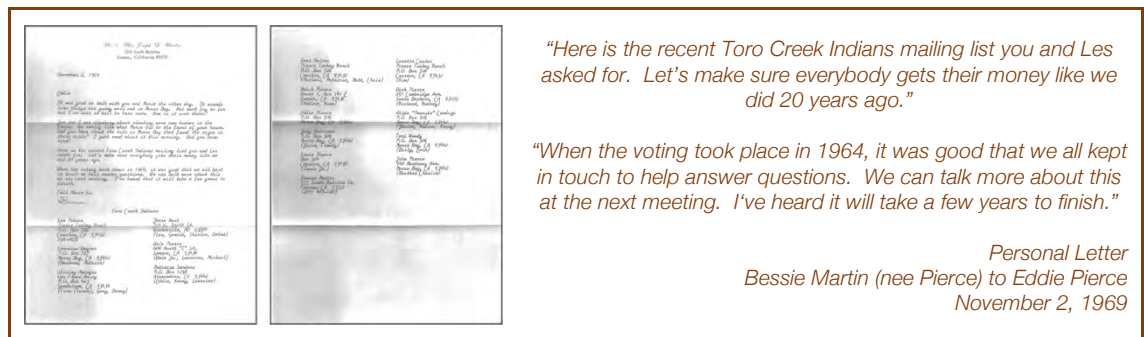
Evidence for Inclusion:

On November 2, 1969, Bessie Martin (nee Pierce) wrote a letter to Edward Pierce.²²³ It can be reasonably concluded that this was in reference to the 1972 California Indian Judgment Roll and the applications that had to be filled out by members.

We see the following in this letter:

"Here is the recent Toro Creek Indians mailing list you and Les asked for. Let's make sure everybody gets their money like we did 20 years ago."

"When the voting took place in 1964, it was good that we all kept in touch to help answer questions. We can talk more about this at the next meeting. I've heard it will take a few years to finish."



We feel that this letter provides reliable evidence of a distinct tribal group that goes beyond simply the date of the letter. In it, we see Bessie referencing how the Toro Creek Indians helped members receive their compensation under the California Revised Roll of California Indians of 1955, authorized in 1948, with the following statement:

"Let's make sure everybody gets their money like we did 20 years ago."

In the same letter we see evidence that this same group was working together to assist each other with questions over the voting that took place for the Indians of California settlement in 1964:

"When the voting took place in 1964, it was good that we all kept in touch to help answer questions."

²²³ Personal letter from Bessie Martin (nee Pierce) to her brother Edward Pierce. November 2, 1969.

Lastly, we see a “...recent Toro Creek Indian list...” as requested by both of her brothers, Eddie and Les Pierce. The list identifies the contemporaneous members along with how to get in touch with those same members. It is reasonable to assume that this list was used by the tribe to help each other with “...questions...” being asked by members.

This communication provides persuasive evidence for a contemporaneous Indian entity being recognized during the decade in question by the petitioner itself.

Thus, 83.11(a) 1960-1969 Document 2(a) meets the requirements for 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself.

Section IV Seven Mandatory Criteria

A.9. Criterion 83.11(a) 1970-1979 – Identification of Indian Entity.

...

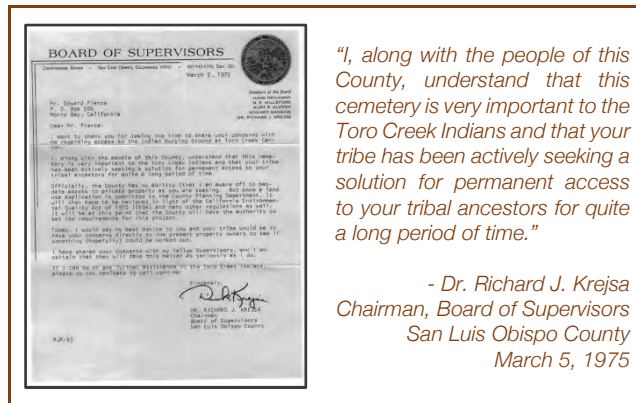
Subsection: 83.11(a) 1970-1979 Subsection 1

Document(s): 83.11(a) 1970-1979 Document 1(a)

Title(s): Doc 1(a): Letter from Dr. Richard J. Krejsa, Chairman, San Luis Obispo County Board of Supervisors to Edward Pierce. March 5, 1975.

Federal Code(s): 25 CFR § 83.11(a)(3): Dealings with a county, parish, or other local government in a relationship based on the group's Indian identity.

Evidence for Inclusion:



On March 5, 1975, we find a letter that was sent to Edward Pierce from Dr. Richard J. Krejsa, Chairman of the Board of Supervisors for San Luis Obispo County.²²⁴ In this letter we see a continued identification of the Toro Creek Indians along with further evidence how this group is collectively working to obtain legal rights to the “...Indian Burying Ground at Toro Creek Canyon...” (Toro Creek Cemetery) located east of Morro Bay. As written:

“I, along with the people of this County, understand that this cemetery is very important to the Toro Creek Indians and that your tribe has been actively seeking a solution for permanent access to your tribal ancestors for quite a long period of time.”

Further stating in the same letter:

“Today, I would say my best advice to you and your tribe would be to take your concerns directly to the present property owners to see if something (hopefully) could be worked out.”

“If I can be of any further assistance to the Toro Creek Indians, please do not hesitate to call upon me.”

This letter externally identifies the Toro Creek Indians as a functioning community of Indians that have political influence over its members for issues that are of importance. And although the letter is written to a single member, we are reminded of the following phrase:

“Today, I would say my best advice to you and your tribe would be to take your concerns directly to the present property owners to see if something (hopefully) could be worked out.”

²²⁴ Krejsa, Richard J. Chairman of the Board of Supervisors, San Luis Obispo County. Letter to Edward Pierce, March 5, 1975.

Further showing that Supervisor Krejsa as an elected official representing the County of San Luis Obispo, was addressing a socially distinct group as a whole and that this issue of the land and cemetery at the Toro Creek Indian settlement continues to be of importance for the entire tribe.

We believe that this communication provides persuasive evidence for a contemporaneous Indian entity being recognized during the decade in question by the local county government based on the group's identity.

Thus, 83.11(a) 1960-1969 Document 1(a) meets the requirements for 25 CFR § 83.11(a)(3): Dealings with a county, parish, or other local government in a relationship based on the group's Indian identity.

Subsection: 83.11(a) 1970-1979 Subsection 2

Document(s): 83.11(a) 1970-1979 Document 2(a)

Title(s): Doc 2(a): Humphrey, Brad. *Special Section Et Cetera: Only Graves Now, Troubled Times at Toro Creek.* Atascadero News. Atascadero, California. November 24, 1978.

Federal Code(s): 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:



In this newspaper article, we see compelling evidence of a contemporaneous tribe that is routinely referenced.²²⁵

In the opening of this article, the reader is informed of the existence of the Toro Creek Indians that were living in a region between Atascadero and Morro Bay during the latter part of the 19th century that came from the San Antonio Mission near Jolon. The Indians reportedly:

"...came to the area from the coast and San Antonio Mission near Jolon."

And were:

"...situated half-way between Atascadero and Morro Bay of Highway 41... [and] may have lived on the site before 1893. During a land-possession trial in 1929, Toro Creek Indians said their

²²⁵ Humphrey, Brad. *Special Section Et Cetera: Only Graves Now, Troubled Times at Toro Creek.* Atascadero News. Atascadero, California. November 24, 1978. Quoted sections highlighted throughout article.

ancestors had lived on the site at least 100 years prior and that a fence enclosed the area since 1853.”



Sheriff Jess Lowery
County of
San Luis Obispo ²²⁶

“Sheriff Jess Lowery came up here [The Toro Creek Indian Settlement] and fired a machine gun all over the hills and nearly scared the poor old people half to death. He took two of them and locked them up in jail.”

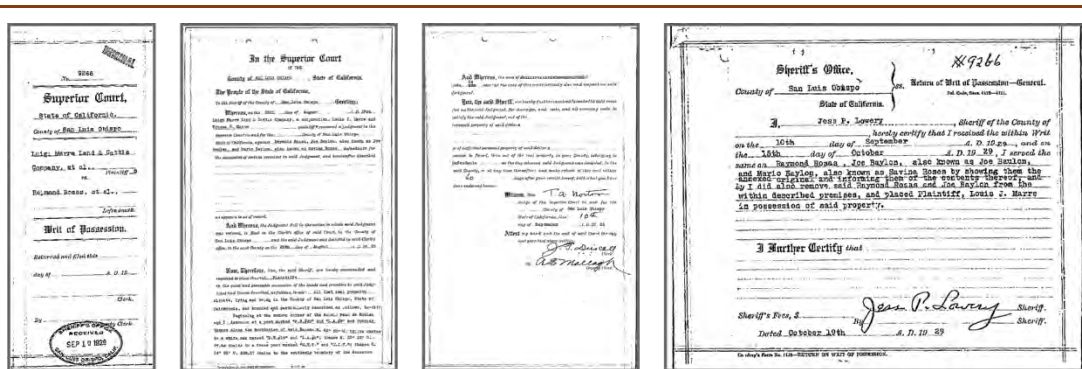
Les Pierce describing the 1929 eviction of the Toro Creek Indians as handled by Sheriff Jess Lowery of the San Luis Obispo County Sheriff's Department.

This gives the reader a clear understanding of the historical significance of this Indian group as recognized as the “Toro Creek Indians” for well over a century.

Next, we see that the Toro Creek Indians and the Toro Creek Indian settlement are both routinely identified as contemporaneous throughout the rest of the article and how this contemporaneous tribe was closely related to those very Indians and land. To wit:

- *“Pierce, one of the few remaining Toro Creek Indians, remembers burying his aunt,*

Serviana (sic) Roses, and uncle, Jose Bailon (sic). ‘Boy the ground was hard. I don’t see how we did it. We got a jug of wine and just started digging.’” This identifies the “Toro Creek Indians” as a contemporaneous Indian entity. (Page 4)



Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon. Case No. 9266. Complaint. San Luis Obispo County Superior Court. Filed April 17, 1929. Writ of Possession, September 10, 1929. ²²⁷

“I, Jess P. Lowery, Sheriff of the County... hereby certify that I received the within Writ on the 10th day of September A. D. 1929, and... served the same on Raymond Rosas, Joe Baylon... and... Savina Roses by showing them the annexed original and informing them of the contents thereof, and I did also remove said Raymond Rosas and Joe Baylon from the within described premises, and placed Plaintiff, Louis J. Marre in possession of said property.”

*Signed, Jess P. Lowery, Sheriff, County of San Luis Obispo
October 19, 1929*

- *“The Toro Creek Indian settlement is not accessible to the public. Pierce and his relatives must get permission to visit the cemetery.” This identifies a contemporaneous Indian cemetery settlement that is on private property that was taken from our group. (Page 4)*
- *“‘Sheriff Jess Lowery came up here and fired a machine gun all over the hills and nearly scared the poor old people half to death. He took two of them and locked them up in jail. When I heard about it I was mad and I went to Lowery and told him to let them go or he really would have a*

²²⁶ “Sheriff Jess Lowery Commits Suicide; Wife Is Prostrated”. San Luis Obispo Daily Telegram Extra. Front page photograph. San Luis Obispo, California. July 5, 1934.

²²⁷ Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon. Case No. 9266. Writ of Possession. San Luis Obispo County Superior Court. Filed September 10, 1929. PDF page 48 in enclosed files.

fight on his hands. He let them go'." This identifies Les Pierce as being an active part of the Indian entity in the past. (Page 4)

- "*A miner, a diver, a fisherman, a rancher, but above all, Pierce is a Toro Creek Indian and proud of it.*" This identifies Les Pierce as a member of contemporaneous Indian entity called the Toro Creek Indians. (Page 6)

Thus, 83.11(a) 1970-1979 Document 2(a) meets the requirements 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

Subsection: 83.11(a) 1970-1979 Subsection 3

Document(s): 83.11(a) 1970-1979 Document 3(a)

Title(s): Doc 3(a): *Les Pierce: Gold, Abalone, Then Turkeys.* San Luis Obispo Telegram-Tribune. San Luis Obispo, California. November 8, 1979.

Federal Code(s): 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:

Interview with Les Pierce. In this article that is partially paraphrased below, we see compelling evidence of a contemporaneous tribe that is routinely referenced during this interview.²²⁸

"When he talks, Indian is 'we' and everybody else is 'they,' and 'they' sometimes come in for some heavy criticism for their treatment of the native American Indian. Pierce's mother, Antonio Baylon Pierce, was a full-blooded Salinan Indian born at Mission San Antonio, near Jolon. Pierce, however, was born in an Indian village in the Van Ness Valley [Toro Creek], the valley through which a traveler on Highway 41 goes from Morro Bay to Atascadero."

San Luis Obispo County Telegram-Tribune
111TH YEAR NO. 80 26 PAGES TODAY 20c PER COPY THURSDAY, NOV. 8, 1979

Les Pierce: gold, abalone then turkeys
By Linda Wells Staff Writer

They're just not doing things right for Les Pierce. Now "they" are giving away the Panama Canal.

"We paid France for it, we taxpayers built it, and now this landhead (President Jimmy Carter) turns around and gives it away," Pierce said.

"I can't understand how they could just up and do a thing like that without a taxpayer vote. Why don't they give the country back to the Indians? They give it to everybody else."

Atascadero's Lester Pierce is definite about his views. He's had 77 years and a lot of experience to form them.

Pierce also is definite about returning this country to the Indians, at least some of it. He began formulating this opinion at birth.

The Indian heritage is strong in Pierce, even though he had a lot of time with his father, Ed, a mixture of German, French and English.

He thinks Indian first. When he talks, it is "we" and everybody else, "they," and "they" sometimes come in for some heavy criticism for their treatment of the native American Indian.

Pierce's mother, Antonio Baylon Pierce, was a full-blooded Salinan Indian born at Mission San Antonio, near Jolon.

Pierce, however, was born in an Indian village in the Van Ness Valley, the valley through which a traveler on Highway 41 goes from Morro Bay to Atascadero.

"The village was about a quarter mile from where the Paradise Café is," he said. "There were several tepees there, a couple of sheds and about 60 braves. I was born in one of the sheds."

His father was working as a blacksmith in Turlock, and the tribe was attended by an aunt, Mrs. Walter Pierce, and several other women.

"There weren't any birth certificates then, but I'm listed by my Indian name as coming as having been born in 1902," he said.

"My mother was cold and not strong, and she died in Sonoma where my father was working for Ed," Pierce said.

He indicated he was glad his mother wasn't buried with her people in the North Coast burial grounds.

"The way they're digging up Indian burial grounds, I'd just like to know what they'd do if we went around digging up their graves. It's a dirty crime."

When Pierce talks, his face is almost expressionless, and his eyes see into the distance. It's impressive, but when he smiles, momentary, it shows in his brown eyes and across his face.

He and his parents met when his father homesteaded on Toro Creek near the Salinan village. He still can remember the sheriff's deputies, armed with guns, coming to route the Indians out of their village when the Salinians lost a court fight to retain ownership of their land. Each-day court records document the fight.

"I was born five years too late," Pierce claimed, "or the Indians wouldn't have a country like they got. They didn't say, 'them, actually,' just drove them off from where they had spent lifetimes."

"We left the area when I was quite young," he said. "My father worked as a blacksmith in Monterey and went to live in the Salinan Valley (San Luis Obispo County). A little later, a post office and big ranches were there. It's all under water now in San Antonio Lake."

Pierce lives in Atascadero in a ground floor apartment with his pretty young wife, Irene, whom he married in Costa Rica six years ago. Mrs. Pierce, 26, is a full-blooded Costa Rican Indian.

Pierce reflected on his varied career during a time-out from talks with his attorney on how to finalize the sale of some property he owned east of town. "I'm going back to Costa Rica when that's through," he vowed.

Pierce has had practically no schooling. "There weren't any schools where we were located," he said, "except in Monterey. I'd start out for school and end up going fishing. My dad would tell me what I'd do when that day and I'd show him a string of fish."

I never went to school. There are a lot of educated idiots running this country today. That's my opinion. When they talk about a free country they're talking about something they had a hundred years ago.

Pierce speaks well in spite of his proclaimed aversion to formal education. He's always thinking with a scientist's mind even though his thick, Indian-black hair has aged as iron gray.

He and his oldest brother, William, were working at the Queen Bee when they went to Morro Bay on a visit.

"Salinians had come down to Toro Creek to fish for food," he said. "The fish came right up the creek above them."

"We decided to do rock fishing and sell the fish to the merchants, so we put a head and went to work on the coast."

Pierce said he learned to dive "by hard mistakes." "I should have been killed a dozen times, but I always made it through by staying calm and thinking my way out of it," he said.

He said he and his brother "taught all of them."

(Continued on Page A-38)

Lester Pierce learned diving 'by hard mistakes'

When he was a boy, Lester Pierce learned to dive by hard mistakes. He learned to stay calm and think his way out of it. He and his brother taught all of them.

He said he and his brother "taught all of them."

(Continued on Page A-38)

HOW TO GET MADE MII FACE

"[Les] Pierce's mother was a full-blooded Salinan Indian born at Mission San Antonio, near Jolon. Pierce... was born in an Indian village in the Van Ness Valley [Toro Creek]..."

"There were several tepees there, a couple of sheds and about 60 braves. I was born in one of the sheds." His... birth was attended by... several Salinian (sic) women."

"He [Pierce] still can remember the sheriff's deputies, armed with guns, coming to route the Indians out of their village when the Salinians (sic) lost a court fight to retain ownership of their land."

"The village was about a quarter mile from where the Paradise Café is," he said. 'There were several tepees there, a couple of sheds and about 60 braves. I was born in one of the sheds.' His...birth was attended by... several Salinian (sic) women."

"The way they're digging up Indian burial grounds, I'd just like to know what they'd do if we went around digging up their graves. It's a dirty crime."

"He still can remember the sheriff's deputies, armed with guns, coming to route the Indians out of their village when the Salinians (sic) lost a court fight to retain ownership of their land. Early-day court records document the fight."

²²⁸ Les Pierce: Gold, Abalone, Then Turkeys. San Luis Obispo Telegram-Tribune. San Luis Obispo, California. November 8, 1979. Front page, upper right hand corner.

“We left the area... and we lived in Pleyto on the San Antonio River (Southern Monterey County)...”

“As he looks back, Pierce talks about mining, diving, fishing and ranching, but never forgets he’s a proud Salinian (sic) brave.”

At the beginning of the article, the reporter makes a unique grammatical distinction about Les Pierce for the reader to understand, stating that:

“When he talks, Indian is ‘we’ and everybody else is ‘they’...”

This distinction is important. As we see later in the article when Les Pierce is discussing the contemporaneous issue of the disinterment of the Indian cemetery at Toro Creek, he states:

“The way they’re digging up Indian burial grounds, I’d just like to know what they’d do if we went around digging up their graves. It’s a dirty crime.”



*Pictures from the Toro Creek Indian Settlement. San Luis Obispo County, Ca. ca 1925
Courtesy of The Templeton Historical Museum. Templeton, California.*

This again, as in the beginning in the article, shows the reader that when Les Pierce says, “...we...” he is referencing a group of Indians that he is a part of, and “...they...” would be the non-Indians. This specific group is culturally defined in other places in the same article.

As referenced in the past, we see the identification with the San Antonio Mission Indians, also identified as Salinan Indians, and his earlier relationship with them as well. To wit:

“Pierce’s mother, Antonio Baylon Pierce, was a full-blooded Salinan Indian born at Mission San Antonio, near Jolon. Pierce, however, was born in an Indian village in the Van Ness Valley [Toro Creek], the valley through which a traveler on Highway 41 goes from Morro Bay to Atascadero.”

“‘The village was about a quarter mile from where the Paradise Café is,’ he said. ‘There were several tepees there, a couple of sheds and about 60 braves. I was born in one of the sheds.’ His...birth was attended by... several Salinian (sic) women.”

“He still can remember the sheriff’s deputies, armed with guns, coming to route the Indians out of their village when the Salinians (sic) lost a court fight to retain ownership of their land. Early-day court records document the fight.”

And we see contemporaneously that Les Pierce:

“...never forgets he’s a proud Salinian (sic) brave.”

The identification of Les Pierce being a part of a contemporaneous group of Indians, combined with past and present identification of his tribal affiliation with the Mission San Antonio Salinan Indians near the settlement of Jolon, identifies a contemporaneous Indian entity as outlined by the Office of Federal Acknowledgement.

Thus, 83.11(a) 1970-1979 Document 3(a) meets the requirements 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

Section IV Seven Mandatory Criteria

A.10. Criterion 83.11(a) 1980-1989 – Identification of Indian Entity.

...

Subsection: 83.11(a) 1980-1989 Subsection 1

Document(s): 83.11(a) 1980-1989 Documents 1(a)

Title(s): Doc 1(a): Harvey, Alison. *County Line. Burial Site: A Case for Indian Rights.* San Luis Obispo County Telegram-Tribune. San Luis Obispo, California. August 28, 1980.

Doc 1(b): Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tennaco. Case No. 56926. San Luis Obispo County Superior Court. Initially Filed November 9, 1982.

Federal Code(s): 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers and books.

Evidence for Inclusion:



In combination, the above newspaper article and court documents provide compelling evidence of a contemporaneous Indian entity during this decade.

The following newspaper article is giving the reader an update on the continued fight over land and access rights to the gravesites of the Toro Creek Indians

burial site. This is a continuation of the legal battles that have been in dispute since the late 1920s that has been well discussed in previous subsections for Criterion 83.11(a).

At first, we see that the writer of the article identifies a few of the Indians at the archaeological site, Dick Pierce's ancestors, in the past as: ²²⁹

“...three aging Salinan Indians...along Toro Creek...” (First page, first column, first paragraph of article)

The three were later identified by name in the following passage:

²²⁹ Harvey, Alison. *County Line. Burial Site: A Case for Indian Rights.* San Luis Obispo County Telegram-Tribune. San Luis Obispo, California. August 28, 1980. Quoted sections highlighted throughout article.

"The three – Jose Baylon, his sister Marie Baylon, and her son Ramon Roses – were not sufficiently sophisticated in court when Marre filed suit to get them off the land." (First page, first column, second paragraph of article)

As the article progresses, we begin to see references to an Indian entity in existence at the time of the interview with Dick Pierce. From the representative of Tenneco West, Mel Jans, we find out that:

"Jans told the Telegram-Tribune he would discuss the situation only with the Indians, not with the press." (First page, first column, last paragraph of article)

This gives us evidence that Tenneco West, who has been in discussions with Dick Pierce and other Indians over this project as referenced by the phrase “...discuss the situation only with the Indians...” thereby giving us an outside non-Indian identification of an Indian group.

[illegible]

And we also find that Dick Pierce informs the reporter:

“That property belongs to our Indian people – it’s sacred ground,” Pierce said. ‘Why should we have to buy it?’” (Second page, first column, second paragraph of article)

This statement that the property in question “...belongs to our Indian people...” and “Why should we have to buy it?” identifies a contemporaneous Indian entity that is in negotiations with Tenneco West for property owned by Tenneco West that rightfully “...belongs to our Indian people...”.

As a point of clarification, there are no federal laws that allow for the transfer of property to an individual, or group, who are deceased. From this, we can safely conclude that Dick Pierce is referencing a contemporaneous group of Indians that are being required to purchase the property in question.

We are then reminded that Dick Pierce's uncle, Les Pierce, is again identified as being involved with this Toro Creek issue as well. Dick Pierce states:

“At what time do we become a fossil?’ Pierce asked. ‘My uncle buried three of those people himself and he’s still living.’” (Second page, third column, middle of column)

Compelling evidence of a working contemporaneous Indian entity is also found in the headline on the second page of the article in which a group of Indians is identified in relation to and involved with saving the Toro Creek Indians burial site:

“Saving a resting place: Indians protect ancestral burial site”. (Second page, headline)

Again, we see an identification of “...Indians...” that are directly descended from those buried at the Toro Creek Indians burial site, that are now *“Saving...”* and attempting to *“...protect [an] ancestral burial site”* located at Toro Creek.

Lastly, we see Dick Pierce stating:

“‘They’re going to write us off if we don’t stick together,’ he said. ‘It’s up to the Indian people.’”
(Second page, third column, bottom of column)

As we have been previously made aware, the phrase “...our Indian people...” is a direct reference to the specific Indian entity. From this we can readily conclude that the phrase “It’s up to the Indian people.” is also direct reference to a contemporaneous Indian entity that must decide on the future of the Toro Creek land dispute.

The image displays a grid of 12 pages from a legal document, likely a court filing. The pages contain various elements: typed text, handwritten notes, diagrams, and a signature. The text is in a serif font, and the handwriting is in cursive. The diagrams appear to be maps or flowcharts. The signature is at the bottom right of the grid.

“Regarding other possible archaeological sites in the Toro Creek area and adjacent areas, I know of three cases of archaeological material from unrecorded sites. I have seen dozens of stone mortars (bowls) that have washed downstream a quarter mile or more from the SLO-143 area.”

“This is perhaps the only case that I know of in the county, where it is possible to know the names of Indians who created parts of the archaeological sites.”

“...recent mission record analysis of the mission records at Mission San Antonio, San Miguel and San Luis Obispo (and other missions) have uncovered more references to the Baylon family (direct relatives of the Pierce family).”

Declaration of Archaeologist Robert O. Gibson. Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tennaco. Case No. 56926. PDF Page 26-27. San Luis Obispo County Superior Court. Filed November 9, 1982. See Footnote 5.

A few years later on November 9, 1982, Dick Pierce filed a lawsuit against the San Luis Obispo County Board of Supervisors, the San Luis Obispo County Planning Department, Tenneco West, and other interested parties, challenging a Negative Declaration of Environmental Impact for a proposed

development project on the Toro Creek property where multiple Indian archaeological sites exist, including the Toro Creek Indian burial site.

As we can see in the Petition for Writ of Mandate filed the attorney for Dick Pierce, Carol K. Allen, the location of the property is made clear. To wit:²³⁰

“8. Said negative declaration was based upon... culturally and archaeological sensitive areas within said proposed subdivision; to wit Indian artifacts, burial sites, home sites and at least two recorded sites known as San Luis Obispo 143 and San Luis Obispo 144.”

We see later in the Declaration of Dick Pierce filed on December 3, 1982, the following:²³¹

“I do not object to the development of the property as proposed; but I do feel that the negative declaration should be rescinded and a study made... so that the sites of my people can be protected.”

At the time of this lawsuit, we know that Les Pierce, Dick Pierce’s uncle, was still alive. He was also referenced in the above newspaper article²³² as well as this lawsuit itself by Gibson:²³³

“Les Pierce has attended the burial of his grandmother, and other close relatives in the area of the dozen graves. Mortuary records²³⁴ of those burials in the 1930s and before are on file with the Chapel of the Roses in Atascadero.”

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF SAN LUIS OBISPO 1. DICK PIERCE, Plaintiff, vs. 2. HARVEY, ALISON, DICK PIERCE, JOE JOHNSON, JERRY HANCOCK, JAMES HANCOCK, and LUTY HARRIS, Defendants. DECLARATION OF ROBERT O. GIBSON NOTES ON ARCHAEOLOGICAL/ETHNOHISTORIC RESOURCES IN TORO CREEK CANYON, SAN LUIS OBISPO COUNTY, CALIFORNIA 8/81 - 10/82. Compiled by Robert O. Gibson The Toro Creek Area has been important in the native geography and cultural history in San Luis Obispo County for appears to be an even prettier within the burial area (similar to other areas mentioned). Some of the tomb, only this one side of the cemetery was viewed, measuring about 30 meters square. Some 45 to 50 other graves are reported beyond this cemetery area. Les Pierce has attended the burial of his grandmother, and other close relatives in the area of the dozen graves. Mortuary records of these burials in the 1930s and before are on file with the Chapel of the Roses in Atascadero.	<i>Notes on Archaeological/Ethnohistoric Resources in Toro Creek Canyon, San Luis Obispo County, California. 8/81 – 10/82. Compiled by Robert O. Gibson.</i> <i>“Some 40 to 50 other graves are reported beyond this cemetery area. Les Pierce has attended the burial of his grandmother and other close relatives in the area of the dozen graves.”</i> <i>Declaration of Archaeologist Robert O. Gibson See Footnote 5</i>

We are further reminded from a related newspaper article from 1978, and previously discussed in 83.11(a) 1970-1979 Subsection 1, that Les Pierce was not only born and raised at the Toro Creek settlement:²³⁵

“Les Pierce was born

May 27, 1902 in a one-room, dirt-floor house, half-way between Atascadero and Morro Bay in a valley called Van Ness near Toro Creek.”

²³⁰ Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tennaco. Case No. 56926. Petition of Writ of Mandate by Attorney Carol K. Allen. San Luis Obispo County Superior Court. Beginning at bottom of page 2. Filed November 9, 1982.

²³¹ Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tennaco. Case No. 56926. Declaration of Dick Pierce. San Luis Obispo County Superior Court. Bottom of page 2. Filed December 3, 1982.

²³² Harvey, Alison. *County Line. Burial Site: A Case for Indian Rights*. San Luis Obispo County Telegram-Tribune. San Luis Obispo, California. Second page, middle of third column. August 28, 1980.

²³³ Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tennaco. Case No. 56926. Declaration of Robert O. Gibson, Exhibit A. San Luis Obispo County Superior Court. Page 3 of Exhibit A. Filed November 9, 1982.

²³⁴ Burial Records for Maria Bylon and Jose Bylon showing burials at the Cemetery of “Toro Creek” at the “Indian Burying Ground” as notated on Jose Bylon’s record, page 1, Line 19.

²³⁵ Humphrey, Brad. *Special Section Et Cetera: Only Graves Now, Troubled Times at Toro Creek*. Atascadero News. Atascadero, California. Page 6, top of first column. November 24, 1978.

“His parents, Ed Pierce... who worked in Templeton, and Antonia Bailon (sic), a Toro Creek Indian, met at a small Indian settlement near the banks of Toro Creek.”

But was also identified as in the same article as:

“...one of the few remaining Toro Creek Indians, remembers burying his aunt, Serviana (sic) Roses, and uncle, Jose Bailon (sic).”

As we can see, when Dick Pierce makes comments such as “...our Indian people...”, “Why should we have to buy it?”, and “...the sites of my people...” above, he is referencing a contemporaneous group of Indians that he was a part of and working on behalf of.

Further, not only was this group existing in the past at Toro Creek, but those same people are still alive today and identified as the Toro Creek Indians, thereby providing evidence of a contemporaneous tribe at the time of the lawsuit from 1982 to 1983.

Thus, 83.11(a) 1980-1989 Documents 1(a) to 1(b) meet the requirements 25 CFR § 83.11(a)(5): Identification as an Indian entity in newspapers or books.

Subsection: 83.11(a) 1980-1989 Subsection 2

Document(s): 83.11(a) 1980-1989 Documents 2(a)

Title(s): Doc 2(a): *Personal Note and Picture from Dick Pierce to his Uncle Edward “Eddie” Pierce. November 14, 1992.*

Federal Code(s): 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself.

Special Note:

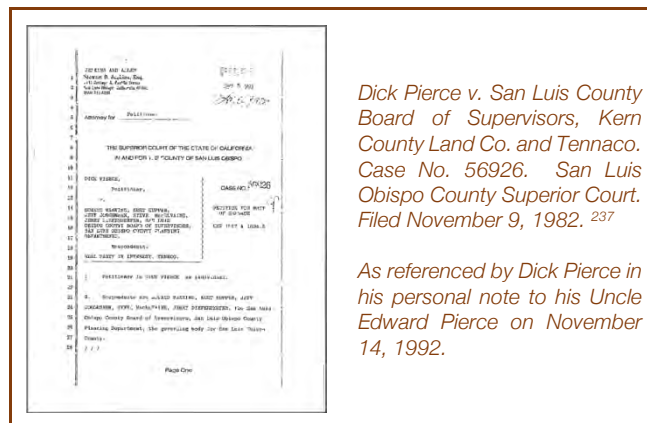
The same discussion below is included in Criterion 83.11(a) 1990-2001 – Identification of Indian Entity as well. We include it for this decade as it refers to events during this era. We hope the Office of Federal Acknowledgement will understand the reasoning behind this inclusion.

Evidence for Inclusion:

As a reminder to the reader, the U. S. Department of the Interior in its “Federal Acknowledgement of American Indian Tribes; Final Rule” released on July 1, 2015, provides that the Office of Federal Acknowledgement will:²³⁶

“...accept identifications by the petitioner in the same manner (emphasis added) as we would accept identifications by external sources.”

We believe the following meets the intent of this section under 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself.



In a personal note dated November 14, 1992 from Dick Pierce to his Uncle Eddie Pierce after the passing of Dick’s father Adrian “Dutch” Pierce, we see an identification of the Toro Creek Indian tribal entity still in existence.

As written by Dick Pierce:²³⁸

“It was good to talk to you after dads (sic) funeral. Here is that picture of you and dad. I want you to have this. I wish things could have been different 10 years ago

with Toro Creek for our Tribe. Hope to see you soon.”

²³⁶ 25 CFR Part 83, Federal Acknowledgement of American Indian Tribes; Final Rule. Bureau of Indian Affairs. U. S. Department of the Interior. Federal Register Vol. 80, No. 126. July 1, 2015. Part IV. Page 37866, first column towards the bottom.

²³⁷ Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tennaco. Case No. 56926. San Luis Obispo County Superior Court. Beginning at bottom of PDF page 3 of enclosed document. Filed November 9, 1982.

²³⁸ *Personal Note and Picture from Dick Pierce to Edward Pierce. November 14, 1992.*



Nov 14, 1992
Uncle Eddie:
To wit you to talk
to you after dads funeral.
Here is that picture
of you and dad. I want
you to have this.
I wish things could have
been different 10 years ago
with Toro Creek for our
Tribe.
Hope to see you soon.
Dick





Personal Note and Picture from Dick Pierce to his Uncle Edward "Eddie" Pierce dated November 14, 1992. Left to Right: "Eddie" Pierce and "Dutch" Pierce.

Dick Pierce's father, Adrian "Dutch" Pierce. ca 1945.

"It was good to talk to you after dads (sic) funeral. Here is that picture of you and dad. I want you to have this. I wish things could have been different 10 years ago with Toro Creek for our Tribe. Hope to see you soon."

- Personal Note and Picture from Dick Pierce to his Uncle Edward "Eddie" Pierce November 14, 1992

In this note, we see a reference of how the Toro Creek Indians ("...our tribe...") are contemporaneously identified in 1992 and also gives us reference of the lawsuit that took place as mentioned above. This provides reliable evidence that this Indian entity is in existence as an identified functioning group with social and political influence amongst its members during the 1980s leading into the 1990s.

From this we can conclude that Toro Creek Indians not only have been identified as a contemptuous entity but have also been identified as a functioning group with social and political influence amongst its members.

Based on the preceding, we believe that this meets the Office of Federal Recognition requirements for 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself during the era of 1990 to 2001.

Section IV Seven Mandatory Criteria

A.11. Criterion 83.11(a) 1990-2001 – Identification of Indian Entity.

...

Subsection: 83.11(a) 1990-2001 Subsection 1

Document(s): 83.11(a) 1990-2001 Document 1(a)

Title(s): Doc 1(a): *Personal Note and Picture from Dick Pierce to his Uncle Edward “Eddie” Pierce. November 14, 1992.*

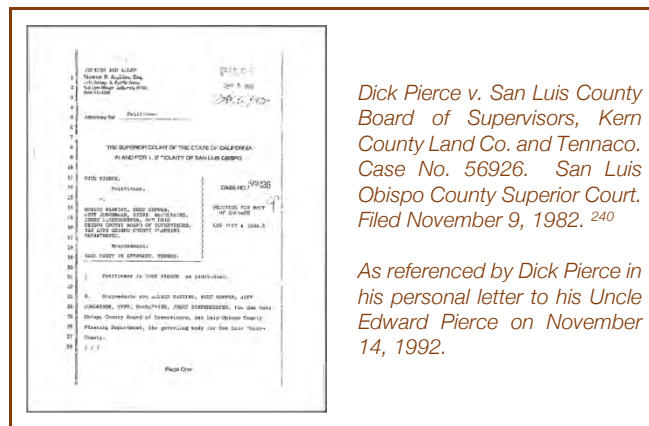
Federal Code(s): 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself.

Evidence for Inclusion:

As a reminder to the reader, the U. S. Department of the Interior in its “Federal Acknowledgement of American Indian Tribes; Final Rule” released on July 1, 2015, provides that the Office of Federal Acknowledgement will:²³⁹

“...accept identifications by the petitioner in the same manner (emphasis added) as we would accept identifications by external sources.”

We believe the following meets the intent of this section under 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself.



In a personal note dated November 14, 1992 from Dick Pierce to his Uncle Eddie Pierce after the passing of Dick’s father Adrian “Dutch” Pierce, we see an identification of the Toro Creek Indian tribal entity still in existence.

As written by Dick Pierce:²⁴¹

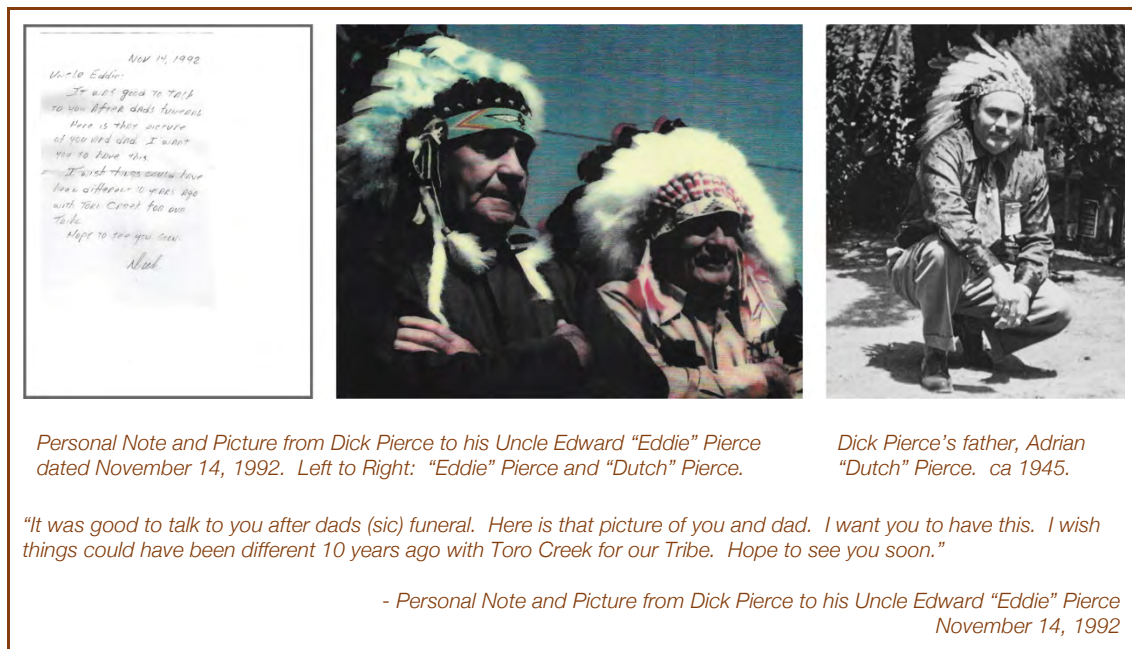
“It was good to talk to you after dads (sic) funeral. Here is that picture of you and dad. I want you to have this. I wish things could have been different 10 years ago

with Toro Creek for our Tribe. Hope to see you soon.”

²³⁹ 25 CFR Part 83, Federal Acknowledgement of American Indian Tribes; Final Rule. Bureau of Indian Affairs. U. S. Department of the Interior. Federal Register Vol. 80, No. 126. July 1, 2015. Part IV. Page 37866, first column towards the bottom.

²⁴⁰ Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tennaco. Case No. 56926. San Luis Obispo County Superior Court. Beginning at bottom of page 2. Filed November 9, 1982.

²⁴¹ *Personal Note and Picture from Dick Pierce to Edward Pierce. November 14, 1992.*



In this note, we see a reference of how the Toro Creek Indians ("...our tribe...") are contemporaneously identified in 1992 and also gives us reference of the lawsuit that took place as mentioned above. This gives us reliable evidence that this Indian entity is in existence as an identified functioning group with social and political influence amongst its members during the 1980s leading into the 1990s.

From this we can conclude that Toro Creek Indians not only have been identified as a contemptuous entity but have also been identified as a functioning group with social and political influence amongst its members.

Based on the preceding, we believe that this meets the Office of Federal Recognition requirements for 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself during the era of 1990 to 2001.

Subsection: 83.11(a) 1990-2001 Subsection 2

Document(s): 83.11(a) 1990-2001 Document 2(a)

Title(s): Doc 2(a): *Personal Note from Hilda May Carpenter (nee Pierce) to her sister Toni Jean Woody (nee Pierce). May 26, 2001.*

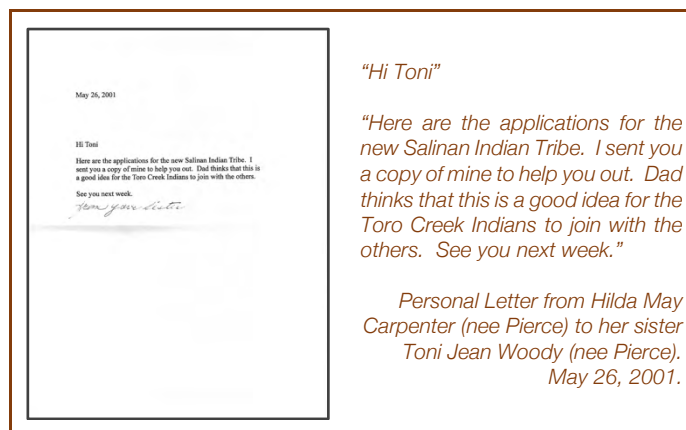
Federal Code(s): 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself.

Evidence for Inclusion:

As a reminder to the reader, the U. S. Department of the Interior in its “Federal Acknowledgement of American Indian Tribes; Final Rule” released on July 1, 2015, provides that the Office of Federal Acknowledgement will:²⁴²

“...accept identifications by the petitioner in the same manner (emphasis added) as we would accept identifications by external sources.”

We believe the following meets the intent of this section under 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself.



In a personal note dated May 26, 2001, from Hilda May Carpenter (nee Pierce) to Toni we see an identification of the Toro Creek Indians as a tribal entity that are preparing to fill out applications for a newly formed group known as the Salinan Indian Tribe.

Reference is made in this letter of how others in the group see this decision. As written by Hilda Carpenter:²⁴³

“Here are the applications for the new Salinan Indian Tribe. I have enclosed a copy of mine to help you out. Dad (Edward “Eddie” Pierce) thinks this is a good idea for the Toro Creek Indians to join with the others. See you next week.”

We see evidence of social interaction amongst the members (“...the Toro Creek Indians to join with the others...” in terms of joining the Salinan Indian Tribe to continue the tribal entity. From this we can conclude that Toro Creek Indians not only have been identified as a contemptuous entity but have also been identified as a functioning group with social and political influence amongst its members as they began to join with the newly formed Indian entity identified as the Salinan Indian Tribe.

Based on the preceding, we believe that this meets the Office of Federal Recognition requirements for 25 CFR § 83.11(a)(7): Identification as an Indian entity by the petitioner itself during the era of 1990 to 2001.

²⁴² 25 CFR Part 83, Federal Acknowledgement of American Indian Tribes; Final Rule. Bureau of Indian Affairs. U. S. Department of the Interior. Federal Register Vol. 80, No. 126. July 1, 2015. Part IV. Page 37866, first column towards the bottom.

²⁴³ *Personal Note from Hilda May Carpenter (nee Pierce) to Toni Jean Woody (nee Pierce). May 26, 2001.*

Section IV Seven Mandatory Criteria

A.12. and A.13. Criterion 83.11(a) 2000-Present – Identification of Indian Entity.

...

Subsection:	83.11(a) 2000-Present Subsection 1
Document(s):	83.11(a) 2000-Present Documents 1(a) to 1(g)
Title(s):	Doc 1(a): <i>Salinan Tribe Access to Morro Rock for Ceremonial Purposes, Morro Bay State Park, San Luis Obispo County.</i> Letter from Larry Myers, Executive Secretary, State of California Native American Heritage Commission to Nick Franco, Coastal Sector Superintendent of the San Luis Obispo Coast District, Morro Bay State Park, State of California. October 26, 2004. Doc 1(b): News Release from the State of California Department of Parks and Recreation. <i>State Park to Finalize Agreement Regarding Native American Access to Morro Rock.</i> Morro Bay, California. February 22, 2006. Doc 1(c): <i>Memorandum of Agreement between The State of California Department of Parks and Recreation, etc.</i> March 9, 2006. Doc 1(d): <i>Memorandum of Agreement between The State of California Department of Parks and Recreation, etc.</i> March 7, 2011. Doc 1(e): <i>Memorandum of Agreement between The State of California Department of Parks and Recreation, etc.</i> October 8, 2014. Doc 1(f): <i>Memorandum of Agreement between The State of California, Department of Parks and Recreation, etc.</i> April 25, 2018 Doc 1(g) Signed yearly Special Event Permits (DPR 246) from State of California for the implementation of Memorandum of Agreements. 2004-2024.
Federal Code(s):	25 CFR § 83.11(a)(2): Relationships with State governments based on identification of the group as Indian.

Evidence for Inclusion:

Beginning in 2003 and ratified in future Memorandum of Agreements beginning in 2006, The Salinan Tribe of San Luis Obispo and Monterey Counties has been in a continuous relationship with the State of California based on our identification as an Indian entity to hold a special religious ceremony at the summit of Morro Rock, an ecological reserve that is closed to public access.

In the past, the Office of Federal Acknowledgement has correctly viewed many such documentation, permits and ceremonies as not necessarily identifying an Indian entity in a relationship with a state government, but as just a typical governmental agreement with a local community organization not based on any special identification.



In this very unique case, the enclosed Memorandum of Agreements, each good for five years, have afforded the Salinan Tribe of Monterey and San Luis Obispo Counties the right to ascend, along with a guided escort from the State of California Department of Parks and Recreation, to the summit of Morro Rock specifically because of their identification as an Indian entity for Indian religious ceremonies.

As outlined in the 2018 Memorandum of Agreement with the State of California and the Salinan Tribe of Monterey and San Luis Obispo Counties:²⁴⁵

"Whereas, the Salinan Tribe of Monterey and San Luis Obispo Counties (Salinan Tribe) are descended from the indigenous people of the contemporary DPR, San Luis Obispo Coast District. As such, the Salinan Tribe has a vested interest in preserving Salinan cultural traditions, sacred sites, cultural artifacts, and ancestral remains. The Salinan Tribe identifies Morro Rock as a place of worship, religious or ceremonial site, or sacred shine as referenced in Public Resources Code Section 5097.9 et seq.; and"

"Whereas, DPR recognizes the importance of the preservation and continuation of the cultural heritage and traditions of the Salinan Tribe. Therefore, DPR recognizes the need of the Salinan Tribe to have access to, and use of, certain areas within DPR, San Luis Obispo Coast District, including Morro Rock, for traditional cultural practices..."

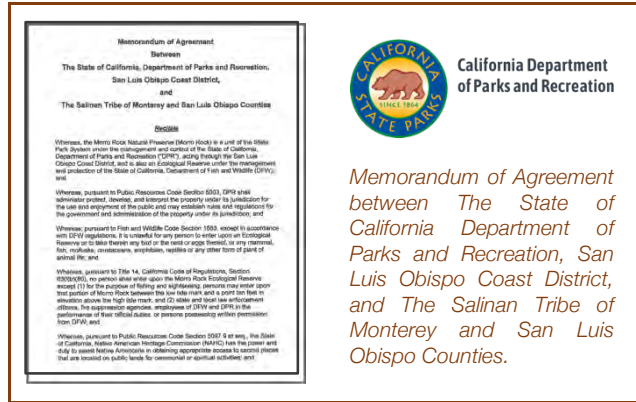
We also see that the State of California Public Resources Code § 5097.9 states the following:²⁴⁶

"No public agency, and no private party using or occupying public property, or operating on public property, under a public license, permit, grant, lease, or contract made on or after July 1, 1977, shall in any manner whatsoever interfere with the free expression or exercise of Native American religion as provided in the United States Constitution and the California Constitution..."

²⁴⁴ Christians, Lindsay. "Fire on Rock to Mark Solstice: Salinans to Climb Otherwise Off-Limits Landmark". The San Luis Obispo Tribune. December 19, 2003. Top of Page B1 and upper half of column 6 on page B2.

²⁴⁵ Memorandum of Agreement between The State of California Department of Parks and Recreation, San Luis Obispo Coast District, and The Salinan Tribe of Monterey and San Luis Obispo Counties for 2018. Recitals as presented are typical for each MOA enclosed and are highlighted on page 2 for each MOA as well.

²⁴⁶ State of California Public Resources Code § 5097.9.



Memorandum of Agreement between The State of California Department of Parks and Recreation, San Luis Obispo Coast District, and The Salinan Tribe of Monterey and San Luis Obispo Counties.

As seen above, this right, that has been allowed for the last 20 years under the State of California Public Resources Code § 5097.9, is because the State of California identifies and recognizes our group as an Indian entity that should be granted special privileges to an ecological reserve that is closed to public access. From above:

“The Salinan... Tribe[] identifies Morro Rock as a place of worship, religious or ceremonial site, or sacred

shine (sic) as referenced in Public Resources Code Section 5097.9 et seq.; and...”

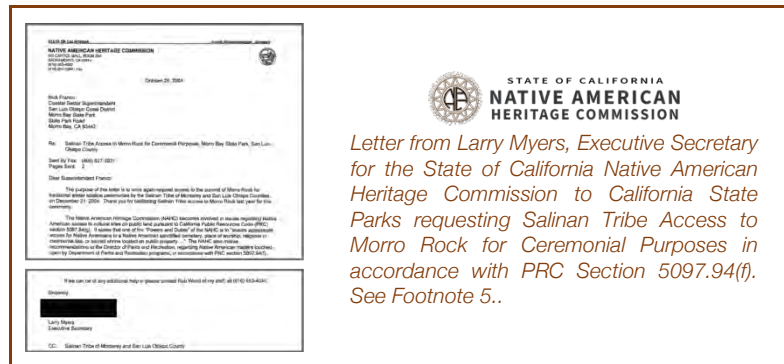
Substantiating the prior evidence that the State of California is in a special relationship that grants us special access rights to an ecological reserve that is closed off to the public we also see in the News Release from the California Department of Parks and Recreation the following:²⁴⁷

“On Thursday, March 9, [2006], officials from California State Parks and the California Native American Heritage commission, members of the Salinan Tribe of Monterey, San Luis Obispo and San Benito counties... will gather at the base of Morro rock to finalize a memorandum of agreement allowing Salinan... tribal members access to the summit of Morro Rock for religious purposes.”

“Morro Rock is an ecological reserve and is closed to public access.”

We are also made aware that the first ceremony was conducted in December of 2003 as referenced in the letter from the State of California Native American Heritage Commission to the State of California Department of Parks and Recreation. To wit:

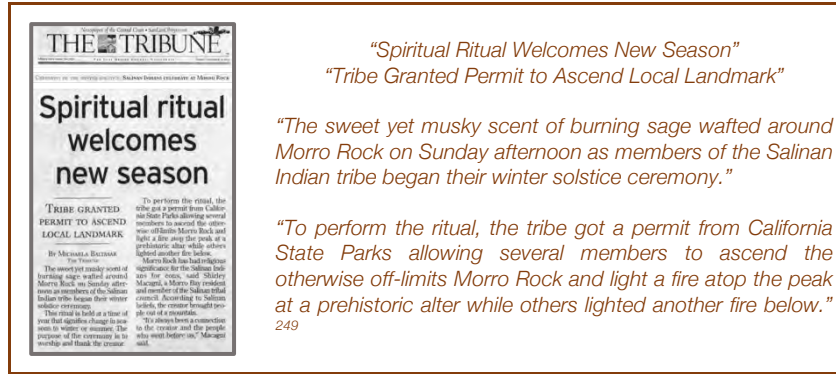
248



“The purpose of this letter is to once again request access to the summit of Morro Rock for the traditional winter solstice ceremonies by the Salinan Tribe of Monterey and San Luis Obispo Counties, on December 21, 2004. Thank you for facilitating Salinan Tribe access to Morro Rock last year for this ceremony.”

²⁴⁷ News Release from the State of California Department of Parks and Recreation. *State Park to Finalize Agreement Regarding Native American Access to Morro Rock*. Morro Bay, California. February 22, 2006.

²⁴⁸ *Salinan Tribe Access to Morro Rock for Ceremonial Purposes, Morro Bay State Park, San Luis Obispo County*. Letter from Larry Myers, Executive Secretary, State of California Native American Heritage Commission to Nick Franco, Coastal Sector Superintendent of the San Luis Obispo Coast District, Morro Bay State Park, State of California. First paragraph. October 26, 2004.



The enclosed yearly permits signed by the State of California for this ceremony further show the yearly continuity of this event for our Indian group for the last 20 years.²⁵⁰

This relationship with the State of California

under State of California Public Resources Code § 5097.9 based on the identification of our group as an Indian entity is well documented with the continuously signed Memorandum of Agreements, enclosed News Release, and enclosed yearly permits that have afforded us the opportunity to ascend Morro Rock, an ecological reserve that is not open to the public, for our biannual religious ceremonies located on state property.

Thus, 83.11(a) 2000-Present Documents 1(a) to 1(g) meets the requirements 25 CFR § 83.11(a)(2): Relationships with State governments based on identification of the group as Indian.

²⁴⁹ Baltasar, Michaela. "Spiritual Ritual Welcomes New Season. Tribe Granted Permit of Ascend Local Landmark". The San Luis Obispo Tribune. December 22, 2003. Middle of Front Page and continued on page A8 bottom of sixth column. Quoted material from the first and third paragraphs of article.

²⁵⁰ Signed yearly Special Event Permits (DPR 246) from State of California for the implementation of Memorandum of Agreements. 2004-2024.

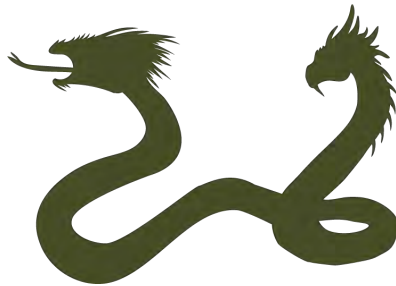
Epilogue

The Salinan culture has been widely documented and researched during the 19th and 20th centuries. One of the researchers, J. Alden Mason, was able to record, for posterity, many of the mythologies that make up this unique culture along the central coast of California.

One of our favorite stories from our culture is the myth of the two headed serpent named TALIYE' KA' TAPelta was fooled by the Prairie-Falcon and his nephew (sometimes noted as his friend) the Raven in chasing them from his lair in Cholame to Morro Rock, a volcanic plug located along the coast of California. The story has several versions but always follows the same storyline culminating at Morro Rock.

The story has been widely told with variances over the centuries and is well enjoyed. We hope this brings a better perspective of the cultural significance of Morro Rock to the Salinan culture to the Office of Federal Acknowledgement.

TALIYE' KA' TAPelta: THE TWO HEADED SERPENT



Many years ago, there was a large two headed serpent monster named Taliye' kA' Tapelta (sounds like tahl-yay kay tah-pel-ta). The Serpent was so large that he could wrap himself all the way around the Morro (Morro Rock)!

The Serpent was also protected by his friend the Whirlwind Spirit. This spirit would bring the Serpent food when he was hungry and protect him from all of his enemies.

The Serpent was feared by all.

One day, the Prairie-Falcon and his nephew, the Raven, were discussing what to do about the Serpent.

The Prairie-Falcon asked the Raven, "What shall we do about the Serpent? He is a menace to all of us!"

Raven thought for a minute and replied, "Uncle, tell me about the powers that you have?"

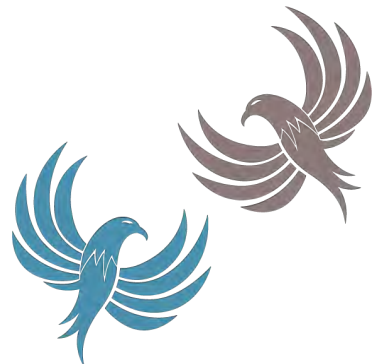
Prairie-Falcon said, "I have two powers. My first power is that I can fly very fast! So fast that the Serpent will not be able to catch me. And my second power comes from the Morro."

The Raven replied, "That is great! I have been to the Morro many times. My powers come from the Asomeneka and Asumloyam mountains in Cholame. As you know, it is where the Serpent lives."

They both smiled at each other. They knew that they could finally do something about the Serpent.

So the Raven said, "Let's go and see the Serpent!"

The Prairie-Falcon and the Raven arrived at the home of the Serpent in Cholame. The Serpent was sound asleep.



“Now is the time to wake him! He is asleep!” said the Prairie-Falcon to the Raven. So they found some reeds growing in the area and made arrows to shoot at the Serpent.

They went inside and the Prairie-Falcon shot the Serpent first on one side and the Raven shot next on the other side. “Let’s go before he wakes up!” cried the Prairie-Falcon to the Raven and they quickly flew away. They flew as fast as they could towards the direction of Morro Rock on the seacoast.



The Serpent and the Whirlwind Spirit came swiftly after them breaking down all the trees in their way!

“Come along, nephew!” cried the Prairie-Falcon as they fled across the countryside with the Serpent and the Whirlwind Spirit close behind them.

“Fly up!” yelled one. “No! Fly down!” yelled the other. Back and forth the birds flew as quickly as they could towards Morro Rock while trees were being knocked over and dust was flying everywhere!

Raven was not as fast as his uncle and was struggling to keep up. The Raven was getting scared and started to fall behind. The Serpent was getting close enough to the Raven that he could hear the ground beginning to rumble!

Prairie-Falcon yelled back to his nephew, “Come on! Don’t be afraid! Summon up your strength!” And with that encouragement the Raven found the strength he needed to catch back up to his uncle.

The Prairie-Falcon looked at the Raven and said, “We are almost to the Morro! When we get there, we will be safe!” The Raven was not sure what his uncle had planned, but he had to trust him.

Finally, the birds made it to Morro Rock and flew to the very top and landed. Just as they landed, they turned around to see the Serpent and the Whirlwind Spirit come racing down the hill towards them.

When The Serpent crossed the ocean to get to the Morro, water flew everywhere! The evil two-headed Serpent got to the base of the rock, encircled it, and began to quickly climb to get the birds. The force of the Serpent caused the Morro Rock to rumble and shake like a loud earthquake! The Whirlwind Spirit followed as well, and the winds blew very hard!

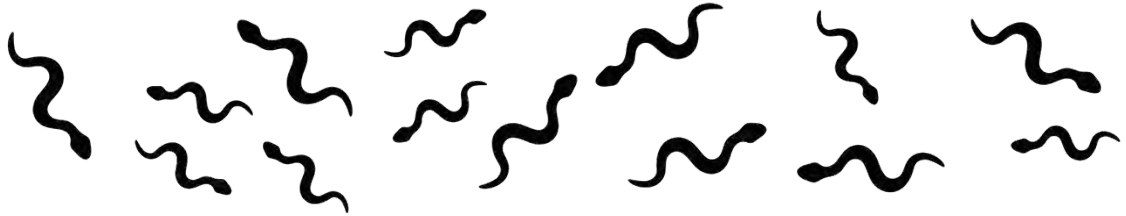


“What are we going to do now?” yelled Raven, his voice trembling with fear. “Don’t ask me that! Just get ready!” the Prairie-Falcon yelled back.

Just as the two-headed Serpent reached the top of the rock to get the birds, the Prairie-Falcon pulled out two magic charms from the Morro. He quickly gave one to his nephew and began to cut up the Serpent into small little pieces. Seeing what his uncle was doing, The Raven flew to the other side of the Morro and began to do the same to the Serpent.

As the little pieces of the Serpent began to fall to the ground, they all turned into small snakes and scurried away. These small snakes became all of the snakes that we see today. The Whirlwind Spirit saw what happened to the Serpent and quickly left as well, never to be seen again.

After it was over, the land was rid of the evil two-headed Serpent Monster and the Prairie-Falcon and the Raven became heroes to the Indians.



Salinan Tribe of Monterey and San Luis Obispo Counties

Petition for Federal Acknowledgment

Section IV

Seven Mandatory Criteria

Criterion 83.11(b and c): Distinct Community / Political Influence

Section IV Seven Mandatory Criteria

Criterion 83.11(b and c) – Distinct Community / Political Influence.

Brief Overview and Introduction

As the Office of Federal Acknowledgment allows for the same evidence to be used in Criterion 83.11(b) “Distinct Community” and for 83.11(c) “Political Influence or Authority” under certain special circumstances, we found that this petition made the most sense to the reader if the evidence for both criteria were combined into one section under Criterion 83.11 (b and c): “Distinct Community / Political Influence.”

We did this for two primary reasons:

1. We provide evidence that we meet the requirement for a Collective Identify under Criterion 83.11(b)(1)(viii) at a level that meets the requirement under Criterion 83.11(c)(1)(iv).
2. The Office of Federal Acknowledgement allows for the use evidence meeting Criteria 83.11(b)(2) and 83.11 (c)(2) interchangeably.

We hope the Office of Federal Acknowledgement understands our reasoning.

Brief Overview and Introduction

After the secularization of the California Spanish Missions in 1834, the Indians along the coast of California were left without the very support system that had removed them from their lands. In Monterey County, a group of Indians formed an Indian settlement that would be come to known as “The Indians” or “The Indians Ranch” on the northwest tip of the Milpitas Land Grant.

This well documented settlement outside of the San Antonio Mission provided much needed land for a group Indians from the area. From this settlement came the Encinales and Bylon tribal lines that were interrelated through marriages and social contact.

During the later part of the 19th and into the early part of the 20th century, a portion of this documented group of Indians would eventually migrate south to an isolated area in San Luis Obispo County known as Toro Creek and forming what is referred to as the Toro Creek Indians.

From two of the Bylon sisters on this Indian settlement came the Pierce and Forsting families. Both families will be shown to be born and having lived at the Toro Creek Indian settlement during the very early part of the 20th century and many of which also lived into the 21st century.

By 1929, there would be a legal dispute over the land rights of this settlement before the Superior Court of San Luis Obispo County. After initially losing in court, the Bylons would be represented by the United States Department of Justice during the appeal process. The final appeal against the Indians was not resolved until July of 1934 before the State of California. It was at this point that the land was lost.

After the appeal was finalized in 1934, we see that O. H. Lipps., the Superintendent of Indian Affairs for Sacramento in 1935, put in a request to the Department of Justice to institute proceedings in federal court to obtain title to the property occupied by the Toro Creek Indians. To this day we are still not aware of what became of this request.

The Toro Creek Indians would also organize themselves into an identifiable group in February of 1934. This group through business, social, community, and political relationships, would work together throughout the 20th century.

These interrelationships would later include a second legal fight before the County of San Luis Obispo in the late 1970s and early 1980s to reclaim rights to the Toro Creek cemetery where many Indians are still buried today on private property.

By the end of the 20th century, we will see that the Toro Creek Indians would eventually form with others to create the Salinan Tribe of San Luis Obispo Counties that we see today.

Section IV Seven Mandatory Criteria

Criterion 83.11(b) 50 Year Collective Identity at a Significant Level

25 CFR §83.11(b) §1(viii) The persistence of a collective identity continuously over a period of more than 50 years, notwithstanding any absence of or changes in name.

At a level that meets:

25 CFR §83.11(c) §1(iv) The entity meets the criterion in §83.11(b) at greater than or equal to the percentages set forth under §83.11(b)(2)

...

Subsection: 83.11(b) Subsection 1

Document(s): 83.11(b) Documents 1(a) to 1(x)

Title(s):

Doc 1(a): Twelfth Census of the United States. Schedule No. 1 – Population. Indian Population. San Antonio Township, Monterey County, California. Supervisor’s District Number 2, Enumeration District Number 14. Sheet Numbers 11 and 12. July 2nd and 3rd, 1900.

Doc 1(b): Harrington, John P. John P. Harrington Papers 1907-1959, Microfilm 2, Reels 1, 84-88. National Anthropological Archives, Smithsonian Institution. Quotes used are designated as reel number and pdf page number.

Doc 1(c): Atherton, Gertrude. *Adventures of a Novelist*. Blue Ribbon Books, Inc. 386 Fourth Avenue, New York, NY. Copyright 1932, by Atherton Company, Inc. Third Printing. Pages 74-77. (1932)

Doc 1(d): Milliken, Randall and Johnson, John R. *An Ethnogeography of Salinan and Northern Chumash Communities – 1769 to 1810*. Far Western Anthropological Research Group, Inc. Prepared for Caltrans Contract No. 06A0148 & 06A0391. Davis, CA. (March 2005)

Doc 1(e): Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon. Case No. 9266. San Luis Obispo County Superior Court. Originally filed April 17, 1929.

Doc 1(f): Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tennaco. Case No. 56926. Declaration of Robert O. Gibson. San Luis Obispo County Superior Court. Filed November 9, 1982.

Doc 1(g): 1862 Homestead Act Application Number 8845 for Edward R. Pierce.

Doc 1(h): Map of Toro Creek region showing locations Edward Romeo Pierce 1862 Homestead in relation to Baylon Historical Archaeological gravesites SLO-143 and SLO-144.

Doc 1(i): Humphrey, Brad. Only Graves Now. Atascadero News, Et Cetera Section. Atascadero, California. November 24, 1978. Pages 1-6.

- Doc 1(j) *“BY-LAWS, The Toro Creek Indians”*. February 17, 1934.
- Doc 1(k) *“The Toro Creek Indians Planning Meeting” 3rd&C, Morro Bay, CA. February 16, 1935.*
- Doc 1(l) *“The Toro Creek Indians Planning Meeting For Coming Year 1938, Paladini’s Shop 3rd/C Morro Bay” Morro Bay, CA. February 12, 1938.*
- Doc 1(m) *“The Toro Creek Indians Meeting CDFG New Rules 1939, Paladini’s Plant 3rd & C, Morro Bay, California” Morro Bay, CA. September 9, 1939.*
- Doc 1(n) *“The Toro Creek Indians, Planning Meeting 1940” Morro Bay, CA. February 3, 1940.*
- Doc 1(o) *“1948 PLANNING MEETING TORO CREEK INDIANS”* Pierce Brothers Ranch, Creston, CA. November 22, 1947.
- Doc 1(p) *“1954 PLANNING MEETING NOTES, TORO CREEK INDIANS”*. Pierce Turkey Ranch, Creston, CA. December 19, 1953.
- Doc 1(q): Personal letter from Bessie Martin (nee Pierce) to Edward Pierce. November 2, 1969.
- Doc 1(r): Letter from Dr. Richard J. Krejsa, Chairman, San Luis Obispo County Board of Supervisors to Edward Pierce. March 5, 1975.
- Doc 1(s): Personal Note and Picture from Richard A. Pierce to Edward Pierce. November 14, 1992.
- Doc 1(t): Personal note from Hilda Carpenter (nee Pierce) to Toni Woody (nee Pierce). May 26, 2001.
- Doc 1(u): *Salinan Tribe Access to Morro Rock for Ceremonial Purposes, Morro Bay State Park, San Luis Obispo County*. Letter from Larry Myers, Executive Secretary, State of California Native American Heritage Commission to Nick Franco, Coastal Sector Superintendent of the San Luis Obispo Coast District, Morro Bay State Park, State of California. October 26, 2004.
- Doc 1(v): News Release from the State of California Department of Parks and Recreation. *State Park to Finalize Agreement Regarding Native American Access to Morro Rock*. Morro Bay, California. February 22, 2006.
- Doc 1(w): *Memorandum of Agreements between The State of California Department of Parks and Recreation, etc.* 2006 to 2023.
- Doc 1(x) Signed yearly Special Event Permits (DPR 246) from State of California for the implementation of Memorandum of Agreements. 2004-2023.

Federal Code: 25 CFR §83.11(b) §(viii) The persistence of a collective identity continuously over a period of more than 50 years, notwithstanding any absence of or changes in name.

At a level that meets:

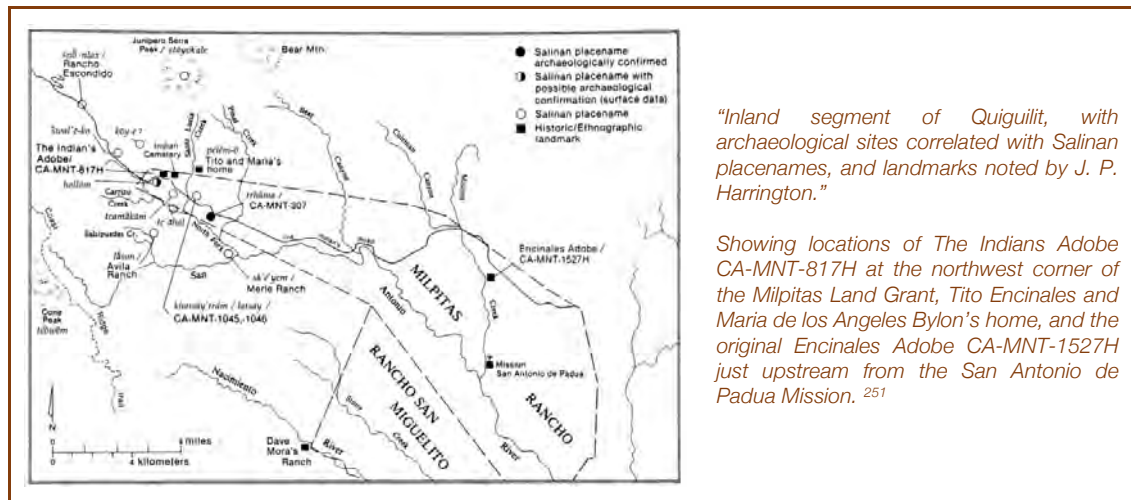
25 CFR §83.11(c) §(iv) The entity meets the criterion in §83.11(b) at greater than or equal to the percentages set forth under §83.11(b)(2)

Editorial Note:

For sake of simplicity, we decided to make the collective case for 25 CFR §83.11(b) §1(viii) preemptively, as by meeting the requirements of this criteria at a significant level under 25 CFR §83.11(c) §1(iv) will directly affect meeting the requirements for 25 CFR §83.11(b) and 25 CFR §83.11(c) in future sections.

Brief Synopsis of this Discussion:

Beginning in 1860 and lasting until present day, we feel that we meet the standards of this requirement for well over 150 years. Although we believe there is more than ample evidence to show a collective identity from well before the secularization of the Spanish missions in 1834, we have decided to focus on an era that would most benefit from this presentation. We hope the Office of Federal Acknowledgment agrees.



From approximately 1860 until the early part of the 20th century, our group was well identified as "The Indians" located just northwest of the Milpitas Land Grant in Monterey County. Because of the loss of land from a fraudulent land grant, members of this group migrated further south to an area called Tecolote, known today as Toro Creek, located between Morro Bay and Atascadero. This group became well identified as the Toro Creek Indians.

After losing a court case which would have allowed members of this group to stay on lands at the Toro Creek Indian Settlement, this group stayed together as a collective identity until today.

Requirements of the Office of Federal Acknowledgement:

In the past, the Office of Federal Acknowledgment has defined meeting this combined requirement as follows:²⁵²

²⁵¹ Rivers, Betty and Jones, Terry L. *Walking Along Deer Trails: A Contribution to Salinan Ethnography Based on the Field Notes of John Peabody Harrington*. Journal of California and Great Basin Anthropology. Page 152.

²⁵² *Acknowledgement Precedent Manual*. Compiled by The Office of Federal Acknowledgement, U. S. Department of the Interior. Draft January 31, 2005. Downloaded June 3, 2023 (<https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/admindocs/PrecedentManual2005.pdf>) Criterion 83.7(c), page 171-172 (pdf page numbers 201-202), beginning in the middle of the page.

“(c)(1)(iv) The group meets the criterion in § 83.7(b) at more than a minimum level.”

“Evidence cited in 83.7(c) as meeting 83.7(b) at “more than a minimal level”.”

“83.7(b)(1)(viii) - significantly longer than the required 50 years.”

“The MBPI [petitioner] have had a named, collective indian identity continuously from the 1820’s to the present, a period of significantly more than 150 years, thus showing a significant level of evidence for community listed under criterion 83.7(b)(1)(viii).’ (Match-e-be-nash-she-wish Band PF 1997, 7)”

“... the HPI [petitioner] have had a named, collective Indian identity continuously since 1842, a period of significantly more than 50 years, thus meeting criterion 83.7(b)(1)(viii).’ (Huron Potawatomi PF 1995, 10)”



The Indians Adobe CA-MNT-817H as it stands today in the Las Padres National Forest northwest of the Milpitas Land Grant. This adobe that was built by the Encinales family in the late 1800s was eventually sold and transformed into the Hunters and Fishers Club in the 1930s. The original Indians Adobe remains inside of the club building is somewhat preserved but lacking funds for preservation and restoration. (Photographs courtesy of Michael Erin Woody, ca 2022.)

We also see that in the past, the Office of Federal Acknowledgment has defined “a distinct community” as follows:²⁵³

“CRITERION:”

“a distinct community”

“The intensity of social interaction and strength of relationships is not normally uniform within the membership of a tribe. It is not required that all of the membership maintain the same or even a strong degree of social cohesion. There may be a ‘social core’ which has a high degree of social connectedness while the periphery of the membership has a lesser degree of connectedness. Characteristically, peripheral members have significant connection with the social core, although generally not with each other. It is essential to demonstrate that most of the peripheral individuals maintain social ties (underline emphasis added) and interaction with the social core.’ (Miami FD 1992, 5)”

And as further noted by the Office of Federal Acknowledgment in the past, we see that petitioners can “...maintain social ties...” as follows:²⁵⁴

²⁵³ Acknowledgement Precedent Manual. Compiled by The Office of Federal Acknowledgement, U. S. Department of the Interior. Draft January 31, 2005. Downloaded June 3, 2023 (<https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/admindocs/PrecedentManual2005.pdf>) Criterion 83.7(c), page 61-62 (pdf page numbers 91-92), beginning in the middle of the page.

²⁵⁴ Ruling by the Office of Federal Acknowledgment under The U. S. Department of the Interior. “Reconsideration on Referral by the Secretary and Summary Under the Criteria and Evidence for the Reconsidered Final Determination Against Federal Acknowledgment of the Chinook Indian Tribe/Chinook Nation.” July 5, 2002. Page 87, beginning of first full paragraph.

“Close family ties between parents, children and siblings would not have severed immediately. People generally maintain ties to close kin until they die,⁴⁰ this assumption should be applied in this case.” Further stating, “The petitioner also only submitted anecdotal compilations drawn from the documents submitted for the Final Determination. However, it would seem likely, and the anecdotal evidence supports the contention that, close relatives would have remained in continuous contact following the diaspora from Chinookville for another generation, allowing the petitioner to meet criterion (b) to 1910.”

“⁴⁰ The assumption that first degree kin (parents, grandparents, children and siblings) maintain contact has been used in a number of past acknowledgement decisions.”

“Close family ties between parents, children and siblings would not have severed immediately. People generally maintain ties to close kin until they die...⁴⁰

“⁴⁰ The assumption that first degree kin (parents, grandparents, children and siblings) maintain contact has been used in a number of past acknowledgement decisions.”

*Ruling by the Office of Federal Acknowledgment
Chinook Indian Tribe
July 5, 2002*

And as a further reminder, the Office of Federal Acknowledgement requires the following threshold to be met under 25 CFR § 83.10 “How will the Department Evaluate Each of the Criteria”:²⁵⁵

(a) *The Department will consider a criterion in § 83.11 to be met if the available evidence establishes a reasonable likelihood of the validity of the facts relating to that criterion.*

(1) *The Department will not require conclusive proof of the facts relating to a criterion in order to consider the criterion met.*

(2) *The Department will require existence of community and political influence or authority be demonstrated on a substantially continuous (emphasis added) basis, but this demonstration does not require meeting these criteria at every point in time. Fluctuations in tribal activity during various years will not in themselves be a cause for denial of acknowledgment under these criteria.*

We are also made aware of the following real world definition for “substantially continuous” under “The Official Guidelines to the Federal Acknowledgement Regulations, 25 CFR 83.”²⁵⁶

“What’s ‘substantially continuous?’”

“There are no long interruptions in the tribe's members doing things together such as living together, worshipping together or meeting and making decisions on behalf of the group.”

“Activity levels may rise and fall, and the degree of involvement may vary from total involvement of most of the members to involvement of fewer members. However, there should not have been a period when an entire generation lost contact with one another.”

We soundly believe that this application meets the “substantially continuous” threshold as defined by the Office of Federal Acknowledgement.

Evidence for Inclusion:

²⁵⁵ 25 C. F. R. § 83.10 “How Will the Department Evaluate Each of the Criteria” (<https://www.govinfo.gov/content/pkg/CFR-2023-title25-vol1/pdf/CFR-2023-title25-vol1-part83.pdf>)

²⁵⁶ “The Official Guidelines to the Federal Acknowledgement Regulations, 25 CFR 83”. The Bureau of Indian Affairs Branch of Acknowledgement and Research, Washington, D. C. September 1997. Page 42, bottom of first column to top of second column.

To understand the evidence for this portion, we need to go back to the middle part of the 19th century and tell the story of how our Indian group remained in contact through intermarriages, as well as how long they were living in an area called Tecolote, known today as Toro Creek, located between Morro Bay and Atascadero on the southern region of the Asuncion Mexican Land Grant.

Eighth Census of the United States, 1860. Schedule No. 1 – San Antonio Township, Monterey County, California. Page No. 48. June 21, 1860. Retrieved at www.ancestry.com. Monterey County, California.

We see listed together the Encinales family along with the children of Eusebio's first wife, Refugia. Those three daughters were Maria Antonia Encinales, Juana Maria Carmen Encinales, and Clara Maria Encinales.

The enumerator also listed the many other Indians on this sheet as the "San Antonio Mission Indians" along the left hand margin. This record also gives us many of the names of the Indians that were living around the San Antonio Mission contemporaneously to the 1860s.

Enumeration record retrieved at www.ancestry.com.

During the middle part of the 19th century, we see that the first three children of Eusebio and San Antonio Mission Indian Refugia Encinales (Maria Antonio, Juana Maria Carmen and Clara Maria), would all be raised by their stepmother, Perfecta Encinales, after the passing of Refugia. This can be verified by the 1860 U.S. Census in San Antonio, Monterey County of California, where we see in Dwelling 415, Family No. 374, eight Indians living together in the same unit:²⁵⁷

83.11(a) 1900-1939: List B

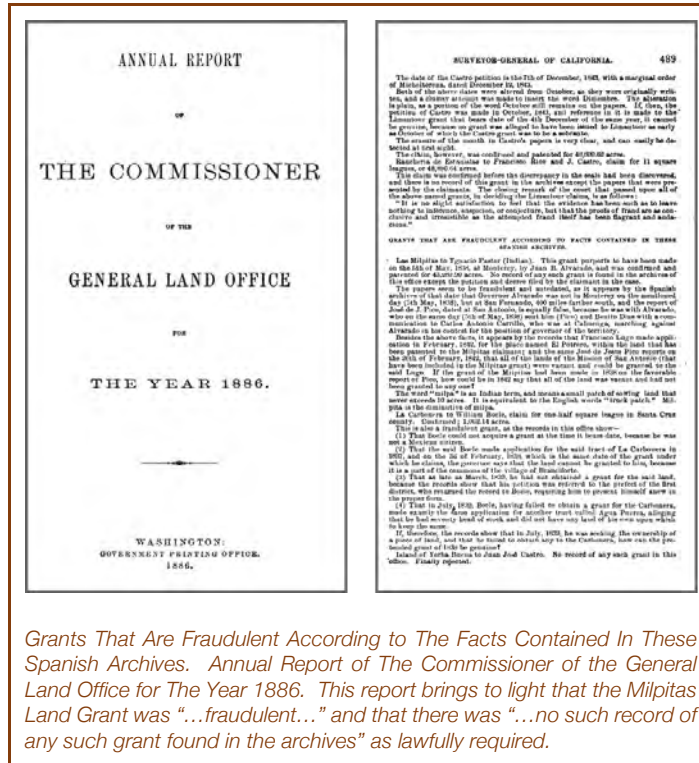
Name	Notes
1. Francisco	Male, age 60. (Line Entry 2).
2. Tiburcio	Female, age 60. (Line Entry 3).
3. Ausivio	Male, age 40. (Line Entry 4). Actual name was Eusebio Encinales.
4. Perfecta	Female, age 25. (Line Entry 5). Actual name was Perfecta Encinales. Second marriage after the passing of Refugia.
5. Pedro	Male, age 10/12. (Line Entry 6). Actual name was Pedro Encinales. First son to Eusebio and Perfecta Encinales.
6. Maria Antonia	Female, age 10. (Line Entry 7). Actual name was Maria Antonia Encinales, birth daughter to Eusebio and stepdaughter to Perfecta.
7. Juana	Female, age 5. (Line Entry 8). Actual name was Juana Maria Carmen Encinales, birth daughter to Eusebio and stepdaughter to Perfecta.
8. Clara	Female, age 2. (Line Entry 9). Actual name was Clara Maria Encinales, birth daughter to Eusebio and stepdaughter to Perfecta.

(Special Note: The enumerator listed the Indians on this sheet as the San Antonio Mission Indians along the left hand margin. This record also gives us many of the names of the Indians that were living around the San Antonio Mission contemporaneously to the 1860s.)

From this, the interrelationships and marriages continued within this group later as follows:

²⁵⁷ *Eighth Census of the United States, 1860. Schedule No. 1 – San Antonio Township, Monterey County, California. Page No. 48. June 21, 1860. Retrieved at www.ancestry.com.*

- Juana Maria Carmen would go on to have two children with San Antonio Mission Indian Faustino Mora: Jose Mora and David Mora. David Mora would later marry one of his mother's half-sisters, (daughter of Eusebio and Perfecta), Maria Jesua Encinales.
- Clara would go on to have four children with San Antonio Mission Indian Onesimo Baylon: Maria Ceberia Teodora, Jose Enesimo, Maria Catarina and Maria Antonia.
- Onesimo Baylon, before meeting Clara, would also have three children with San Miguel Mission Indian Paula Eu-Echic: Juan de Los Reyes, Maria de los Angeles Baylon and Maria Encarnacion. Maria de los Angeles Baylon would later marry Tito Encinales, son of Eusebio and Perfecta Encinales.



Grants That Are Fraudulent According to The Facts Contained In These Spanish Archives. Annual Report of The Commissioner of the General Land Office for The Year 1886. This report brings to light that the Milpitas Land Grant was "...fraudulent..." and that there was "...no such record of any such grant found in the archives" as lawfully required.

In February of 1875 Faxon D. Atherton obtained the fraudulent Milpitas Mexican Land Grant, which covered over 43,000 acres of property surrounding the San Antonio Mission, and those who were living around the region were forced from their homes through eviction.

After many legal challenges that were resolved through the U.S. Supreme Court, Eusebio Encinales finally ended up having to purchase 100 acres of property from the Atherton family for \$450 in U.S. gold coin on July 1, 1882 in order to survive. Like others, his land was illegally taken from him. The property was located at the remote northwest tip of the Milpitas Grant and would become known later as "The Indians" or "The Indians Ranch."

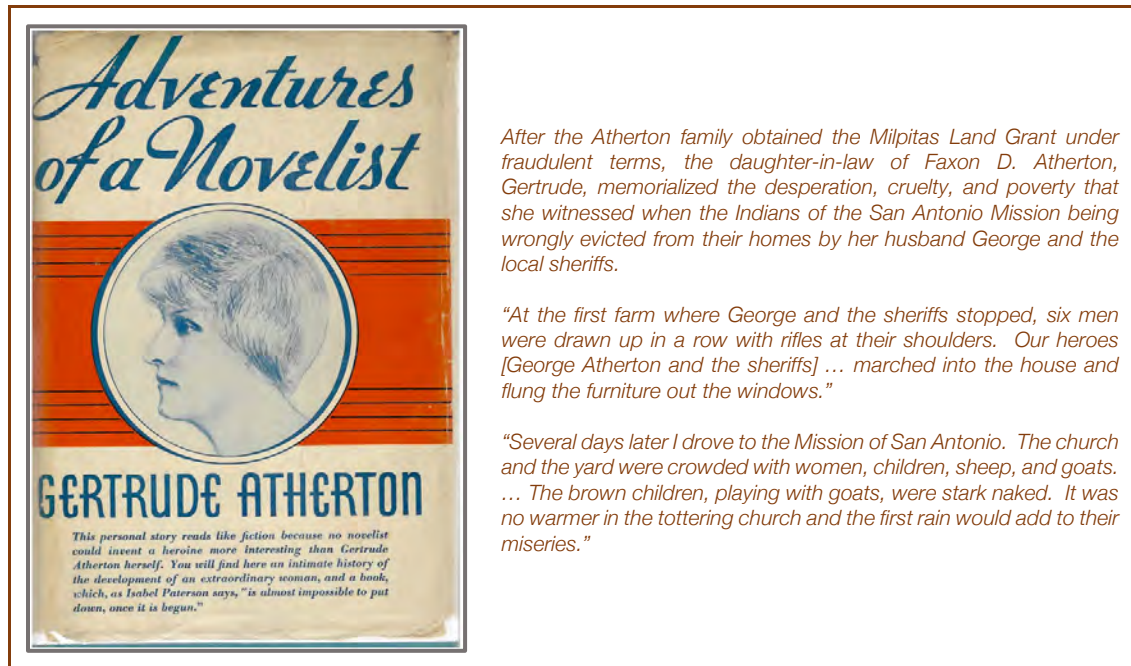
A few short years later, the General Land Office under the U.S. Department of the Interior release

their 1886 Annual Report to The Commissioner²⁵⁸ finally admitting that the Milpitas Mexican Land Grant was "fraudulent" and that there was "no such record of any such grant found in the archives" as lawfully required by the U.S. Supreme Court in their 1866 ruling in regard to their interpretation of the California Land Act of 1851.

To comprehend the difficulty that our tribal group was facing at the time, the treatment or our group cannot go without discussion. Novelist Gertrude Atherton, the daughter-in-law of Faxon D. Atherton, describes the scene of desperation, cruelty and poverty put upon our ancestors and others. As written:

"The business of evicting began on the following morning. Of course they [local sheriff deputies] would not take me along, and although I had had enough of spring wagons, I watched them with some envy as they piled in, armed to the teeth, and went forth to their adventure."

²⁵⁸ *Grants That Are Fraudulent According to The Facts Contained In These Spanish Archives. Annual Report of The Commissioner of the General Land Office for The Year 1886. U.S. Dept. of the Interior, General Land Office, Washington, D.C. Page 489. October 7, 1886.*



After the Atherton family obtained the Milpitas Land Grant under fraudulent terms, the daughter-in-law of Faxon D. Atherton, Gertrude, memorialized the desperation, cruelty, and poverty that she witnessed when the Indians of the San Antonio Mission being wrongly evicted from their homes by her husband George and the local sheriffs.

"At the first farm where George and the sheriffs stopped, six men were drawn up in a row with rifles at their shoulders. Our heroes [George Atherton and the sheriffs] ... marched into the house and flung the furniture out the windows."

"Several days later I drove to the Mission of San Antonio. The church and the yard were crowded with women, children, sheep, and goats. ... The brown children, playing with goats, were stark naked. It was no warmer in the tottering church and the first rain would add to their miseries."

"At the first farm where George [Gertrude's husband] and the sheriffs stopped, six men were drawn up in a row with rifles at their shoulders. Our heroes sprang to the ground, brushed the fire-eaters aside, marched into the house and flung the furniture out of the windows."

"Several days later I drove over to the Mission of San Antonio. It stood almost in the center of the ranch, and the squatters had herded their families and livestock into its precincts while they went off to seek warmer hospitality elsewhere."

"It was strange sight. The church and yard were crowded with women, children, sheep, and goats. Winter was approaching and it was already very cold. The brown children, playing with the goats, were stark naked. It was no warmer in the tottering church and the first rain would add to their miseries."

"Mrs. Atherton [Gertrude's mother-in-law] was a generous woman but knew as much about poverty as an infant in arms. I doubt if she had ever seen any one poorer than a well-paid servant. For that matter there was no actual poverty in San Francisco [where the Atherton's were from] at that time, nor for many years after. But she had felt vaguely that something should be done by the victor for the vanquished, and given me a bolt of calico and two red flannel petticoats to bestow upon the dispossessed. This was the first time that I had been brought into contact with poverty and I was horrified." ²⁵⁹

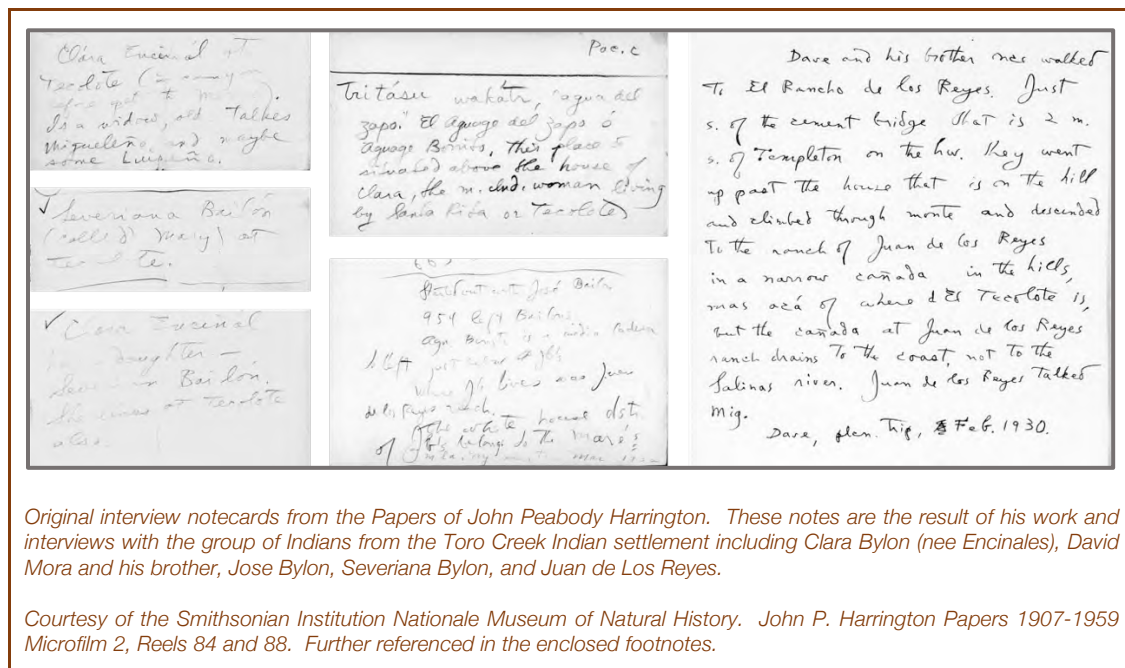
It's important to understand the perspective of how our tribal ancestors had lost everything, as well as the living conditions put upon them. It's also important to understand the lack of empathy and moral compass displayed by both the Atherton family and as well by government officials at all levels towards our group. These were very desperate times, especially for our ancestors, and nobody cared, not even the law.

It was from these events that many of our tribal group, as well as other Salinan Indians, had to do what was necessary to survive.

²⁵⁹ Atherton, Gertrude. *Adventures of a Novelist*. Blue Ribbon Books, Inc. 386 Fourth Avenue, New York, NY. Copyright 1932, by Atherton Company, Inc. Third Printing. Pages 75-77. (1932)

During the latter part of the 19th century, Clara Encinales, Eusebio's daughter, with her children, would finally find refuge on family tribal land in an area known by the tribe as Tecolote, known today as Toro Creek, located between Morro Bay and Atascadero. This location, as we will see later, was also called the Juan de Los Reyes Ranch, named for the stepson to Clara and the half-brother to Clara's direct children.

260



Original interview notecards from the Papers of John Peabody Harrington. These notes are the result of his work and interviews with the group of Indians from the Toro Creek Indian settlement including Clara Bylon (nee Encinales), David Mora and his brother, Jose Bylon, Severiana Bylon, and Juan de Los Reyes.

Courtesy of the Smithsonian Institution Nationale Museum of Natural History. John P. Harrington Papers 1907-1959 Microfilm 2, Reels 84 and 88. Further referenced in the enclosed footnotes.

This region was familiar to the San Miguel Indians as it was also part of the San Miguel Mission territory as outlined in the October 7, 1827 Territory Declaration as reported to Governor Jose M. Echeandia. As written in this declaration by Father Juan Cabot:²⁶¹

"In the direction toward the south, all the land is occupied, for the Mission there maintains all its sheep, besides the horses of the guards. It is there it has the Rancho de Santa Isabel, where there is a small vineyard. Other ranchos of the Mission in that direction are San Antonio, where barley is planted; Rancho del Paso de Robles where the wheat is sown; and the Rancho de la Asuncion."

Linguist and ethnologist John P. Harrington spent much time with members of our tribal group during the early part of the 20th century. From these interviews we have obtained the following comments in regard to the location of Clara Maria Bylon (nee Encinales) and her children.²⁶²

"Tritásu...is situated above the house of Clara, the M. Ind. (Migueleño Indian) woman living by Santa Rita or Tecolote." (Reel 84, Page 242)

"Started out with Jose Bailon (sic). Where JB (Jose Bailon) lives was Juan de Los Reyes ranch. The white house (?) of JB's (Jose Bailon's) belongs to the Mare's (sic)." (Reel 88, Page 542)

²⁶⁰ Milliken, Randall and Johnson, John R. *An Ethnogeography of Salinan and Northern Chumash Communities – 1769 to 1810*. Page 46. References to the work of John P. Harrington provided by author.

²⁶¹ Engelhardt, Zephyrin. *San Miguel, Arcangel; The Mission on the Highway*. Mission Santa Barbara, Santa Barbara, CA. Page 27-29. Yellow highlighted portion on page 28. (1931).

²⁶² Harrington, John P. John P. Harrington Papers 1907-1959, Microfilm 2, Reels 1, 84-88. National Anthropological Archives, Smithsonian Institution. Quotes used are designated as reel number and pdf page number.

“Clara Encinal at Tecolote (in canyon before get to Morro). Is a widow, old. Talkes (sic) Migueleño and maybe some Luiseño.” (Reel 1, Page 59)

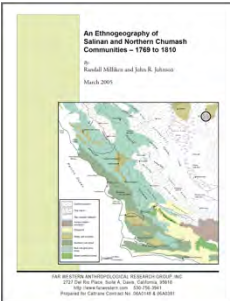
“Severiana Bailón (sic) (called Mary) at Tecolote.” (Reel 1, Page 67)

“Clara Encinal has a daughter – Severiana Bailón (sic). She lives at Tecolote also.” (Reel 1, Page 67)

We are given other evidence of the continued relationship within this intermarried Indian family as well. On one particular page of notes, we are told of the story, by David Mora (nephew of Clara Maria Bylon), of when he and his brother walked to El Rancho de los Reyes. El Rancho de los Reyes is known as Toro Creek where the Bylons were living.²⁶³

“Dave and his brother once walked to El Rancho de los Reyes. Just s. of the cement bridge that is 2 m. s. of Templeton on the hw. They went up past the house that is on the hill and climbed through monte [mountain] and descended to the ranch of Juan de los Reyes in a narrow cañada in the hills, mas acá [more here] of where d El Tecolote is, but the cañada at Juan de los Reyes ranch drains to the coast, not to the Salinas river. Juan de los Reyes spoke mig. [migueleño]” (Reel 88, Page 457)

“Dave, plcn, trip, Feb 1930 [David Mora, placename trip, Feb 1930]”



“An important placename trip into the earlier homelands of María de los Angeles took place in March of 1932. Beginning on March 4, 1932, María de los Angeles Baylon, María Jesusa Encinales, and Harrington headed east from San Miguel.”

“... (T)hey drove west to Templeton, then up into the Santa Lucia range to the ranch of Tecolote on the saddle between Old Creek and Toro Creek, where José Baylon, the younger brother of María de los Angeles Baylon, was living. José Baylon joined the group at his home on upper Toro Creek for the coastal portion of their March 1932 placename trip.”

Narrative description of the placename trip recorded by J. P. Harrington of the Toro Creek Indians Maria de los Angeles Baylon (sic), Maria Jesusa Encinales, and José Baylon (sic) the younger brother of Maria de los Angeles Baylon.

Milliken, Randall and Johnson, John R. An Ethnogeography of Salinan and Northern Chumash Communities – 1769 to 1810. Page 49.

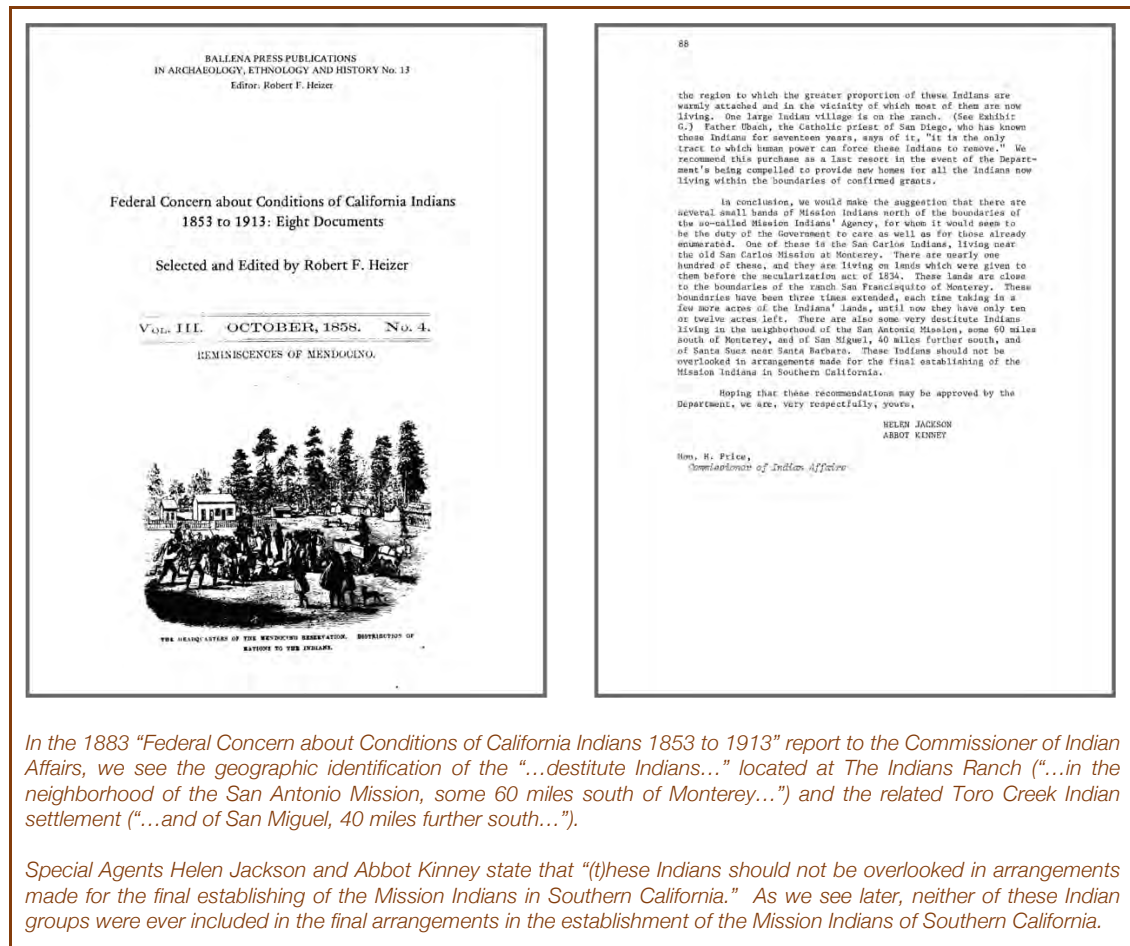
Further evidence in regard to the early history of the Toro Creek indigenous community can also be found in “An Ethnogeography of Salinan and Northern Chumash Communities – 1769 to 1810” by Randall Milliken and John R. Johnson. From this research we find the following evidence:

“Pacífico [San Migueleño Indian] lived as a youth at the Santa Rosa Ranch on the coast at Cambria (Harrington 1985: Reel 87, Frame 995). It was said that he wanted to die at the old Juan de Los Reyes ranch of Tecolote on upper Toro Creek, a place where “old Pacífico” had lived in the days of Henshaw (José Baylon 1932, in Harrington 1985: Reel 88, Frame 549)”²⁶⁴

²⁶³ Harrington, John P. John P. Harrington Papers 1907-1959, Microfilm 2, Reels 88. National Anthropological Archives, Smithsonian Institution. PDF page number 457, left page.

²⁶⁴ Milliken, Randall and Johnson, John R. *An Ethnogeography of Salinan and Northern Chumash Communities – 1769 to 1810*. Page 46. References to the work of John P. Harrington provided by author.

From the previous quote, we are able to show that the Salinan indigenous culture was present at Toro Creek during the late part of the 19th century as H.W. Henshaw did his research of the Salinan language from 1880 to 1884.



In the 1883 "Federal Concern about Conditions of California Indians 1853 to 1913" report to the Commissioner of Indian Affairs, we see the geographic identification of the "...destitute Indians..." located at The Indians Ranch ("...in the neighborhood of the San Antonio Mission, some 60 miles south of Monterey...") and the related Toro Creek Indian settlement ("...and of San Miguel, 40 miles further south...").

Special Agents Helen Jackson and Abbot Kinney state that "(t)hese Indians should not be overlooked in arrangements made for the final establishing of the Mission Indians in Southern California." As we see later, neither of these Indian groups were ever included in the final arrangements in the establishment of the Mission Indians of Southern California.

We also find compelling evidence of this distinct group located in both Toro Creek and in the San Antonio Mission region in the later part of the 19th century. In their "Report on the Condition and Needs of the Mission Indians of California" as presented to the Commission of Indian Affairs in 1883, Special Agents Helen Jackson and Abbot Kinney in the closing of their report state the following:²⁶⁵

"In conclusion, we would make the suggestion that there are several small bands of Mission Indians north of the boundaries of the so-called Mission Indians' Agency, for whom it would seem to be the duty of the Government to care as well as for those already enumerated."

Further stating, in addition to other groups:

"There are also some very destitute Indians living in the neighborhood of the San Antonio Mission, some 60 miles south of Monterey, and of San Miguel, 40 miles further south..."

²⁶⁵ Jackson, Helen and Kinney, Abbot. Report on the Condition and Needs of the Mission Indians of California to the Commissioner of Indian Affairs. Colorado Springs, Colorado. July 13, 1883. Reprinted by Heizer, Robert F. Federal Concern about Conditions of California Indians 1853 to 1913: Eight Documents, Volume 13. Ballena Press. Socorro, New Mexico. Copyright 1979. 1st Edition. Document V. Pages 75-94. Quote located on page 88. We have included both copies for review.

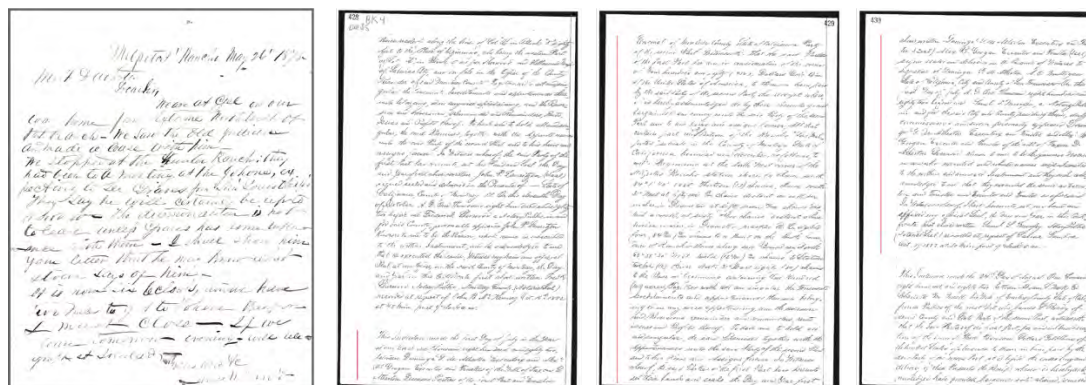
After losing their property to Faxon D. Atherton in February of 1875, Eusebio Encinales would have to sign a lease in May of 1875 with Atherton to live on the very land that was taken from the Indians. By 1882, Eusebio would eventually have to purchase from the Atherton Estate 100 acres of property to survive and support his tribal group for \$450.

The following year in 1883, the Indians were identified at this location were recognized as "...very destitute Indians living in the location of the San Antonio Mission..." as reported to the Commissioner of Indian Affairs.²⁶⁶

Three years later in 1886, the same Milpitas Land Grant was now identified as a "...fraudulent..." grant in the "Annual Report of The Commissioner of the General Land Office for The Year 1886."²⁶⁷

After the passing of Eusebio Encinales on April 13, 1893, the courts eventually sold off all the possessions of the Indians to pay off any debts owed. At the close of the probate hearings, Sabino Gamboa ended up with the last of the \$474.80 that should have gone to the Encinales Indians as Gamboa claimed it as partial payment for the mortgage due to him against the Indians property.²⁶⁸

This chain of events left the Indians financially destitute and would lead to the eventual loss of all property and lands.



Left: Letter to Faxon D. Atherton from his attorney James W. Thrift claiming, "...we are on our way home from the extreme northwest of the ranch – we saw the old Indian and made a lease with him." May 26, 1875, Milpitas Rancho.²⁶⁹

Right 3 documents: Indenture on file with the Monterey County Recorder dated July 1, 1882 showing the agreement filed at the request of Sabino Gamboa for the purchase of 100 acres of property for Eusebio Encinal from Atherton's widow, Dominga Goni de Atherton for \$450.²⁷⁰

These seemingly two groups of Indians is actually the group previously identified from the San Antonio Mission region that eventually settled both at the Milpitas region of the San Antonio Mission ("...60 miles south of Monterey...") and Toro Creek ("...and of San Miguel, 40 miles further south...").²⁷¹

²⁶⁶ Jackson, Helen and Kinney, Abbot. Report on the Condition and Needs of the Mission Indians of California to the Commissioner of Indian Affairs. Colorado Springs, Colorado. July 13, 1883. Reprinted by Heizer, Robert F. Federal Concern about Conditions of California Indians 1853 to 1913: Eight Documents, Volume 13. Ballena Press. Socorro, New Mexico. Copyright 1979. 1st Edition. Document V. Pages 75-94. Quote located on page 88. We have included both copies for review.

²⁶⁷ Grants That Are Fraudulent According to The Facts Contained In These Spanish Archives. Annual Report of The Commissioner of the General Land Office for The Year 1886. U.S. Dept. of the Interior, General Land Office, Washington, D.C. Page 489. October 7, 1886.

²⁶⁸ Encinal, Eusebio. Probate Records in the Superior Court of Monterey County. No. 530. Filed May 2, 1893. Order of Decree of Settlement of Accounts and Final Distribution. PDF pages 63 to 67. Annotated in red box on pdf page 64. Courtesy of the Monterey Historical Society, Boronda Adobe History Center, Salinas, California.

²⁶⁹ Thrift, James W. Attorney for Faxon D. Atherton. Personal letter to Faxon D. Atherton dated May 26, 1875. Milpitas Rancho. Courtesy of the California Historical Society, San Francisco, California.

²⁷⁰ Sale from Atherton Estate to Eusebio of Indians property comprising of 100 acres, County of Monterey, California. Book of Deed Number 4, Page 428 to 430. Beginning of bottom of page. Notated with red line. Date of transaction recorded as July 1, 1882. Date of recording October 17, 1882.

²⁷¹ Map included to show geographic distances from Monterey to both the San Antonio settlements and to the Toro Creek settlement.

Unfortunately, because the Federal Government decided not to heed the recommendations of the Special Agents, the Indians of this region would eventually become destitute. They would also be without any help from the very government that was legally required to protect them.

As previously pointed out, the U. S. Department of the Interior just a few short years after the Jackson and Kinney report, found the Milpitas Mexican Land Grant surrounding the San Antonio Mission was “fraudulent.” And as we will later see, this lack of assistance eventually led to the removal of the Indians located at Toro Creek in San Luis Obispo County.

Also helping to locate our group we find Milliken and Johnson as stating the following:

*“An important placename trip into the earlier homelands of María de los Angeles took place in March of 1932. Beginning on March 4, 1932, María de los Angeles Baylon, María Jesusa Encinales, and Harrington headed east from San Miguel. The extant notes are in rather chaotic order, so we made no attempt to reconstruct the precise path of the trip, which included stops at Estrella, Shandon, and the Cholan Store (Harrington 1985: Reel 88, Frames 474-531). From those valleys they drove west to Templeton, then up into the Santa Lucia range to the ranch of Tecolote on the saddle between Old Creek and Toro Creek, where José Baylon, the younger brother of María de los Angeles Baylon, was living (his baptismal entry has not been identified). José Baylon joined the group at his home on upper Toro Creek for the coastal portion of their March 1932 placename trip (Harrington 1985: Reel 88, Frame 531).”*²⁷²

From the previous quote, we can also see that Jose Baylon, son of Clara Encinales Baylon, was still living at Toro Creek when he was picked up by his two sisters (half-sisters) and Harrington for a placename trip around the region in March of 1932. This is also further evidence that this intermarried family was still involved with each other as well.

Later on April 17, 1929, the Luigi Marre Land & Cattle Company who had bought up much of the property in the Toro Creek region, filed a lawsuit to have Jose Baylon, Maria Ceberia Teodora Baylon, and her son, Ramon Baylon Rosas all evicted from their homes at Toro Creek.²⁷³ The Baylons lost this eviction case on August 21, 1929.

The following year in 1930, the original attorneys were joined by Samuel W. McNabb, United States Attorney for the Southern District of California, and Ignatius F. Parker, Assistant United States Attorney for the same Southern District of California.²⁷⁴ The United States Government was quick to identify that the Baylons were California Indians and as such, wards of the United States Government.

As declared by Parker on behalf of the Attorney General and the Commissioner of Indian Affairs:

*“... that defendants herein as California Indians are deemed to be at least as regards their interest in lands, wards of the United States Government...”*²⁷⁵

²⁷² Milliken, Randall and Johnson, John R. *An Ethnogeography of Salinan and Northern Chumash Communities – 1769 to 1810*. Page 49. References to the work of John P. Harrington provided by author.

²⁷³ *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Complaint. San Luis Obispo County Superior Court. Filed April 17, 1929.

²⁷⁴ *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Notice of Association of Counsel. San Luis Obispo County Superior Court. Filed February 13, 1930.

²⁷⁵ *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Affidavit of Ignatius F. Parker on Motion Under Section 473 of the Code of Civil Procedure to Set Aside Judgement Herein. San Luis Obispo County Superior Court. Filed February 13, 1930.



Severina (aka Ceberia Teodora) Bylon. Sister of Antonia Bylon and mother of Ramon Rosas. Living at Toro Creek. ca 1920.



Wedding picture for Antonia Bylon (Severina's sister) and Edward R. Pierce. Living at Toro Creek. ca 1900.



Ramon Rosas. Son of Severina Bylon and nephew of Antonia Bylon. Living at Toro Creek. ca 1920.

The United States Government further filed an Amended Answer of Defendants on February 13, 1930, on behalf of the Bylons. In this, the following is stated by the government: ²⁷⁶

“IV.”

“That the defendants herein are and their ancestors have been California Indians; that the defendants herein and their ancestors for many years and more than a hundred years last past have been in the undisturbed occupation, use and possession of a portion of the lands described in Paragraph II of Plaintiffs’ Complaint; said portion being within the canyon at the head of Toro Creek embracing approximately sixty (60) acres of land, and that defendants have been in possession of that particular portion of real property described in Paragraph II of plaintiffs’ complaint...”

“V.”

“Defendants allege that for more than forty (40) years last preceding the filing of the complaint herein they have, and each of them, has been in the actual, open and notorious, exclusive and continuous possession of the real property referred to in Paragraph IV of the Amended Answer and particularly those portions specifically described in said Paragraph IV under claim of right to the exclusive use, occupation and possession thereof...”

Attached to this Amended Answer is the sworn deposition of Parker stating:

“I am one of the attorneys for the defendants in the above entitled action and have read the foregoing Answer and know the contents thereof, and that I believe the same to be true; that this verification is made by me as attorney for the defendants based upon my investigation of the files and records in this case and the papers referred to herein and the files and records of the General Land Office of the United States.”

“That as such attorney and by reason of such investigation I am in a better position to know the facts alleged herein than the defendants.”

²⁷⁶ *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon.* Case No. 9266. Amended Answer of Defendants. San Luis Obispo County Superior Court. Filed February 13, 1930.

From the foregoing, the federal government has identified that the Baylons, as “Indians [and as such] wards of the United States Government,” along with their ancestors, as “Indians” who have for “...more than a hundred years... been in the undisturbed occupation, use and possession of a portion of lands... at the head of Toro Creek embracing approximately sixty (60) acres...”

And further, the United States Government stated that the Baylons were also “... for more than forty (40) years... [have] been in the actual, open and notorious, exclusive and continuous possession of the real property referred to in... the Amended Answer...” within those same sixty (60) acres as described above.

From the mid 1930s forward, we continue to see persistent evidence of a collective identity within the notes from contemporaneous documents and meetings that were held over the next few decades under the continued identification of the Toro Creek Indians. The notes from these documents and meetings are itemized at the beginning of the subsection as Documents 1(j) to 1(p).

What follows is a summary from each document.

Document 1(j)

Title: BY-LAWS, THE TORO CREEK INDIANS
Date: February 17, 1934



For Document 1(j) we see a set of by-laws adopted by signature for the Toro Creek Indians. In these by-laws, we Articles that outline Tribal Leaders, Tribal Members, goals for the group as a community, definition and list of members, goals of meetings, Order of Business, and social requirements for the group.

Document 1(k)

Title: THE TORO CREEK INDIANS, PLANNING MEETING
Date: February 16, 1935
Location: Morro Bay, California



For Document 1(k) we see a gathering of an identified group known as the Toro Creek Indians that took place in Morro Bay to discuss the upcoming year of work and tribal needs.

We see how Bill Pierce, Les Pierce, Dutch Pierce, Bessie Wood (nee Pierce) and Eddie Pierce gathered to discuss the responsibilities that each would oversee for the upcoming commercial abalone season. Along with this, we also see the responsibilities that were passed on to other individuals including the half siblings of the above, Charlie Pierce and Walter Pierce.

Discussions also resolved around land acquisition next door to the existing plant for what would be future expansion of the business.

We later see a discussion of tribal needs for the group. Some of the needs included helping “Joe” or “Uncle Joe” (Joes Bylon) with land and health issues. Needs for Ramon (Ramon Roses) including an identification of the 40 acres that he owned during this time in Toro Creek. Discussion also included the needs of “Seveana” (Maria Ceberia Teodora Bylon) and some help with a gate on the property of Andrew and Felicia Forsting. Lastly, we see food and material being supplied along with a small roof repair needed for Tito and Aunt Maria. Aunt Maria would

have to be Maria de los Angeles Bylon Ocarpia Encinales as she was the half-sister to Maria Antonia Bylon, the mother of Bill, Les, Dutch, Bessie, and Eddie.

Document 1(l)

Title: The Toro Creek Indians Planning Meeting for Coming Year 1938, Paladini's Shop 3rd & C Morro Bay
 Date: February 12, 1938
 Location: Morro Bay, California



For Document 1(l) we see a gathering of an identified group known as the Toro Creek Indians that took place in Morro Bay to discuss the upcoming year of work, review of new legislation, business, and tribal needs.

Here, we see how Bill Pierce, Les Pierce, Dutch Pierce, Eddie Pierce, and Bessie Wood (nee Pierce) gathered to discuss the yearly responsibilities that each would oversee for the upcoming commercial abalone season. Along with this, we see a discussion of the new boundaries for abalone diving and new regulations for the commercial abalone industry from the California Department of Fish and Game (CDFG).

We further see discussions revolving around some material needs for the business itself.

Some of the employee names of note listed under the Business section again include half siblings Duke Pierce (Walter Pierce) and Charlie Pierce. Assignment of duties were also found under this section as well.

We also see under Tribal Needs food and supplies for “Ramon” (Ramon Roses), “Andrew and Felicia” (Felicia was the daughter to Maria Ceberia Teodora Bylon and mother to Andrew and Anna Forsting. Ramon and Felicia were first cousins to Bill, Les, Dutch, Bessie, and Eddie all from the Toro Creek Indian settlement.

Bessie and her husband Larry Wood are seen helping out with supplies to Dolores Encinales with the help of Joe Mora. Joe Mora was the brother to David Mora. It should be noted that Bessie and Larry were living in King City at the time. We also see notes on the sharing of clothes for children. We should note that “Essie” is the second wife of Dutch Pierce.

Document 1(m)

Title: THE TORO CREEK INDIANS MEETING, CDFG NEW RULES 1939, Paladini's Plant 3rd & C, Morro Bay, California
 Date: September 9, 1939
 Location: Morro Bay, California



For Document 1(m) we see a gathering of Bill, Eddie, Bessie, Dutch, and Les to discuss the new regulations from the California Department of Fish and Game (CDFG). Some of the new regulations directly affected commercial fishing permits, requirements for measuring rods, and boat numbers on the side of all licensed boats.

We also see how the group was going to stay in touch with Senator Jespersen from Atascadero and how the new regulations will be posted in the processing plant.

Document 1(n)

Title: The Toro Creek Indians, Planning Meeting 1940
 Date: February 3, 1940
 Location: Morro Bay, California



For Document 1(n) we see a gathering of an identified group known as the Toro Creek Indians that took place in Morro Bay to discuss the upcoming year of work, equipment needs, materials, business, and tribal needs.

Here, we see how Bill Pierce, Dutch Pierce, Les Pierce, Eddie Pierce, and Bessie Wood (nee Pierce) gathered to discuss the yearly responsibilities that each would oversee for the upcoming commercial abalone season. The opening of the upcoming season is posted as March 16, 1940 and the estimated prices for abalone for the season.

We also see reminders of forms that the CDFG is requiring for commercial landings and how they need to keep copies at the processing plant. Dutch would oversee this. Eddie was responsible for contacting Standard Oil for oil needs and prices for the season.

Karl (Pierce), Eddie and Walter “Duke” Pierce were assigned to oversee the finish overhaul of boats.

We also see under Tribal Needs food and supplies for “Ramon” (Ramon Roses) as well as a continued review over the 40 acres at Toro Creek for possible use. Felicia, Ramon’s brother, is also in need of some extra small items while her daughter Anna Forsting, is working in Templeton and Atascadero.

From our notes, we are assuming the café she is interested in working at would be the Abalone Café that Dutch is opening soon on what was Roosevelt 1 and Morro Road (today that would be the intersection of Highway 1 and 41).

Bessie is working with Dolores Encinales and Dave Mora with general supplies in the King City area.

Tribal assistance with the building of the Abalone Café is also apparent from these notes. This includes building materials, financial help, and furniture.

Document 1(o)

Title: 1948 PLANNING MEETING TORO CREEK INDIANS
 Date: November 22, 1947
 Location: Pierce Brothers Ranch, Creston, California



For Document 1(o) we see a gathering of an identified group known as the Toro Creek Indians that took place at the Pierce Brothers Ranch in Creston, California. During this meeting, we see that Dutch, Eddie, Bessie, and Les²⁷⁷ would discuss the payments for a loan that was taken out for the purchase of the ranch.

We see that it was Les Pierce and Eddie Pierce that entered a mortgage with Ralston Purina company for \$2,220.80 at 6% interest against 11,000 turkeys and future livestock.

There is also reference to upcoming costs, material needs, and equipment needs.

²⁷⁷ Bill Pierce passed away while commercial diving for abalone on August 20, 1945 in San Luis Obispo County. County of San Luis Obispo Certificate of Death. “Morro Diver Suffocated”. San Luis Obispo Telegram-Tribune. August 21, 1945. Front page.

Dutch is operating United Sea Foods at Stearns Wharf and Morro Bay with Charlie Pierce and Frankie Brebes. Dutch also points out equipment needs. We also see the change of areas for commercial abalone fishing.

Tribal needs outlined include picking up cousin Felista to spend time at the Creston Ranch, baby needs for Anna Herrera (nee Forsting).

Tribal discussion includes making sure that any of the tribal members can work at the ranch and, with proper licensing and training, for Dutch at United Sea Foods.

There is also discussion of Ramon wanting to possibly trade 40 acres of property in order to get the Toro Creek cemetery back.

We see that Bessie is in touch with Bernice (Bernice Avila, nee Camany) about the health of Dolores Encinales and David Mora. There is also a list of items that will be taken to them in what can be interpreted as the very near future.

Document 1(p)

Title: 1954 PLANNING MEETING NOTES, TORO CREEK INDIANS
Date: December 19, 1953
Location: Pierce Turkey Ranch, Creston, California



For Document 1(p) we see a gathering of an identified group known as the Toro Creek Indians that took place at the Pierce Turkey Ranch. It should be noted that later in the document that, “Anna couldn’t make it this time...” giving evidence that she usually attends.

We see business discussions about payments to Bank of America Trust and Savings, a summary of poultry losses for last season, and the value of each turkey at 28 weeks of age.

Business issues also include the need for heating lamps, replacement of equipment and supplies, fencing needs, lighting schedules for the winter months, amongst many other issues.

Dutch continues to work at Stearns Wharf. We can see meetings that took place regarding prices and processing costs out of Morro Bay. Discussion regarding Golden Cove (this was a brand under the Pierce Brothers business) shipments to Arizona.

Clam preserves are also set to open from Morro Rock to Morro Strand Beach and out in Pismo Beach by 1955. We see closings as well as outlined by CDFG.

We also see what seems to be a list of stores which are selling the Golden Cove brand as well. We also see a list of materials and tools needed as well.

At this time, we see that Eddie Pierce has submitted a patent for ore concentration separator and a \$21.30 assistance for “...minor expenses.”

With Tribal Needs, we see that Anna could use some assistance for her new kids and that Eddie and his wife Virginia will help out. Also making sure that Les has enough for the new grandkids.

Anna and her husband Marion will mee with Joe Mora to help with Dolores (Encinales) and David (Mora)

Tribal Needs also include discussion over the confusion with the Court of Claims settlement. To wit:

“Confusion over court of claims settlement and California claims case for the California Indians and the claims commission. Each one of us can keep the families informed.”

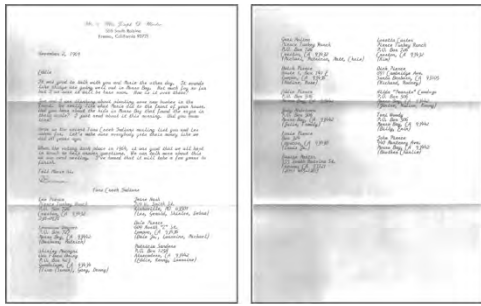
We see that Bessie and Les will be visiting Bernice (Avila), Dolores (Encinales), and Dave (Mora) in King City sometime soon.

Anna (Herrera) will be scheduling time to visit the 40 acres at Toro Creek. This is the same property we see discussed in the past for Ramon Roses. There is also discussion that Eddie met with County Supervisor Paul Andrew in Cayucos regarding rights to the Toro Creek cemetery.

We see again the coordination of hunting lessons. There are also efforts to teach campfire safety, and safety. Campgrounds include La Panza, Pozo, and the Queen Bee campgrounds.

Les is planning on talking with District Ranger William Dresser about tree and seed plantings. And we see that anyone from the Toro Creek Indians who needs work at the ranch of with Dutch will get scheduled.

Although the last set of notes we have in our records end on December 19, 1953 for the 1954 Planning Meeting, we would like to include as evidence a letter that Bessie Martin (nee Pierce) wrote to Eddie Pierce on November 2, 1969. In this letter we see the following quote:²⁷⁸



“Here is the recent Toro Creek Indians mailing list you and Les asked for. Let’s make sure everybody gets their money like we did 20 years ago.”

“When the voting took place in 1964, it was good that we all kept in touch to help answer questions. We can talk more about this at the next meeting. I’ve heard it will take a few years to finish.”

*Personal Letter
Bessie Martin (nee Pierce) to her brother Eddie Pierce
November 2, 1969*

“Here is the recent Toro Creek Indians mailing list you and Les asked for. Let’s make sure everybody gets their money like we did 20 years ago.”

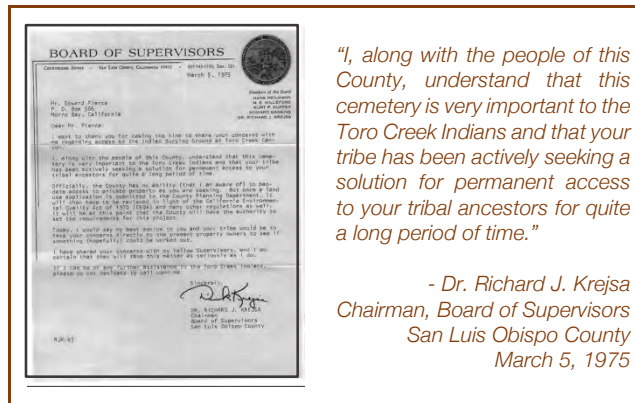
“When the voting took place in 1964, it was good that we all kept in touch to help answer questions. We can talk more about this at the next meeting. I’ve heard it will take a few years to finish.”

We feel that this provides a level of evidence that these types of meetings and interrelationships of the Toro Creek Indians continued well into the future.

²⁷⁸ Personal note from Bessie Martin (nee Pierce) to her brother Eddie Pierce dated November 2, 1969.

This collective identity can be seen again in a letter from the Dr. Richard J. Krejsa, Chairman of the San Luis Obispo County Board of Supervisors to Edward Pierce. In this correspondence, we again see recognition of a collective group called the Toro Creek Indians that is working together to obtain rights to their tribal ancestors. To wit:²⁷⁹

"I, along with the people of this County, understand that this cemetery is very important to the Toro Creek Indians and that your tribe has been actively seeking a solution for permanent access to your tribal ancestors for quite a long period of time." ¶ "If I can be of any further assistance to the Toro Creek Indians, please do not hesitate to call upon me."



"I, along with the people of this County, understand that this cemetery is very important to the Toro Creek Indians and that your tribe has been actively seeking a solution for permanent access to your tribal ancestors for quite a long period of time."

*- Dr. Richard J. Krejsa
Chairman, Board of Supervisors
San Luis Obispo County
March 5, 1975*

Next, we will see how the legal battles of Toro Creek by our group did not end during the 1930s. During this lawsuit, we continue to see how the Toro Creek Indians continued to be identified as a collective group.

In 1982 a lawsuit was brought forward a lawsuit against the owners of the Toro Creek property, Kern County Land Company and Tenneco, as well as against the San Luis County Board of Supervisors, who had recently approved the development of the land in question for Kern County

Land Company and Tenneco without following the proper procedures in regard to the California Environmental Quality Act of 1970.

During this lawsuit, Professional Archaeologist Robert O. Gibson filed a declaration for this case. In his declaration Gibson asserts:

*"I am a professional archaeologist and have recently completed as my master's thesis for California State University at Hayward a study of the Salinan People of California. As a part of that study, I have researched the genealogy of a group of Indians [underline emphasis added] which lived and were buried along Toro Creek on land belonging to and being developed by a Bakersfield Corporation known as Tenneco West, Inc. These sites are registered as SLO-143 and SLO-144."*²⁸⁰

It should be noted here that SLO-143 is the registered archaeological home site for Jose Baylon, and SLO-144 is the registered archaeological home site for Maria Baylon and her son Raymond Rosas Baylon.²⁸¹

Mr. Gibson also included in his declaration a report of his knowledge of this region as well. In his report, labeled Attachment A, Gibson makes the following assertions:²⁸²

²⁷⁹ Krejsa, Dr. Richard J. Chairman, San Luis Obispo County Board of Supervisors. San Luis Obispo, California. Letter to Eddie Pierce. March 5, 1975.

²⁸⁰ *Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tenneco.* Case No. 56926. Declaration of Robert O. Gibson. PDF Page 26-27. San Luis Obispo County Superior Court. Filed November 9, 1982.

²⁸¹ Pilling, Arnold R. Archaeological Site Survey Records: SLO-143 and SLO-144. (July 1955). By agreement with the Northwest and Central Coast Information Centers, these records are confidential.

²⁸² *Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tenneco.* Case No. 56926. Attachment A, Notes on Archaeological/Ethnohistoric Resources in Toro Creek Canyon, San Luis Obispo County, California. PDF Pages 28-37. San Luis Obispo County Superior Court. Filed November 9, 1982.

“1980s, despite the heavy vegetation cover there is still abundant evidence of archaeological/cultural resources at SLO-143 and SLO-144, including adobe bricks, household items and farm/ranch equipment, rock walls, fragments of metal, glass, bone and shell, etc. This is perhaps the only case that I know of in the county, where it is possible to know the names of Indians who created parts of the archaeological sites. It is possible to factor out various cultural activities practiced by the native people, and to accurately map the special distribution of these activities. At SLO-143 and SLO-144 it is possible to combine archaeological data with ethnographic information (including current interviews) about the inhabitants of the sites.” [PDF page 29, page 2 of Exhibit A, Red Border]

“In addition to the archaeological/historical sites SLO-143 and SLO-144, there is a cemetery on a ridge within 100 meters of SLO-143. Among the brush, at least a dozen graves can be seen, sometimes marked by metal posts, while other exhibit only clusters of rock in a sunken area. Some 40 to 50 other graves are reported beyond this cemetery area. Les Pierce has attended the burial of his grandmother and other close relatives in the area of the dozen graves.” [PDF page 30, page 3 of Exhibit A, Blue Border]

U.S. FOIA (b)(6)

Original Archaeological Site Survey Records. From Left to Right: SLO-143 (July 1955, Recorded by A. R. Pilling), SLO-144 (July 1955, Recorded by A. R. Pilling), SLO-1080/H (March 1983, Recorded by Robert L. Hoover).

SLO-1080/H (March 1983) states “Historic cemetery of Toro Creek rancharia; grave marked wooden cross and steel pipes driven into ground through tin cans in rows.... 13 marked graves (12 with steel pipes and one with a tablet.... descendents (sic) of Salinan Indians, some from Mission San Antonio.” ²⁸³

“Regarding other possible archaeological sites in the Toro Creek area and adjacent areas, I know of three cases of archaeological material from unrecorded sites. I have seen dozens of stone mortars (bowls) that have washed downstream a quarter mile or more from the SLO-143 area. They probably originated further upstream, possibly even beyond SLO-144.” [PDF page 30, page 3 of Exhibit A, Green Border]

“...recent mission record analysis of the mission records at Mission San Antonio, San Miguel and San Luis Obispo (and other missions) have uncovered more references to the Baylon family (direct relatives of the Pierce family).” [PDF page 31, page 4 of Exhibit A, Pink Border]

Gibson goes on to analyze the historical relevance of the Baylon Indians in the area dating back to the early mission era at the San Miguel Mission.

“Charts I and II indicate, on a very preliminary level, how the Baylons were involved in a large socio-political network operating in this part of San Luis Obispo County. First mention noted thus far was at San Miguel Mission was on September 4, 1799, when a newborn baby boy was baptized Pasqual Baylon (San Miguel Baptism 242. His parents are Filipe Cusade and Fernanda, both of the village Tojolojcm, probably located near the town of Jolon.”

“Chart II shows a relationship between another Pasqual Baylon who was 26 years old when he was baptized on January 8, 1804 (San Miguel Baptism 1081). At the time the Pasqual was

²⁸³ Hoover, Robert L. Archaeological Site Survey Records: SLO-1080/H. Toro Creek Indian Cemetery. (March 26, 1983). By agreement with the Northwest and Central Coast Information Centers, these records are confidential.

baptized it was also entered that he was the nephew of Thadeo who was a native of the rancheria of Cazz. As Chart II indicates, Thadeo is a central figure in a very large socio-political network involving the territory from Toro Creek up to the Nacimiento area and ultimately into adjacent areas as well.” [PDF pages 31 and 32, pages 4 and 5 of Exhibit A, Orange Border]

In closing, Gibson asserts:

“It can be shown with this preliminary analysis of the mission records that it is possible to study the Baylon family and their relatives for a period spanning some two hundred years, going back to at least the 1750s and potentially even earlier.” [PDF page 33, page 6 of Exhibit A, Black Border]

Throughout the preceding, we can see that Gibson has provided strong evidence of our tribal entity and village that has existed in the Toro Creek region since the mission era from the San Miguel Mission.

“Regarding other possible archaeological sites in the Toro Creek area and adjacent areas, I know of three cases of archaeological material from unrecorded sites. I have seen dozens of stone mortars (bowls) that have washed downstream a quarter mile or more from the SLO-143 area.”

“This is perhaps the only case that I know of in the county, where it is possible to know the names of Indians who created parts of the archaeological sites.”

“...recent mission record analysis of the mission records at Mission San Antonio, San Miguel and San Luis Obispo (and other missions) have uncovered more references to the Baylon family (direct relatives of the Pierce family).”

Declaration of Archaeologist Robert O. Gibson. Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tennaco. Case No. 56926. PDF Page 26-27. San Luis Obispo County Superior Court. Filed November 9, 1982.

Gibson begins with his assertions by stating that there were:

“...a group of Indians which lived and were buried along Toro Creek...”

and directly includes this “group of Indians” with SLO-143, the registered archaeological home site for Jose Baylon, and SLO-144, the registered archaeological home site for Maria Baylon and her son Raymond Rosas Baylon. Gibson also provides strong evidence that there was more than just the three Baylons living in the area contemporaneously to the late 19th and early 20th centuries, as well as historically to the mid 1700s.

Gibson goes on further to state that a small cemetery is nearby with

“... at least a dozen graves...” with “...40 to 50... beyond this cemetery area.”

Adrian's brother, Les Pierce, also recognized by Gibson and, as we will see shortly has been externally identified as a "Toro Creek Indian," born in Toro Creek,

"... has attended the burial of his grandmother [Clara Encinales Baylon] and other close relatives in the area of the dozen graves."

Contemporaneously to the early part of the 20th century, Gibson describes how it would be possible to combine relevant information of the area to fully understand the Indian culture of this group that was existing at the time.

"It is possible to factor out various cultural activities practiced by the native people, and to accurately map the special distribution of these activities. At SLO-143 and SLO-144 it is possible to combine archaeological data with ethnographic information (including current interviews) about the inhabitants of the sites."

Archaeologist Robert Gibson lastly describes how historically throughout the 19th century that:

"... the Baylons (sic) were involved in a large socio-political network operating in this part of San Luis Obispo County..." and "...a very large socio-political network involving the territory from Toro Creek up to the Nacimiento area and ultimately into adjacent areas..."

*Declaration of Archaeologist Robert O. Gibson
Dick Pierce v. San Luis County Board of Supervisors
Kern County Land Co. and Tennaco
San Luis Obispo County Superior Court
Filed November 9, 1982*

He lastly describes how historically throughout the 19th century that:

"... the Baylons were involved in a large socio-political network operating in this part of San Luis Obispo County..."

and how another Baylon, Thadeo, was:

"... a central figure in a very large socio-political network involving the territory from Toro Creek up to the Nacimiento area and ultimately into adjacent areas..."

Gibson has provided us clear evidence that there was a group of Salinan Indians, our direct ancestors, that existed at Toro Creek. This group originated from the San Miguel Mission from the early 19th century mission era and formed a socio-political network that stayed together well into the 20th century.

We also see a mention of this lawsuit in a letter written from Adrian "Dutch" Pierce's son Richard Pierce to his uncle Eddie Pierce on November 14, 1992.²⁸⁴ As written:

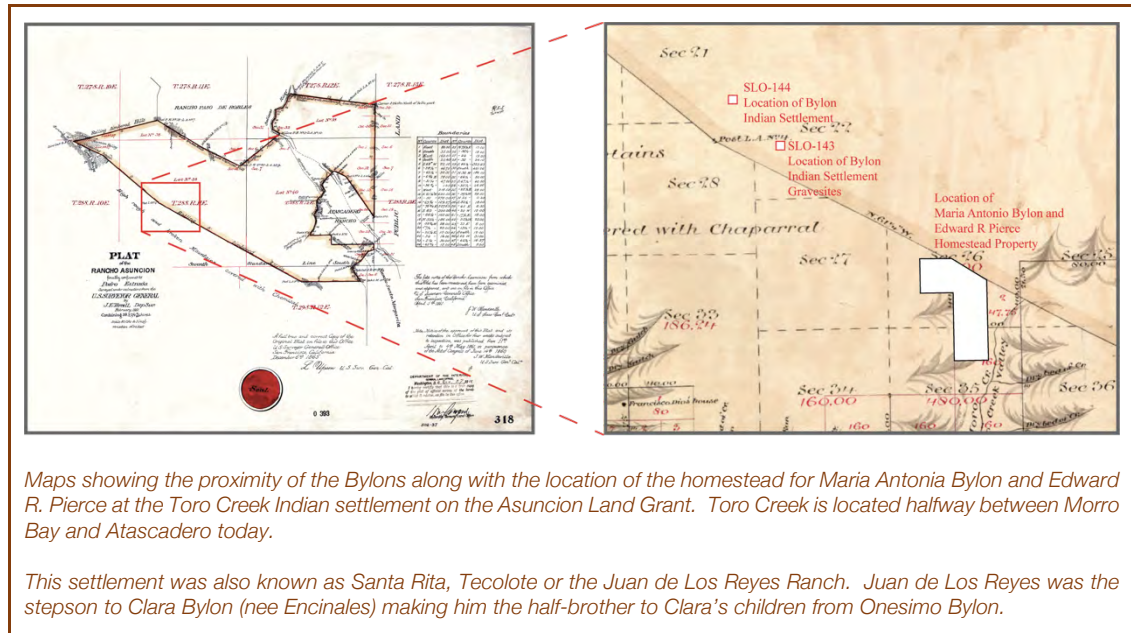
"Dad was always upset about Toro Creek but he knew that we all did the best we could 10 years ago. Its (sic) too bad that we still don't have the money to purchase the land up there where the cemetery is. It's a lot of money for our tribe to raise. The owners still have no interest in selling."

"He told me all the stories about how the land up there was lost in the 30s and how grandmother kept us together. It is so unfair what happened. The cemetery meant everything to dad. He was so proud to be a Toro Creek Indian."

On November 5, 1900, Maria Antonia Baylon, the youngest of the four children to Onesimo Baylon and Clara Encinales, and Edward Romeo Pierce were married in San Luis Obispo County. The following year, Edward Romeo Pierce filed an application for homestead land at Toro Creek under the 1862 U.S.

²⁸⁴ Personal note from Dick Pierce to his uncle Eddie Pierce. November 14, 1992.

Homestead Act.²⁸⁵ The land applied for was adjacent to the Baylons located at the southern region of the Asuncion Mexican Land Grant in Toro Creek.²⁸⁶



According to Pierce's land grant affidavit and supported by the testimony of the two witnesses, Pierce established his residence in May of 1900, six months before his marriage to Maria Antonia. By the time of the final acquisition of the 149.25 acre parcel on July 1, 1905, Maria Antonia and Edward had three children who were born in Toro Creek. Those three children were Bill Pierce, Les Pierce, and Adrian Rudolph "Dutch" Pierce.

On November 24, 1978, a newspaper article appeared in the Et Cetera section of the Atascadero News newspaper by Brad Humphrey.²⁸⁷ In this article, there are numerous instances where a group known as the Toro Creek Indians, specifically named as the Bailons (sic), as well as Les Pierce who is also referred to as, "...one of the few remaining Toro Creek Indians..." are routinely and externally identified.

Identification of a "group" of Indians living at Toro Creek. In this case, the Baylons at Toro Creek.

"Few records have been kept to recount the history of this little-known group of native Californians." (Page 3, 5th paragraph)

Identification of a "band" of Indians living at Toro Creek. In this case, the Baylons at Toro Creek.

"It is not known just when these small bands of Indians settled in the canyons of the Sant Lucia Mountains but it is thought they moved from the coast and from the Jolon area in order to escape epidemics." (Page 2, 2nd paragraph)

Identification of the Toro Creek Indians, the Indian entity, by a newspaper.

²⁸⁵ 1862 Homestead Act Application Number 8845 (Edward Romeo Pierce). U.S. National Archives & Records Administration. www.archives.gov. Washington, D.C.

²⁸⁶ Map of Toro Creek region showing locations Edward Romeo Pierce 1862 Homestead in relation to Baylon Historical Archaeological gravesites SLO-143 and SLO-144.

²⁸⁷ Humphrey, Brad. *Only Graves Now*. Atascadero News, Et Cetera Section. Atascadero, California. November 24, 1978. Pages 1-6.

"This issue of ET CETERA recounts the history of the Indians at Toro Creek and takes a look at the area as it is today." (Page 2, 4th paragraph)

"I always came up here and I never wanted to go home," said Les Pierce, as he walked through the ivy covered trees and brush covered walkways. Pierce recalled the site as the place of his relatives, the Toro Creek Indians." (Page 3, 4th paragraph)

*Only Graves Now by Brad Humphrey
Atascadero News, Et Cetera Section. Atascadero, California. November 24, 1978.*

Interview of Antonia Bylon's son Les Pierce "... one of the few remaining Toro Creek Indians..." regarding access issues to the Toro Creek Cemetery and of the history of the Toro Creek Indians.

For clarity, enclosed on the right are copies of the original photographs that were donated for use in this article.







"Pierce, one of the few remaining Toro Creek Indians, remembers burying his aunt, Serviana Roses, and uncle, Jose Bailon"

"His parents, Ed Pierce... and Antonia Bailon, a Toro Creek Indian, met at a small Indian settlement near the banks of Toro Creek."

"A miner, a diver, a fisherman, a rancher, but above all, Pierce is a Toro Creek Indian, and proud of it."

"During a land-possession trial in 1929, Toro Creek Indians said their ancestors had lived on the site at least 100 years prior and that a fence enclosed the area since 1859." (Page 3, bottom of 1st column)

"The Toro Creek Indians lived on an area of approximately five acres." (Page 4, 1st sentence)

"All that inhabits the area now are small animals, deer and an occasional grazing cow. It's a different place. During the evening fog starts to roll over the hills. The quiet is almost deafening as the wind blows through the small valley where little remains of the Indians at Toro Creek." (Page 4, bottom of second column)

Identification of Les Pierce, son of Maria Antonia Baylon Pierce, by a newspaper as a contemporaneous Toro Creek Indian between 1900 to 1909, and throughout his life, active with this group at the Toro Creek settlement.

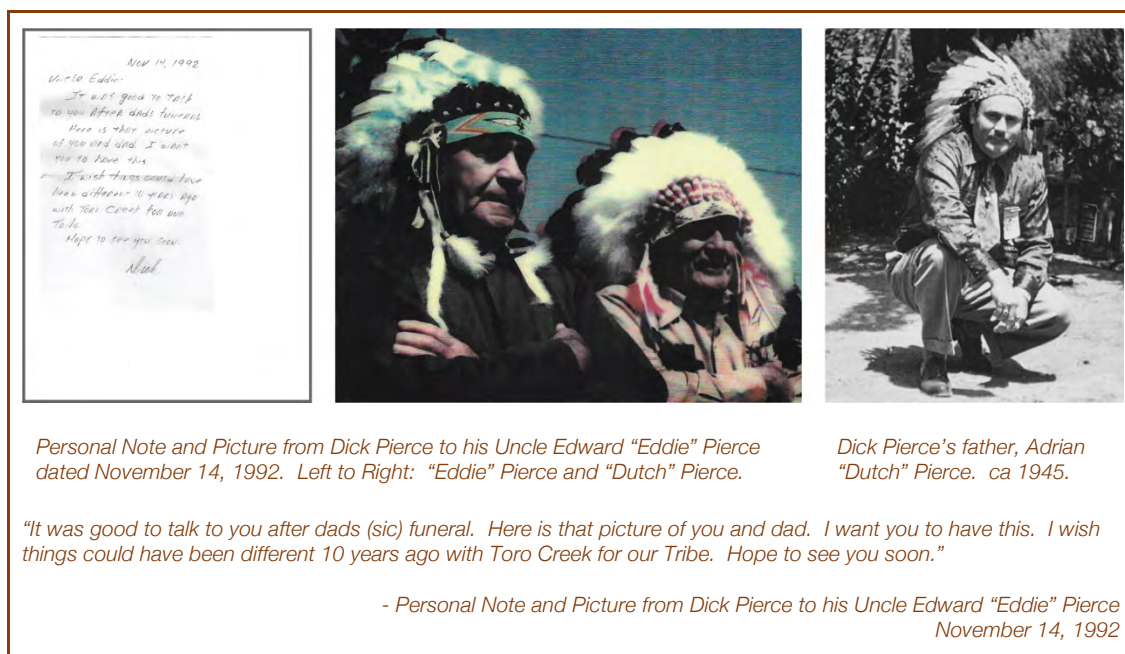
"Les Pierce was born May 27, 1902 in a one-room, dirt-floor house, half-way between Atascadero and Morro Bay in a valley called Van Ness near Toro Creek. His parents, Ed Pierce, a handsome man who worked as a blacksmith in Templeton, and Antonia Bailon (sic), a Toro Creek Indian, met at a small Indian settlement near the banks of Toro Creek. The senior Pierce homesteaded property nearby and returned to his ranch on the weekends." (Page 6, top of 1st column)

"[Les] Pierce, one of the few remaining Toro Creek Indians, remembers burying his aunt, Severiana Rosas, and uncle, Jose Bailon (sic)." (Page 4, 1st column, 4th paragraph)

"The Toro Creek Indian settlement is not accessible to the public. Pierce and his relatives must get permission to visit the cemetery." (Page 4, 1st column, 8th paragraph)

"As Pierce walked along the decayed Indian settlement, he looked around the surroundings hillsides enjoying the warm breeze that lightly moved his hair." (Page 4, 1st column, 10th paragraph)

"A miner, a diver, a fisherman, a rancher, but above all, Pierce is a Toro Creek Indian and proud of it." (Page 6, bottom of 1st column)



Later, after the passing of his father in 1992, we find a personal note written from Dick Pierce, the son of Adrian "Dutch" Pierce, to his uncle Edward Pierce of Morro Bay.²⁸⁸ In this letter we see a few of the following comments showing the continued collective identity of our group:

"It was good to talk to you after dad's (sic) funeral. Here is that picture of you and dad. I want you to have this. I wish things could have been different 10 years ago with Toro Creek for our tribe. Hope to see you soon."

In 2001, we see a personal letter from Hilda May Carpenter (nee Pierce) to her sister Toni Jean Woody (nee Pierce) in regard to application forms for the Salinan Indian Tribe. In this letter we again find evidence that the Toro Creek Indians are in communication with each other as well as evidence that the Toro Creek Indians will be joining with "...others..." to form a new tribal group of Salinan Indians.

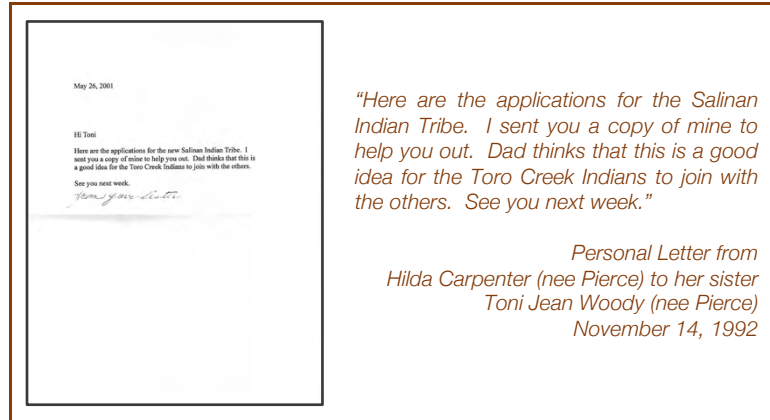
From this letter we also see evidence of the continued social relationships, interactions, and communication that was taking place during this era as well:²⁸⁹

²⁸⁸ Pierce, Richard A. Personal Note and Picture to his uncle Edward J. Pierce dated November 14, 1992.

²⁸⁹ Personal letter from Hilda Carpenter (nee Pierce) to her sister Toni Jean Woody (nee Pierce) dated May 26, 2001.

“Here are the applications for the Salinan Indian Tribe. I sent you a copy of mine to help you out. Dad thinks that this is a good idea for the Toro Creek Indians to join with the others. See you next week.”

From the above, we see evidence of a tribal entity that is continuing to identify themselves as a distinct group of Indians that work on issues together such as with the Toro Creek land and cemetery.



“Here are the applications for the Salinan Indian Tribe. I sent you a copy of mine to help you out. Dad thinks that this is a good idea for the Toro Creek Indians to join with the others. See you next week.”

*Personal Letter from
Hilda Carpenter (nee Pierce) to her sister
Toni Jean Woody (nee Pierce)
November 14, 1992*

Lastly, beginning in 2003 and ratified in future Memorandum of Agreements beginning in 2006, The Salinan Tribe of San Luis Obispo and Monterey Counties has been continuously identified by the State of California as a distinct community which affords us the ability to hold a special religious ceremony at the summit of Morro Rock, an ecological reserve that is closed to public access.

As seen in the enclosed Memorandum of Agreements, each good for five years, we find that the Salinan Tribe of Monterey and San Luis Obispo Counties the right to ascend, along with a guided escort from the State of California Department of Parks and Recreation to the summit of Morro Rock specifically because of their identification as an Indian entity for Indian religious ceremonies. It is reasonable to assume that these special agreements for our religious ceremonies would not be possible for the last 20 years without the identification of a distinct community by the State of California.

As outlined in the 2006 Memorandum of Agreement with the State of California, the Salinan Tribe of Monterey and San Luis Obispo Counties, and the federally recognized Santa Ynez Band of Chumash Indians:²⁹⁰

“Whereas, the Salinan Tribe of Monterey and San Luis Obispo Counties (‘Salinan Tribe’) and the Santa Ynez Band of Chumash Indians (‘Chumash Tribe’) are comprised of Salinian (sic) and Chumash people, respectively, descended from the indigenous people of the contemporary DPR [State of California Department of Parks and Recreation], San Luis Obispo District. As such, the Salinan and Chumash Tribes have a vested interest in preserving Salinan and Chumash cultural traditions, sacred sites, cultural artifacts, and ancestral remains. The Salinan and Chumash Tribes identify Morro Rock as a place of worship, religious or ceremonial site, or sacred shine (sic) as referenced in Public Resources Code Section 5097.9 et seq.; and”

We also see that the State of California Public Resources Code § 5097.9 states the following:²⁹¹

“No public agency, and no private party using or occupying public property, or operating on public property, under a public license, permit, grant, lease, or contract made on or after July 1,

²⁹⁰ Memorandum of Agreement between The State of California Department of Parks and Recreation, San Luis Obispo Coast District, and The Salinan Tribe of Monterey and San Luis Obispo Counties for 2018. Recitals as presented are typical for each MOA enclosed and are highlighted on page 2 for each MOA as well.

²⁹¹ State of California Public Resources Code § 5097.9.

1977, shall in any manner whatsoever interfere with the free expression or exercise of Native American religion as provided in the United States Constitution and the California Constitution..."

As seen above, this right, that has been allowed for the last 20 years under the State of California Public Resources Code § 5097.9, is *because* the State of California identifies and recognizes our group as an Indian entity that should be granted special privileges to an ecological reserve that is closed to public access. From above:

"The Salinan... Tribe[] identif[ies] Morro Rock as a place of worship, religious or ceremonial site, or sacred shine (sic) as referenced in Public Resources Code Section 5097.9 et seq.; and..."



Substantiating the prior evidence that the State of California is in a special relationship that grants us special access rights to an ecological reserve that is closed off to the public we also see in the News Release from the California Department of Parks and Recreation the following:²⁹²

"On Thursday, March 9, [2006], officials from California State Parks and the California Native American Heritage commission, members of the Salinan Tribe of Monterey, San Luis Obispo and San Benito counties and Elders of the Santa Ynez Band of Chumash Indians will gather at the base of Morro rock to finalize a memorandum of agreement allowing Salinan and Chumash tribal members access to the summit of Morro Rock for religious purposes."

"Morro Rock is an ecological reserve and is closed to public access."

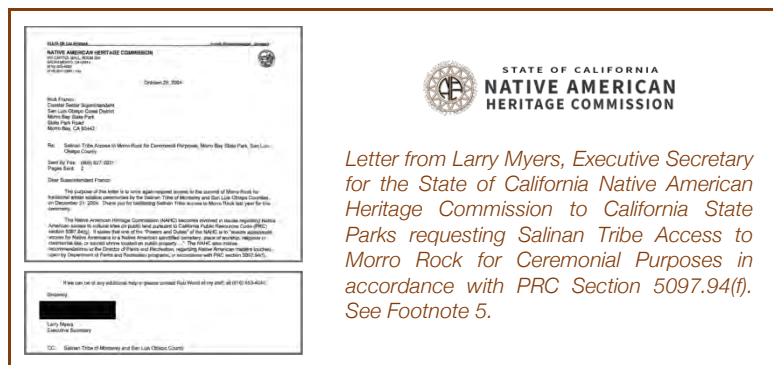
We are also made aware that the first ceremony was conducted in December of 2003 as referenced in the letter from the State of California Native American Heritage Commission to the State of California Department of Parks and Recreation. To wit:²⁹³

"The purpose of this letter is to once again request access to the summit of Morro Rock for the traditional winter solstice ceremonies by the Salinan Tribe of Monterey and San Luis Obispo"

²⁹² News Release from the State of California Department of Parks and Recreation. *State Park to Finalize Agreement Regarding Native American Access to Morro Rock*. Morro Bay, California. February 22, 2006.

²⁹³ *Salinan Tribe Access to Morro Rock for Ceremonial Purposes, Morro Bay State Park, San Luis Obispo County*. Letter from Larry Myers, Executive Secretary, State of California Native American Heritage Commission to Nick Franco, Coastal Sector Superintendent of the San Luis Obispo Coast District, Morro Bay State Park, State of California. First paragraph. October 26, 2004.

Counties, on December 21, 2004. Thank you for facilitating Salinan Tribe access to Morro Rock last year for this ceremony.”



Letter from Larry Myers, Executive Secretary for the State of California Native American Heritage Commission to California State Parks requesting Salinan Tribe Access to Morro Rock for Ceremonial Purposes in accordance with PRC Section 5097.94(f). See Footnote 5.

The enclosed yearly permits signed by the State of California for this ceremony further show the yearly continuity of this event for our Indian group for the last 20 years.²⁹⁴

This relationship with the State of California under State of California Public

Resources Code § 5097.9 based on the distinct identification of our group as an Indian entity is well documented with the continuously signed Memorandum of Agreements, enclosed News Release, and enclosed yearly permits that have afforded us the opportunity to ascend Morro Rock, an ecological reserve that is not open to the public, for our biannual religious ceremonies located on state property.

Based on the above discussion, we feel that this intermarried indigenous Indian group of the Encinales, Baylon, Herrera and Pierce Indians were recognized as an exclusively established and continuous tribal group for well over a century in this region thereby meeting the requirements for the criteria under 25 CFR §83.11(b) §1(viii) “The persistence of a collective identity continuously over a period of more than 50 years, notwithstanding any absence of or changes in name” at a significant level as required by 25 CFR §83.11(c) §1(iv).

²⁹⁴ Signed yearly Special Event Permits (DPR 246) from State of California for the implementation of Memorandum of Agreements. 2004-2024.

Section IV Seven Mandatory Criteria

Criterion 83.11(b and c) – Distinct Community / Political Influence.

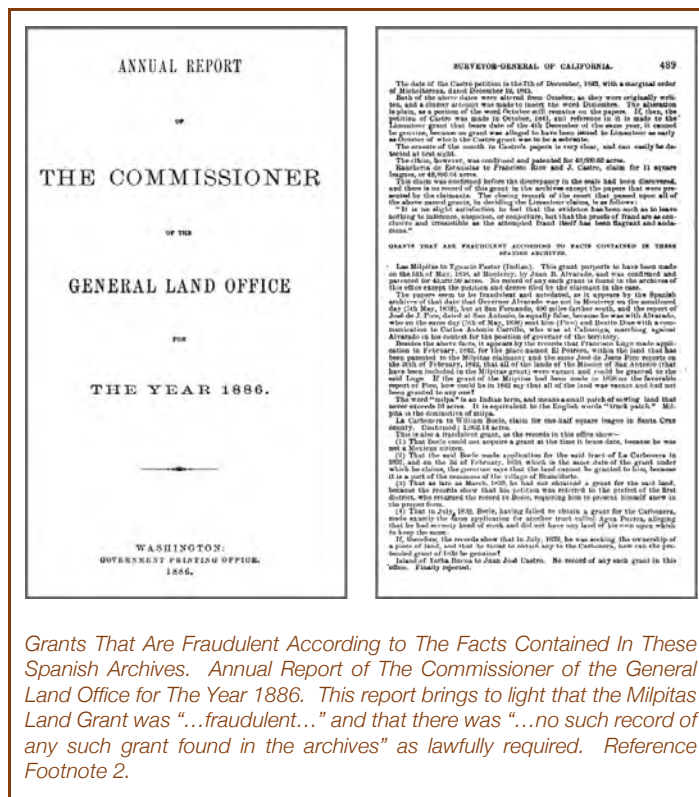
...

Background:

The Office of Federal Acknowledgement has recognized that the evaluation of any given petition:

*"...must be understood in the context of the history, geography, culture and social organization of the petitioning group."*²⁹⁵

In the context of California history before 1900, it has been well documented that Indians who were brought together during the Mission Era (1769 to 1834) faced a unique set of circumstances regarding the loss of culture and land along the coast of California. At the close of the Mission Era in 1834, the Mexican government policy of secularization would later lead to the division of much of the remaining mission lands that were supposed to be set aside for the Indians associated with the given missions. These Mexican Land Grants, as they would be known, were mostly given to those with substantial political connections to the existing Mexican officials. We feel the aforementioned is self-evident.



In terms of the specific lands surrounding the San Antonio Mission of Monterey County, and as has been previously presented in the 83.11(a) 1900-1939 Subsection 1: Byron/Encinales Section, we feel that there has been presented more than a fair amount of well documented evidence that our group of Indians was significantly impacted by the "...fraudulent..."²⁹⁶ Milpitas Mexican Land Grant obtained by Faxon D. Atherton in February of 1875. This land grant, that should have never been, paved the way for the dispersion of our group of Indians throughout the region at a level that would never have happened had the rule of law been followed.

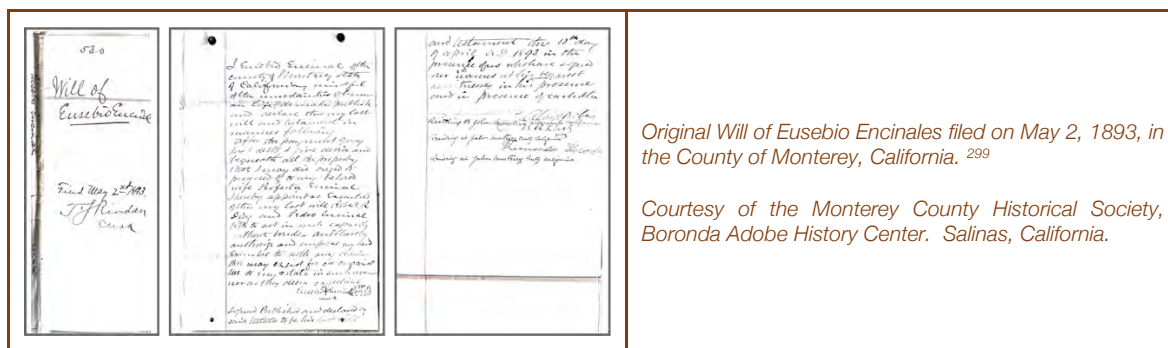
This dispersion led to the need for Eusebio Encinales to purchase land that would later become known as The Indians. The Indians became the location a well-known settlement of

²⁹⁵ Procedures for Establishing that an American Indian Group Exists as an Indian Tribe. 25 CFR Part 83. Volume 59, Number 38, Page 9293, §83.1 Definitions.

²⁹⁶ Grants That Are Fraudulent According to The Facts Contained In These Spanish Archives. Annual Report of The Commissioner of the General Land Office for The Year 1886. U.S. Dept. of the Interior, General Land Office, Washington, D.C. Page 489. October 7, 1886.

Indians located approximately 10 miles northwest of the San Antonio Mission.

The timeline existence of “The Indians” was noted in this document as well. The original 100 acres was purchased by Eusebio Encinales in July of 1882 and was further expanded by his family through the 1862 Homestead Act Applications.²⁹⁷ This purchase date is also supported by records located in the Monterey County Clerk Recorder’s Office. As recorded, the date of this indenture for the 100 acre purchase is listed as July 1, 1882 for the amount of \$450 U.S. gold coin as paid to Faxon D. Atherton’s widow, Dominga Goni de Atherton.²⁹⁸



Original Will of Eusebio Encinales filed on May 2, 1893, in the County of Monterey, California.²⁹⁹

Courtesy of the Monterey County Historical Society, Boronda Adobe History Center. Salinas, California.

After the passing of Eusebio Encinales in 1893, a probate system that should have protected the rights of the Encinales family failed in its duty and left the group without any money, cattle, or equipment to survive. In time, The Indians settlement had to be sold in order to survive.

We also find that later in the early part of the 20th century that Charles Kelsey was called back to Washington D.C. before he could complete the “Census of Non-Reservation Indians. 1905-1906.” As reported, there were 9 counties not surveyed, including San Luis Obispo County. Because of this, proper federal documentation was never recorded thereby making it that much more difficult for Indians living in the region.

From here, we would like to review two previous Proposed Findings that the Office of Federal Acknowledgement has presented. Both give examples of how a distinct community of Indians can be divided into seemingly separated communities but still be recognized by the Office of Federal Acknowledgement as a single group if they are substantially linked by “...kinship and social ties...” by the petitioner.

First, on December 29, 1983, the Office of Federal Acknowledgement released their Proposed Findings for Federal Acknowledgement of the Poarch Band of Creeks of Alabama. In brief, part of the summary identifies a community of Indians living on the Alabama-Tenshaw Rivers. In time, a portion of this community moved inland 15 to 20 miles away from the river to a previously unsettled area in Escambia County, Alabama. As written:³⁰⁰

²⁹⁷ Rivers, Betty and Jones, Terry L. Walking Along Deer Trails: A Contribution to Salinan Ethnography Based on the Field Notes of John Peabody Harrington. Journal of California and Great Basin Anthropology. Page 153, bottom of column 1.

²⁹⁸ Sale from Atherton Estate to Eusebio of Indians property comprising of 100 acres, County of Monterey, California. Book of Deed Number 4, Page 428 to 430. Beginning of bottom of page. Notated with red line. Date of transaction recorded as July 1, 1882. Date of recording October 17, 1882.

²⁹⁹ Encinales, Eusebio. Copy of Probate Records originally filed with the Monterey County Superior Court, Number 530, May 2, 1893. Order of Publication of Notice to Creditors. Filed on October 20, 1893. Pages 4 to 6. Original records on file with the Monterey County Historical Society. Boronda Adobe History Center, 333 Boronda Road, Salinas, CA. 831-757-8085. www.mchsmuseum.com.

³⁰⁰ Proposed Findings for the Poarch Band of Creeks of Alabama Pursuant to 25 CFR 83. The Office of Federal Acknowledgment, U. S. Dept. of the Interior. December 29, 1983. Page 4.

“The community on the Alabama-Tenshaw Rivers was highly intermarried and formed a well-defined community, quite culturally distinct from non-Indian settlers in the area.”

“Between 1840 and 1850, a portion of the Alabama-Tenshaw community moved inland 15 to 20 miles eastward from the river and settled in what is now the northwest corner of Escambia County, Alabama. This was a previously unsettled area, one which remained isolated and thinly populated until the late 19th century. The families which settled inland were drawn from a variety of the Alabama-Tenshaw community’s population.”

“The regulations... do not require that the group or substantial portions of it live in a geographic area which is exclusively or almost exclusively occupied by members, e.g., a village or neighborhood.”

*- The Office of Federal Acknowledgment
April 26, 1993
See Footnote 7*

“For several decades this community maintained social relationships with their kinsmen on the river and remained a part of that larger community.”

“The inland families settled in close, kinship-based settlements which developed, by the end of the nineteenth century, into five settlements.”

“These settlements, linked by kinship and social ties, came to form a separate community form the original group on the river after the 1870’s”

And second, we see that on April 26, 1993, the Office of Federal Acknowledgement released their proposed findings for Federal Acknowledgement of the Snoqualmie Indian Tribe. In brief, part of the summary identifies how the Snoqualmie Indian Tribe were dispersed into multiple settlements as the result of the Treaty of Point Elliott of 1855 that was ratified in 1859.³⁰¹

“Within a few years after the treaty, in the 1860’s, the Snoqualmie were driven out of their longhouses and their lands were taken over, The Snoqualmie were able to reestablish distinct settlements within a fairly short time. Three primary settlement areas emerged. One was in the Upper Snoqualmie area, including a settlement named Meadowbrook. A second was in the Lower Snoqualmie area, in the area of the aboriginal villages at Tolt and Fall City. A third settlement was formed in the 1870’s at Lake Sammamish, adjacent to but outside traditional Snoqualmie territory. This settlement incorporated some Duwamish, with whom the Snoqualmie there were intermarried. These settlements were centered on areas where wage work was available, although traditional hunting, fishing and gathering remained an important part of subsistence.”

“The Treaty of Point Elliott anticipated concentrating all of the Indians covered by it on a reservation at Tulalip Bay. Some Snoqualmie moved to the Tulalip Reservation during the decades after its establishment in 1860. They initially established a separate village from the villages established by the Snohomish and other tribes who moved to the reservation.”

“The majority of the Snoqualmie remained off-reservation because land on the reservation was limited and it was located outside of Snoqualmie territory, in the territory of the Snohomish. Those who moved to the reservation did not automatically become a distinct social and political group from those remaining off-reservation. The evidence is that the reservation Snoqualmie in this era maintained social ties with the off-reservation Snoqualmie, with whom many were closely related.”

“...many or most of the individuals... had been born in and had previously lived in the distinct communities. They can reasonably be expected... to have maintained social relationships based on previous residence in those communities, even though this was not demonstrated by the specific evidence.”

*- The Office of Federal Acknowledgment
April 26, 1993
See Footnote 7*

³⁰¹ Proposed Findings for Federal Acknowledgment of the Snoqualmie Indian Tribe. The Office of Federal Acknowledgment, U. S. Dept. of the Interior. April 26, 1993. Beginning on page 7 to page 9.

“The Snoqualmie throughout the post-treaty period and into the first decade of the 20th century continued to be a highly distinct social community. They maintained geographically distinct settlements, exclusively or almost exclusively occupied by members of the group. They maintained a distinct language and culture. There were extensive kinship ties within the group as well as within the larger network of Puget Sound Indian society. All of these characteristics are strong evidence to demonstrate the existence of the Snoqualmie as a distinct community under criterion (b).”

“The regulations require that a distinct social community be maintained which substantial social interaction and social relationships are maintained and which is distinct from non-Indian populations in the area. They do not require that the group or substantial portions of it live in a geographic area which is exclusively or almost exclusively occupied by members, e.g., a village or neighborhood.”

“In addition to kinship ties, many or most of the individuals alive in the decades between 1914 and 1956 had been born in and had previously lived in the distinct communities. They can reasonably be expected therefore to have maintained social relationships based on previous residence in those communities, even though this was not demonstrated by the specific evidence.”

Eighth Census of the United States, 1860. Schedule No. 1 – San Antonio Township, Monterey County, California. Page No. 48. June 21, 1860. Retrieved at www.ancestry.com. Monterey County, California.

We see listed together the Encinales family along with the children of Eusebio's first wife, Refugia. Those three daughters were Maria Antonia Encinales, Juana Maria Carmen Encinales, and Clara Maria Encinales.

The enumerator also listed the many other Indians on this sheet as the “San Antonio Mission Indians” along the left hand margin. This record also gives us many of the names of the Indians that were living around the San Antonio Mission contemporaneously to the 1860s.

Enumeration record retrieved at www.ancestry.com.

By 1860, we find that the daughters of Eusebio and Refugia Encinales (nee Linares), Clara Maria Bylon and Juana Maria Carmen Encinales, were raised at the Indian settlement called “The Indians” just northwest of the San Antonio Mission by their biological Indian father Eusebio Encinales and their Indian stepmother Perfecta Encinales.³⁰² This marriage between Eusebio and Perfecta Encinales (nee Garcia) took place after the passing of Eusebio’s marriage to native Refugia.

The evidence for this can be seen in a summary of the 1860 U.S. Census in San Antonio, Monterey County of California, where we see in Dwelling 415, Family No. 374, eight Indians living together in the same unit:³⁰³

83.11(b and c) 1900-1930 Subsection 1: Table A

³⁰² *Eighth Census of the United States, 1860. Schedule No. 1 – San Antonio Township, Monterey County, California. Page No. 48. June 21, 1860. Retrieved at www.ancestry.com.*

³⁰³ *Eighth Census of the United States, 1860. Schedule No. 1 – San Antonio Township, Monterey County, California. Page No. 48. June 21, 1860. Retrieved at www.ancestry.com.*

1860 U. S. Census, San Antonio Township, Monterey County, California

Name	Notes
1. Francisco	Male, age 60. (Census Line Entry 2). Parent.
2. Tiburcio	Female, age 60. (Census Line Entry 3). Parent.
3. Ausivio	Male, age 40. (Census Line Entry 4). Actual name was Eusebio Encinales.
4. Perfecta	Female, age 25. (Census Line Entry 5). Actual name was Perfecta Encinales. Second marriage after the passing of Refugia.
5. Pedro	Male, age 10/12. (Census Line Entry 6). Actual name was Pedro Encinales. First son to Eusebio and Perfecta Encinales.
6. Maria Antonia	Female, age 10. (Census Line Entry 7). Actual name was Maria Antonia Encinales, birth daughter to Eusebio and stepdaughter to Perfecta.
7. Juana	Female, age 5. (Census Line Entry 8). Actual name was Juana Maria Carmen Encinales, birth daughter to Eusebio and stepdaughter to Perfecta.
8. Clara	Female, age 2. (Census Line Entry 9). Actual name was Clara Maria Encinales, birth daughter to Eusebio and stepdaughter to Perfecta. Clara would go on to marry Onesimo Bylon and locate to the Toro Creek settlement.

In the past, the Office of Federal Acknowledgement has concluded, “...in a number of past acknowledgment decisions” that first degree kin maintain ties “...until they die...” even if they are separated due to events that go beyond their control. As summarized for the Chinook Indian Tribe: ³⁰⁴

“Close family ties between parents, children and siblings would not have severed immediately. People generally maintain ties to close kin until they die,⁴⁰ and this assumption should be applied in this case.”

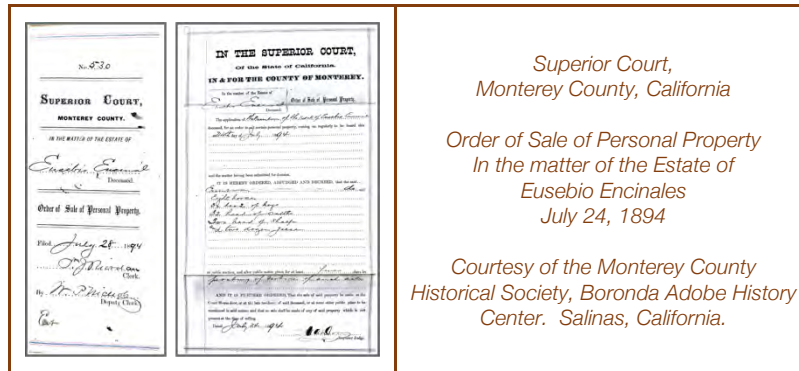
“⁴⁰ The assumption that first degree kin (parents, grandparents, children and siblings) maintain contact has been used in a number of past acknowledgement decisions.”

Events Leading to 1900: The Loss of The Indians Settlement

By 1875, in terms of the specific lands surrounding the San Antonio Mission of Monterey County, and as has been previously documented in the 83.11(a) 1900-1939 Subsection 1: Bylon/Encinales Section, we feel that there has been presented more than a fair amount of evidence that our group of Indians was

³⁰⁴ *Reconsideration on Referral by the Secretary and Summary Under the Criteria and Evidence for the Reconsidered Final Determination Against Federal Acknowledgment of the Chinook Indian Tribe/Chinook Nation (formerly: Chinook Indian Tribe, Inc.).* The Office of Federal Acknowledgement, Indian Affairs, U.S. Dept. of the Interior. July 5, 2002. Page 87.

significantly impacted by the “...*fraudulent*...”³⁰⁵ Milpitas Land Grant obtained by Faxon D. Atherton in February of 1875. This land grant, that should have never been, paved the way for the dispersion of our group of Indians throughout the region at a level that would never have happened had the rule of law been followed.



After losing the land that rightfully belonged to our group, Eusebio Encinales had to now purchase 100 acres on the northwest tip of the Milpitas Land Grant from the Atherton Estate. The cost of this purchase was recorded as \$450 in U. S. gold coin with the County of Monterey on July 1, 1882.³⁰⁶ It would be this property, in combination

with future homesteads from his children, that would be eventually known as “The Indians Ranch.”

Ten years later in 1892, Eusebio Encinales mortgaged this property to Sabino Gamboa, an early settler in the lands west of the San Antonio Mission.

The very next year on April 13, 1893, Eusebio Encinales passed away. Shortly thereafter, Robert R. Diaz and Eusebio’s son, Pedro Encinales, were appointed as executors of Eusebio’s estate.

On October 20, 1893, the Order of Publication of Notice to Creditors was filed. This notice allowed,

*“...the creditors of and all persons having claims against the said deceased, to exhibit them, with the necessary vouchers, within four months after the first publication of this notice to the said executors...”*³⁰⁷

After the Order of Publication of Notice to Creditors was filed, the Inventory and Appraisement was signed on December 14, 1893, and filed on January 29, 1894.³⁰⁸ The Petition for Order of Sale of Personal Property was next filed on June 29th, 1894.³⁰⁹

After the sale of Eusebio’s personal property, the Encinales Estate was able to recoup \$759.30 to be used against any outstanding debts against Eusebio Encinales. According to the Final Account of Executors that was filed on October 17, 1895, there was \$344.50 of fees, taxes, interest on a mortgage to Sabino Gamboa, and other miscellaneous items as well as totaled. The amount of cash left over from the sale of the estate was \$414.80.

³⁰⁵ *Grants That Are Fraudulent According to The Facts Contained in These Spanish Archives*. Annual Report of The Commissioner of the General Land Office for The Year 1886. U.S. Dept. of the Interior, General Land Office, Washington, D.C. Page 489. October 7, 1886.

³⁰⁶ Sale from Atherton Estate to Eusebio of Indians property comprising of 100 acres, County of Monterey, California. Book of Deed Number 4, Page 428 to 430. Beginning of bottom of page. Notated with red line. Date of transaction recorded as July 1, 1882. Date of recording October 17, 1882.

³⁰⁷ Encinales, Eusebio. Copy of Probate Records originally filed with the Monterey County Superior Court, Number 530, May 2, 1893. *Order of Publication of Notice to Creditors*. Filed on October 20, 1893. Pages 27 and 28. Original records on file with the Monterey County Historical Society. Boronda Adobe History Center, 333 Boronda Road, Salinas, CA. 831-757-8085. www.mchsmuseum.com.

³⁰⁸ *Ibid, Inventory and Appraisement*. Filed on January 1894. Pages 29 to 34.

³⁰⁹ *Ibid, Petition for Order of Sale of Personal Property*. Filed on June 29, 1894. Pages 35 to 38.

We also see the following being stated in the probate records:³¹⁰

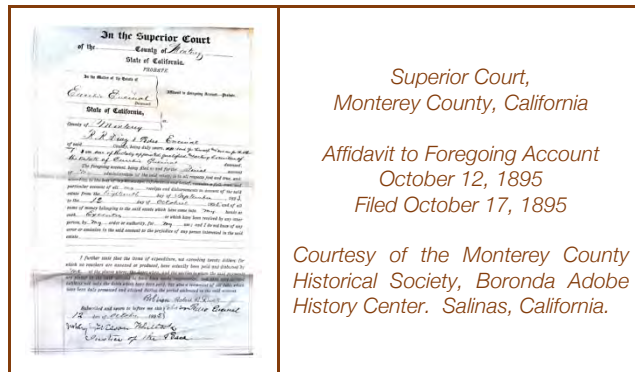
“Statement of Debts Presented and Allowed.”

“The following is a correct statement of all debts which have been presented and duly allowed during the period embraced in the foregoing account, to wit:”

“None.”

So as noted, there were never any statement of debts presented as required by the original Order of Publication of Notice to Creditors from back in 1893.

And from the Affidavit to Foregoing Account, we see the following statement as well:³¹¹



“The foregoing account, being filed as and for the Final account of my administration of the said estate, is in all respects just and true, and, according to the best of my knowledge, information and belief, contains a full, true, and particular account of all my receipts and disbursements on account of the said estate from the Eighteenth day of September, 1893, to the 12th day of October, 1895, and of all sums of money belonging to the said estate which have come into my hands as such

executor or which have been received by any other person, by my order or authority, for my use; and I do not know of any error or omission in the said account to the prejudice of any person interested in the said estate.”

“I further state that the items of expenditure, not exceeding twenty dollars, for which no vouchers are annexed or produced, have actually been paid and disbursed by me at the places where, the dates when, and the parties to whom the said payments are stated in the said account to have been made respectively; and that said account exhibits not only the debts which have been paid, but also a statement of all debts which have been duly presented and allowed during the period embraced in the said account.”

*Robert R. Diaz
Pedro Encinal*

*Subscribed and sworn to before me this
12th day of October 1895.*

From the last sentence, it is made clear that all debts had already been duly presented and there was no reason to believe that any other debts were outstanding.

From here, the final Notice of Settlement of Account and Petition for Distribution of Estate shows that the final hearing was supposed to be held a few weeks later on October 28, 1895. For reasons we do not know, the final hearing was delayed twice, once until February 6, 1896, and once again delayed until May 25, 1896.

³¹⁰ Ibid, *Final Account of Executors*. Filed on October 17, 1895. Page 44 to 48. Quote on page 47.

³¹¹ Ibid, *Final Account of Executors*. Filed on October 17, 1895. Page 44 to 48. Quote on page 48.

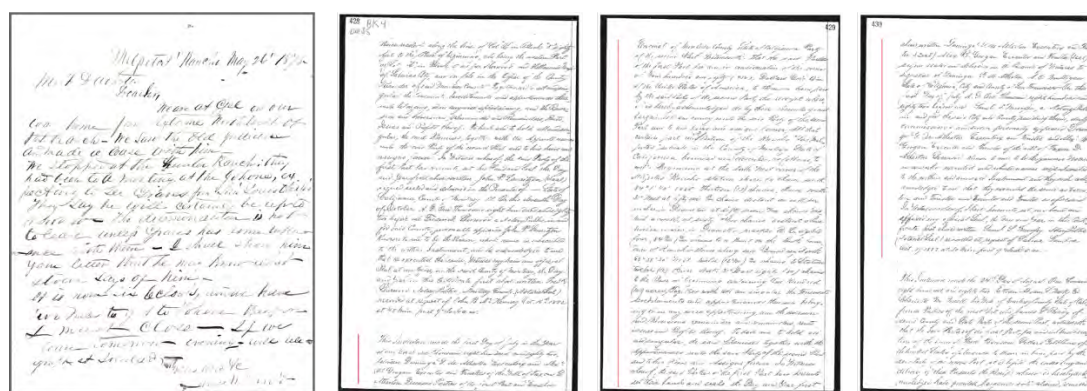
After losing their property to Faxon D. Atherton in February of 1875, Eusebio Encinales would have to sign a lease in May of 1875 with Atherton to live on the very land that was taken from the Indians. By 1882, Eusebio would eventually have to purchase from the Atherton Estate 100 acres of property to survive and support his tribal group for \$450. See Footnote 3 and illustration below.

The following year in 1883, the Indians were identified at this location were recognized as "... very destitute Indians living in the location of the San Antonio Mission..." as reported to the Commissioner of Indian Affairs.³¹²

Three years later in 1886, the same Milpitas Land Grant was now identified as a "...fraudulent..." grant in the "Annual Report of The Commissioner of the General Land Office for The Year 1886."³¹³

After the passing of Eusebio Encinales on April 13, 1893, the courts eventually sold off all the possessions of the Indians to pay off any debts owed. At the close of the probate hearings, Sabino Gamboa ended up with the last of the \$414.80 that should have gone to the Encinales Indians as Gamboa claimed it as partial payment for the mortgage due to him against the Indians property.³¹⁴

This chain of events left the Indians financially destitute and would lead to the eventual loss of all property and lands.



Left: Letter to Faxon D. Atherton from his attorney James W. Thrift claiming, "...we are on our way home from the extreme northwest of the ranch – we saw the old Indian and made a lease with him." May 26, 1875, Milpitas Rancho.³¹⁵

Right 3 documents: Indenture on file with the Monterey County Recorder dated July 1, 1882 showing the agreement filed at the request of Sabino Gamboa for the purchase of 100 acres of property for Eusebio Encinal from Atherton's widow, Dominga Goni de Atherton for \$450.

At this final hearing on May 25, 1896, and filed on July 6, 1896, for reasons never recorded, what should have been a cursory hearing to finalize the estate of Eusebio Encinales and final distribution of the \$414.80

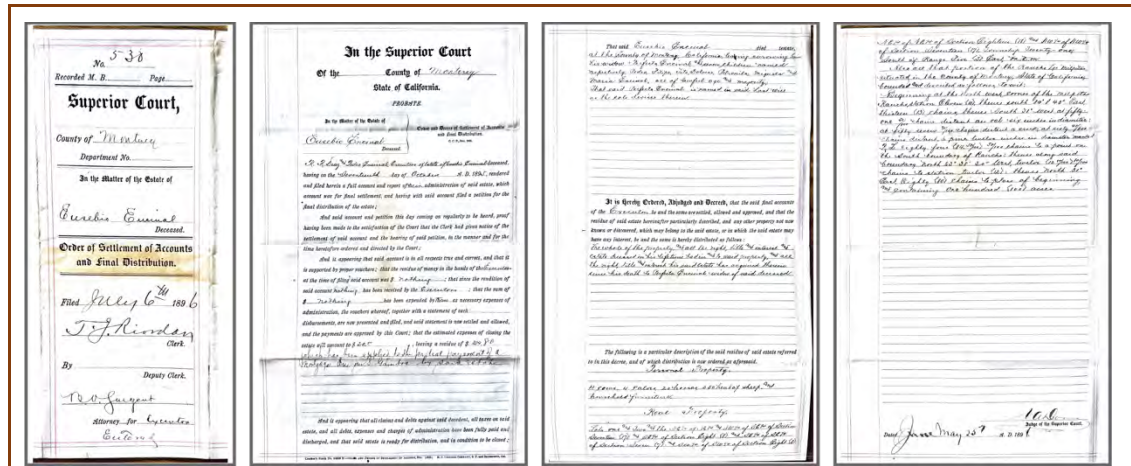
³¹² Jackson, Helen and Kinney, Abbot. Report on the Condition and Needs of the Mission Indians of California to the Commissioner of Indian Affairs. Colorado Springs, Colorado. July 13, 1883. Reprinted by Heizer, Robert F. Federal Concern about Conditions of California Indians 1853 to 1913: Eight Documents, Volume 13. Ballena Press. Socorro, New Mexico. Copyright 1979. 1st Edition. Document V. Pages 75-94. Quote located on page 88. We have included both copies for review.

³¹³ *Grants That Are Fraudulent According to The Facts Contained In These Spanish Archives.* Annual Report of The Commissioner of the General Land Office for The Year 1886. U.S. Dept. of the Interior, General Land Office, Washington, D.C. Page 489. October 7, 1886.

³¹⁴ Encinal, Eusebio. Probate Records in the Superior Court of Monterey County. No. 530. Filed May 2, 1893. *Order of Decree of Settlement of Accounts and Final Distribution.* PDF pages 63 to 67. Annotated in red box on pdf page 64. Courtesy of the Monterey Historical Society, Boronda Adobe History Center, Salinas, California.

³¹⁵ Thrift, James W. Attorney for Faxon D. Atherton. Personal letter to Faxon D. Atherton dated May 26, 1875. Milpitas Rancho. Courtesy of the California Historical Society, San Francisco, California.

to Perfecta Encinales and family ended with all funds going directly to Sabino Gamboa to help pay down the principal of the original mortgage.³¹⁶



Order of Settlements of Accounts and Final Distribution, In the Matter of Eusebio Encinales. July 6, 1896.

At this final hearing on May 25, 1896, and filed on July 6, 1896, for reasons never recorded, what should have been a cursory hearing to finalize the estate of Eusebio Encinales and final distribution of the \$414.80 to Perfecta Encinales and family ended with all funds going directly to Sabino Gamboa to help pay down the principal of the original mortgage.

Courtesy of the Monterey County Historical Society, Boronda Adobe History Center. Salinas, California.

Stated as an observation, it is worth noting the handwriting which grants the residual amount to Gamboa is different than the rest of the signed document. When this change was made to the final agreement cannot be determined.

Simply put, the passing of Eusebio Encinales lead to a chain of unjust events in which the loss of The Indians would become a forgone conclusion.

We present the preceding story as evidence in order to provide historical context to events.

Events Leading to 1900: Lack of Specific Indian Census Records for San Luis Obispo County From 1900 Forward.

As detailed in Section IV, 83.11(a) 1900-1929: Kelsey, Asbury, Jenkins, Dorrington Section – Identification of Indian Entity, we have noted how Charles Kelsey was called back to Washington D.C. before he could complete the “Census of Non-Reservation Indians. 1905-1906.” As reported, there were 9 counties not surveyed, including San Luis Obispo County.

This incomplete report had a direct influence in the coming years with regards to the future reporting of Indian settlements in Monterey and San Luis Obispo Counties. While it was much easier to locate actual records of our settlements in Monterey County, those same types of records could not be as easily located for San Luis Obispo County. We hope the Office of Federal Acknowledgment takes this under consideration in context below.

³¹⁶ Ibid, *Order of Settlements of Accounts and Final Distribution*. Filed on October 17, 1896. Pages 63 to 67. Handwriting in question appears on page 64.

Subsection:	83.11(b and c) 1900-1929 Subsection 1
Document(s):	83.11(b and c) 1900-1929 Documents 1(a) to 1(b)
Title(s):	Doc 1(a): Twelfth Census of the United States, 1900. Schedule No. 1 – Population. Indian Population. San Antonio Township, Monterey County, California. Supervisor’s District Number 2, Enumeration District Number 14. Sheet Numbers 11 and 12. July 2nd and 3rd, 1900. Doc 1(b): Thirteenth Census of the United States, 1910. Schedule No. 1 – Population. Indian Population. San Antonio Township, Monterey County, California. Supervisor’s District Number 5, Enumeration District Number 19. Sheet Number 11. May 18th, 1910.
Federal Code(s):	25 CFR § 83.11(b), §2(i): More than 50 percent of the members reside in a geographical area exclusively composed of members of the entity, and the balance of the entity maintains consistent interaction with some members residing in that area. (Note: By meeting the requirements of this criteria, we have met the requirements of 83.11(c) Political Influence or Authority for this tricennial era.)

Evidence for Inclusion, 1900:

Beginning in 1900, we see in 83.11(b and c) 1900-1929 Subsection 1: Table B below, the members claimed on January 1, 1900.

83.11(b and c) 1900-1929 Subsection 1: Table B
Table of Members for January 1, 1900³¹⁷

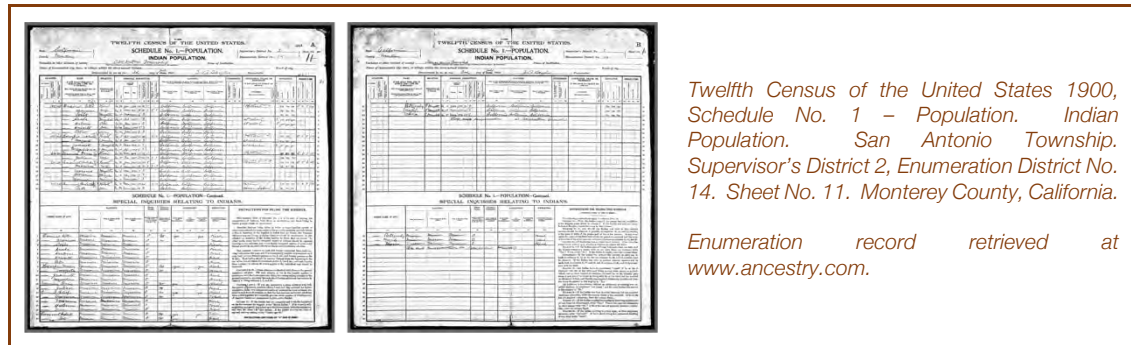
Member Name	Notes and Family Relationships
1. Perfecta Encinales	Appears on 1900 Census of the United States, Special Indian Population Schedule, Line 19.
2. Clara Maria Bylon (nee Encinales)	Residing at Toro Creek settlement.
3. Maria de los Angeles Bylon Ocarpia Encinales	Appears on 1900 Census of the United States, Special Indian Population Schedule, Line 8.
4. Pedro Damian Encinales	Appears on 1900 Census of the United States, Special Indian Population Schedule, Line 1.
5. Felipe Encinales	Appears on 1900 Census of the United States, Special Indian Population Schedule, Line 14.
6. Tito Encinales	Appears on 1900 Census of the United States, Special Indian Population Schedule, Line 20.
7. Petronila Encinales	Appears on 1900 Census of the United States, Special Indian Population Schedule, Line 21.
8. Dolores Encinales	Census record never located.

³¹⁷ 83.11(b) 1900-1930 Subsection 1: Table B, Table of Members for January 1, 1900.

9. Jose Bylon	Residing at Toro Creek settlement.
10. Juana Francisca Encinales (nee Gambucera)	Appears on 1900 Census of the United States, Special Indian Population Schedule, Line 2.
11. Jose “Joe” Bylon	Living with brother along Nacimiento River.
12. Maria Ceberia Teodora Bylon	Residing at Toro Creek settlement. Census record never located. Married to Manuel Rosa.
13. Manuel Rosa	Residing at Toro Creek settlement as husband to Maria Ceberia Teodora Bylon. ³¹⁸ Census record never located.
14. Marina Encinales (nee Gambucera)	Appears on 1900 Census of the United States, Special Indian Population Schedule, Line 15.
15. Maria Jesusa Mora (nee Encinales)	Appears on 1900 Census of the United States, Special Indian Population Schedule, Line 23.
16. David Mora	Living with brother along Nacimiento River.
17. Miguela Encinales	Appears on 1900 Census of the United States, Special Indian Population Schedule, Line 22.
18. Maria Antonia Pierce (nee Bylon)	Residing at Toro Creek settlement.
19. Soila Carmen Lugo (nee Encinales)	Appears on 1900 Census of the United States, Special Indian Population Schedule, Line 3.
20. Josefa “Josie” Lopeteguis (nee Encinales)	Appears on 1900 Census of the United States, Special Indian Population Schedule, Line 4.
21. Ramon “Raymond” Rosa	Residing at Toro Creek settlement. Census record never located. Son of Maria Ceberia Teodora Bylon and Manuel Bylon.
22. Antonia Encinales	Appears on 1900 Census of the United States, Special Indian Population Schedule, Line 5.
23. Felicita “Felista” Rosa	Residing at Toro Creek settlement. Census record never located. Daughter of Maria Ceberia Teodora Bylon and Manuel Bylon.
24. Anicetto Encinales	Appears on 1900 Census of the United States, Special Indian Population Schedule, Line 6.
25. Catalina “Kate” Nunez (nee Encinales)	Appears on 1900 Census of the United States, Special Indian Population Schedule, Line 17.

³¹⁸ As we could not locate any birth records for Manuel Rosa, and as he was the father of Ramon Rosa and Felicita “Felista” Forsting (nee Rosa) and husband to Maria Ceberia Teodora Bylon (evidence provided on CIJA Application Number 10791 for Maria Bylon Questions 6 and 8), we assumed for the sake of discussion that Manuel Rosa was the same age as his wife at the time of marriage. If the Office of Federal Acknowledgment has a different perspective, we would be very open to correcting this as needed.

We also find in 83.11(b and c) 1900-1929 Subsection 1: Table C below the 1900 Indian Population based on the Twelfth U. S. Census for Monterey County, California.



**83.11(b and c) 1900-1929 Subsection 1: Table C
1900 Indian Population, Twelfth U. S. Census for Monterey County, California³¹⁹**

Member Name	Notes and Family Relationships
1. Pedro Encinales	Son of Perfecta Encinales. Perfecta appears on Line 19 of 1900 Indian Census.
2. Francisca Encinales	Nee Gambucera. Wife of Pedro Encinales. Pedro appears on Line 1 of 1900 Indian Census.
3. Solia Encinales	Daughter of Pedro Encinales. Pedro appears on Line 1 of 1900 Indian Census.
4. Arafa Encinales	Daughter of Pedro Encinales. Pedro appears on Line 1 of 1900 Indian Census. Actual name is Josefa Encinales.
5. Antonia Encinales	Daughter of Pedro Encinales. Pedro appears on Line 1 of 1900 Indian Census.
6. Aniceto Encinales	Son of Pedro Encinales. Pedro appears on Line 1 of 1900 Indian Census.
7. Petronila Encinales	Son of Pedro Encinales. Pedro appears on Line 1 of 1900 Indian Census.
8. Maria Hocorpio	Maria de los Angeles Bylon Ocarpia Encinales. Maria would later marry Tito Encinales (Line Entry 20 of 1900 Indian Census), son of Perfecta Encinales (Line Entry 19 of 1900 Indian Census). Maria is listed as being born in 1825. We have come to learn that she was actually born in 1853. This mistake is what made many newspapers

³¹⁹ Twelfth Census of the United States, 1900. Schedule No. 1 – Population. Indian Population. San Antonio Township, Monterey County, California. Supervisor's District Number 2, Enumeration District Number 14. Sheet Numbers 11 and 12. July 2nd and 3rd, 1900. www.ancestry.com.

mistaken her age when she passed. (See 83.11(a) 1930-1939 Subsection 7 for discussion). Maria's father was "Anesmo Bylon" (Onesimo Bylon) who, along with the daughter of Eusebio Encinales, Clara Maria Encinales, were the parents of the Bylons located at Toro Creek in Morro Bay, CA.

9. Margata Horcorpio

Daughter of Maria de los Angeles Bylon Ocarpia Encinales. Maria appears on Line 8 of 1900 Indian Census. Actual name is Margaret Ocarpia. Incorrectly listed as granddaughter. Would later marry Otto Emil Wolff from Holland and move to Toro Creek adjacent to the Bylons in Morro Bay, CA.

10. Juanita Horcorpio

Daughter of Maria de los Angeles Bylon Ocarpia Encinales. Maria appears on Line 8 of 1900 Indian Census. Actual name Juanita Ocarpia. Incorrectly listed as granddaughter.

11. Magdelana Horcorpio

Daughter of Maria de los Angeles Bylon Ocarpia Encinales. Maria appears on Line 8 of 1900 Indian Census. Incorrectly listed as granddaughter.

12. Enis Munions

Head of household.

13. Julian Munions

Wife of Enis Munions. Enis appears on Line 12 of 1900 Indian Census.

14. Felipe Encinales

Son of Perfecta Encinales. Perfecta appears on Line 19 of 1900 Indian Census.

15. Marina Encinales ³²⁰

Nee Gambucera. Wife of Felipe Encinales. Felipe appears on Line 14 of 1900 Indian Census.

16. Marjina Encinales

Daughter of Felipe Encinales. Felipe appears on Line 14 of 1900 Indian Census.

17. Catherine Encinales

Daughter of Felipe Encinales. Felipe appears on Line 14 of 1900 Indian Census.

³²⁰ There is conflicting information for Marina Gambucera. According to the California Indian Judgement Roll for Marina's husband Felipe Encinales (Application #8066, accepted and signed on July 30, 1930), he states under Question 6 that he is married (interpreted as contemporaneously) yet states under Question 8 that his wife "Maria Encinales...Died about 1896..."

We also see that there was a marriage license issue in Monterey County for "Felipe Encinal and Miss Mary Gambucero [sic], both of Jolon..." as reported in The Salinas Daily Journal on January 13, 1895 (front page, fifth column, middle of column). This conflicts with a 1900 Indian Population Indian Census which states that his wife "Marina" was still alive at the time of the enumeration (Lines 14 and 15 of 1900 census).

We feel there is a reasonable assumption that Marina Encinales (nee Gambucera) passed away before, or around, 1900, and that the enumerator made a mistake during the interview with this population of Indians. We also see no record of Marina Encinales (nee Gambucera) in the "Census of Non-Reservation California Indians, 1905-1906" enumerated by C. E. Kelsey. On page 83 of the Kelsey Census, we see that Felipe Encinales is listed with no wife and 2 children while his brother above, Pedro Encinales, is listed as "Pedro Encinales & wife" giving evidence that Marina may have already passed by the time of this enumeration.

If the Office of Federal Acknowledgment has a different perspective, we would be very open to correcting this as needed.

18. Manuela Encinales	Daughter of Felipe Encinales. Felipe appears on Line 14 of 1900 Indian Census.
19. Perfecta Encinales	Second wife of Eusebio Encinales. Perfecta appears on Line 19 of 1900 Indian Census. First wife was Refugia Encinales (nee Linares). From this first marriage came Clara Maria Bylon (nee Encinales).
20. Tito Encinales	Son of Perfecta Encinales. Perfecta appears on Line 19 of 1900 Indian Census.
21. Petronily Encinales	Daughter of Perfecta Encinales. Perfecta appears on Line 19 of 1900 Indian Census. Actual name is Petronila Encinales. Enumerator incorrectly listed her as the granddaughter of Perfecta Encinales.
22. Majele Encinales	Daughter of Perfecta Encinales. Perfecta appears on Line 19 of 1900 Indian Census. Actual name is Miguela Encinales. Enumerator incorrectly listed her as the granddaughter of Perfecta Encinales.
23. Maria Encinales	Daughter of Perfecta Encinales. Perfecta appears on Line 19 of 1900 Indian Census. Maria Jesusa Encinales would later marry David Mora, grandson of Eusebio Encinales and step grandson of Perfecta Encinales. Enumerator incorrectly listed her as the granddaughter of Perfecta Encinales.

We have already established in Section 4, 83.11(a) 1900-1909 that the 1900 U. S. Census in Monterey County of California on Table C above represents an area known as The Indians at the northwest tip of the original Milpitas Land Grant. Further, we can see that of the 25 members listed on Table B above for our tribal group, 15 of them are listed on the 1900 U. S. Census in Table C.

With the evidence combined in both Table B and Table C, we feel that this is sufficient to meet the requirements of 25 CFR § 83.11(b), §2(i): More than 50 percent of the members reside in a geographical area exclusively composed of members of the entity, and the balance of the entity maintains consistent interaction with some members residing in that area.

Evidence for Inclusion, 1910:

Later in 1910, we see in 83.11(b and c) 1900-1929 Subsection 1: Table D below the members claimed on January 1, 1910.

83.11(b and c) 1900-1929 Subsection 1: Table D Table of Members for January 1, 1910³²¹

Member Name	Notes and Family Relationships
1. Perfecta Encinales	Appears on 1910 Census of the United States, Special Indian Population Schedule, Line 1.

³²¹ 83.11(b and c) 1900-1930 Subsection 1: Table D, Table of Members for January 1, 1910.

2. Clara Maria Bylon (nee Encinales) Residing at Toro Creek settlement. Daughter of Eusebio Encinales and raised by Perfecta Encinales.
3. Maria de los Angeles Bylon Ocarpia Encinales Daughter of Historical Indian Tribal Member Onesimo Bylon. Will eventually marry Tito Encinales (Line 6 below).
4. Pedro Damian Encinales Appears on 1910 Census of the United States, Special Indian Population Schedule, Line 8. Married to Juana Francisca Encinales (nee Gambucera) (Line 10 below).
5. Felipe Encinales Son of Perfecta Encinales (Line 1 above). Appears on 1910 Census of the United States, Special Indian Population Schedule, Line 5.
6. Tito Encinales Son of Perfecta Encinales (Line 1 above). Appears on 1910 Census of the United States, Special Indian Population Schedule, Line 6. Will eventually marry Maria de los Angeles Bylon (Line 3 above).
7. Petronila Encinales Appears on 1910 Census of the United States, Special Indian Population Schedule. Line 3.
8. Dolores Encinales Son of Perfecta Encinales (Line 1 above). Appears on 1910 Census of the United States, Special Indian Population Schedule, Line 7.
9. Jose Bylon Son of Clara Maria Bylon (nee Encinales) (Line 2 above). Residing at Toro Creek settlement.
10. Juana Francisca Encinales (nee Gambucera) Not located on the 1910 Census of the United States, Special Indian Population Schedule, but is known to be married to Pedro Encinales (Line 4 above). Our assumption is that was an oversight on the part of the enumerator.
11. Jose “Joe” Mora Living with brother, David Mora (Line 15 below) along Nacimiento River.
12. Maria Ceberia Teodora Bylon Daughter of Clara Maria Bylon (nee Encinales) (Line 2 above). Residing at Toro Creek settlement.
13. Manuel Rosa Husband to Maria Ceberia Teodora Bylon (Line 12 above). Residing at Toro Creek settlement.
14. Maria Jesusa Mora (nee Encinales) Daughter of Perfecta Encinales (Line 1 above). Appears on 1910 Census of the United States, Special Indian Population Schedule, Line 4. Was married to David Mora (Line 15 below) in 1910

according to 1930 Census of the United States, Line entries 73 and 74.³²²

15. David Mora

Living with brother, Jose “Joe” Mora (Line 11 above) along Nacimiento River. Was married to Maria Jesusa Mora (Line 14 above) in 1910 according to 1930 Census of the United States, Line entries 73 and 74.³²³

16. Miguela Encinales

Daughter of Perfecta Encinales (Line 1 above). Miguela appears on 1910 Census of the United States, Special Indian Population Schedule, Line 2.

17. Maria Antonia Pierce (nee Bylon)³²⁴

Daughter of Clara Maria Bylon (nee Encinales) (Line 2 above). Previously residing Toro Creek settlement during the birth of her first three children. (William Pierce, Line 25 below; Les Pierce, Line 26 below; Adrian “Dutch” Pierce, Line 27 below). Appears on 1910 Census of the United States as residing at San Antonio Township in Monterey County. Line 2.

18. Soila Carmen Lugo (nee Encinales)

Daughter of Pedro Encinales (Line 4 above). Soila appears on 1910 Census of the United States, Special Indian Population Schedule, Line 9.

19. Josefa “Josie” Lopeteguis (nee Encinales)

Daughter of Pedro Encinales (Line 4 above). Josefa appears on 1910 Census of the United States, Special Indian Population Schedule, Line 10.

20. Ramon “Raymond” Rosa

Son of Maria Ceberia Teodora Bylon (Line 12 above) and Manuel Rosa (Line 13 above). Residing at Toro Creek.

21. Antonia Encinales

Daughter of Pedro Encinales (Line 4 above). Josefa appears on 1910 Census of the United States, Special Indian Population Schedule, Line 11.

22. Felicita “Felista” Rosa

Daughter of Maria Ceberia Teodora Bylon (Line 12 above) and Manuel Rosa (Line 13 above). Residing at Toro Creek.

³²² Fifteenth Census of the United States, 1930. Population Schedule. San Antonio Township, Monterey County, California. Supervisor’s District Number 10, Enumeration District Number 27-39. Sheet Number 4B. Line 73. April 15, 1930. www.ancestry.com.

³²³ Fifteenth Census of the United States, 1930. Population Schedule. San Antonio Township, Monterey County, California. Supervisor’s District Number 10, Enumeration District Number 27-39. Sheet Number 4B. Line 74. April 15, 1930. www.ancestry.com.

³²⁴ “Found No Trace of Missing Man”. Salinas Daily Index. Salinas, California. April 10, 1911. Front page, bottom of column 2. Also appearing the next day in The Daily Review. Pacific Grove, California. April 11, 1911. Front page, middle of column 6. We present this as evidence of the continued relationship between the Bylon and Pierce families.

23. Anicetto Encinales	Daughter of Pedro Encinales (Line 4 above). Josefa appears on 1910 Census of the United States, Special Indian Population Schedule, Line 12.
24. Catarina “Kate” Nunez (nee Encinales)	Daughter of Felipe Encinales (Line 5 above).
25. William “Bill” Pierce	Son of Maria Antonio Pierce (nee Bylon) (Line 17 above). Appears on 1910 Census of the United States as residing at San Antonio Township in Monterey County, Line 3. Born at Toro Creek Settlement. ³²⁵
26. Leslie “Les” Pierce	Son of Maria Antonio Pierce (nee Bylon) (Line 17 above). Appears on 1910 Census of the United States as residing at San Antonio Township in Monterey County, Line 4. Born at Toro Creek Settlement. ³²⁶
27. Adrian “Dutch” Rudolph Pierce	Son of Maria Antonio Pierce (nee Bylon) (Line 17 above). Appears on 1910 Census of the United States as residing at San Antonio Township in Monterey County, Line 5. Born at Toro Creek Settlement. ^{327 328}
28. Longino Encinales	Daughter of Pedro Encinales (Line 4 above).
29. Arthur “Bud” Pierce	Son of Maria Antonio Pierce (nee Bylon) (line 17 above). Appears on 1910 Census of the United States as residing at San Antonio Township in Monterey County, Line 6.

Below are the changes in membership as represented from 1900 (Subsection 1: Table B) and 1910 (Subsection 1: Table D) are noted here.

83.11(b and c) 1900-1929 Subsection 1: Table E
Changes in Members from 1900 (Subsection 1: Table B) to 1910 (Subsection 1: Table D)

Past Members	Notes
Marina Encinales (nee Gambucera)	Died ca. 1900
New Members	Notes
Longino Encinales	Son of Pedro Encinales
William “Bill” Pierce	Son of Maria Antonia Pierce (nee Bylon)

³²⁵ Birth record for William “Bill” Pierce. We have included the entire member file under this footnote for ease of reference.

³²⁶ Birth record for Leslie “Les” Pierce. We have included the entire member file under this footnote for ease of reference.

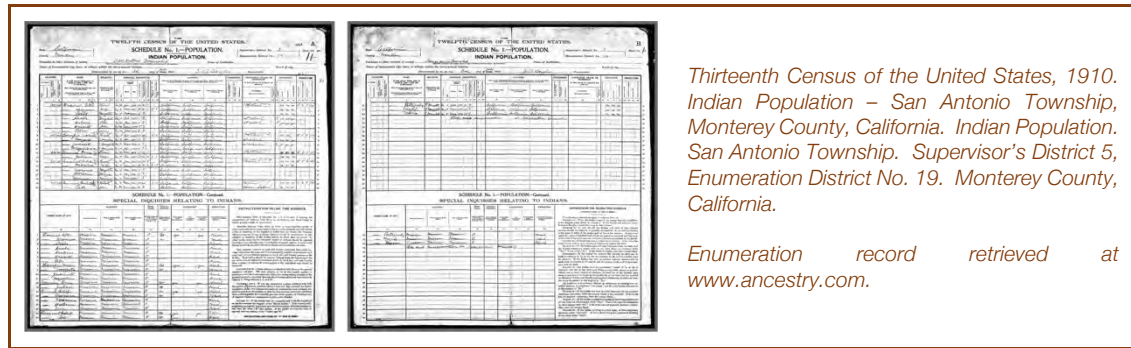
³²⁷ Birth record for Adrian Rudolph “Dutch” Pierce. We have included the entire member file under this footnote for ease of reference.

³²⁸ In relation to Footnotes 22, 23 and 24, we have included the original 1862 Homestead Act Application as evidence that Edward Pierce was living at Toro Creek on July 1, 1905 with Antonia Bylon and his 3 children. On the sheet labeled “Homestead Proof, Testimony of Claimant” under Question 5 for family makeup and continuous residency we see the answer of “My wife and 3 children. We have.”

Leslie “Les” Pierce
 Adrian “Dutch” Pierce
 Arthur “Bud” Pierce

Son of Maria Antonia Pierce (nee Bylon)
 Son of Maria Antonia Pierce (nee Bylon)
 Son of Maria Antonia Pierce (nee Bylon)

We also find in 83.11(b and c) 1900-1929 Subsection 1: Table F below the 1910 Indian Population, the Thirteenth U. S. Census for Monterey County, California.



83.11(b and c) 1900-1929 Subsection 1: Table F
1910 Indian Population, Thirteenth U. S. Census for Monterey County, California ³²⁹

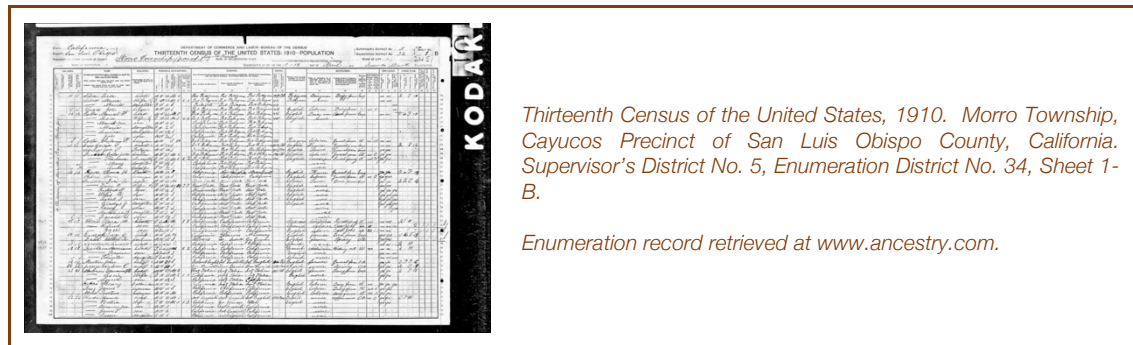
Member Name	Notes and Family Relationships
1. Perfecta Encinales	Second wife of Eusebio Encinales. First wife was Refugia Encinales (nee Linares). From this first marriage came Clara Maria Bylon (nee Encinales).
2. Miguela Encinales	Daughter of Perfecta Encinales. Perfecta appears on Line 1 of 1910 Indian Census.
3. Petronila Encinales	Daughter of Perfecta Encinales. Perfecta appears on Line 1 of 1910 Indian Census.
4. Maria Encinales	Daughter of Perfecta Encinales. Perfecta appears on Line 1 of 1910 Indian Census.
5. Felipe Encinales	Son of Perfecta Encinales. Perfecta appears on Line 1 of 1910 Indian Census.
6. Tito Encinales	Son of Perfecta Encinales. Perfecta appears on Line 1 of 1910 Indian Census.
7. Dolores Encinales	Son of Perfecta Encinales. Perfecta appears on Line 1 of 1910 Indian Census.
8. Pedro Encinales	Son of Perfecta Encinales. Perfecta appears on Line 1 of 1910 Indian Census.

³²⁹ Thirteenth Census of the United States, 1910 – Indian Population. San Antonio Township, Monterey County, California. Supervisor's District Number 5, Enumeration District Number 19. Sheet Numbers 11A. May 18th, 1910. www.ancestry.com.

9. Solia Encinales	Daughter of Pedro Encinales. Pedro appears on Line 8 of 1910 Indian Census.
10. Josepha Encinales	Daughter of Pedro Encinales. Pedro appears on Line 8 of 1910 Indian Census.
11. Tonia Encinales	Actual name Antonia. Daughter of Pedro Encinales. Pedro appears on Line 8 of 1910 Indian Census.
12. Aniseto Encinales	Son of Pedro Encinales. Pedro appears on Line 8 of 1910 Indian Census.
13. Longinos Encinales	Son of Pedro Encinales. Pedro appears on Line 8 of 1910 Indian Census.
14. Demil Encinales	Son of Pedro Encinales. Pedro appears on Line 8 of 1910 Indian Census.

As before, we have already established in Section 4, 83.11(a) 1900-1909 that the Thirteenth Census of the United States 1910 – Indian Population Table F above represents an area known as The Indians at the northwest tip of the original Milpitas Land Grant.

Of the 29 members listed on Table D above for our tribal group, 13 of them are listed on the Thirteenth Census of the United States 1910 – Indian Population Table F.



Thirteenth Census of the United States, 1910. Morro Township, Cayucos Precinct of San Luis Obispo County, California. Supervisor's District No. 5, Enumeration District No. 34, Sheet 1-B.

Enumeration record retrieved at www.ancestry.com.

We also see at least another six members at Toro Creek (Cayucos or Morro Township Census Map):

83.11(b and c) 1900-1929 Subsection 1: Table G
1910 Thirteenth U. S. Census of the United States for the
Morro Township, Cayucos Precinct of San Luis Obispo County, California³³⁰
Supervisor's District No. 5, Enumeration District No. 34, Sheet 1-B

1. Clara Maria Bylon (nee Encinales)	Line 79 of 1910 census. Residing at Toro Creek settlement. Daughter of Eusebio Encinales and raised by Perfecta Encinales.

³³⁰ See Evidence of Inclusion under Section IV of the Seven Mandatory Criteria for Federal Acknowledgement titled "A. 1900-1939: Bylon/Encinales Section" under 83.11(a) External Identification of Indian Entity. We believe this previous section provides reasonable evidence for an identifiable Indian community in regard to the combination Table F and Table G above.

2. Jose Bylon	Line 81 of 1910 census. Son of Clara Maria Bylon (nee Encinales). Residing at Toro Creek settlement.
3. Maria Ceberia Teodora Bylon	Line 85 of 1910 census. Entered as Severiana Bailona on 1910 census. Daughter of Clara Maria Bylon (nee Encinales). Residing at Toro Creek settlement.
4. Manuel Rosa	Not located on 1910 census. Husband to Maria Ceberia Teodora Bylon. Residing at Toro Creek settlement.
5. Ramon "Raymond" Rosa	Line 86 of 1910 census. Entered as Severiana Bailona on 1910 census. Son of Maria Ceberia Teodora Bylon and Manuel Rosa. Residing at Toro Creek.
6. Felicita "Felista" Rosa	Line 87 of 1910 census. Entered as Severiana Bailona on 1910 census. Daughter of Maria Ceberia Teodora Bylon and Manuel Rosa. Residing at Toro Creek.

From the evidence above, we feel that this is sufficient to meet the requirements of 25 CFR § 83.11(b), §2(i) in 1910: More than 50 percent of the members reside in a geographical area exclusively composed of members of the entity, and the balance of the entity maintains consistent interaction with some members residing in that area. (Note: By meeting the requirements of this criteria, we have also met the requirements of 83.11(c) Political Influence or Authority for this tricennial era.)

Subsection: 83.11(b and c) 1900-1929 Subsection 2

Federal Code(s): 25 CFR § 83.11(b), §2(ii): At least 50 percent of the members of the entity were married to other members of the entity. (Note: By meeting the requirements of this criteria, we have met the requirements of 83.11(c) Political Influence or Authority for this tricennial era.)

Evidence for Inclusion, 1920 and 1929:

As the Office of Federal Acknowledgement has, in the past, allowed for a combination of evidence to be used to meet the criteria of a given section, we are hoping for the same consideration with the evidence provided here.

Beginning in 1920, we see in 83.11(b and c) 1900-1929 Subsection 2: Table A below, the members claimed on January 1, 1920 along with marriage and relationship notes.

83.11(b and c) 1900-1929 Subsection 2: Table A
Table of Members for January 1, 1920 ³³¹
 (Members married highlighted as bold text)

Member Name	Marriage and Relationship Notes
1. Clara Maria Bylon (nee Encinales)	Single. Previously married to Historical Indian Tribe Member Onesimo Bylon until 1888. Clara is the daughter of Eusebio and Refugia Encinales.
2. Maria de los Angeles Bylon Ocarpia Encinales	Married. Endogamous marriage to member Tito Encinales (Line 5 below). Maria is the daughter of Historical Indian Tribe Members Onesimo Bylon and Paula Eu-Chic.
3. Pedro Damian Encinales	Single. Previously married to member Juana Francisca Encinales (nee Gambucera) until 1915. Pedro is the son of Historical Indian Tribe Members Eusebio and Perfecta Encinales.
4. Felipe Encinales	Single. Previously married to member Marina Encinales (nee Gambucera) until 1905 (est). Felipe is the son of Historical Indian Tribe Members Eusebio and Perfecta Encinales.
5. Tito Encinales	Married. Endogamous marriage to member Maria de los Angeles Bylon Ocarpia Encinales (Line 2 above). Tito is the son of Historical Indian Tribe Members Eusebio and Perfecta Encinales.
6. Dolores Encinales	Single. Never marries. Dolores is the son of Historical Indian Tribe Members Eusebio and Perfecta Encinales.

³³¹ 83.11(b and c) 1900-1929 Subsection 2: Table A, Table of Members for January 1, 1920.

7. Jose Bylon	Single. Never marries. Jose is the son of Historical Indian Tribe Member Onesimo Bylon and Clara Bylon (nee Encinales) (Line 1 above).
8. Joe Mora	Single. Never marries. Joe is the brother of David Mora (Line 11 below).
9. Maria Ceberia Teodora Bylon	Single. Maria is the daughter of Historical Indian Tribe Member Onesimo Bylon and Clara Bylon (nee Encinales) (Line 1 above).
10. Maria Jesusa Mora (nee Encinales)	Married. Endogamous marriage to member David Mora (Line 11 below). Maria is the daughter of Historical Indian Tribe Members Eusebio and Perfecta Encinales.
11. David Mora	Married. Endogamous marriage to member Maria Jesusa Mora (nee Encinales) (Line 10 above).
12. Ramon "Raymond" Rosa	Single. Son of Maria Ceberia Teodora Bylon (Line 9 above).
13. Felicita "Felista" Forsting (nee Rosa)	Single. Daughter of Maria Ceberia Teodora Bylon (Line 9 above).
14. Aniceto Encinales	Single. Son to members Pedro (Line 3 above) and Francisca Encinales (passed in 1915).
15. Catarina "Kate" Encinales	Single. Daughter of Felipe (Line 4 above) and Marina Encinales (nee Gambucera) (passed 1905 est).
16. William "Bill" Pierce	Single. Just turned 18. Son of Maria Antonia Pierce (nee Bylon).
17. Leslie "Les" Pierce	Single. Minor child to Maria Antonia Pierce (nee Bylon).
18. Adrian "Dutch" Rudolph Pierce	Single. Minor child to Maria Antonia Pierce (nee Bylon).
19. Longino Encinales	Single. Minor child to members Pedro (Line 3 above) and Francisca Encinales (passed in 1915).
20. Arthur "Bud" Pierce	Single. Minor child to Maria Antonia Pierce (nee Bylon).
21. Bessie May Pierce	Single. Minor child to Maria Antonia Pierce (nee Bylon).
22. Edward "Eddie" Joseph Pierce, Jr.	Single. Minor child to Maria Antonia Pierce (nee Bylon).
23. Andrew Forsting, Jr.	Single. Son of Felicita "Felista" Forsting (nee Rosa) (Line 12 above).

Below is the summary of changes in membership as represented from the previous 1910 table (Subsection 1: Table C) and the 1920 table (Subsection 2: Table A).

83.11(b and c) 1900-1929 Subsection 2: Table B
Changes in Members from 1910 (Subsection 1: Table C) to 1920 (Subsection 2: Table A)

Past Members	Notes
Perfecta Encinales	Died on May 27, 1913
Juana Francisca Encinales (nee Gambucera)	Died on April 10, 1913
Maria Antonia Pierce (nee Bylon)	Died on March 26, 1918
Manuel Rosa	Died in 1912
Petronila Munoz (nee Encinales)	Left tribal group
Antonia Encinales	Left tribal group
Miguela Amescua (nee Encinales)	Left tribal group
Soila Carmen Lugo (nee Encinales)	Left tribal group
Josefa Lopeteguis (nee Encinales)	Left tribal group
New Members	Notes
Bessie Mae Pierce	Daughter of Maria Antonia Pierce (nee Bylon)
Andrew Forsting Jr.	Son of Felicitas Forsting (nee Rosa)
Edward Joseph Pierce	Son of Maria Antonia Pierce (nee Bylon)

We later see in 1930, 83.11(b and c) 1900-1929 Subsection 2: Table C below, the members claimed on January 1, 1930 along with marriage and relationship notes.

83.11(b and c) 1900-1929 Subsection 2: Table C
Table of Members for January 1, 1930³³²
(Members married highlighted as bold text)

Member Name	Marriage and Relationship Notes
1. Maria de los Angeles Bylon Ocarpia Encinales	Married. Endogamous marriage to member Tito Encinales (Line 3 below). Maria is the daughter of Historical Indian Tribe Members Onesimo Bylon and Paula Eu-Chic.
2. Felipe Encinales	Single. Previously married to member Marina Encinales (nee Gambucera) until 1905 (est). Felipe is the son of Historical Indian Tribe Members Eusebio and Perfecta Encinales.
3. Tito Encinales	Married. Endogamous marriage to member Maria de los Angeles Bylon Ocarpia Encinales (Line 1 above). Tito is the son of Historical Indian Tribe Members Eusebio and Perfecta Encinales.

³³² 83.11(b) 1900-1930 Subsection 2: Table C, Table of Members for January 1, 1930.

4. Dolores Encinales
Single. Never marries. Dolores is the son of Historical Indian Tribe Members Eusebio and Perfecta Encinales.
5. Jose Bylon
Single. Never marries. Jose is the son of Historical Indian Tribe Member Onesimo Bylon and Clara Bylon (nee Encinales).
6. Joe Mora
Single. Never marries. Joe is the brother of David Mora (Line 10 below).
7. Maria Ceberia Teodora Bylon
Single. Maria is the daughter of Historical Indian Tribe Member Onesimo Bylon and Clara Bylon (nee Encinales).
8. **Maria Jesusa Mora (nee Encinales)**
Married. Endogamous marriage to member David Mora (Line 10 below). Maria is the daughter of Historical Indian Tribe Members Eusebio and Perfecta Encinales.
9. **David Mora**
Married. Endogamous marriage to member Maria Jesusa Mora (nee Encinales) (Line 8 above).
10. Ramon "Raymond" Rosa
Single. Never marries. Ramon is the son of Maria Ceberia Teodora Bylon (Line 7 above).
11. Felicitas "Felista" Forsting (nee Rosa)
Married. Exogamous marriage to Andrew Forsting Sr. Mother to Andrew Forsting (Line 17 below) and Annie "Anna" Forsting (Line 18 below).
12. **William "Bill" Pierce**
Married. Exogamous marriage to Ida Pierce (nee Maggini). William is the son to Maria Antonia Pierce (nee Bylon) (Passed in 1918). Father to John Edward Pierce (Line 20 below).
13. **Leslie "Les" Pierce**
Married. Exogamous marriage to Christina Josephine Pierce (nee Holdt). Les is the son to Maria Antonia Pierce (nee Bylon) (Passed in 1918). Father to Lorraine Barbara Pierce (Line 19 below).
14. **Adrian "Dutch" Rudolph Pierce**
Married. Exogamous marriage to Rose Dolores Pierce (nee Rodriguez). Adrian is the son to Maria Antonia Pierce (nee Bylon) (Passed in 1918).
15. Bessie Mae Pierce
Single. Minor child to Maria Antonia Pierce (nee Bylon) (Passed in 1918).
16. Edward "Eddie" Joseph Pierce, Jr.
Single. Minor child to Maria Antonia Pierce (nee Bylon) (Passed in 1918).
17. Andrew Forsting Jr.
Single. Minor child to Felicitas Forsting (Line 11 above).

18. Annie “Anna” Forsting	Single. Minor child to Felicitas Forsting (Line 11 above).
19. Louis William Pierce	Single. Minor child to William “Bill” Pierce (Line 12 above).
20. Nadine Bernice Pierce	Single. Minor child to Adrian “Dutch” Rudolph Pierce (Line 14 above).
21. Lorraine Barbara Pierce	Single. Minor child to Leslie “Les” Pierce (Line 13 above).
22. Rosemary Ellen Pierce	Single. Minor child to Adrian “Dutch” Rudolph Pierce (Line 14 above).
23. Elizabeth Jean Pierce	Single. Minor child to Leslie “Les” Pierce (Line 13 above).
24. Leslie Dale Pierce	Single. Minor child to Leslie “Les” Pierce (Line 13 above).
25. John Edward Pierce	Single. Minor child to William “Bill” Pierce (Line 12 above).
26. Charles Leslie Pierce	Single. Minor child to William “Bill” Pierce (Line 12 above).

Below is the summary of changes in membership as represented from the previous 1920 table (Subsection 2: Table A) and the 1930 table (Subsection 2: Table C).

83.11(b and c) 1900-1930 Subsection 2: Table D
Changes in Members from 1920 (Subsection 2: Table A) to 1930 (Subsection 2: Table C)

Past Members

Clara Maria Bylon (nee Encinales)
 Pedro Damien Encinales
 Anicetto Encinales
 Catalina “Kate” Nunez (nee Encinales)
 Longino Encinales
 Arthur “Bud” Pierce

Notes

Died on September 28, 1929.
 Died on July 18, 1921.
 Left tribal group.
 Left tribal group.
 Died on October 29, 1929.
 Died on November 22, 1928.

New Members

Annie “Anna” Forsting
 Louis William Pierce
 Nadine Bernice Pierce
 Lorraine Barbara Pierce
 Rosemary Ellen Pierce
 Elizabeth Jean Pierce
 Leslie Dale Pierce
 John Edward Pierce
 Charles Leslie Pierce

Notes

Daughter of Felicitas Forsting (nee Rosa).
 Son of William “Bill” Pierce.
 Daughter of Adrian “Dutch Rudolph Pierce.
 Daughter of Leslie “Les” Pierce.
 Daughter of Adrian “Dutch Rudolph Pierce.
 Daughter of Adrian “Dutch Rudolph Pierce.
 Son of Leslie “Les” Pierce.
 Son of William “Bill” Pierce.
 Son of William “Bill” Pierce.

Discussion of Rates of Marriage Evidence:

From the above information, we provide a discussion of the evidence presented.

First, let us note here that although Tito Encinales and Maria de los Angeles Bylon Ocarpia Encinales were not legally married until May 4, 1934 according to the Mission San Miguel Marriage Record,³³³ past precedent set by the Office of Federal Acknowledgment does not require proof of an actual legal marriage. As noted below:³³⁴

“The BIA has never required proof of legal marriage if other evidence indicates that couples were joined for several years.... The issue is not so much legality of the marriage but whether individuals are socially joined so as to show interaction.”

Accordingly, on the Fourteenth Census of the United States for 1920, we can see that Tito Encinales and Maria de los Angeles Bylon Ocarpia Encinales were living together, and alone, in the San Antonio Precinct of Monterey County, California and enumerated as a recognized marriage:³³⁵

<i>Dwelling No.</i>	<i>Name</i>	<i>Relationship</i>	<i>Race</i>	<i>Age</i>
187	Encinales, Tito	Head	Indian	50
	-----, Maria	Wife	Indian	70

We will see 10 years later in the Fifteenth Census of the United States for 1930 that, again, Tito Encinales and Maria de los Angeles Bylon Ocarpia Encinales were still living together, and alone, in the San Antonio Precinct of Monterey County, California and enumerated as:³³⁶

<i>Dwelling No.</i>	<i>Name</i>	<i>Relationship</i>	<i>Race</i>	<i>Age</i>
66	Encinales, Tito	Head	Indian	65
	Ocarpio, Maria	Housekeeper (H)	Indian	80

Combined with the aforementioned marriage record as entered in the Mission San Miguel records for May 4, 1934, we feel that this provides the type of example that the Office of Federal Acknowledgment is requiring for demonstrating a record of marriage that is non-legal by showing that “...couples were joined for several years...” and “...are socially joined so as to show interaction....”

Next, for David Mora and Maria Jesusa Mora (nee Encinales), we are given evidence that the marriage has been in place well before the Fifteenth Census of the United States for 1930. From the transcript below, we can see that David Mora and Maria Jesusa Mora (nee Encinales) were living together, and alone, in the San Antonio Township of Monterey County, California and enumerated as:³³⁷

³³³ Tito Encinales and Maria de los Angeles Bylon Ocarpia Encinales marriage record. San Miguel Mission Marriage Register. Entry 14. Entered May 4, 1934. Page 3 of member file for Tito Encinales.

³³⁴ The Office of Federal Acknowledgment. “Final Determination against Federal Acknowledgment of the Muwekma Ohlone Tribe”. Approved September 6, 2002. Page 59, Footnote 23.

³³⁵ Fourteenth Census of the United States, 1920 San Antonio Precinct, Monterey County, California. Supervisor’s District Number 7, Enumeration District Number 25. Sheet Number 5A. Lines 36 and 37. February 5th, 6th, 9th, 23rd, 24th, 1920. www.ancestry.com.

³³⁶ Fifteenth Census of the United States, 1930 San Antonio Township, Monterey County, California. Supervisor’s District Number 10, Enumeration District Numbers 27-39. Sheet Number 3B. Lines 84 and 85. April 10th, 1930. www.ancestry.com.

³³⁷ Fifteenth Census of the United States, 1930 San Antonio Township, Monterey County, California. Supervisor’s District Number 10, Enumeration District Numbers 27-39. Sheet Number 4B. Lines 73 and 74. April 15th, 1930. www.ancestry.com.

<i>Dwelling No.</i>	<i>Name</i>	<i>Relationship</i>	<i>Race</i>	<i>Age</i>
84	Mora, David F	Head	Indian	69
	-----, Maria J	Wife (H)	Indian	55

On this same enumeration sheet, we can also see that under Column 15 “Age at first marriage” that they both claimed to have been married 20 years prior as the ages for this column are listed as 49 for David and 35 for Maria Jesusa. This would put their marriage at 1910.

Also, from the Jones and Rivers paper “*Walking Along Deer Trails: A Contribution of Salinan Ethnogeography Based on the Field Notes of John Peabody Harrington*”, we see the following:³³⁸

“Dave was apparently still single when he provided information to Mason in 1916. Between this time and January 1922, when he worked with Harrington, Dave married Maria Jesusa Encinales (Fig. 4) (Mason 1918:4; Harrington 1985:R1. 84, Fr. 0259).”

Based on their own testimony during the 1930 U. S. Census and from the Jones/Rivers paper, it should be reasonable to assume that David Mora and Maria Jesusa Mora (nee Encinales) were at least “...socially joined as to show interaction...” during 1920 and married by 1930.

According to the Federal Register of July 1, 2015, we are now given a new standard for calculating marriage rates as follows:³³⁹

“... past Departmental practice has been to count the number of marriages within a petitioner; this rule instead provides that the Department count the number of petitioner members who are married to others in the petitioning group.”

In the same document, for clarification, we are given the following example:

“Several commentators requested clarification of the provisions allowing for marriages to be considered evidence of community, specifically requesting that the Department count marriages by individual petitioner member rather than by marriage (e.g., if a petitioner has 100 members and 60 marry within the petitioner, that should count as 60 marriages rather than 30).”

“Response: The Department has, in past practice, counted marriages by marriage, but commenters support the alternative approach – counting by individual petitioner member. Given that scholarship supports either approach, the Department has determined in its final rule to change its approach to specify counting by individual petitioner member, rather than by marriage.”

From the above, we can surmise that the Office of Federal Acknowledgement calculates the Marriage Percent Rate (MPR) at a “...given point in time...”³⁴⁰ by the following equation:

$$MPR = \frac{2 * (EndogMarriages)}{ExogMarriages + 2 * (EndogMarriages)} \quad Eq. 1$$

³³⁸ Rivers, Betty and Jones, Terry L. “Walking Along Deer Trails: A Contribution to Salinan Ethnogeography Based on the Field Notes of John Peabody Harrington”. *Journal of California and Great Basin Anthropology*. Volume 15, Number 2. Pages 146-175. Published 1993. Page 154, top portion of second column.

³³⁹ *Federal Register*. Volume 80, Number 126. Wednesday, July 1, 2015. *Rules and Regulations*. Part IV. U. S. Department of the Interior, Bureau of Indian Affairs. 25 CFR Part 83. Federal Acknowledgment of American Indian Tribes; Final Rule. Page 37863 (pdf page 2) second column, second paragraph, second bulleted item in the column.

³⁴⁰ Ibid: Page 37870 (pdf page 9) middle of third column beginning with “d. Marriages/Endogamy as Evidence of Community.”

It should also be noted here that the Office of Federal Acknowledgment has made it clear in previous findings that meeting this requirement is irrespective of the number of people in the tribal entity itself. As we can see in the Genealogical Technical Report for the Jena Band of Choctaw Indians,³⁴¹ the calculations and conclusions were based on only the existing contemporaneous marriages as outlined in Tables II, III, and IV and were irrespective of the number of members in the tribal group as a whole.

From 83.11(b and c) 1900-1930 Subsection 2: Table A, Table of Members for January 1, 1920 above, we see that there were two endogamous marriages (Line 2 married to Line 5 and Line 10 married to Line 11) and one exogamous marriage (Line 15). From this, we get the following calculation from Equation 1 above:

$$MPR\ 1920 = \frac{2 * (2)}{1 + 2 * (2)}$$

From this, we are given a marriage rate of 80% which is well over the 50% threshold as outlined by the federal requirements to meet 25 CFR § 83.11(b), §2(iv): At least 50 percent of the members of the entity were married to other members of the entity.

From 83.11(b and c) 1900-1930 Subsection 2: Table C, Table of Members for January 1, 1930 above, we see that there were two endogamous marriages (Line 1 married to Line 3 and Line 8 married to Line 9) and four exogamous marriages (Lines 12, 13, 14, and 15). From this, we get the following calculation from Equation 1 above:

$$MPR\ 1930 = \frac{2 * (2)}{4 + 2 * (2)}$$

From this, we are given a marriage rate of 50% meeting the 50% threshold as outlined by the federal requirements to meet 25 CFR § 83.11(b and c), §2(iv): At least 50 percent of the members of the entity were married to other members of the entity.

From records, we see the endogamous marriages previously discussed with a summary of when they ended:

Couple:	Tito Encinales & Maria de los Angeles Bylon Ocarpia Encinales
End of Marriage:	May 20, 1934
Reason:	Death of Tito Encinales

Couple:	David Mora & Maria Jesusa Mora (nee Encinales)
End of Marriage:	April 17, 1939
Reason:	Death of Maria Jesusa Mora (nee Encinales)

By the early spring of 1931, we later see that Bessie Mae Pierce has married Lawrence Franklin Wood in Monterey County.³⁴² Because of this, it is at this point in 1931 that we believe the group falls below that 50% requirement under 25 CFR § 83.11(b), §2(ii).

From the evidence above, we feel that this is sufficient to meet the requirements of 25 CFR § 83.11(b), §2(ii) in 1910: At least 50 percent of the members of the entity were married to other members of the entity. (Note: By meeting the requirements of this criteria, we have also met the requirements of 83.11(c) Political Influence or Authority for this tricennial era.)

³⁴¹ The Office of Federal Acknowledgment. "Proposed Finding for Federal Acknowledgment of the Jena Band of Choctaw Indians". Approved September 27, 1994. Genealogical Technical Report begins on pdf page number 101.

³⁴² Salinas Index-Journal. Salinas, California. "Marriage License: Wood-Pierce". March 4, 1931. Page 4, bottom of column 6.

Preface to the 1930s Forward Section 83.11(b and c)

Special Note

This is a replication of “Preface to the 1930s Forward 83.11(a)” as previously written. We include it here again for sake of the reader as these events apply to the following discussions.

Introduction

Under 25 CFR § 83.10(b)(5), the Office of Federal Acknowledgment, when evaluating a petition, will:³⁴³

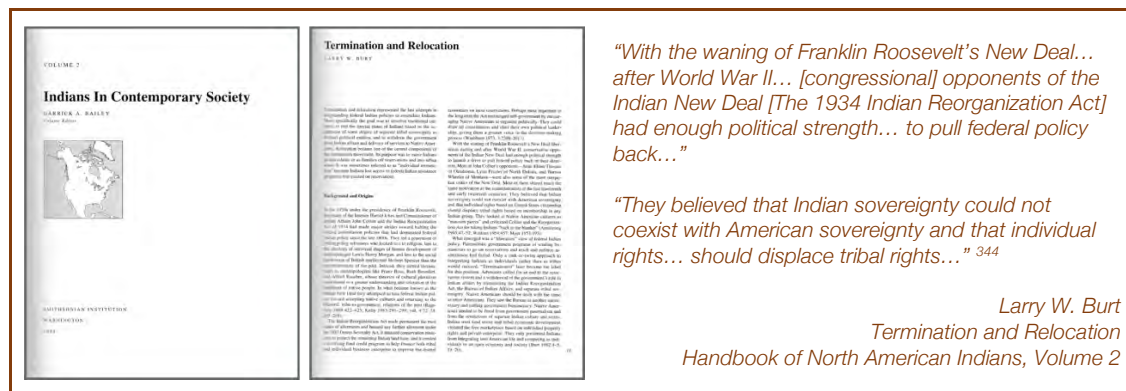
“Apply these criteria in context with the history, regional differences, culture, and social organization of the petitioner.”

Considering the unique challenges found with the Indians and Indian entities that trace their heritage back to the California Spanish Mission Era, we feel that the following provides evidence that should be taken in consideration when reviewing this application moving forward from the 1930s.

Section 1: Toro Creek Indian Settlement Issue and the Years Leading Up to the Beginning of the Indian Termination Era of 1953.

To many, the Indian Termination Era is marked with the passage of House Concurrent Resolution 108 on August 1, 1953, and, two weeks later, House Resolution 1063, Public Law 280. But for California, the policy directive for Indians began much earlier.

Beginning in 1935, reports from the Sacramento Indian Agency would routinely suggest that the solution to the California Indian issue would be to terminate the United States Indian Services in Sacramento. These types of recommendations for the California Indians continued until the early 1950s leading up to the Indian Termination Era.



During the Indian Termination Era that we will discuss in Section 2 below, California was the only state that was originally listed on both Resolution 108 and Public Law 280, was the home of three of the six Field Relocation Offices under The American Indian Relocation Program and faced the California Rancheria Termination Acts passed by Congress from 1956 to 1964.

³⁴³ “Procedures For Federal Acknowledgement of Indian Tribes” 25 CFR § 83.10(b)(5): <https://www.ecfr.gov/current/title-25/chapter-I/subchapter-F/part-83#83.10> (Page 6 of 20)

³⁴⁴ Burt, Larry W. “Termination and Relocation.” Handbook of North American Indians, Volume 2: Indians in Contemporary Society. William C Sturtevant. Volume Editor Garrick A. Bailey. Copyright 2008. Page 19, second column.

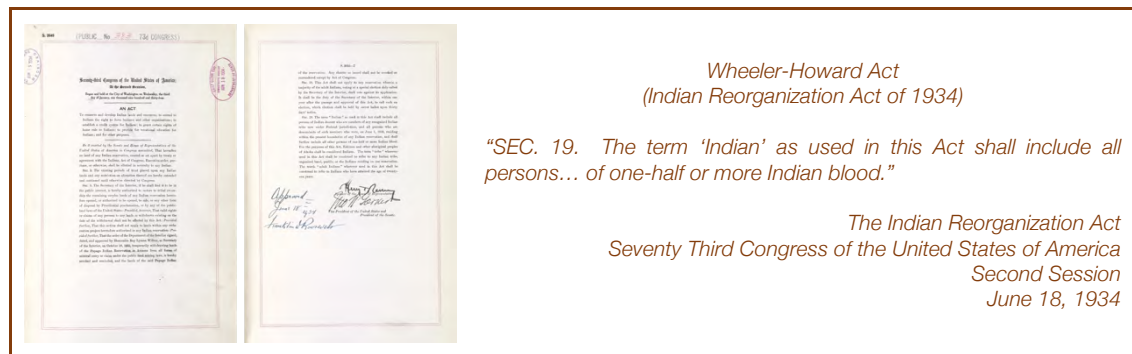
The above timeline is important to our story as we see that in February of 1935, Superintendent O. H. Lipps sent a request to the Department of Justice to begin proceedings to obtain land for the Toro Creek Indians. We are not aware of what ever became of this request or if the lack of known response by the Department of Justice was related to a policy directive of terminating Indian Services in California that also began in 1935.

1929 to 1934: Toro Creek Indian Settlement Lawsuit

On April 17, 1929, a lawsuit was filed against the Toro Creek Indians Raymond Rosas, Joe Baylon, and Maria Bylon by the Luigi Marre Land & Cattle Company to settle a dispute over a long existing Indian settlement at Toro Creek.³⁴⁵

On August 26, 1929, the final ruling was found in favor of the Luigi Marre Land & Cattle Company. This ruling left the Bylons without a home.³⁴⁶

6 months later, the United States Department of Justice along with the Commissioner of Indian Affairs, claimed that the Bylons were wards of the federal government and filed an appeal on their behalf in the First Appellate District Court of Appeals. This appeal was filed February 13, 1930.³⁴⁷



As the appeal progressed, the Toro Creek Indians By-Laws were adopted in February of 1934.³⁴⁸ Later during this appeal process, Congress would go on to adopt the Indian Reorganization Act.³⁴⁹ This act was signed into law on June 18, 1934, by President Franklin D. Roosevelt and provided an opportunity for tribes to sustainably organize themselves.

We see that under Section 19 of this Act the following:³⁵⁰

"SEC. 19. The term 'Indian' as used in this Act shall include all persons... of one-half or more Indian blood."

³⁴⁵ *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Complaint. San Luis Obispo County Superior Court. Filed April 17, 1929.

³⁴⁶ *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Final Ruling from the California Court of Appeals. July 2, 1934.

³⁴⁷ *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Affidavit of Assistant U. S. Attorney for the Southern District of California Ignatius F. Parker on Motion under section 473 of the Code of Civil Procedures to set aside judgment herein. Page 2 of Affidavit. February 13, 1930.

"... That deponent [Assistant U. S. Attorney Ignatius F. Parker] is requested by the Attorney General of the United States and the Commissioner of Indian Affairs to present the Motion filed herein to set aside the judgment heretofore entered herein under Section 473 of the Code of Civil Procedure of California by reason of the fact that defendants herein as California Indians are deemed to be at least as regards their interest in lands, wards of the United States Government..."

³⁴⁸ Toro Creek Indians By-Laws, February 1934.

³⁴⁹ Indian Reorganization Act. Public Law 73-383, 48 Stat. 984. June 18, 1934.

³⁵⁰ Indian Reorganization Act. Public Law 73-383, 48 Stat. 984. Section 19, last page. June 18, 1934.

It should be noted that at the time that the Act was adopted, all the adult members of the Toro Creek Indians were either one-half or full-blooded Indians.

Two weeks later on July 2, 1934, the First Appellate District Court of Appeals ruled against the Bylons and the land was permanently lost.³⁵¹

February 1935: Request by Sacramento Agency Superintendent O. H. Lipps to the Department of Justice for the Toro Creek Indians.

Seven months later on February 25, 1935, we see a newspaper article in the San Luis Obispo Daily Telegram. In this article we find that Mrs. Fred Iversen, who was helpful to the Toro Creek Indians in protecting their rights, had received a notification from Superintendent O. H. Lipps of the Indian Affairs of Sacramento that the Indian Service had requested the Department of Justice institute proceedings to obtain title to the property occupied by the Toro Creek Indians.³⁵²

*U. S. Ready to Aid S.L.O. County Indians
Toro Creek Land Sought for Natives*

"The Indian Service has requested the department of justice to institute proceedings in federal court to obtain title to the tract occupied by the Toro Creek Indians..."

"Through the efforts of persons interested in the Indians, the U. S. district attorney from Los Angeles was brought into the case and attempted to reopen it on the claim that the defendants were 'California Indians and that they were wards of the federal government and incompetent in law to take care of their own affairs.'"

*The San Luis Obispo Daily Telegram
San Luis Obispo, California
February 25, 1935*

"The Indian Service has requested the department of justice (sic) to institute proceedings in federal court to obtain title to the tract occupied by the Toro Creek Indians it was learned at Paso Robles today."

We should be reminded of the original request by the Department of Justice and the Commissioner of Indian Affairs during the aforementioned appeal filed on February 13, 1930, so this 1935 request is reasonable and consistent with both departments.

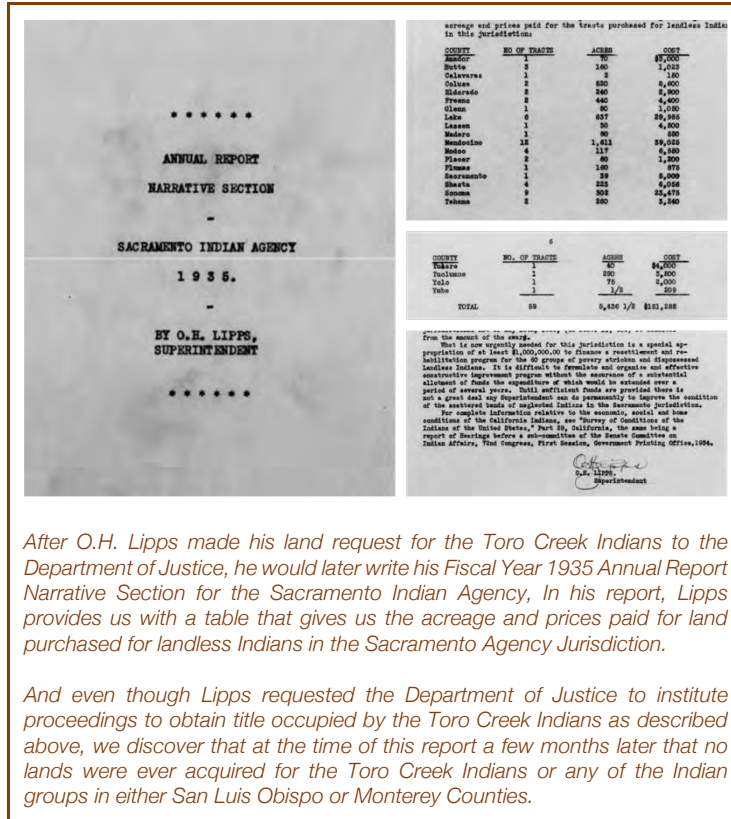
Yet over the years we have never understood what happened with this request to the Department of Justice in 1935, nor have we been able to locate any of the related correspondence between the Commissioner of Indian Affairs and the Department of Justice between 1930 and 1935 or any related and internal files regarding this Indian land dispute. Any assistance from the Office of Federal Acknowledgement in locating documentation would be very appreciated.

Although we have no conclusive evidence over what transpired, we can see over the next 17 years leading up to beginning of the Indian Termination Era of 1953 a consistent policy directive to end the Sacramento Indian Agency.

1935: Fiscal Year 1935 Annual Report Narrative Section for the Sacramento Indian Agency, O.H Lipps.

³⁵¹ *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Final Appeal. February 13, 1930.

³⁵² "U. S. Ready to Aid S. L. O. County Indians: Toro Creek Land Sought for Natives". San Luis Obispo Daily Telegram, San Luis Obispo County. February 25, 1935. Front page, headline and first column.



After O.H. Lipps made his land request for the Toro Creek Indians to the Department of Justice, he would later write his Fiscal Year 1935 Annual Report Narrative Section for the Sacramento Indian Agency. In his report, Lipps provides us with a table that gives us the acreage and prices paid for land purchased for landless Indians in the Sacramento Agency Jurisdiction.

And even though Lipps requested the Department of Justice to institute proceedings to obtain title occupied by the Toro Creek Indians as described above, we discover that at the time of this report a few months later that no lands were ever acquired for the Toro Creek Indians or any of the Indian groups in either San Luis Obispo or Monterey Counties.

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Lipps would go on to claim in the Fiscal Year 1935 Annual Report:

355

"... it appears evident that the first step to be taken in order to rehabilitate the dispossessed and landless California Indians in this jurisdiction is the purchase of several large tracts of good agricultural land, to be immediately followed by the building of houses, providing tools and equipment..."

Later stating:

"Until sufficient funds are provided there is not a great deal any Superintendent can do permanently to improve the condition of the scattered bands of neglected Indians in the Sacramento jurisdiction."

From his letter to the Department of Justice on behalf of members of the Toro Creek Indians to his comments above, it seems fair to conclude that Lipps was at least supportive of helping California Indians who were both dispossessed and landless.

1936 to 1937: Fiscal Year 1936 to 1937 Annual Report Narrative Section for the Sacramento Indian Agency, O.H Lipps.

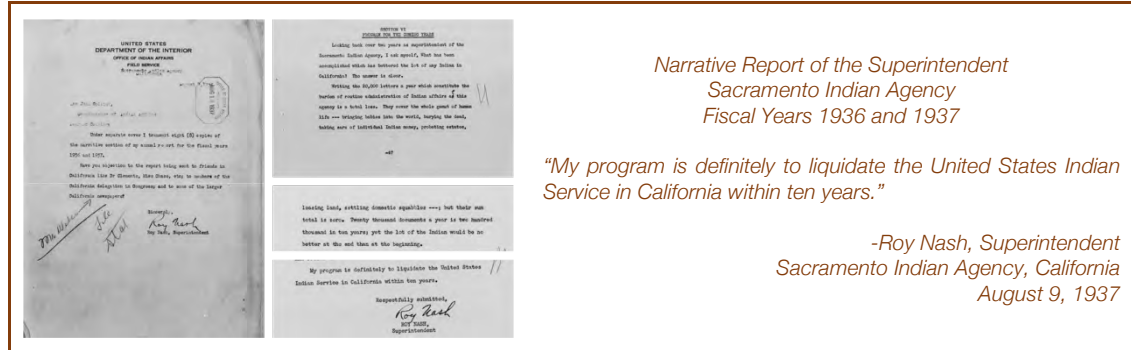
³⁵³ Lipps, O. H., Superintendent for the Sacramento Indian Agency. Fiscal Year 1935 Annual Report Narrative Section.

³⁵⁴ Lipps, O. H., Superintendent for the Sacramento Indian Agency. 1935 Annual Report Narrative Section. Section II, Agricultural Development. Pages 5-6.

³⁵⁵ Lipps, O. H., Superintendent for the Sacramento Indian Agency. 1935 Annual Report Narrative Section. Section V, Program For The Coming Year. Pages 3-4.

On August 1, 1935, Roy Nash would later take over as Superintendent of the Sacramento Indian Agency. In his first Narrative Report for the Sacramento Indian Agency for Fiscal Years 1936 and 1937³⁵⁶, Nash would erroneously claim that the agency had no function along the region of the Spanish Missions for many years:³⁵⁷

"It will be seen that Indians have almost disappeared from the counties south of San Francisco Bay, along the lines of the old Spanish Mission. The 112 remaining in the five counties of Santa Cruz, Santa Clara, Monterey, San Benito, and San Luis Obispo are so scattered and so assimilated into the general population that this agency has performed no function there for many years."



We know this was a mistake as just 2 years before Superintendent Lipps had reached out to the Department of Justice to request proceedings to obtain land for the Toro Creek Indians in San Luis Obispo County.

Nash would go on to outline his program for his agency for the coming ten years.³⁵⁸

"Looking back over two years as superintendent of the Sacramento Indian Agency, I ask myself, What (sic) has been accomplished which has bettered the lot of any Indian in California? The answer is clear."

Writing 20,000 letters a year which constitute the burden of routine administration of Indian affairs at the agency is a total loss. ... Twenty thousand documents a year is two hundred thousand in ten years; yet the lot of the Indian would be no better at the end than at the beginning."

Concluding:³⁵⁹

"My program is definitely to liquidate the United States Indian Service in California within ten years."

May 1, 1944: Report on the California Indian Problem, John G. Rockwell.

³⁵⁶ Nash, Roy. Superintendent for the Sacramento Indian Agency. Fiscal Year 1936-1937 Annual Report Narrative Section.

³⁵⁷ Nash, Roy. Superintendent for the Sacramento Indian Agency. Fiscal Year 1936-1937 Annual Report Narrative Section. Page 9.

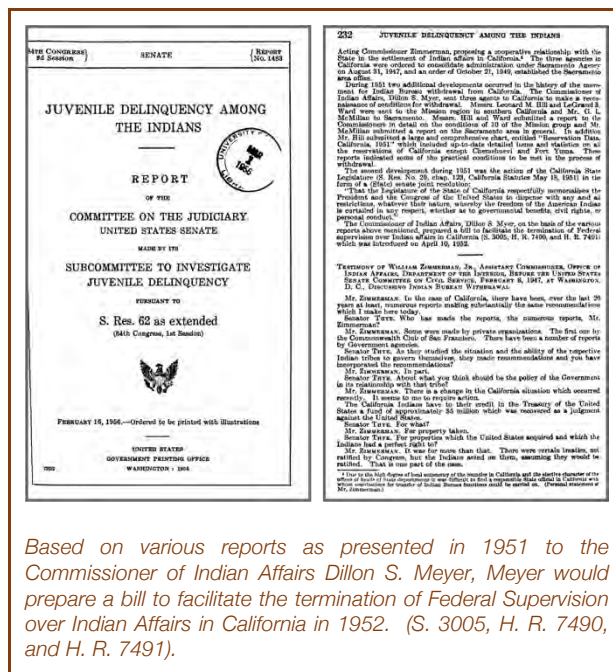
³⁵⁸ Nash, Roy. Superintendent for the Sacramento Indian Agency. Fiscal Year 1936-1937 Annual Report Narrative Section. Section VI. Program for the coming Years. Pages 47-48.

³⁵⁹ Nash, Roy. Superintendent for the Sacramento Indian Agency. Fiscal Year 1936-1937 Annual Report Narrative Section. Section VI. Program for the coming Years. Page 49.

On May 1, 1944, Superintendent John G. Rockwell of the Sacramento Indian Agency, observes that the hearings and reports that he has studied all have a unified policy direction towards removing help for California Indians. From this he observes the following:³⁶⁰

“Although I may not have interpreted the import of these reports and hearings altogether correctly, the simple fact remains that there is a grave doubt within the minds of not one but many, perhaps the majority, of the students of the California Indians whether Federal control over Indian affairs should remain in this State and whether the interests of the California Indians would not be better served by removing all distinctions which separate them from the rest of the citizenry of the State.”

June 1951 to 1952: Report by the Commissioner of Indian Affairs Dillon S. Myer and California State Senate Joint Resolution No. 29, Chapter 123, May 18, 1951 “Relative to the American Indian.”
361



the freedom of the American Indian is curtailed in any respect, whether as to governmental benefits, civil rights, or personal conduct.”

Commissioner Myer, based on the above reports, on April 10, 1952, would prepare a bill to facilitate the termination of Federal supervision over Indian affairs in California.

Section 2: Brief Overview of the Indian Termination Era and the California Rancheria Termination Acts (1953-1970)

The Indian Termination Era, beginning in the 1950s, disproportionately affected California Indians. When the first two key pieces of legislation were adopted two weeks apart in August of 1953, namely House

³⁶⁰ Rockwell, John G., “The Status of the Indian in California Today”. Published by the Sacramento Indian Agency. Section I “Findings and Recommendations of Previous Studies”. Page 24.

³⁶¹ “Juvenile Delinquency Among the Indians: Report of the Committee on the Judiciary United States Senate Pursuant to S. Res. 62 as Extended”. Senate Report 1483, 84th Congress, 2nd Session. Page 232.

Concurrent Resolution 108 and Public Law 280, we see that California was the only state that was named in both Acts. Additionally, under the Indian Relocation Program, we see that California went on to be the home to three of the six Field Relocation Offices under the direction of the Bureau of Indian Affairs.

House Concurrent Resolution 108³⁶²

The beginning of the Indian Termination Era is generally marked with the passage of House Concurrent Resolution 108 on August 1, 1953. From this, we find that the Bureau of Indian Affairs will no longer provide any support for all Indian tribes listed in four very specific states. As passed:

*“Resolved by the House of Representatives (the Senate concurring), That... at the earliest possible time, all of the Indian tribes and the individual members thereof located with the States of **California** [emphasis added], Florida, New York, and Texas... should be freed from Federal supervision and control...”*

*“It is further declared... that... all offices of the Bureau of Indian Affairs in the States of **California** [emphasis added], Florida, New York, and Texas and all other offices of the Bureau of Indian Affairs whose primary purpose was to serve any Indian tribe or individual freed from Federal supervision should be abolished.”*

Public Law 280³⁶³

Two weeks later in 1953, we see that passage of House Resolution 1063, Public Law 280. This Act transferred jurisdiction away from the tribes, to their respective state governments, the jurisdictional authority for criminal and civil offenses committed on reservations. As adopted:

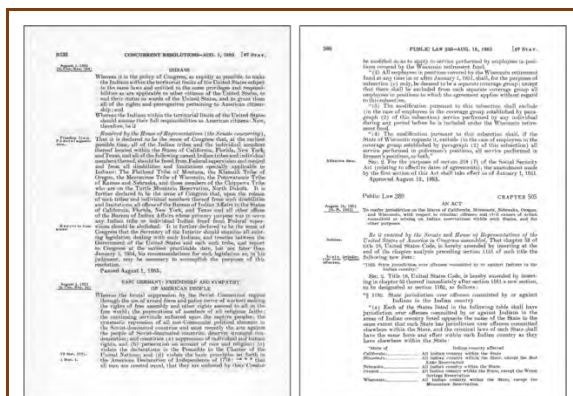
“§ 1162. State jurisdiction over offenses committed by or against Indians in the Indian country.”

“(a) Each of the States listed in the following table shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over offenses committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country as they have elsewhere within the State:”

<i>“State of</i>	<i>Indian country affected”</i>
<i>“California</i>	<i>All Indian country within the State” [emphasis added]</i>
<i>“Minnesota</i>	<i>All Indian country within the State, except the Red Lake Reservation”</i>
<i>“Nebraska</i>	<i>All Indian country within the State”</i>
<i>“Oregon</i>	<i>All Indian country within the state, except the Warm Springs Reservation”</i>
<i>“Wisconsin</i>	<i>All Indian country within the State, except the Menominee Reservation”</i>

³⁶² 67 Stat. House Concurrent Resolution 108, Public Law 108 “Indians”, August 1, 1953.

³⁶³ 67. Stat. H. R. 1063, Public Law 280. “An Act To confer on the States of California, Minnesota, Nebraska, Oregon, and Wisconsin, with respect to criminal offenses and civil causes of action committed or arising on Indians reservations within such States, and for other purposes.” August 15, 1953.



What has been widely viewed as the beginning of the Indian Termination Era began with both Public Law 108 (adopted August 1, 1953) and Public Law 280 (adopted August 15, 1953). See Footnotes 20 and 21.

The Indian Relocation Program

In 1956, Senate Bill 3416, Public Law 959, was adopted. This resulted in what is known today as The American Indian Relocation Program. Public Law 959 was a codification of a policy that the Bureau of Indian Affairs had in place since 1952 referred to as the Voluntary Relocation Program. Under this program, the Bureau of Indian Affairs incentivized individual Indians and families to leave their reservations and assimilate into American culture.³⁶⁴

As noted in “The American Indian Relocation Program” report from 1956, there were six Field Relocation Offices located throughout the United States at the time. Of the six, half were in California as we see listed below:³⁶⁵

- Chicago, Illinois
- Denver, Colorado
- Los Angeles, California
- San Francisco, California
- San Jose, California
- St. Louis, Missouri

The California Rancheria Termination Acts

It was during this time that the United States would also pass the California Rancheria Termination Acts. These Acts had a further devastating effect not only the California Indians, but for cultural perspectives of the existence of Indians in California as well. Below are the three Acts along with the amendment to the third.

- **House Resolution 585, Public Law 443. March 29, 1956:**³⁶⁶ To Authorize the Conveyance to Lake County, California, of the Lower Lake Rancheria, and for Other Purposes.
- **House Resolution 6692, Public Law 85-91. July 10, 1957:**³⁶⁷ To Authorize the Transfer of the Coyote Valley Rancheria to the Secretary of the Army, and for Other Purposes.
- **House Resolution 2824, Public Law 85-671. August 18, 1958:**³⁶⁸ To Provide for the Distribution of the Land and Assets of Certain Indian Rancherias and Reservation in California, and for Other Purposes. This targeted 41 rancherias throughout California.
- **House Resolution 7833, Public Law 88-419, August 11, 1964:**³⁶⁹ To amend the Act entitled “An Act to Provide for the Distribution of the Land and Assets of Certain Indian Rancherias and Reservation in California, and for Other Purposes”, approved August 18, 1958 (72 Stat. 619).

³⁶⁴ 70. Stat. S. 3416, Public Law 959 “*An Act Relative to employment for certain adult Indians on or near Indian reservations.*” August 3, 1956.

³⁶⁵ Madigan, La Verne. “*The American Indian Relocation Program*”. A report undertaken with the assistance of The Field Foundation; Inc. based upon the findings of a Relocation Survey Team under the direction of Dr. Mary H. S. Hayes. Published by The Association of American Indian Affairs, Inc. December 1956. Page 4 “Branch of Relocation Organization Chart – 1957”.

³⁶⁶ 70. Stat. H. R. 585, Public Law 443, Chapter 100 “*An Act To authorize the conveyance to lake County, California, of the Lower Lake Rancheria, and for other purposes.*” March 29, 1956.

³⁶⁷ 70. Stat. H. R. 6692, Public Law 85-91, “*An Act To authorize the transfer of the Coyote Valley Indian Rancheria to the Secretary of the Army, and for other purposes.*” July 10, 1957.

³⁶⁸ 72. Stat. H. R. 2824, Public Law 85-671, “*An Act To provide for the distribution of the land and assets of certain rancherias and reservations in California, and for other purposes.*” August 18, 1958.

³⁶⁹ 78. Stat. H. R. 7833, Public Law 88-419, “*An Act To amend the Act entitled ‘An Act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes’ approved August 18, 1958 (72 Stat. 619).*” August 11, 1964.

Conclusion

For much of the United States, especially for the Indian groups residing in California, the actions of the federal government fostered a cultural atmosphere from the 1930s forward in which government agencies, academics, researchers, news outlets, and society saw the existence of Indians and tribal groups as either a vanishing or bygone era.



Left Column: "Indian, 120, Dies; Race is Vanishing" ³⁷⁰ (December 9, 1936)

Top Row Middle Column: "Member of Vanishing Indian Tribe Braves Storms, Illness and Weary Miles To Protect His Lonely Wife" ³⁷¹ (January 19, 1933)

Top Row Right Column: "Jose Bylon, Toro Indian, At Happy Hunting Ground. '...one of the few native Indians left in San Luis Obispo County...'" ³⁷² (April 25, 1935)

Bottom Row Middle Column: "[Les] Pierce, one of the few remaining Toro Creek Indians..." ³⁷³ (November 24, 1978)

Right Column Middle Row: "'Tito' Encinales Dies; One of Last Indian Families" ³⁷⁴ (May 24, 1934)

Right Column Bottom row: "One Of Last San Miguel Indians Dies At 120" ³⁷⁵ (December 3, 1936)

From the preceding discussion, it is reasonable to conclude the for much of the United States, especially for the Indian groups residing in California, the actions of the federal government fostered a cultural atmosphere from the 1930s forward in which government agencies, academics, researchers, news outlets, and society saw the existence of Indians and tribal groups as either a vanishing or bygone era.

We can also see time and again throughout this application that most academics, researchers, and news outlets would only identify Indians and Indian entities if they were born and baptized at one of the original California Spanish Missions. As such most were routinely identified in research and obituaries as the last of a tribal group even though this was not accurate. These types of cultural inaccuracies further fostered a societal viewpoint that Indians and Indian entities were a bygone era.

³⁷⁰ *Indian, 120, Dies; Race is Vanishing – One of Last "Diggers" is Buried at Jolon.* The Californian. Salinas, California. December 9, 1936. Front page, top of third column.

³⁷¹ *Member of Vanishing Indian Tribe Braves Storms, Illness and Weary Miles to Protect His Lonely Wife.* The Californian. Salinas, California. January 19, 1933. Page 2, lower left hand corner.

³⁷² *Jose Bylon, Toro Indian, At Happy Hunting Ground.* The San Luis Obispo Daily Telegram. San Luis Obispo, California. April 25, 1935. Page 8, upper right corner.

³⁷³ Humphrey, Brad. Special Section Et Cetera: Only Graves Now, Troubled Times at Toro Creek. Atascadero News. Atascadero, California. November 24, 1978.

³⁷⁴ *"Tito" Encinales Dies; One of Last Indian Families.* Salinas Morning Post. Salinas, California. May 24, 1934. Front page, lower part of sixth column.

³⁷⁵ *One of Last San Miguel Indians Dies at 120.* The Fresno Bee. Fresno, California. December 3, 1936. Page 20 overall, page 8-B, bottom of second column.

In other words, it perpetuated the social and cultural genocide of the California Spanish Mission Indians that has been taking place since 1769, for almost a quarter of a millennium.

As such, locating identification as required by the Office of Federal Acknowledgement can be a bit challenging for those tribal entities that trace their history to the California Spanish Missions.



"The Situation of the California Indians has no parallel in America." ³⁷⁶

*"Final Report to the Commissioner of Indian Affairs"
C. E. Kelsey
Special Agent for the California Indians
July 25, 1913*

We hope the Office of Federal Acknowledgment will take the above discussion into consideration when reviewing this application in terms of the volume of evidence provided from 1930 forward as required to meet the standards for federal acknowledgement.

And we also hope that the Office of Federal Acknowledgement can assist us in finding out exactly what became of the request from O. H. Lipps and the Indian Service to the Department of Justice asking for proceedings to acquire land for the Toro Creek Indians back in 1935.

³⁷⁶ Kelsey, Charles Edwin. *Final Report to The Commissioner of Indian Affairs*. United States Department of the Interior, Washington, D. C. July 25, 1913. Bottom of page 2 middle of page.

Section IV Seven Mandatory Criteria

Criterion 83.11(b and c) – Distinct Community / Political Influence.

...

Background for Subsection 83.11 (b and c) 1930-1954:

During the next few decades of this era, the children of Clara Maria Bylon (nee Encinales), Toro Creek Indian sisters Maria Antonio Bylon (married name Pierce from husband Edward Romeo Pierce) and Maria Ceberia³⁷⁷ Teodora Bylon (married name Roses from husband Manuel Roses) would eventually locate to Morro Bay and continue to work, socialize, and organize as a distinct community identified as the Toro Creek Indians.

Antonio Bylon had six children: Bill Pierce, Les Pierce, Adrian “Dutch” Pierce, Arthur “Bud” Pierce³⁷⁸, Bessie Pierce, and Eddie Pierce. This Indian tribal group worked together in the commercial abalone industry as the owners of the Pierce Brothers Company beginning in the 1930s in Morro Bay.

Ceberia had two children: a son and a daughter. The first child, Ramon Rosas³⁷⁹, stayed at Toro Creek Indian settlement with his mother as well as his uncle, Jose Bylon. As a result of the adverse findings of the *Marre v. Bylon* lawsuit and settlement, Jose Bylon, Maria Ceberia Teodora Bylon, and Ceberia’s son Ramon were allowed to live out their years at the Toro Creek reservation with the agreement that no other Indians would be allowed to live on or have any rights to the disputed property.

The second child to Ceberia, Felista Rosas³⁸⁰, married Andrew P. Forsting and had two children, Andrew Forsting Jr. and Anna Forsting. Felista and her family were in Morro Bay in the 1930s as well. Anna Forsting’s husband, Marion Michael Herrera, along with his brother Frank “Pepper” Herrera, both worked abalone crews for the Pierce Brothers Company.

The evidence will show that this group of Indians remained together throughout their lives as an identified group known as the Toro Creek Indians. The evidence will also show that this same group remained in contact with the family and relatives of their grandmother, Clara Maria Bylon, the daughter of Refugio and Eusebio Encinales, along with the interrelated descendants of Eusebio’s second marriage to Perfecta Encinales.

After the passing of Antonio, Edward Romeo Pierce married Katherine Frances McCormack, the granddaughter of an orphaned Indian girl named Catarina Forbes, in 1918. Catarina Forbes was baptized at the San Jose Mission in 1838 at the age of 7³⁸¹ and was brought into the family of Don Diego Forbes and Dueña Ana Maria Galindo. Edward and Katherine would go on to have five children: Charlie Pierce, Walter “Duke” Pierce, Gertrude “Girlie” Pierce, June Pierce, and Ernest “Skinner” Pierce. The evidence will show that this group of Indians, along with their extended families and descendants not only worked with, but also remained interrelated to the children and descendants of the Toro Creek Indians

³⁷⁷ There are a few different spellings of Maria Ceberia Teodora Bylon and of the Bylon name as well. Maria Ceberia Teodora Bylon has also been spelled a few different ways as well including Ceberia, Severina, and Seberina. Bylon has been recorded as Bylon, Baylon, Bailon, along with a few other iterations.

³⁷⁸ Arthur “Bud” Pierce passed away on November 22, 1928.

³⁷⁹ Ramon Rosas has also been listed as Ramon Roses, Raymond Roses, and Raymond Rosas. We have enclosed a few examples for review.

³⁸⁰ Felista Forsting (nee Rosas) has also been listed as Felista Roses, Felicia Roses, Felicita Rosas, and Felicia Forsting. We have enclosed a few examples for review.

³⁸¹ Please see Footnote 5 83.11(b and c) 1930-1954 Discussion of Catarina Forbes and the Salinan cultural relationship.

Subsection:	83.11(b and c) 1930-1954 Subsection 1
Document(s):	83.11(b and c) 1930-1954 Documents 1(a) to 1(k)
Title(s):	Doc 1(a): Willhoit, Al. et al. <i>"The End of The Line. Recollections & The History of Templeton."</i> Second Edition, 2008. Color Craft Printing, Atascadero, CA 93422 for Templeton Historical Museum Society. 309 S. Main Street, Templeton, CA 93442 Doc 1(b): Lowe, Dorthy. <i>"Passing Years Fade Indian Culture."</i> The Paso Robles Country News. Pioneer Day '79, Souvenir Issue. Week of October 3-9, 1979. Doc 1(c) Humphrey, Brad. <i>"Only Graves Now."</i> Atascadero News, Et Cetera Section. Atascadero, California. Pages 3-6. November 24, 1978. Doc 1(d) Waltz, Linnea. <i>"Les Pierce: Gold, Abalone Then Turkeys."</i> San Luis Obispo County Telegram-Tribune. San Luis Obispo, California. November 8, 1979. Front page. Doc 1(e) <u>"BY-LAWS, THE TORO CREEK INDIANS"</u>. February 17, 1934. Doc 1(f) <u>"THE TORO CREEK INDIANS PLANNING MEETING"</u>. February 16, 1935. Morro Bay, California. Doc 1(g) <u>"The Toro Creek Indians Planning Meeting for Coming Year 1938, Paladini's Shop 3rd & C Morro Bay"</u>. February 12, 1938. Morro Bay, California. Doc 1(h) <u>"THE TORO CREEK INDIANS MEETING, CDFG NEW RULES 1939, Paladini's Plant 3rd & C, Morro Bay, California"</u>. September 9, 1939. Morro Bay, California. Doc 1(i) <u>"The Toro Creek Indians Planning Meeting 1940"</u>. February 3, 1940. Morro Bay, California. Doc 1(j) <u>"1948 PLANNING MEETING TORO CREEK INDIANS"</u>. November 22, 1947. Pierce Brothers Ranch. Creston, California. Doc 1(k) <u>"1954 PLANNING MEETING NOTES, TORO CREEK INDIANS"</u>. December 19, 1953. Pierce Turkey Ranch. Creston, California.
Federal Code(s):	For this era from 1930 to 1954, we believe the evidence meets the requirements for both 83.11(b) "Community" and 83.11(c) "Political Influence or Authority" simultaneously under the following criteria:

83.11(b) Community: Section 1

25 CFR § 83.11(b) §1(ii): Social relationships connecting individual members.

25 CFR § 83.11(b) §1(iii): Rates or patterns of informal social interaction that exist broadly among the members of the entity.

25 CFR § 83.11(b) §1(viii): The persistence of a collective identity continuously over a period of more than 50 years, notwithstanding any absence of or changes in

name at a level that meets 25 CFR §83.11(c) §1(iv) The entity meets the criterion in §83.11(b) at greater than or equal to the percentages set forth under §83.11(b)(2). (Please see discussion under Criterion 83.11(b): 50 Year Collective Identity at a Significant Level).

83.11(b) Community: Section 2

25 CFR § 83.11(b) §2(iv): There are distinct community social institutions encompassing at least 50 percent of the members, such as kinship organizations, formal or informal economic cooperation, or religious organizations.

83.11(c) Political Influence or Authority: Section 1

25 CFR § 83.11(c) §1(ii): Many of the membership consider issues acted upon or action taken by entity leaders or governing bodies to be of importance.

25 CFR § 83.11(c) §1(iii): There is widespread knowledge, communication, or involvement in political process by many of the entity's members.

83.11(c) Political Influence or Authority: Section 2

25 CFR § 83.11(c), §2(i)(a): Allocate entity resources such as land, residence rights, and the like on a consistent basis.

25 CFR § 83.11(c), §2(i)(d): Organize or influence economic subsistence activities among the members, including shared cooperative labor.

Evidence for Inclusion:

As the evidence will show, the Toro Creek Indian settlement was well recognized as a distinct Indian community that included Clara Bylon (nee Encinales) along with her children Jose Bylon, Maria Antonia Pierce (nee Bylon) along with her children, and Maria Ceberia Teodora Roses (nee Bylon) along with her children and grandchildren.

The children of Maria Antonia Pierce (nee Bylon) were recorded at this reservation. They included Bill Pierce, Les Pierce, Adrian "Dutch" Pierce, Arthur "Bud" Pierce, Bessie Martin (nee Pierce), and Edward "Eddie" Pierce.

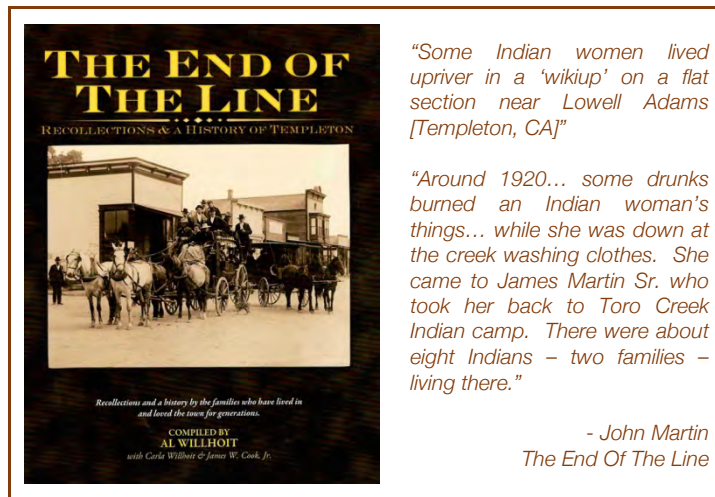
The children and grandchildren of Maria Ceberia Teodora Roses (nee Bylon) were also recorded at this settlement. They included, first, her children Ramon Roses and Felicita Forsting (nee Roses). They next included the children of Felicita Forsting (nee Roses) who were Andrew Forsting, Jr. and Anna Herrera (nee Forsting). Ramon Roses never married nor had any children.

In order to assist the Office of Federal Acknowledgement with their analysis, below reflects a summary table of those from our tribe who were living at the Toro Creek reservation as a distinct community, including their date of birth and date of passing.

83.11(b and c) 1930-1954 Subsection 1: Table A
Summary Table of Indians located at the Toro Creek Indian Settlement

Name	Date of Birth	Date of Passing
Clara Maria Bylon (nee Encinales)	ca. 1843	Sep 28, 1929
Jose Bylon	Mar 15, 1868	Apr 24, 1935
Maria Antonia Pierce (nee Bylon)	Aug 03, 1884	Mar 26, 1918

Maria Ceberia Teodora Roses (nee Bylon)	Nov 15, 1969	Feb 12, 1937
Ramon Roses	Apr 13, 1889	Mar 30, 1951
Felicita Forsting (nee Roses)	Jul 10, 1892	Aug 26, 1951
William "Bill" Pierce	Aug 29, 1901	Aug 20, 1945
Leslie "Les" Pierce	May 27, 1901	Sep 7, 1988
Adrian Rudolph "Dutch" Pierce	Feb 12, 1905	Oct 31, 1992
Arthur "Bud" Pierce	Aug 06, 1908	Nov 22, 1928
Bessie Martin (nee Pierce)	Apr 05, 1912	Jan 04, 2003
Edward Joseph "Eddie" Pierce, Jr.	Aug 19, 1914	Mar 12, 2004
Andrew Forsting, Jr	Nov 11, 1916	Feb 23, 1999
Anna Maria Herrera (nee Forsting)	Apr 03, 1921	Mar 20, 2006



"Some Indian women lived upriver in a 'wikiup' on a flat section near Lowell Adams [Templeton, CA]"

"Around 1920... some drunks burned an Indian woman's things... while she was down at the creek washing clothes. She came to James Martin Sr. who took her back to Toro Creek Indian camp. There were about eight Indians – two families – living there."

*- John Martin
The End Of The Line*

Beginning with "The End of the Line," a compilation of numerous local newspaper articles and recollections of the region by Al Willhoit, Carla Willhoit, and James W. Cook, Jr., we see evidence of the Toro Creek Indian settlement also naming members of our tribe.³⁸²

As recalled by John Martin, we see the following story:³⁸³

"Some Indian women lived upriver in a 'wikiup' ³⁸⁴ on a flat section near Lowell Adams. Willows still growing in the ground were pulled together at

the top and tied, then covered with mud forming a hut."

"Around 1920 or '21, some drunks burned an Indian woman's things above while she was down in the creek washing clothes. She came to James Martin Sr. who took her back to Toro Creek Indian camp [emphasis added]. There were about eight Indians – two families – living there."

"One of the old Indians used to go to Horstman's slaughterhouse and get a couple of beef heads, which were just thrown away. The Indians put them in a pit and barbecued them."

We see from the forgoing evidence of the existence of a contemporaneous Toro Creek Indian settlement during the 1920s as shared by Mr. Martin.

Next, from the same book, we see the following description of the Toro Creek reservation as written by Barbara Gillis Tannehill, a childhood "...good friend..." of Anna Forsting:³⁸⁵

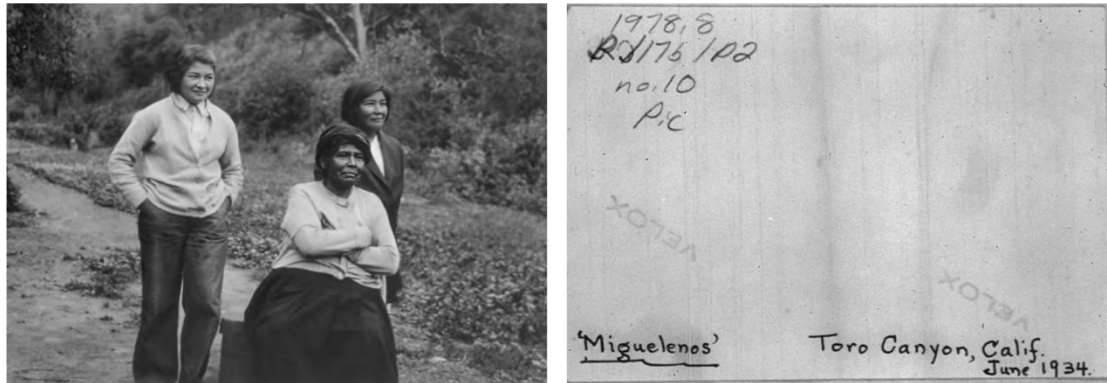
³⁸² Willhoit, Al et al. *"The End Of The Line. Recollections & A History of Templeton."* First Edition: 2001. Second Edition: 2008. Color Craft Printing, Atascadero, CA 93422. Created for the Templeton Historical Museum Society. 309 S. Main Street, Templeton, CA 93465.

³⁸³ Ibid. Willhoit, Al et al. "Indians" written by John Martin. Page 182.

³⁸⁴ Wikiups are a traditional dwelling used by various Native American tribes made of bark, reeds, grass, or animal hides. An example of a wikiup can be seen at <https://loc.gov/pictures/resource/cph.3c01173/> (Courtesy of the Library of Congress).

³⁸⁵ Ibid. Willhoit, Al et al. "Recollections of Templeton" written by Barbara Gillis Tannehill. Page 240.

“When the pioneers first arrived in Templeton they found a spreading landscape of rolling hills dominated by giant oak trees. ... Little did these newcomers realize that their activity was being watched by a tribe of Indians who had inhabited this land for untold centuries. The Spanish explorers and mission builders had been to this Indian land earlier to capture and exploit these friendly natives... A few of them escaped into the higher elevations of the Santa Lucia Mountains where they hid out and remained until as late as the 1920s. At this time they still lived very much as their ancestors had and had not succumbed to very many of the white man’s way.” ¶ “Their home was above Toro Creek in a large clearing that was almost inaccessible except on foot or horseback. They were descendants of a large population who had once lived along the creeks that flow into the Salinas River.”



Maria Ceberia Teodora Bylon (center), granddaughter Anna Forsting (left), daughter Felista Forsting (right). Toro Creek Canyon, California. June 1934.

“Miguelenos”: C. Hart Merriam Collection of Native American Photographs, Ennesen [Salinan] Stock.

Courtesy of the Bancroft Library, U. C. Berkely. Retrieved March 16, 2023.

“One of the Indian girls who was born on the reservation in the late 1800s was Felicity (possibly Felicity) Narcissis Roses... Her life on the reservation was lonely and when an older white man came along and asked her to marry him, she left the reservation and moved into Templeton. ³⁸⁶ Felicity had two children, a boy named Andy and a girl named Anna, who was my age and was in my class at Templeton Grammar School. ... She became a good friend of mine and we enjoyed many happy times together...”

“Andy... spent a lot of time up on the reservation as he was growing into manhood and was learning skills and habits of his male relatives. Anna often stayed on the reservation with her relatives and told me about her family and some of their occupations. Her grandmother’s name was Maria Bylon and she and her great-grandmother Bylon remained on the reservation throughout their lives. Her uncle Jose and Colono (sic) Hill were residents as well as her aunt Savanna (possibly Sobrianna) and her Uncle Ramon Roses. These were the only names she mentioned although other Indians lived among them.” ³⁸⁷

“Anna said there was a cemetery on the mountain and she couldn’t begin to tell me how many graves were in it. ... They lived a communal life under a chief... and not ignorant, uncivilized savages as Indians are often depicted.”

³⁸⁶ Marriage record for Andrew P. Forsting and Felicita Rosa (sic) as located in the County of San Luis Obispo. Date of marriage on certificate is August 31, 1915.

³⁸⁷ Please see enclosed chart “Relationships of the San Antonio Mission and San Miguel Mission Indian Entity During the 1905-1906 C. E. Kelsey Census.”

“She had relatives living up and down the coast ... and they visited each other often. They knew their way across the mountain passes and had trails along the coast out of sight of the settlers.”

Tannehill provides further evidence of the well known Toro Creek Indian reservation and of those Indians associated with this settlement during the early part of the 20th century.

Moving on, we see a transcript of an article titled “Passing Years Fade Indian Culture” that appeared in the Paso Robles Country News dated October 3rd through the 9th of 1979 as written by Dorothy Lowe.³⁸⁸ In this very descriptive article, we see the following references to the community of Indians at the Toro Creek reservation:



“1886”

“Fearing for their lives, a peaceful group of Salinan Indians gathered their belongings and headed south along the Salinas River.” ¶ “After many nights of travel and days of hiding, the Indians reached a creek which flowed into the Salinas [River]. Now called Paso Robles Creek, it promised a good source of water. The Indians turned west into the hills, far from the white men’s settlements, to an area of oak trees and deer...”

“Their first settlement was near the head of Santa Rita Creek, a tributary of Paso Robles Creek. Later, they moved south into the hills west of Templeton and Atascadero. Here, their lives were joined with many Indians, already there, who left Jolon after San Antonio Mission had been secularized. Their numbers counted in the hundreds.”

“As the years passed those numbers grew less.” ... “Some moved away to take jobs in the white man’s world. Others intermarried with Mexican and American settlers. And – always – there were more crosses in their little cemetery.”

“1929”

“Ramon Roses felt pleased that October day as he headed back to his cabin near the headwaters of Toro Creek.” ... “His trap line had yielded several fine pelts.” ... “When his mother Sobriana [Roses, nee Bylon] and his sister Felicita [Forsting, nee Roses] drove their buckboard to Templeton to deliver their honey, he would send the sack along to be loaded onto the train for shipment to the fur buyer in Sacramento.”

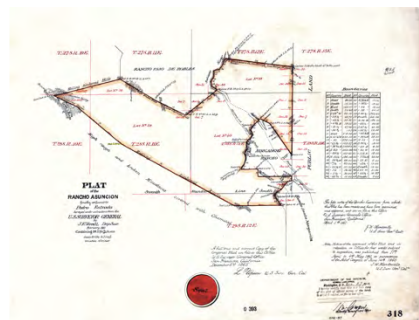
“He stopped to play with the dogs who were barking their pleasure at this return, vying noisily for his attention.”

³⁸⁸ Lowe, Dorothy. “Passing Years Fade Indian Culture”. The Paso Robles Country News. Pioneer Day '79, Souvenir Issue. Pages 24-25, 37. Week of October 3 – 9, 1979. We have enclosed a copy of both the original article and the transcript of the article as it appeared in “The End of The Line. Recollections & A History of Templeton” by Al Willhoit, et al. (pages 259-261) for ease of reading. Editorial note: We opted for an extensive quotation at this point to give the reader an idea of not just who the Toro Creek Indians were during the early part of the 20th century but to also give a historical reminder from earlier sections of this application of where they came from as well.

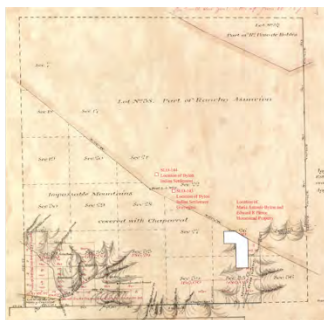
“His feeling of satisfaction suddenly changed to one of apprehension when he rounded the cabin and saw the little group gathered there. His usually jolly mother looked serious as she was engrossed in conversation with Felicita and Joe Baylon. It was unusual for Joe to be here at this time of day when he was usually busy with his leather work.”

“Sobriana (sic) turned distressed eyes on her son as he approached, and showed him the paper she held in her Ramon Roses (right) with Jack Greer and fox. They had a visitor while he was gone. The San Luis Obispo County Sheriff had served them a notice of eviction. They and their ancestors had lived on the land for over a hundred years. Now that land was claimed by a rancher who wanted those “squatters” removed.”

Maps showing the recorded movement of the Post L.A. (La Asuncion) No. 4 survey monument. The L.A. No. 4 survey monument was moved well over 1 mile northwest from its original location as depicted on the February 11, 1873, survey (middle), to its new location as depicted on the May 19, 1884 survey (right). This is one of the many key arguments laid out by Assistant United States Attorney Ignatius F. Parker on behalf the Toro Creek Indians. The appeal before the State of California Court of Appeal was denied.



The Plat of the Rancho Asuncion, Asuncion Land Grant confirmed to Pedro Estrada March 22, 1866. Courtesy of the San Luis Obispo County Public Works Department.³⁸⁹



Original survey of the Toro Creek area. Recorded February 11, 1873.³⁹⁰



Follow up survey of the Toro Creek area. Recorded February May 19, 1884.³⁹¹

“1930”

“The courthouse was full that day as the citizens of San Luis Obispo crowded in to see and hear the important United States attorneys from Los Angeles who had traveled all this way to defend the Indians.”

“Samuel McNabb explained that Indians were wards of the U.S. Government. He told how the defendants lived in a remote section of the county and it was difficult to maintain contact with them. They spoke Spanish and were not familiar with legal proceedings. The attorneys were here to see that the Indians were given a proper defense.”

³⁸⁹ San Luis Obispo County Public Works Department: [https://www.slocounty.ca.gov/departments/public-works/forms-documents/maps-\(county-surveyor\)/rancho-maps](https://www.slocounty.ca.gov/departments/public-works/forms-documents/maps-(county-surveyor)/rancho-maps)

³⁹⁰ Bureau of Land Management General Land Office Records: CA-Mount Diablo 28S 11E. Recorded February 11, 1873. https://glorerecords.blm.gov/details/survey/default.aspx?dm_id=317048&sid=jbsezwbk.rde#surveyDetailsTabIndex=0

³⁹¹ Bureau of Land Management General Land Office Records: CA-Mount Diablo 28S 11E. Recorded May 19, 1884. https://glorerecords.blm.gov/details/survey/default.aspx?dm_id=317050&sid=jbsezwbk.rde

“Ignatius Parker held the rapt attention of the entire courtroom with the defense. He asserted that there was valid doubt as to the correctness of the boundary line claimed by the rancher and shown on the map presented in court.³⁹² Parker suggested that the land in question was public land.”

“He also maintained that though the Indians did not claim title to the land, they were entitled to its use, since they and their ancestors had been in continuous occupation of it even prior to the giving of the Mexican grant.”

“In spite of the eloquent defense given by Parker, the judgment went against the Indians. They were to pay the \$26.50 in court costs. A condition was added that those living on the land now had a right to its occupation as long as they lived. No other individuals could join them. If they moved away they would give up right to the land.”



Ramon Roses at Toro Creek with his dog and cat. Ramon would pass away on March 30, 1951, while under the care of the Veterans Administration Hospital of Los Angeles County for a nervous disorder from serving in the U.S. Army during World War I. He is buried at the Atascadero Cemetery.

His sister Felista would pass away five months later.

Photograph ca 1925

“1946”

“As the sun in the west touched the tops of the Santa Lucias, causing a momentary blending of the sky and the mountains into a brilliant display of red and gold, Ramon shook himself from his reverie. He didn't realize how long he had been sitting there. He had been spending many hours like this in the past year. Hours when it seemed that he could hear again

the voices of those who lay in the little cemetery. Joe and Sobriana now lay there too.”

“It wasn't good for a man to be too long alone. Ramon knew it was time for him, too, to leave. He looked down at his trembling hands. The trembling had been getting worse and he knew he must

³⁹² Our research located two surveyed maps at the Bureau of Land Management website (<https://glorerecords.blm.gov/default.aspx>) that demonstrate the movement of the boundary lines for the Rancho Asuncion Spanish Land Grant confirmand to Pedro Estrada in 1866. For reasons lost in history, the boundaries changed dramatically from the map dated February 11, 1873 to the one dated May 19, 1884. We can see that the location of survey monument Post L. A. (La Asuncion) No. 4 was moved well over a mile to the northwest. This change caused a shift in the boundary lines for this grant. It was this change in boundaries that is spoken about during the legal land dispute as outlined in previous sections (Luigi Marre v. Raymond Roses, Joe Baylon, and Maria Baylon. San Luis Obispo Superior Court, California. April 17, 1929. Case Number 9266). As presented in his affidavit by Assistant United States Attorney Ignatius F. Parker (deponent) for the Indians at Toro Creek, we see the following statement presented by Parker (February 13, 1930):

“That deponent has made an extensive investigation of the records and files pertaining to the title to the lands in controversy herein and deponent verily believes that there is valid doubt as to the right of plaintiffs to possession of the premises in controversy herein as against the defendant;”

“That said investigation of deponent included a review of a certified copy of the Patent of the United States of America to one Pedro Estrada, plaintiffs' predecessor in interest herein, which patent was issued to Pedro Estrada for the tract called “La Asuncion” situate (sic) in the County of San Luis Obispo, State of California, and including the lands in controversy herein by the United States of America under date of March 22, 1866;”

“That said investigation also included a review of the boundary lines of the property claimed by plaintiffs herein, and deponent verily believes there is a valid doubt as to the correctness of the boundary lines of plaintiffs' lands as set forth in the complaint herein (underline emphasis added) and that therefore under Section 2125 of the Revised Statutes of the United States, referred to above, plaintiffs should in law be required to establish the correctness of the boundary lines of the lands alleged in the complaint to belong to the plaintiffs;...”

Unfortunately, this legal argument of the shifted boundaries, along with other legal issues, never had the chance to be presented in our court system as their appeal before the State of California Court of Appeal was denied.

seek medical help. His service to his country in World War I had left him with the nervous disorder.”

“Tomorrow, he would gather his few needs and move to Atascadero where Felicita had long been urging him to make his home with her family. A new life would begin for him among the houses and businesses of that little town. He would make a place for himself in that community. Yet, a part of him could never leave.”

“His heart would always remain in his beloved mountains. Ramon knew it would be time soon for him to join his ancestors and then there would be no more. Ramon was the last – the very last of the Indians.”

Our next piece of evidence identifying our Indian community at the Toro Creek reservation includes an article that appeared in the Et Cetera section of the Atascadero News on November 24, 1978 titled, “Only Graves Now.”³⁹³

*Only Graves Now by Brad Humphrey
Atascadero News, Et Cetera Section. Atascadero, California. November 24, 1978.*

Interview of Antonia Bylon's son Les Pierce “... one of the few remaining Toro Creek Indians...” regarding access issues to the Toro Creek Cemetery and of the history of the Toro Creek Indians.

For clarity, enclosed on the right are copies of the original photographs that were donated for use in this article.





“Pierce, one of the few remaining Toro Creek Indians, remembers burying his aunt, Serviana Roses, and uncle, Jose Bailon”

“His parents, Ed Pierce... and Antonia Bailon, a Toro Creek Indian, met at a small Indian settlement near the banks of Toro Creek.”

“A miner, a diver, a fisherman, a rancher, but above all, Pierce is a Toro Creek Indian, and proud of it.”

In this article, Les Pierce is interviewed about his time at this Indian settlement as a Toro Creek Indian before they were removed by the court system. Below are a few excerpts from the article identifying the children of Maria Antonio Bylon and their community relationship with this Indian reservation.

“Les Pierce was born May 27, 1902 in a one-room, dirt floor house, half-way between Atascadero and Morro Bay in a valley called Van Ness near Toro Creek.”

“His parents, Ed Pierce, a handsome man who worked as a blacksmith in Templeton, and Antonia Bailon, a Toro Creek Indian, met at a small Indian settlement neat the banks of Toro Creek.”

³⁹³ Humphrey, Brad. “Only Graves Now”. Atascadero News, Et Cetera Section. Pages 3-6. November 24, 1978

“The senior Pierce homesteaded property nearby and returned to his ranch on the weekends. At the outbreak of World War I, the Pierces picked up stakes and moved to the Mother Lode country near Redding where the family income was from mining gold.”³⁹⁴

“‘I always came up here and I never wanted to go home,’ said Les Pierce, as he walked through Ivy covered trees and brush covered walk ways (sic). Pierce recalled the site as the place of his relatives, the Toro Creek Indians.”



“‘I always came up here and I never wanted to go home,’ said Les Pierce, as he walked through Ivy covered trees and brush covered walk ways (sic). Pierce recalled the site as the place of his relatives, the Toro Creek Indians.”

“Pierce, one of the few remaining Toro Creek Indians, remembers burying his aunt, Serviana (sic) Roses, and uncle, Jose Bailon.”

“‘Boy the ground was hard. I don’t see how we did it.’”

“Now covered with sage brush, the cemetery is barely visible. A large beaten wood cross stands as a monument to approximately 60 graves.”

*- Les Pierce, son of Maria Antonia Bylon
Only Graves Now, Et Cetera Section, Atascadero News
November 24, 1978*

“Pierce, one of the few remaining Toro Creek Indians, remembers burying his aunt, Serviana Roses, and uncle, Jose Bailon.”

“‘Boy the ground was hard. I don’t see how we did it.’”

“Now covered with sage brush, the cemetery is barely visible. A large beaten wood cross stands as a monument to approximately 60 graves.”

“Most of the graves have as their only marker a wood stake or piece of pipe some covered with rusting coffee cans. Only the grave of the last person buried there has a name on it’s marker. (‘Jose Bailon, died April 24, 1935, 65 years old. Harry S. Gray Mortuary, Atascadero.)”

“The Toro Creek Indian settlement is not accessible to the public. Pierce and his relatives must get permission to visit the cemetery.”

“I was born just a little way from here. This whole area used to be cleared. The Indians kept it really clean. It was nice place. They always had plenty to eat.”

We see later in the same article Les’ first person account of when the San Luis Obispo sheriff deputies came to evict the Toro Creek Indians and evidence of the personal relationship that continued with his cousin Ramon Roses until Ramon’s passing in 1951 in Los Angeles County as Les was part of the discussion over where to bury him.

³⁹⁴ The original outbreak of World War I took place between the late summer of 1914 until 1915 with the original formation of most of the Allied Powers and Central Powers. The United States did not join until April of 1917. It is reasonable to assume that Maria Antonia Bylon and her children remained at the Toro Creek Indian Settlement until the United States joined in the war in 1917 with the declaration of war against Germany on April 6, 1917 and later declaration against Austria-Hungary on December 7, 1917. This coincides with the birth of the youngest child of Antonia, Edward Joseph “Eddie” Pierce on August 9, 1914 in Pleyto, California, as showing evidence that all of the children of Antonia were living at the Toro Creek reservation before moving as discussed by Antonia’s son Les Pierce in the “Only Graves Now” article that appeared in the Atascadero News on November 24, 1978. (<https://www.loc.gov/collections/stars-and-stripes/articles-and-essays/a-world-at-war/timeline-1914-1921/>)

“In 1929 the Indians were told they could no longer live at the settlement when court decision ruled the land legally belonged to [Luigi] Marre. There were two attempts by the Sheriff’s Department to remove the Indians before Marre relented and let them live out the rest of their lives on the site. The stipulation was that no other people could move to the settlement.”

“‘They just died off.’” Said Pierce. “‘Ramon was the last to die but he didn’t live there then. We wanted to bury him with his family at Toro Creek but because he was a veteran (World War I) he had to be buried in the Atascadero Cemetery.’”

*- Les Pierce, son of Maria Antonia Bylon
Only Graves Now, Et Cetera Section, Atascadero News
November 24, 1978*

“Pierce recalled the second time the sheriff and his deputies came to Toro Creek.”

“‘Sheriff Jess Lowery came up here and fired a machine gun all over the hills and nearly scared the poor old people half to death. He took two of them and locked them up in jail. When I heard about it I was mad and I went to Lowry and told him to let them go or he really would have a fight

on his hands. He let them go.’”

“Time took it’s (sic) toll on the Toro Creek settlement and soon no one remained.”

“‘They just died off.’” Said Pierce. “‘Ramon was the last to die but he didn’t live there then. We wanted to bury him with his family at Toro Creek but because he was a veteran (World War I) he had to be buried in the Atascadero Cemetery.’”

In the same article we see a reference to the land dispute over the Toro Creek Indian settlement as evidence that the Toro Creek Indians continue to be frustrated over the loss of their land and rights to visit their Indian reservation and cemetery.

“To the descendants of the Toro Creek Indians the decision is an important matter.”

“The Toro Creek Indians did continue to live on their small reservation but it was the courts (sic) decision that finally closed the reservation to relatives.”

“Today those relatives are angered because they must seek permission to visit a small cemetery which has now become overgrown with brush.”

And as we see at the close of the article:

“A miner, a diver, a fisherman, a rancher, but above all, Pierce is a Toro Creek Indian and proud of it.”

The following year we see another newspaper article, this time appearing in the San Luis Obispo Telegram-Tribune on November 8, 1979.³⁹⁵ In this article we see a continued identification of a community of Indians from the Toro Creek reservation in which the Pierce’s were members of.

“He [Les] thinks Indian first. When he talks, Indian is ‘we’ and everybody else is ‘they,’ and ‘they’ sometimes come in for some heavy criticism for their treatment of the native American Indian.”

“Pierce’s mother, Antonio Baylon Pierce, was a full-blooded Salinian (sic) Indian born at Mission San Antonio, near Jolon.”

“Pierce, however, was born in an Indian village in the Van Ness Valley, the valley through which a traveler on Highway 41 goes from Morro Bay to Atascadero.”

³⁹⁵ Waltz, Linnea. Staff Writer. “Les Pierce: Gold, Abalone then Turkeys”. The San Luis Obispo County Telegram-Tribune. San Luis Obispo, CA. Front page article, left column, top of page. November 8, 1979.

"He [Les] said his parents met when his father homesteaded on Toro Creek near the Salinian (sic) village. He still can remember the sheriff's deputies, armed with guns, coming to route the Indians out of their village when the Salinians lost a court fight to retain ownership of their land."



In corroboration with the above, we also see that Archaeologist Robert O. Gibson gave us further evidence of how the Pierce family is directly associated with the Toro Creek Indian settlement as well as evidence of the Indian settlement itself. As written by Gibson in his report that appeared in the 1982 lawsuit filed by Dick Pierce (son of Les' brother, Adrian Rudolph "Dutch" Pierce) before the San Luis Obispo Superior Court:³⁹⁶

"In addition to the archaeological/historical sites SLO-143 and SLO-144, there is a cemetery on a ridge within 100 meters of SLO-143. Among the brush, at least a dozen graves can be seen, sometimes marked by metal posts, while other (sic) exhibit only clusters of rock in a sunken grave. Others can be noted by elongated oval sunken areas, sometimes with clusters of rock associated. The distribution of these dozen or more graves appears to be an even pattern within the burial area (similar to modern anglo (sic) cemeteries). Because of the brush, only this one area of the

242

cemetery was viewed, measuring about 50 meters square. Some 40 to 50 other graves are reported beyond this cemetery area. Les Pierce has attended the burial of his grandmother and other close relatives in the area of the dozen graves. Mortuary records of those burials in the 1930s and before are on file with the Chapel of the Roses in Atascadero.”

“Regarding other possible archaeological sites in the Toro Creek area and adjacent areas, I know of three cases of archaeological material from unrecorded sites. I have seen dozens of stone mortars (bowls) that have washed downstream a quarter mile or more from the SLO-143 area.”

“This is perhaps the only case that I know of in the county, where it is possible to know the names of Indians who created parts of the archaeological sites.”

“...recent mission record analysis of the mission records at Mission San Antonio, San Miguel and San Luis Obispo (and other missions) have uncovered more references to the Baylon family (direct relatives of the Pierce family).”

Declaration of Archaeologist Robert O. Gibson. Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tennaco. Case No. 56926. PDF Page 26-27. San Luis Obispo County Superior Court. Filed November 9, 1982. See Footnote 5.

Further stating in the same report:

“Some fifty years after Father Modesto consulted the mission records for the documentation of Mrs’ Roses’ birth in the 1870s, recent mission record analysis of the mission records at Mission San Antonio, San Miguel and San Luis Obispo (and other missions) have uncovered more references to the Baylon family (direct relatives of the Pierce family).”

From the above, we soundly believe that there is compelling evidence that the individuals listed on 83.11(b) 1930-1954 Subsection 1: Table A, “Summary Table of Indians located at the Toro Creek Indian Settlement” were all members of a distinct social community of Indians at Toro Creek.

In the past, the Office of Federal Acknowledgement has stated:³⁹⁷

“Close family ties between parents, children and siblings would not have severed immediately. People generally maintain ties to close kin until they die,⁴⁰ this assumption should be applied in this case.” Further stating, “The petitioner also only submitted anecdotal compilations drawn from the documents submitted for the Final Determination. However, it would seem likely, and the anecdotal evidence supports the contention that, close relatives would have remained in

³⁹⁷ Ruling by the Office of Federal Acknowledgment under The U. S. Department of the Interior. “Reconsideration on Referral by the Secretary and Summary Under the Criteria and Evidence for the Reconsidered Final Determination Against Federal Acknowledgment of the Chinook Indian Tribe/Chinook Nation.” July 5, 2002. Page 87, beginning of first full paragraph.

continuous contact following the diaspora from Chinookville for another generation, allowing the petitioner to meet criterion (b) to 1910.”

“⁴⁰ The assumption that first degree kin (parents, grandparents, children and siblings) maintain contact has been used in a number of past acknowledgement decisions.”

“The regulations... do not require that the group or substantial portions of it live in a geographic area which is exclusively or almost exclusively occupied by members, e.g., a village or neighborhood.”

Further stating

“...many or most of the individuals... had been born in and had previously lived in the distinct communities. They can reasonably be expected... to have maintained social relationships based on previous residence in those communities, even though this was not demonstrated by the specific evidence.”

*- The Office of Federal Acknowledgment
April 26, 1993*

As stated at the beginning of this subsection, we also see that the Office of Federal Acknowledgment has defined that those members who have been identified as living in a distinct community of Indians can be reasonably expected to have maintained those relationships based on residence in those communities even though specific evidence was lacking. To wit:

“The regulations require that a distinct social community be maintained within which substantial social interaction and social relationships are maintained and which are distinct from non-Indian populations in the area. They do not require that the group or substantial portions of it live in a geographic area which is

exclusively or almost exclusively occupied by members, e.g., a village or neighborhood. Such exclusive geographic settlement is sufficient evidence in itself to demonstrate that a group constitutes a distinct social community which meets the requirements of criterion (b).”³⁹⁸

We see further in this same report that this criterion can be met by demonstrating that many of the members had been born in and lived in a distinct Indian community.

“In addition to kinship ties, many or most of the individuals alive in the decades between 1914 and 1956 had been born in and had previously lived in the distinct communities. They can reasonably be expected therefore to have maintained social relationships based on previous residence in those communities, even though this was not demonstrated by specific evidence.”³⁹⁹

From the above discussion, we see clear evidence of the Toro Creek Indian settlement as a distinct Indian community during the early part of the 20th century. We also see evidence that those members listed on 83.11(b) 1930-1954 Subsection 1: Table A, “Summary Table of Indians located at the Toro Creek Indian Settlement” were all members of this distinct social community of Indians at Toro Creek.

And based on prior findings by the Office of Federal Acknowledgment from above, this distinct group of Indians from the Toro Creek Indian settlement listed on 83.11(b and c) 1930-1954 Subsection 1: Table A, “Summary Table of Indians located at the Toro Creek Indian Settlement”:

“... can reasonably be expected therefore to have maintained social relationships based on previous residence in those communities, even though this was not demonstrated by specific evidence.”

From the mid 1930s forward, we continue to see evidence located within the notes from contemporaneous by-laws and meetings that were held over the next few decades under the continued identification of the

³⁹⁸ Ruling by the Office of Federal Acknowledgment under The U. S. Department of the Interior. “Summary Under the Criteria and Evidence for Proposed Finding for Federal Acknowledgment of the Snoqualmie Indian Tribe.” April 26, 1993. Page 8, beginning of paragraph 4.

³⁹⁹ Ibid. Page 8, beginning of paragraph 3.

Toro Creek Indians. The notes from these documents are itemized at the beginning of the subsection as 83.11(b and c) 1930-1954: Documents 1(e) to 1(j).

What follows is a summary from each document.

Document 1(e)

Title: BY-LAWS, THE TORO CREEK INDIANS
Date: February 17, 1934



For Document 1(e) we see a set of by-laws adopted by signature for the Toro Creek Indians. In these by-laws, we Articles that outline Tribal Leaders, goals for the group as a community, definition and list of members, goals of meetings, Order of Business, and social requirements for the group.

Document 1(f)

Title: THE TORO CREEK INDIANS PLANNING MEETING
Date: February 16, 1935
Location: Morro Bay, California



For Document 1(f) we see a gathering of an identified group known as the Toro Creek Indians that took place in Morro Bay to discuss the upcoming year of work and tribal needs.

We see how Bill Pierce, Les Pierce, Dutch Pierce, Bessie Wood (nee Pierce) and Eddie Pierce gathered to discuss the responsibilities that each would oversee for the upcoming commercial abalone season. Along with this, we also see the responsibilities that were passed on to other individuals including the half siblings of the above, Charlie Pierce and Walter Pierce.

Discussions also resolved around land acquisition next door to the existing plant for what would be future expansion of the business.

We later see a discussion of tribal needs for the group. Some of the needs included helping "Joe" or "Uncle Joe" (Jose Bylon) with land and health issues. Needs for Ramon (Ramon Roses) including an identification of the 40 acres that he owned during this time in Toro Creek. Discussion also included the needs of "Seveana" (Maria Ceberia Teodora Bylon) and some help with a gate on the property of Andrew and Felicia Forsting. Lastly, we see food and material being supplied along with a small roof repair needed for Tito and Aunt Maria. Aunt Maria would have to be Maria de los Angeles Bylon Ocarpia Encinales as she was the half-sister to Maria Antonia Bylon, the mother of Bill, Les, Dutch, Bessie, and Eddie.

Document 1(g)

Title: The Toro Creek Indians Planning Meeting for Coming Year 1938, Paladini's Shop 3rd & C Morro Bay
 Date: February 12, 1938
 Location: Morro Bay, California



For Document 1(g) we see a gathering of an identified group known as the Toro Creek Indians that took place in Morro Bay to discuss the upcoming year of work, review of new legislation, business, and tribal needs.

Here, we see how Bill Pierce, Les Pierce, Dutch Pierce, Eddie Pierce, and Bessie Wood (nee Pierce) gathered to discuss the yearly responsibilities that each would oversee for the upcoming commercial abalone season. Along with this, we see a discussion of the new boundaries for abalone diving and new regulations for the commercial abalone industry from the California Department of Fish and Game (CDFG).

We further see discussions revolving around some material needs for the business itself.

Some of the employee names of note listed under the Business section again include half siblings Duke Pierce (Walter Pierce) and Charlie Pierce. Assignment of duties were also found under this section as well.

We also see under Tribal Needs food and supplies for “Ramon” (Ramon Roses), “Andrew and Felicia” (Felicia was the daughter to Maria Ceberia Teodora Bylon and mother to Andrew and Anna Forsting. Ramon and Felicia were first cousins to Bill, Les, Dutch, Bessie, and Eddie all from the Toro Creek Indian settlement.

Bessie and her husband Larry Wood are seen helping out with supplies to Dolores Encinales with the help of Joe Mora. Joe Mora was the brother to David Mora. It should be noted that Bessie and Larry were living in King City at the time. We also see notes on the sharing of clothes for children. We should note that “Essie” is the second wife of Dutch Pierce.

Document 1(h)

Title: THE TORO CREEK INDIANS MEETING CDFG NEW RULES 1939, Paladini's Plant 3rd & C, Morro Bay, California
 Date: September 9, 1939
 Location: Morro Bay, California



For Document 1(h) we see a gathering of Bill, Eddie, Bessie, Dutch, and Les to discuss the new regulations from the California Department of Fish and Game (CDFG). Some of the new regulations directly affected commercial fishing permits, requirements for measuring rods, and boat numbers on the side of all licensed boats.

We also see how the group was going to stay in touch with Senator Jespersen from Atascadero and how the new regulations will be posted in the processing plant office.

Document 1(i)

Title: The Toro Creek Indians Planning Meeting, 1940
 Date: February 3, 1940
 Location: Morro Bay, California



For Document 1(i) we see a gathering of an identified group known as the Toro Creek Indians that took place in Morro Bay to discuss the upcoming year of work, equipment needs, materials, business, and tribal needs.

Here, we see how Bill Pierce, Dutch Pierce, Les Pierce, Eddie Pierce, and Bessie Wood (nee Pierce) gathered to discuss the yearly responsibilities that each would oversee for the upcoming commercial abalone season. The opening of the upcoming season is posted as March 16, 1940 and the estimated prices for abalone for the season.

We also see reminders of forms that the CDFG is requiring for commercial landings and how they need to keep copies in the from office. Dutch would oversee this. Eddie was responsible for contacting Standard Oil for oil needs and prices for the season.

Karl (Pierce), Eddie and Walter “Duke” Pierce were assigned to oversee the finish overhaul of boats.

We also see under Tribal Needs food and supplies for “Ramon” (Ramon Roses) as well as a continued review over the 40 acres at Toro Creek for possible use. Felicia, Ramon’s brother, is also in need of some extra small items while her daughter Anna Forsting, is working in Templeton and Atascadero.

From our notes, we are assuming the café she is interested in working at would be the Abalone Café that Dutch is opening soon on what was Roosevelt 1 and Morro Road (today that would be the intersection of Highway 1 and 41).

Bessie is working with Dolores Encinales and Dave Mora with general supplies in the King City area.

Tribal assistance with the building of the Abalone Café is also apparent from these notes. This includes building materials, financial help, and furniture.

Document 1(j)

Title: 1948 PLANNING MEETING TORO CREEK INDIANS
 Date: November 22, 1947
 Location: Pierce Brothers Ranch, Creston, California



For Document 1(j) we see a gathering of an identified group known as the Toro Creek Indians that took place at the Pierce Brothers Ranch in Creston, California. During this meeting, we see that Dutch, Eddie, Bessie, and Les⁴⁰⁰ would discuss the payments for a loan that was taken out for the purchase of the ranch.

We see that it was Les Pierce and Eddie Pierce that entered a mortgage with Ralston Purina company for \$2,220.80 at 6% interest against 11,000 turkeys and future livestock.

There is also reference to upcoming costs, material needs, and equipment needs.

⁴⁰⁰ Bill Pierce passed away while commercial diving for abalone on August 20, 1945 in San Luis Obispo County. County of San Luis Obispo Certificate of Death. “Morro Diver Suffocated”. San Luis Obispo Telegram-Tribune. August 21, 1945. Front page.

Dutch is operating United Sea Foods at Stearns Wharf and Morro Bay with Charlie Pierce and Frankie Brebes. Dutch also points out equipment needs. We also see the change of areas for commercial abalone fishing.

Tribal needs outlined include picking up cousin Felista to spend time at the Creston Ranch, baby needs for Anna Herrera (nee Forsting).

Tribal discussion includes making sure that any of the tribal members can work at the ranch and, with proper licensing and training, for Dutch at United Sea Foods.

There is also discussion of Ramon wanting to possibly trade 40 acres of property in order to get the Toro Creek cemetery back.

We see that Bessie is in touch with Bernice (Bernice Avila, nee Camany) about the health of Dolores Encinales and David Mora. There is also a list of items that will be taken to them in what can be interpreted as the very near future.

Document 1(k)

Title: 1954 PLANNING MEETING NOTES, TORO CREEK INDIANS
Date: December 19, 1953
Location: Pierce Turkey Ranch, Creston, California



For Document 1(k) we see a gathering of an identified group known as the Toro Creek Indians that took place at the Pierce Turkey Ranch. It should be noted that later in the document that, “Anna couldn’t make it this time...” giving evidence that she usually attends.

We see business discussions about payments to Bank of America Trust and Savings, a summary of poultry losses for last season, and the value of each turkey at 28 weeks of age.

Business issues also include the need for heating lamps, replacement of equipment and supplies, fencing needs, lighting schedules for the winter months, amongst many other issues.

Dutch continues to work at Stearns Wharf. We can see meetings that took place regarding prices and processing costs out of Morro Bay. Discussion regarding Golden Cove (this was a brand under the Pierce Brothers business) shipments to Arizona.

Clam preserves are also set to open from Morro Rock to Morro Strand Beach and out in Pismo Beach by 1955. We see closings as well as outlined by CDFG.

We also see what seems to be a list of stores which are selling the Golden Cove brand as well. We also see a list of materials and tools needed as well.

At this time, we see that Eddie Pierce has submitted a patent for ore concentration separator and a \$21.30 assistance for “...minor expenses.”

With Tribal Needs, we see that Anna could use some assistance for her new kids and that Eddie and his wife Virginia will help out. Also making sure that Les has enough for the new grandkids.

Anna and her husband Marion will mee with Joe Mora to help with Dolores (Encinales) and David (Mora)

Tribal Needs also include discussion over the confusion with the Court of Claims settlement. To wit:

“Some confusion over the Court of Claims settlement and the California Claims case for the Indians of California before the Indian Claims Commission. Each one of us can keep the families informed.”

We see that Bessie and Les will be visiting Bernice (Avila), Dolores (Encinales), and Dave (Mora) in King City sometime soon.

Anna (Herrera) will be scheduling time to visit the 40 acres at Toro Creek. This is the same property we see discussed in the past for Ramon Roses. There is also discussion that Eddie met with County Supervisor Paul Andrew in Cayucos regarding rights to the Toro Creek cemetery.

We see again the coordination of hunting lessons. There are also efforts to teach campfire safety, and safety. Campgrounds include La Panza, Pozo, and the Queen Bee campgrounds.

Les is planning on talking with District Ranger William Dresser about tree and seed plantings. And we see that anyone from the Toro Creek Indians who needs work at the ranch of with Dutch will get scheduled.



“Here is the recent Toro Creek Indians mailing list you and Les asked for. Let’s make sure everybody gets their money like we did 20 years ago.”

“When the voting took place in 1964, it was good that we all kept in touch to help answer questions. We can talk more about this at the next meeting. I’ve heard it will take a few years to finish.”

Personal Letter
Bessie Martin (nee Pierce) to Eddie Pierce
November 2, 1969

Although the last set of notes we have in our records end on December 19, 1953 for the 1954 Planning Meeting, we would like to include as evidence a letter that Bessie Martin (nee Pierce) wrote to Eddie Pierce on November 2, 1969. In this letter we see that Bessie is referencing back “...20 years ago...” to approximately 1950. We see in the following quote:⁴⁰¹

“Here is the recent Toro Creek Indians mailing list you and Les asked for. Let’s make sure everybody gets their money like we did 20 years ago.”

“When the voting took place in 1964, it was good that we all kept in touch to help answer questions. We can talk more about this at the next meeting. I’ve heard it will take a few years to finish.”

We feel that Bessie’s letter also provides a level of important evidence of meetings and interrelationships within the Toro Creek Indians back in the 1950s and that continued well into the future. This letter will further be discussed in the next section, but we wanted to make the reader aware of it at this time.

⁴⁰¹ Martin, Bessie. Personal letter to Eddie Pierce dated November 2, 1969

Criteria for 83.11(b) Community

83.11(b) Community: Section 1

- 25 CFR § 83.11(b), §1(ii): Social relationships connecting individual members.
- 25 CFR § 83.11(b), §1(iii): Rates or patterns of informal social interaction that exist broadly among the members of the entity.
- 25 CFR § 83.11(b) §1(viii): The persistence of a collective identity continuously over a period of more than 50 years, notwithstanding any absence of or changes in name at a level that meets 25 CFR §83.11(c) §1(iv) The entity meets the criterion in §83.11(b) at greater than or equal to the percentages set forth under §83.11(b)(2). (Please see discussion under Criterion 83.11(b): 50 Year Collective Identity at a Significant Level).

83.11(b) Community: Section 2

- 25 CFR § 83.11(b), §2(iv): There are distinct community social institutions encompassing at least 50 percent of the members, such as kinship organizations, formal or informal economic cooperation, or religious organizations.

...

Discussion

As required under 83.11(b) Community, we see evidence from the time at the Toro Creek Indian settlement until well into the 1950s that the members of this group of Indians lived in a distinct social community and interacted broadly with each other in social relationships.

During the meetings held by the Toro Creek Indians, we see an organized community of Indians that routinely helped other members on a consistent basis and organized business needs. This would only be possible with the existence of a community as required by the Office of Federal Acknowledgment under 83.11(b).

From the above discussion of the Toro Creek Indian meetings, we see how members would routinely socially interact with each other in a manner that is consistent with the requirements of 83.11(b) §1(ii) and 83.11(b) §1(iii).

Further from the same meeting notes, we routinely see comments about providing clothing, food, and labor assistance to many other members, which would include the children as well. In fact, we even discuss of hunting, camping, and safety lessons for the children of the tribe.

This type of evidence shows that the adults, through both social interactions and kinship relationships, along with their children, were all involved in a complex social community that should meet the requirements under 25 CFR § 83.11(b), §2(iv): There are distinct community social institutions encompassing at least 50 percent of the members, such as kinship organizations, formal or informal economic cooperation, or religious organizations.

Based on this discussion and in conjunction with the previous section titled "*Preface to Section 83.11 (b and c) 1930 to 1954 and Section 83.11 (b and c) 1955 to 1969,*" for this era from 1930 to 1954, we feel that the evidence provided meets the criteria for Section 1 for Criteria 83.11(b) Community as outlined above.

Criteria for 83.11(c) Political Influence or Authority

83.11(c) Political Influence or Authority: Section 1

- 25 CFR § 83.11(c), §1(ii): Many of the membership consider issues acted upon or action taken by entity leaders or governing bodies to be of importance.
- 25 CFR § 83.11(c), §1(iii): There is widespread knowledge, communication, or involvement in political process by many of the entity's members.

83.11(c) Political Influence or Authority: Section 2

- 25 CFR § 83.11(c), §2(i)(a): Allocate entity resources such as land, residence rights, and the like on a consistent basis.
- 25 CFR § 83.11(c), §2(i)(d): Organize or influence economic subsistence activities among the members, including shared cooperative labor.

...

Discussion

As required under 83.11(c) Political Influence or Authority, we see evidence from the time at the Toro Creek Indian settlement until well into the 1950s that many of the members consider issues acted upon or action taken by entity leaders to be of importance.

During the meetings held by the Toro Creek Indians, we see an organizational structure that is routinely used to help other members on a consistent basis. This would only be possible with "...widespread knowledge, communication, or involvement..." as required under this criterion.

In this subsection, we see in Documents 1(e) to 1(k) a core group of siblings (Bill, Les, Dutch, Bessie, and Eddie) routinely discussing duty assignments for themselves and others, business needs including materials and meetings, and notes regarding "*Tribal Needs*" for many of the members. The tribal needs ranged from helping each other with projects such as minor fence and roofing repairs, the distribution of supplies and clothing, to financial help as well.

(Special Note: We realize that many of the resources being allocated and shared by the Toro Creek Indians during this era may seem trivial to a great many, including the Office of Federal Acknowledgement ("...vegetables, onions, dry beans, lard, pans, broadcloth, \$3.50..." along with "...clothes, sweaters, rompers..." and "...blankets and sheetings..."), but we hope that this does not trivialize what they saw as valuable and that they were living through the Great Depression as well.)

From the above discussion of the Toro Creek Indian meeting notes, we see how members would routinely organize themselves for economic activities by sharing in cooperative labor, how the importance of the decisions that are made in regard to assignments are followed by others, widespread "...knowledge, communication, [and] involvement..." by many of its members, and how many of the members readily allocate entity resources to each other as well.

Based on this discussion and in conjunction with the previous section titled "*Preface to Section 83.11 (b and c) 1930 to 1954 and Section 83.11 (b and c) 1955 to 1969,*" for this era from 1930 to 1954, we feel that the evidence provided meets the criteria for Section 1 for Criteria 83.11(c) Political Influence or Authority as outlined above.

Section IV Seven Mandatory Criteria

Criterion 83.11(b and c) – Distinct Community / Political Influence.

...

Subsection: 83.11(b and c) 1955-1969 Subsection 1

Document(s): 83.11(b and c) 1955-1969 Document 1(a)

Title(s): Doc 1(a): Letter from Bessie Martin (nee Pierce) to her brother Edward Pierce. November 2, 1969.

Federal Code(s): In conjunction with the previous section titled “*Preface to Section 83.11 (b and c) 1930 to 1954 and Section 83.11 (b and c) 1955 to 1969*,” for this era from 1955 to 1969, we believe the evidence meets the requirements for both 83.11(b) “Community” and 83.11(c) “Political Influence or Authority” simultaneously under the following criteria:

83.11(b) Community: Section 1

25 CFR § 83.11(b), §1(ii): Social relationships connecting individual members.

25 CFR § 83.11(b), §1(v): Strong patterns of discrimination or other social distinctions by non-members.

25 CFR § 83.11(b) §1(viii): The persistence of a collective identity continuously over a period of more than 50 years, notwithstanding any absence of or changes in name at a level that meets 25 CFR §83.11(c) §1(iv) The entity meets the criterion in §83.11(b) at greater than or equal to the percentages set forth under §83.11(b)(2). (Please see discussion under Criterion 83.11(b): 50 Year Collective Identity at a Significant Level).

83.11(c) Political Influence or Authority: Section 1

25 CFR § 83.11(c), §1(ii): Many of the membership consider issues acted upon or action taken by entity leaders or governing bodies to be of importance.

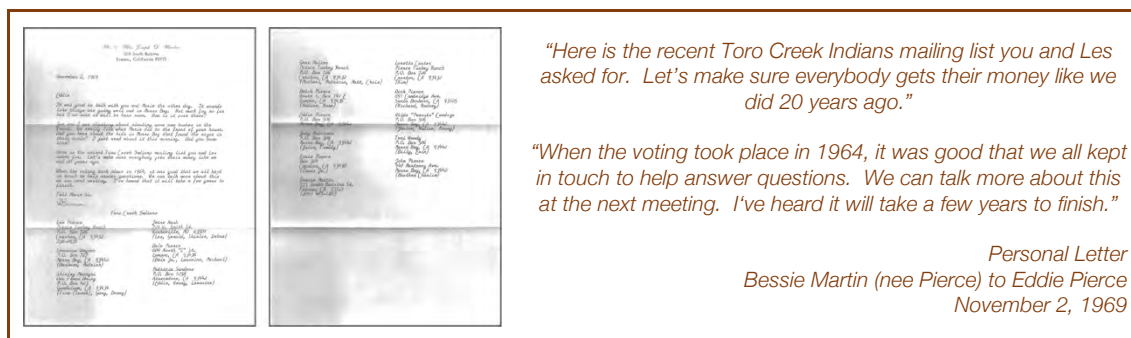
25 CFR § 83.11(c), §1(iii): There is widespread knowledge, communication, or involvement in political process by many of the entity’s members.

Evidence for Inclusion:

During this era, we see evidence that the Toro Creek Indians continue to act as a socially distinct identifiable Indian community with common goals and shared relationships.

On November 2, 1969, Bessie Martin (nee Pierce) wrote a letter to Edward Pierce.⁴⁰² It can be reasonably concluded that this was in reference to the 1972 California Indian Judgment Roll and the applications that had to be filled out by members.

⁴⁰² Personal letter from Bessie Martin to Edward Pierce. November 2, 1969.



We see the following in this letter:

“Here is the recent Toro Creek Indians mailing list you and Les asked for. Let’s make sure everybody gets their money like we did 20 years ago.”

“When the voting took place in 1964, it was good that we all kept in touch to help answer questions. We can talk more about this at the next meeting. I’ve heard it will take a few years to finish.”

We feel that this letter provides reliable evidence of a distinct tribal group that goes beyond simply the date of the letter. In it, we see Bessie referencing how the Toro Creek Indians helped members receive their compensation under the California Revised Roll of California Indians of 1955, authorized in 1948, with the following statement:

“Let’s make sure everybody gets their money like we did 20 years ago.”

In the same letter we see evidence that this same group was working together to assist each other with questions over the voting that took place for the Indians of California settlement in 1964:

“When the voting took place in 1964, it was good that we all kept in touch to help answer questions.”

Lastly, we see a “...recent Toro Creek Indian list...” as requested by both of her brothers, Eddie and Les Pierce. The list identifies the contemporaneous members along with how to get in touch with those same members. It is reasonable to assume that this list was used by the tribe to help each other with “...questions...” being asked by members.

As required under 83.11(b) Community and 83.11(c) Political Influence and Authority, we see evidence during this era of 1955 to 1969 of a group of tribal Indians that lived within a distinct social community that interacted broadly with each other in social relationships as well as political influence.

The evidence of social relationships and social distinctions by non-members can be seen broadly from the this letter discussed.

In the letter from Bessie Martin (nee Pierce) to her brother Edward Pierce, we find documented social relationships in which the members of the Toro Creek Indians were assisting each other by answering questions for the 1972 California Indian Judgment Roll and the applications that had to be filled out by members.

We further see evidence that this same group had been assisting each other for at least 20 years prior with the statements:

“Let’s make sure everybody gets their money like we did 20 years ago.”

And:

“When the voting took place in 1964, it was good that we all kept in touch to help answer questions.”

As also pointed out, Bessie included a “...recent Toro Creek Indian list...” as requested by Edward and Les. This strongly infers that there have been other lists in the past that was used to keep in touch with members under the assumption of political influence.

We also reference to “...the next meeting.” This reference is consistent with previous minutes from meetings provided to the Office of Federal Acknowledgement in 83.11(b and c) 1930-1954.

Criteria for 83.11(b) Community

83.11(b) Community: Section 1

- 25 CFR § 83.11(b), §1(ii): Social relationships connecting individual members.
- 25 CFR § 83.11(b), §1(v): Strong patterns of discrimination or other social distinctions by non-members.
- 25 CFR § 83.11(b) §1(viii): The persistence of a collective identity continuously over a period of more than 50 years, notwithstanding any absence of or changes in name at a level that meets 25 CFR §83.11(c) §1(iv) The entity meets the criterion in §83.11(b) at greater than or equal to the percentages set forth under §83.11(b)(2). (Please see discussion under Criterion 83.11(b): 50 Year Collective Identity at a Significant Level).

...

Discussion

In the letter from Bessie Martin to Eddie Pierce, we find evidence of a widespread community.

In reviewing the phrases:

“Let’s make sure everybody gets their money like we did 20 years ago.”

and:

“When the voting took place in 1964, it was good that we all kept in touch to help answer questions.”

we are made aware of a group that has a history of working with each other for at least the last “... 20 years...” if not more. We can also see that the intent of this letter is to coordinate and assist all of the Toro Creek Indian members with the California Indian Judgment Role of 1968. This assumption is based on the desire to obtain a recent list of members from Bessie.

Based on this discussion and in conjunction with the previous section titled “*Preface to Section 83.11 (b and c) 1930 to 1954 and Section 83.11 (b and c) 1955 to 1969,*” for this era from 1955 to 1969, we feel that the evidence provided meets the criteria for Section 1 Criteria 83.11(b) Community as outlined above.

Criteria for 83.11(c) Political Influence or Authority

83.11(c) Political Influence or Authority: Section 1

- 25 CFR § 83.11(c), §1(ii): Many of the membership consider issues acted upon or action taken by entity leaders or governing bodies to be of importance.
- 25 CFR § 83.11(c), §1(iii): There is widespread knowledge, communication, or involvement in political process by many of the entity's members.

...

Discussion

In the letter from Bessie Martin to Eddie Pierce, we find evidence that both issues acted upon by entity. Leaders to be of importance and widespread knowledge along with communication by many of the entity's members.

In reviewing the phrases:

"Let's make sure everybody gets their money like we did 20 years ago."

and:

"When the voting took place in 1964, it was good that we all kept in touch to help one another answer questions."

we are again made aware of a group that has a history of working with each other for at least the last "... 20 years..." if not more. We can also see that the intent of this letter is to coordinate and assist all the Toro Creek Indian members as well. It should be reasonable to assume that this would only be possible if the membership considered that issues acted upon by the leaders were not only of importance, but that there was widespread communication as well amongst those same members.

Based on this discussion and in conjunction with the previous section titled "*Preface to Section 83.11 (b and c) 1930 to 1954 and Section 83.11 (b and c) 1955 to 1969,*" for this era from 1955 to 1969, we feel that the evidence provided meets the criteria for Section 1 Criteria 83.11(c) Political Influence or Authority as outlined above.

Section IV Seven Mandatory Criteria

Criterion 83.11(b and c) – Distinct Community / Political Influence.

...

Subsection:	83.11(b and c) 1970-1985 Subsection 1
Document(s):	83.11(b and c) 1970-1985 Documents 1(a) to 1(e)
Title(s):	Doc 1(a): Letter from Dr. Richard J. Krejsa, Chairman, San Luis Obispo County Board of Supervisors to Edward Pierce. March 5, 1975. Doc 1(b): Humphrey, Brad. <i>Special Section Et Cetera: Only Graves Now, Troubled Times at Toro Creek</i>. Atascadero News. Atascadero, California. November 24, 1978. Doc 1(c): <i>Les Pierce: Gold, Abalone, Then Turkeys</i>. San Luis Obispo Telegram-Tribune. San Luis Obispo, California. November 8, 1979. Doc 1(d): Harvey, Alison. <i>County Line. Burial Site: A Case for Indian Rights</i>. San Luis Obispo County Telegram-Tribune. San Luis Obispo, California. August 28, 1980. Doc 1(e): Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tennaco. Case No. 56926. San Luis Obispo County Superior Court. Initially Filed November 9, 1982.
Federal Code(s):	For this era from 1970 to 1985, we believe the evidence meets the requirements for both 83.11(b) “Community” and 83.11(c) “Political Influence or Authority” simultaneously under the following criteria:

83.11(b) Community: Section 1

25 CFR § 83.11(b), §1(ii): Social relationships connecting individual members.

25 CFR § 83.11(b), §1(v): Strong patterns of discrimination or other social distinctions by non-members.

25 CFR § 83.11(b) §1(viii): The persistence of a collective identity continuously over a period of more than 50 years, notwithstanding any absence of or changes in name at a level that meets 25 CFR §83.11(c) §1(iv) The entity meets the criterion in §83.11(b) at greater than or equal to the percentages set forth under §83.11(b)(2). (Please see discussion under Criterion 83.11(b): 50 Year Collective Identity at a Significant Level).

83.11(c) Political Influence or Authority: Section 1

25 CFR § 83.11(c), §1(ii): Many of the membership consider issues acted upon or action taken by entity leaders or governing bodies to be of importance.

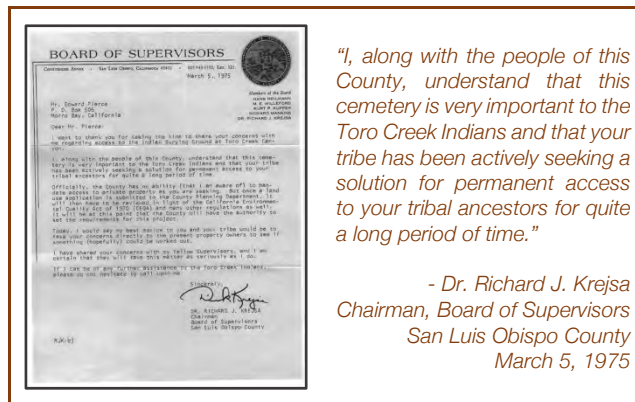
25 CFR § 83.11(c), §1(iii): There is widespread knowledge, communication, or involvement in political process by many of the entity’s members.

Evidence for Inclusion:

During this era, we see evidence that the Toro Creek Indians continue to act as a socially distinct identifiable Indian community with common goals and shared relationships.

On March 5, 1975, we find a letter that was sent to Edward Pierce from Dr. Richard J. Krejsa, Chairman of the Board of Supervisors for San Luis Obispo County.⁴⁰³ In this letter we see a continued identification of the Toro Creek Indians along with further evidence how this group is collectively working to obtain legal rights to the "...Indian Burying Ground at Toro Creek Canyon..." (Toro Creek Cemetery) located east of Morro Bay. As written:

"I, along with the people of this County, understand that this cemetery is very important to the Toro Creek Indians and that your tribe has been actively seeking a solution for permanent access to your tribal ancestors for quite a long period of time."



"I, along with the people of this County, understand that this cemetery is very important to the Toro Creek Indians and that your tribe has been actively seeking a solution for permanent access to your tribal ancestors for quite a long period of time."

*- Dr. Richard J. Krejsa
Chairman, Board of Supervisors
San Luis Obispo County
March 5, 1975*

Further stating in the same letter:

"Today, I would say my best advice to you and your tribe would be to take your concerns directly to the present property owners to see if something (hopefully) could be worked out."

"If I can be of any further assistance to the Toro Creek Indians, please do not hesitate to call upon me."

This letter externally identifies the Toro Creek Indians as a functioning community

of Indians that have political influence over its members for issues that are of importance. And although the letter is written to a single member, we are reminded of the following phrase:

"Today, I would say my best advice to you and your tribe would be to take your concerns directly to the present property owners to see if something (hopefully) could be worked out."

Further showing that Supervisor Krejsa was addressing a socially distinct group as a whole and that this issue of the cemetery continues to be of importance for the entire tribe.

Next we find a newspaper article from 1978 in which we are informed of the existence of the Toro Creek Indians that were living in a region between Atascadero and Morro Bay during the latter part of the 19th century that came from the San Antonio Mission near Jolon.⁴⁰⁴ The Indians reportedly:

"...came to the area from the coast and San Antonio Mission near Jolon."

And were:

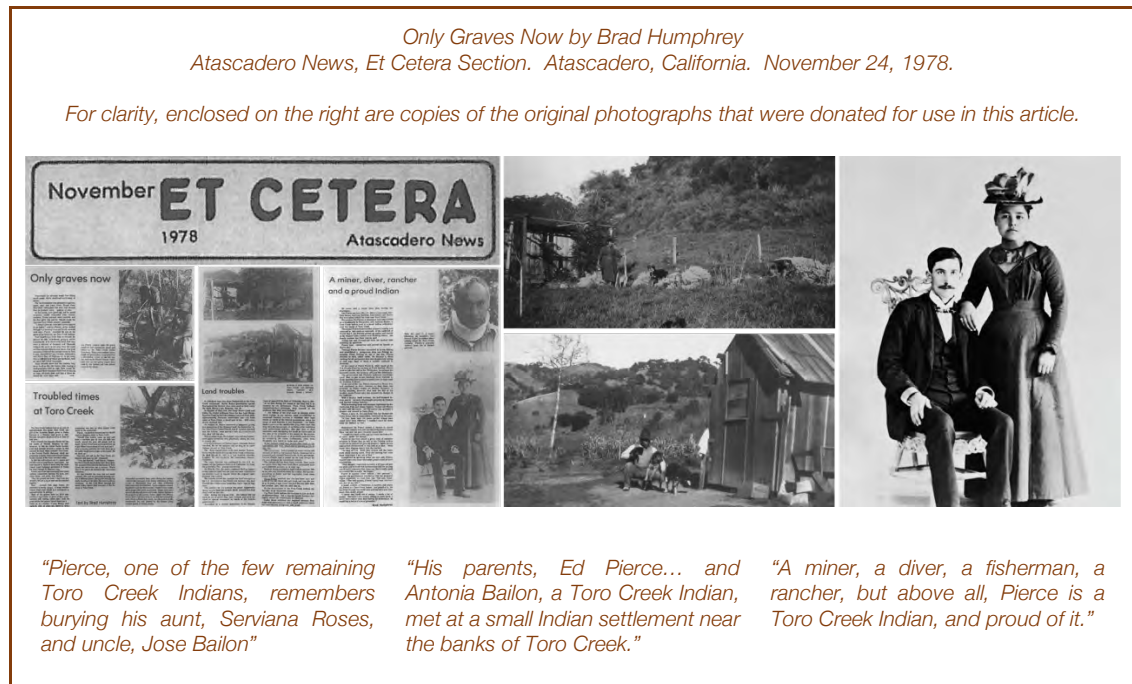
"...situated half-way between Atascadero and Morro Bay of Highway 41 ... [and] may have lived on the site before 1893. During a land-possession trial in 1929, Toro Creek Indians said their

⁴⁰³ Krejsa, Richard J. Chairman of the Board of Supervisors, San Luis Obispo County. Letter to Edward Pierce, March 5, 1975.

⁴⁰⁴ Humphrey, Brad. *Special Section Et Cetera: Only Graves Now, Troubled Times at Toro Creek*. Atascadero News. Atascadero, California. November 24, 1978. Quoted sections highlighted throughout article.

ancestors had lived on the site at least 100 years prior and that a fence enclosed the area since 1853.”

This gives us a clear understanding of the historical significance of this Indian group as recognized as the “Toro Creek Indians” for well over a century.



In this same article we see that access to the Toro Creek Indian Cemetery has been a long time issue to this tribe and that this issue of access is contemporaneous to the article. As written:

“Pierce, one of the few remaining Toro Creek Indians, remembers burying his aunt, Serviana (sic) Roses, and uncle, Jose Bailon (sic). ‘Boy the ground was hard. I don’t see how we did it. We got a jug of wine and just started digging.’”

“The Toro Creek Indian settlement is not accessible to the public. Pierce and his relatives must get permission to visit the cemetery.”

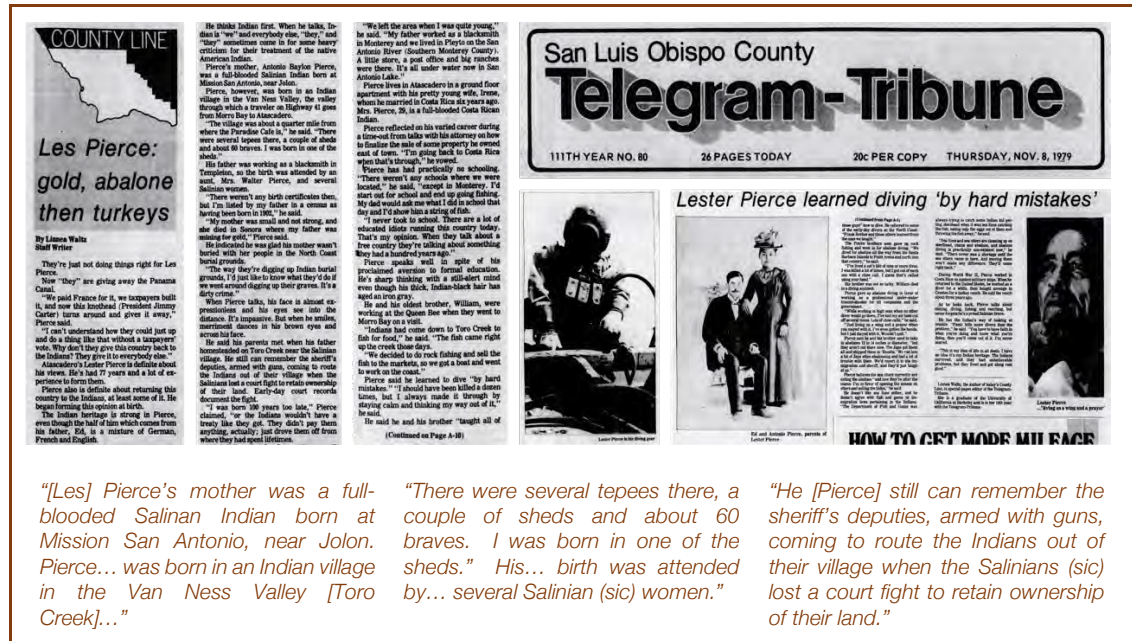
Although the writer is referencing Les Pierce’s “...relatives...” in this article, we believe that there is more than ample evidence that this is in reference to members of the distinct tribal group.

Lastly, we see the contemporaneous evidence that the Toro Creek Indians are still recognized as a contemporaneous tribal entity at the time of this newspaper article.

“A miner, a diver, a fisherman, a rancher, but above all, Pierce is a Toro Creek Indian and proud of it.” This identifies Les Pierce as a member of contemporaneous Indian entity called the Toro Creek Indians. (Page 6)

We further see strong evidence that the issue of access to the Toro Creek Indian Cemetery has been, and still is, a contemporaneous issue for a distinct group identified as the Toro Creek Indians.

In another article from the San Luis Obispo Telegram-Tribune from 1979, we see an interview with Les Pierce.



In this article that is partially paraphrased below, we see compelling evidence of a contemporaneous distinct tribe that references the tribal issues of the Toro Creek Cemetery.⁴⁰⁵

"When he talks, Indian is 'we' and everybody else is 'they,' and 'they' sometimes come in for some heavy criticism for their treatment of the native American Indian. Pierce's mother, Antonio Baylon Pierce, was a full-blooded Salinan Indian born at Mission San Antonio, near Jolon. Pierce, however, was born in an Indian village in the Van Ness Valley [Toro Creek], the valley through which a traveler on Highway 41 goes from Morro Bay to Atascadero."

"The village was about a quarter mile from where the Paradise Café is,' he said. 'There were several tepees there, a couple of sheds and about 60 braves. I was born in one of the sheds.' His...birth was attended by... several Salinian (sic) women."

“The way they’re digging up Indian burial grounds, I’d just like to know what they’d do if we went around digging up their graves. It’s a dirty crime.”

*"He still can remember the sheriff's deputies, armed with guns, coming to route the Indians out of their village when the Salinians (sic) lost a court fight to retain ownership of their land. Early-day court records document the fight."*⁴⁰⁶

"We left the area... and we lived in Pleyto on the San Antonio River (Southern Monterey County)..."

⁴⁰⁵ *Les Pierce: Gold, Abalone, Then Turkeys*. San Luis Obispo Telegram-Tribune. San Luis Obispo, California. November 8, 1979. Front page, upper right hand corner.

⁴⁰⁶ *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Complaint. San Luis Obispo County Superior Court. Filed April 17, 1929.

“As he looks back, Pierce talks about mining, diving, fishing and ranching, but never forgets he’s a proud Salinian (sic) brave.”

We see from the above the identification of a contemporaneous socially distinct tribal group. By using the pronoun “we” throughout this article, it can be concluded that Les Pierce has been identified as a member of a contemporaneous group of Indians. We see later in the same article how the reporter identifies that Les Pierce:

“...never forgets he’s a proud Salinian (sic) brave.”

In addressing the discrepancy between referring to Les Pierce as a Salinian and a Toro Creek Indian, we would like to remind the reader that in the past, The Office of Federal Acknowledgment has set precedence by allowing the external identification of the petitioning group to be factually incorrect.⁴⁰⁷

“...criterion 83.7(a) does not require that external identifications of the petitioning group have been factually correct...” (Ramapough FD 1996, 19; see also, 12).

And,

“Criterion 83.7(a) is designed to elicit a sense of the opinion about the group which was being expressed by external observers. The observers did not need to be knowledgeable.” ¶ “Therefore, the ‘facts’ to be analyzed under criterion 83.7(a) are... what the observer said – not whether the observer was correct. Does the opinion being expressed amount to identification of the petitioner’s antecedent group as an Indian entity?” (Ramapough FD 1996, 13).

“Criterion 83.7(a) is designed to elicit a sense of the opinion about the group which was being expressed by external observers. The observers did not need to be knowledgeable.” ¶ “Therefore, the ‘facts’ to be analyzed under [this section]... are... what the observer said – not whether the observer was correct. Does the opinion being expressed amount to identification of the petitioner’s antecedent group as an Indian entity?”

*- The Office of Federal Acknowledgment
The Acknowledgement Precedent Manual
Draft January 31, 2005*

Although the above precedent is noted for Criterion 83.7(a), it should be assumed that this incorrect external identification of a tribal group should apply throughout the petitioner’s application as well.

And lastly in the same article we see evidence that Les Pierce, as well as other members of his tribal group, are still dealing with the issues facing the Toro Creek Indian Cemetery. In this case, it would be the desecration of the Indian burial grounds at Toro Creek.

“The way they’re digging up Indian burial grounds, I’d just like to know what they’d do if we went around digging up their graves. It’s a dirty crime.”

In the early part of the 1980s, we see another newspaper article is giving an update on the continued fight over land and access rights to the gravesites of the Toro Creek Indians burial site. This is a continuation of the legal battles that have been in dispute since the late 1920s and well discussed in previous subsections for Criterion 83.11(a).

At first, we see that the writer of the article identifies a few of the Indians at the archaeological site as:⁴⁰⁸

⁴⁰⁷ Acknowledgement Precedent Manual. Compiled by The Office of Federal Acknowledgment, U. S. Department of the Interior. Draft January 31, 2005. Downloaded June 3, 2023 (<https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/admindocs/PrecedentManual2005.pdf>) Criterion 83.7(a), page 9 (pdf page number 39), beginning at the bottom of page.

⁴⁰⁸ Harvey, Alison. *County Line. Burial Site: A Case for Indian Rights*. San Luis Obispo County Telegram-Tribune. San Luis Obispo, California. August 28, 1980. Quoted sections highlighted throughout article.

“...three aging Salinan Indians...along Toro Creek...” (First page, first column, first paragraph of article)

The three were later identified by name in the following passage:

“The three – Jose Baylon, his sister Marie Baylon, and her son Ramon Roses – were not sufficiently sophisticated in court when Marre filed suit to get them off the land.” (First page, first column, second paragraph of article)

As the article progresses, we begin to see references to a contemporaneous Indian entity. From the representative of Tenneco West, Mel Jans, we find out that:

"Jans told the Telegram-Tribune he would discuss the situation only with the Indians, not with the press." (First page, first column, last paragraph of article)

San Luis Obispo County Telegram-Tribune

13TH YEAR NO. 11

18 PAGES TODAY

2P PER COPY

THURSDAY, AUGUST 18, 1960

Burial site: A case for Indian rights

By James Roney

They thought it was only an old Indian burial site. Many decades ago, when the Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site. Many decades ago, when the Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site.

According to newspaper accounts of the discovery of the site, the Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site. Many decades ago, when the Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site.

He visited the site on a recent morning with his wife and three children. The Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site. Many decades ago, when the Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site.

Temple, Inc. built a house and, because of the discovery of the site, the Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site. Many decades ago, when the Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site.

The site was taken over by the U.S. Army. The Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site. Many decades ago, when the Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site.

Land near the site was sold to the U.S. Army. The Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site. Many decades ago, when the Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site.

It was a good thing that the site was discovered. The Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site. Many decades ago, when the Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site.

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It was a good thing that the site was discovered. The Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site. Many decades ago, when the Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site.

Saving a resting place

Indians protest ancestral burial site

(Continued from Page 1)

He said he didn't want to see the site destroyed and he wanted to see it protected. The Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site. Many decades ago, when the Indians were still in the San Luis Obispo County, they thought it was only an old Indian burial site.

"That property belongs to our Indian people - it's sacred ground," [Dick] Pierce said. "Why should we have to buy it?"

"At what time do we become a fossil?" Pierce asked. "My uncle [Les Pierce] buried three of those people himself and he's still living!"

"Jans [for Tennesse West] told the Telegram-Tribune he would discuss the situation only with the Indians, not with the press."

This gives us evidence that Tenneco West, who has been in discussions with “... the Indians...” over this project as referenced by the phrase “...discuss the situation only with the Indians...” thereby giving evidence that there was an organized group of a socially connected and distinct group of Indians actively involved with this lawsuit.

Further supporting this assertion, we see that Dick Pierce informs the reporter:

“That property belongs to our Indian people – it’s sacred ground,” Pierce said. ‘Why should we have to buy it?’” (Second page, first column, second paragraph of article)

This statement that the property in question “...belongs to our Indian people...” and “Why should we have to buy it?” identifies a contemporaneous organized Indian entity that is in negotiations with Tenneco West for property owned by Tenneco West that rightfully “...belongs to our Indian people...”.

We are then reminded that Dick Pierce's uncle, Les Pierce, is again identified as being involved with this Toro Creek issue as well. Dick Pierce states:

“At what time do we become a fossil?” Pierce asked. ‘My uncle buried three of those people himself and he’s still living.’” (Second page, third column, middle of column)

Compelling evidence of a socially distinct contemporaneous Indian entity is also found in the headline on the second page of the article in which a group of Indians is identified in relation to and involved with saving the Toro Creek Indians burial site:

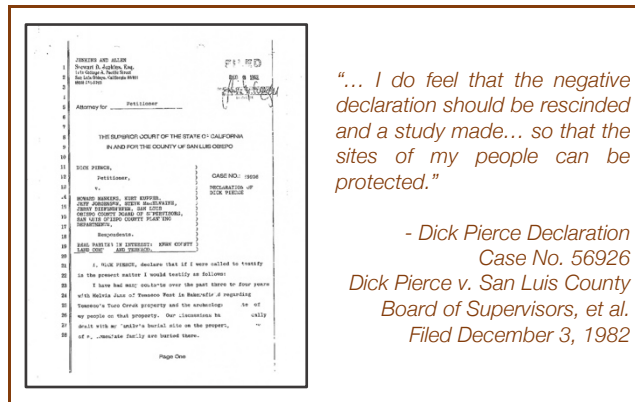
"Saving a resting place: Indians protect ancestral burial site". (Second page, headline)

Again, we see an identification of “...Indians...” that are directly related to those buried at the Toro Creek Indians burial site, that are now “*Saving...*” and attempting to “*...protect [an] ancestral burial site*” located at Toro Creek.

Lastly, we see Dick Pierce stating:

"They're going to write us off if we don't stick together," he said. 'It's up to the Indian people.'"
(Second page, third column, bottom of column)

As we have been previously made aware, the phrase "...our Indian people..." is a direct reference to the specific organized Indian entity. From this we can readily conclude that the phrase "It's up to the Indian people." is also direct reference to a contemporaneous organized Indian political entity that must decide on the future of the Toro Creek land dispute.



A few years later on November 9, 1982, Dick Pierce filed a lawsuit against the San Luis Obispo County Board of Supervisors, the San Luis Obispo County Planning Department, Tenneco West, and other interested parties, challenging a Negative Declaration of Environmental Impact for a proposed development project on the Toro Creek property where multiple Indian archaeological sites exist, including the Toro Creek Indian burial site.

As we can see in the Declaration of Dick Pierce filed on December 3, 1982, the following: ⁴⁰⁹

"... I do feel that the negative declaration should be rescinded and a study made... so that the sites of my people can be protected."

This reference to the “...sites of my people...” is referring to the cemetery burial sites contemporaneously belonging to the Toro Creek Indians providing us with more collective evidence of a group that is connected by social relationships, knowledge of issues, and communication.

⁴⁰⁹ Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tennaco. Case No. 56926. Declaration of Dick Pierce. San Luis Obispo County Superior Court. Bottom of page 2. Filed December 3, 1982.

Criteria for 83.11(b) Community**83.11(b) Community: Section 1**

- 25 CFR § 83.11(b), §1(ii): Social relationships connecting individual members.
- 25 CFR § 83.11(b), §1(v): Strong patterns of discrimination or other social distinctions by non-members.
- 25 CFR § 83.11(b) §1(viii): The persistence of a collective identity continuously over a period of more than 50 years, notwithstanding any absence of or changes in name at a level that meets 25 CFR §83.11(c) §1(iv) The entity meets the criterion in §83.11(b) at greater than or equal to the percentages set forth under §83.11(b)(2). (Please see discussion under Criterion 83.11(b): 50 Year Collective Identity at a Significant Level).

Criteria for 83.11(c) Political Influence or Authority**83.11(c) Political Influence or Authority: Section 1**

- 25 CFR § 83.11(c), §1(ii): Many of the membership consider issues acted upon or action taken by entity leaders or governing bodies to be of importance.
- 25 CFR § 83.11(c), §1(iii): There is widespread knowledge, communication, or involvement in political process by many of the entity's members.

...

Discussion

As the conclusion for both 83.11 (b) and 83.11(c) rely on similar comments, we are combining the two criteria for ease of discussion.

In the letter from Chairman Dr. Richard J Krejsa to Edward Pierce, we see a continued regional recognition of the Toro Creek Indians along with the issue of the Indian Burying Ground located at Toro Creek.

Dr. Krejsa "...along with the people of this County..." both recognize how the Toro Creek Indians, as a political entity with active members, continues to work towards a solution of access to the Toro Creek Cemetery. We feel that this letter provides continuing evidence of a collective political group that has communication amongst its members and values action taken by its leaders.

We are also provided with evidence that the elected officials for the County of San Luis Obispo "...along with the people of this county..." continue to recognize the Toro Creek Indians as socially distinct in the community, especially by non-members.

Krejsa also recognizes how the issue of the Indian Burying Ground at Toro Creek is of importance to the Toro creek Indians.

"I, along with the people of this County, understand that this cemetery is very important to the Toro Creek Indians and that your tribe has been actively seeking a solution for permanent access to your tribal ancestors for quite a long period of time."

It is reasonable to assume that the Toro Creek Indians as a collective entity see the cemetery issue of continued great importance as it has been since the late 1920s. Further, in order for Krejsa to make this statement, it would have to be assumed that there would have to be widespread knowledge, communication, and involvement by a great many, if not all, of the members.

Next, in the newspaper articles discussed from this era, we see ongoing evidence of social relationships, distinctions, and communication between members.

In one article we see that access to the Toro Creek Indian Cemetery has been a long time issue to this tribe and that this issue of access is contemporaneous to the article. As written:

“Pierce, one of the few remaining Toro Creek Indians, remembers burying his aunt, Serviana (sic) Roses, and uncle, Jose Bailon (sic). ‘Boy the ground was hard. I don’t see how we did it. We got a jug of wine and just started digging.’”

“The Toro Creek Indian settlement is not accessible to the public. Pierce and his relatives must get permission to visit the cemetery.”

Although the writer is referencing Les Pierce’s “...relatives...” in this article, we believe that there is more than ample evidence that this is in reference to members of the distinct tribal group.

In the next article we see compelling evidence of a distinct tribe that references the tribal issue of the Toro Creek Cemetery.

“When he talks, Indian is ‘we’ and everybody else is ‘they,’ and ‘they’ sometimes come in for some heavy criticism for their treatment of the native American Indian.”

Later stating in the same article:

“The way they’re digging up Indian burial grounds, I’d just like to know what they’d do if we went around digging up their graves. It’s a dirty crime.”

In the third article, we see references to a distinct entity as recognized by non-members. From the representative of Tenneco West, Mel Jans, we find out that:

“Jans told the Telegram-Tribune he would discuss the situation only with the Indians, not with the press.”

This gives us evidence that Tenneco West, who has been in discussions with “... the Indians...” over this project as referenced by the phrase “...discuss the situation only with the Indians...” thereby giving evidence that there was an organized group of socially distinct Indians actively involved with this lawsuit.

And we also find that Dick Pierce informs the reporter:

“‘That property belongs to our Indian people – it’s sacred ground,’ Pierce said. ‘Why should we have to buy it?’” (Second page, first column, second paragraph of article)

This statement that the property in question “...belongs to our Indian people...” and “‘Why should we have to buy it?’” identifies a contemporaneous organized Indian entity that is in negotiations with Tenneco West for property owned by Tenneco West that rightfully “...belongs to our Indian people...”.

We are then reminded that Dick Pierce’s uncle, Les Pierce, is again identified as being involved with this Toro Creek issue as well. Dick Pierce states:

“‘At what time do we become a fossil?’ Pierce asked. ‘My uncle buried three of those people himself and he’s still living.’”

Compelling evidence of a socially distinct contemporaneous Indian entity is also found in the headline on the second page of the article in which a group of Indians is identified in relation to and involved with saving the Toro Creek Indians burial site:

“Saving a resting place: Indians protect ancestral burial site”.

Again, we see an identification of group of “...Indians...” working together that are now “Saving...” and “...protect [ing an] ancestral burial site” located at Toro Creek.

Lastly, we see Dick Pierce stating:

“‘They’re going to write us off if we don’t stick together,’ he said. ‘It’s up to the Indian people.’”

From the articles discussed, taken collectively in context with other evidence, that there is ample evidence to show a collective group with widespread communication and knowledge of the Indian Burying Ground at Toro Creek.

Lastly in the lawsuit filed by Dick Pierce later on November 9, 1982 we can see in the Declaration of Dick Pierce filed on December 3, 1982, the following:

“I do not object to the development of the property as proposed; but I do feel that the negative declaration should be rescinded and a study made... so that the sites of my people can be protected.”

But was also identified as in the same article as:

“...one of the few remaining Toro Creek Indians, remembers burying his aunt, Serviana (sic) Roses, and uncle, Jose Bailon (sic).”

When Dick Pierce makes comments such as “...our Indian people...”, “Why should we have to buy it?”, and “...the sites of my people...” above, he is referencing a socially distinct group of Indians during the early part of the 1980s.

Based on this discussion and in conjunction with the previous section titled “Preface to Section 83.11 (b and c) 1930 to 1954 and Section 83.11 (b and c) 1970 to 1985,” for this era from 1970 to 1985, we feel that the evidence provided in combination meets the criteria for Section 1 Criteria 83.11(b) Community and for Section 1 Criteria 83.11(c) Political Influence or Authority as outlined above.

Section IV Seven Mandatory Criteria

Criterion 83.11(b and c) – Distinct Community / Political Influence.

...

Subsection:	83.11(b and c) 1986-2001 Subsection 1
Document(s):	83.11(b and c) 1986-2001 Documents 1(a) to 1(b)
Title(s):	Doc 1(a): Personal Note and Picture from Dick Pierce to Eddie Pierce. November 14, 1992. Doc 1(b): Personal note from Hilda Carpenter (nee Pierce) to Toni Woody (nee Pierce). May 26, 2001.
Federal Code(s):	For this era from 1986-2001, we believe the evidence meets the requirements for both 83.11(b) “Community” and 83.11(c) “Political Influence or Authority” simultaneously under the following criteria:

83.11(b) Community: Section 1

25 CFR § 83.11(b), §1(ii): Social relationships connecting individual members.

25 CFR § 83.11(b), §1(iii): Rates or patterns of informal social interaction that exist broadly among the members of the entity.

83.11(b) Community: Section 2

25 CFR § 83.11(b), §2(iv): There are distinct community social institutions encompassing at least 50 percent of the members, such as kinship organizations, formal or informal economic cooperation, or religious organizations.

83.11(c) Political Influence or Authority: Section 1

25 CFR § 83.11(c), §1(ii): Many of the membership consider issues acted upon or action taken by entity leaders or governing bodies to be of importance.

25 CFR § 83.11(c), §1(iii): There is widespread knowledge, communication, or involvement in political process by many of the entity’s members.

Requirements of the Office of Federal Acknowledgement:

As a reminder to the reader for this section, the Office of Federal Acknowledgement requires the following threshold to be met under 25 CFR § 83.10 “How will the Department Evaluate Each of the Criteria”: ⁴¹⁰

⁴¹⁰ 25 C. F. R. § 83.10 “How Will the Department Evaluate Each of the Criteria” (<https://www.govinfo.gov/content/pkg/CFR-2023-title25-vol1/pdf/CFR-2023-title25-vol1-part83.pdf>)

- (a) *The Department will consider a criterion in § 83.11 to be met if the available evidence establishes a reasonable likelihood of the validity of the facts relating to that criterion.*
- (1) *The Department will not require conclusive proof of the facts relating to a criterion in order to consider the criterion met.*
- (2) *The Department will require existence of community and political influence or authority be demonstrated on a substantially continuous (emphasis added) basis, but this demonstration does not require meeting these criteria at every point in time. Fluctuations in tribal activity during various years will not in themselves be a cause for denial of acknowledgment under these criteria.*

We are also made aware of the following real world definition for “substantially continuous” under “The Official Guidelines to the Federal Acknowledgement Regulations, 25 CFR 83.”⁴¹¹

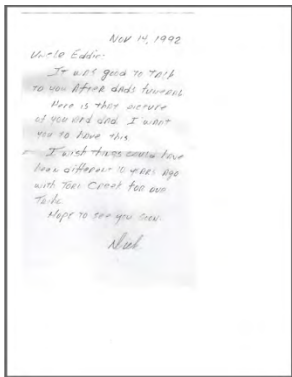
“What’s ‘substantially continuous?’”

“There are no long interruptions in the tribe's members doing things together such as living together, worshiping together or meeting and making decisions on behalf of the group.”

“Activity levels may rise and fall, and the degree of involvement may vary from total involvement of most of the members to involvement of fewer members. However, there should not have been a period when an entire generation lost contact with one another.”

We soundly believe that this application meets the “substantially continuous” threshold as defined by the Office of Federal Acknowledgement.

Evidence for Inclusion:



Nov 14, 1992
Hi - to Eddie:
I'm not going to trip
to you after dad's funeral
Here is that picture
of you and dad. I want
you to have this.
I wish things could have
been different 10 years ago
with Toro Creek for our
Tribe.
Hope to see you soon.
Dick





Personal Note and Picture from Dick Pierce to his Uncle Edward “Eddie” Pierce dated November 14, 1992. Left to Right: “Eddie” Pierce and “Dutch” Pierce.

Dick Pierce’s father, Adrian “Dutch” Pierce. ca 1945.

“It was good to talk to you after dad’s (sic) funeral. Here is that picture of you and dad. I want you to have this. I wish things could have been different 10 years ago with Toro Creek for our Tribe. Hope to see you soon.”

- Personal Note and Picture from Dick Pierce to his Uncle Edward “Eddie” Pierce November 14, 1992

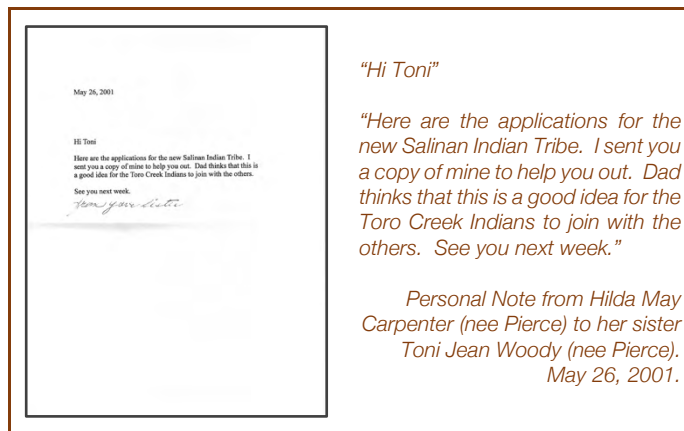
⁴¹¹ “The Official Guidelines to the Federal Acknowledgement Regulations, 25 CFR 83”. The Bureau of Indian Affairs Branch of Acknowledgement and Research, Washington, D. C. September 1997. Page 42, bottom of first column to top of second column.

After the passing of his father in 1992, we find a personal note written from Dick Pierce, the son of Adrian “Dutch” Pierce, to his uncle Edward Pierce of Morro Bay.⁴¹² In this note we see a few of the following comments:

“It was good to talk to you after dads (sic) funeral. Here is that picture of you and dad. I want you to have this. I wish things could have been different 10 years ago with Toro Creek for our Tribe. Hope to see you soon.”

In this note, we see a reference of how the Toro Creek Indians (“...our tribe...”) are contemporaneously identified in 1992 and also gives us reference of the lawsuit that took place as mentioned above. This gives us reliable evidence that this Indian entity is in existence as an identified functioning group with social and political influence amongst its members during the 1980s leading into the 1990s.

From this we can conclude that Toro Creek Indians not only have been identified as a contemptuous entity but have also been identified as a functioning group with social and political influence amongst its members.



In a personal note dated May 26, 2001, from Hilda May Carpenter (nee Pierce) to Toni we see an identification of the Toro Creek Indians as a tribal entity that are preparing to fill out applications for a newly formed group known as the Salinan Indian Tribe.

Refence is made in this note of how others in the group see this decision. As written by Hilda Carpenter:⁴¹³ *“Here are the applications for the new Salinan Indian Tribe. I have*

enclosed a copy of mine to help you out.”

“Dad (Edward “Eddie” Pierce) thinks this is a good idea for the Toro Creek Indians to join with the others. See you next week.”

We also see evidence of social interaction amongst the members (“...the Toro Creek Indians to join with the others...”) in terms of joining the Salinan Indian Tribe to continue the tribal entity.

From the previous notes, we see evidence of the continued social relationships, interactions, and communications that was taking place during this era as well as a tribal group of Indians.

Based on this discussion, and in conjunction with 25 CFR § 83.11(b), §2(iv): There are distinct community social institutions encompassing at least 50 percent of the members, such as kinship organizations, formal or informal economic cooperation, or religious organizations, we feel that the evidence provided in combination meets the criteria for Section I Criteria 83.11(b) Community and for Section 1 Criteria 83.11(c) Political Influence or Authority as outlined above for the era of 1986 to 2001.

⁴¹² Personal Note and Picture from Dick Pierce to his uncle Edward J. Pierce dated November 14, 1992.

⁴¹³ Personal Note from Hilda May Carpenter (nee Pierce) to Toni Jean Woody (nee Pierce). May 26, 2001.

Section IV Seven Mandatory Criteria

Criterion 83.11(b and c) – Distinct Community / Political Influence.

...

Subsection:	83.11(a) 2002-Present Subsection 1
Document(s):	83.11(a) 2002-Present Documents 1(a) to 1(h)
Title(s):	Doc 1(a): <i>Salinan Tribe Access to Morro Rock for Ceremonial Purposes, Morro Bay State Park, San Luis Obispo County.</i> Letter from Larry Myers, Executive Secretary, State of California Native American Heritage Commission to Nick Franco, Coastal Sector Superintendent of the San Luis Obispo Coast District, Morro Bay State Park, State of California. October 26, 2004. Doc 1(b): News Release from the State of California Department of Parks and Recreation. <i>State Park to Finalize Agreement Regarding Native American Access to Morro Rock.</i> Morro Bay, California. February 22, 2006. Doc 1(c): <i>Memorandum of Agreement between The State of California Department of Parks and Recreation, etc.</i> March 9, 2006. Doc 1(d): <i>Memorandum of Agreement between The State of California Department of Parks and Recreation, etc.</i> March 7, 2011. Doc 1(e): <i>Memorandum of Agreement between The State of California Department of Parks and Recreation, etc.</i> October 8, 2014. Doc 1(f): <i>Memorandum of Agreement between The State of California, Department of Parks and Recreation, etc.</i> April 25, 2018. Doc 1(h) Signed yearly Special Event Permits (DPR 246) from State of California for the implementation of Memorandum of Agreements. 2004-2024.
Federal Code(s):	For this era from 2002-Present, we believe the evidence meets the requirements for both 83.11(b) “Community” and 83.11(c) “Political Influence or Authority” simultaneously under the following criteria:

83.11(b) Community: Section 1

25 CFR § 83.11(b), §1(ii): Social relationships connecting individual members.

25 CFR § 83.11(b), §1(iii): Rates or patterns of informal social interaction that exist broadly among the members of the entity.

83.11(b) Community: Section 2

25 CFR § 83.11(b), §2(iv): There are distinct community social institutions encompassing at least 50 percent of the members, such as kinship organizations, formal or informal economic cooperation, or religious organizations.

83.11(c) Political Influence or Authority: Section 1

25 CFR § 83.11(c), §1(ii): Many of the membership consider issues acted upon or action taken by entity leaders or governing bodies to be of importance.

25 CFR § 83.11(c), §1(iii): There is widespread knowledge, communication, or involvement in political process by many of the entity's members.

Evidence for Inclusion:

Beginning in 2003 and ratified in future Memorandum of Agreements beginning in 2006, The Salinan Tribe of San Luis Obispo and Monterey Counties has been in a continuous relationship with the State of California based on our social relationships, social interactions, and communication that affords us the ability to hold a special religious ceremony at the summit of Morro Rock, an ecological reserve that is closed to public access.

In the past, the Office of Federal Acknowledgement has correctly viewed many such documentation, permits and ceremonies as not necessarily identifying an Indian entity in a relationship with a state government, but as just a typical governmental agreement with a local community organization not based on any special identification.



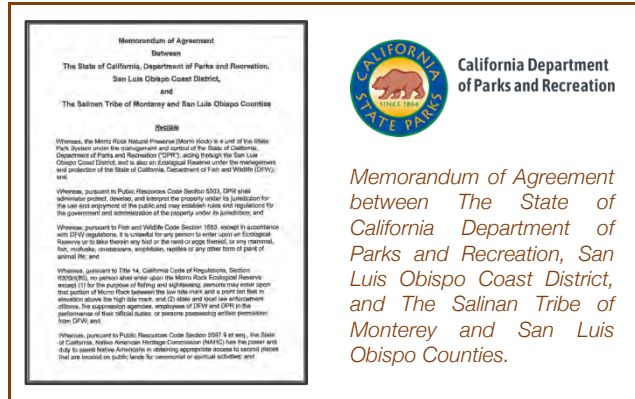
"Salinans To Climb Otherwise Off-Limits Landmark"

"Juventino Ortiz, superintendent of the State Parks San Luis Obispo Coastal District... explained that State Parks made an exception to the 'no climbing' rule on Morro Rock because of the exceptional circumstances..."

*"When the state Native American Heritage Commission presented State Parks with a request to use the rock, Ortiz said the Salinans' status under law obligated the agency to allow the ceremony."*⁴¹⁴

In this very unique case, the enclosed Memorandum of Agreements, each good for five years, have afforded the Salinan Tribe of Monterey and San Luis Obispo Counties the right to ascend, along with a guided escort from the State of California Department of Parks and Recreation to the summit of Morro Rock specifically because of their identification as an Indian entity for Indian religious ceremonies. It is reasonable to assume that these special agreements and religious ceremonies would not be possible with the State of California without the widespread social relationships, social interactions, and communication required to make these semiannual events possible for over the last 20 years.

⁴¹⁴ Christians, Lindsay. "Fire on Rock to Mark Solstice: Salinans to Climb Otherwise Off-Limits Landmark". The San Luis Obispo Tribune. December 19, 2003. Top of Page B1 and upper half of column 6 on page B2.



As outlined in the 2006 Memorandum of Agreement with the State of California, the Salinan Tribe of Monterey and San Luis Obispo Counties, and the federally recognized Santa Ynez Band of Chumash Indians:⁴¹⁵

“Whereas, the Salinan Tribe of Monterey and San Luis Obispo Counties (‘Salinan Tribe’) and the Santa Ynez Band of Chumash Indians (‘Chumash Tribe’) are comprised of

Salinian (sic) and Chumash people, respectively, descended from the indigenous people of the contemporary DPR [State of California Department of Parks and Recreation], San Luis Obispo District. As such, the Salinan and Chumash Tribes have a vested interest in preserving Salinan and Chumash cultural traditions, sacred sites, cultural artifacts, and ancestral remains. The Salinan and Chumash Tribes identify Morro Rock as a place of worship, religious or ceremonial site, or sacred shine (sic) as referenced in Public Resources Code Section 5097.9 et seq.; and”

“Whereas, DPR recognizes the importance of the preservation and continuation of the cultural heritage and traditions of the Salinan and Chumash Tribes. Therefore, DPR recognizes the need of the Salinan and Chumash Tribes to have access to, and uses of, certain areas within DPR, San Luis Obispo Coast District, including Morro Rock, for traditional cultural practices...”

We also see that the State of California Public Resources Code § 5097.9 states the following:⁴¹⁶

“No public agency, and no private party using or occupying public property, or operating on public property, under a public license, permit, grant, lease, or contract made on or after July 1, 1977, shall in any manner whatsoever interfere with the free expression or exercise of Native American religion as provided in the United States Constitution and the California Constitution...”

As seen above, this right, that has been allowed for the last 20 years under the State of California Public Resources Code § 5097.9, is *because* the State of California identifies and recognizes our group as an Indian entity that should be granted special privileges to an ecological reserve that is closed to public access. From above:

“The Salinan... Tribe[] identif[ies] Morro Rock as a place of worship, religious or ceremonial site, or sacred shine (sic) as referenced in Public Resources Code Section 5097.9 et seq.; and...”

⁴¹⁵ Memorandum of Agreement between The State of California Department of Parks and Recreation, San Luis Obispo Coast District, and The Salinan Tribe of Monterey and San Luis Obispo Counties for 2018. Recitals as presented are typical for each MOA enclosed and are highlighted on page 2 for each MOA as well.

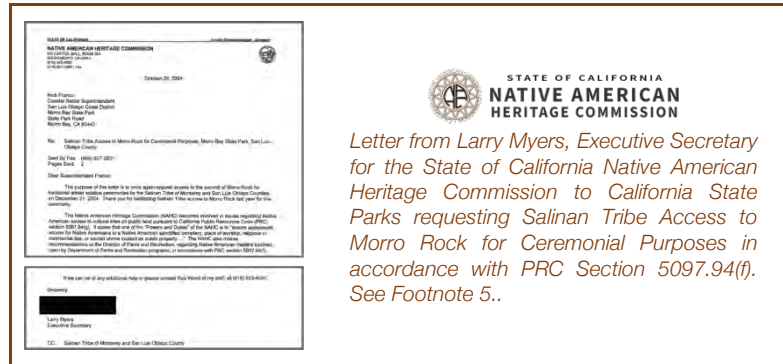
⁴¹⁶ State of California Public Resources Code § 5097.9.

Substantiating the prior evidence that the State of California is in a special relationship that grants us special access rights to an ecological reserve that is closed off to the public we also see in the News Release from the California Department of Parks and Recreation the following:⁴¹⁷

“On Thursday, March 9, [2006], officials from California State Parks and the California Native American Heritage commission, members of the Salinan Tribe of Monterey, San Luis Obispo and San Benito counties and Elders of the Santa Ynez Band of Chumash Indians will gather at the base of Morro rock to finalize a memorandum of agreement allowing Salinan and Chumash tribal members access to the summit of Morro Rock for religious purposes.”

“Morro Rock is an ecological reserve and is closed to public access.”

We are also made aware that the first ceremony was conducted in December of 2003 as referenced in the letter from the State of California Native American Heritage Commission to the State of California Department of Parks and Recreation. To wit:



Letter from Larry Myers, Executive Secretary for the State of California Native American Heritage Commission to California State Parks requesting Salinan Tribe Access to Morro Rock for Ceremonial Purposes in accordance with PRC Section 5097.94(f). See Footnote 5..

“The purpose of this letter is to once again request access to the summit of Morro Rock for the traditional winter solstice ceremonies by the Salinan Tribe of Monterey and San Luis Obispo Counties, on December 21, 2004. Thank you for facilitating Salinan Tribe access to Morro Rock last year for this ceremony.”

The enclosed yearly permits signed by the State of California for this ceremony further show the yearly continuity of this event for our Indian group for the last 20 years.⁴¹⁹

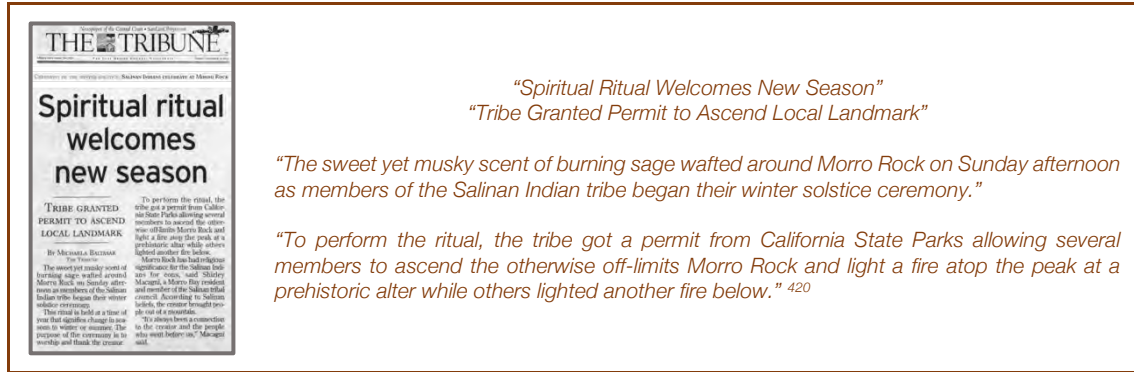
This relationship with the State of California under State of California Public Resources Code § 5097.9 based on the identification of our group as an Indian entity is well documented with the continuously signed Memorandum of Agreements, enclosed News Release, and enclosed yearly permits that have afforded us the opportunity to ascend Morro Rock, an ecological reserve that is not open to the public, for our biannual religious ceremonies located on state property.

From this, it is reasonable to assume that these special agreements and religious ceremonies would not be possible with the State of California without the widespread social relationships, social interactions, and communication required to make these semiannual events possible for over the last 20 years.

⁴¹⁷ News Release from the State of California Department of Parks and Recreation. *State Park to Finalize Agreement Regarding Native American Access to Morro Rock.* Morro Bay, California. February 22, 2006.

⁴¹⁸ *Salinan Tribe Access to Morro Rock for Ceremonial Purposes, Morro Bay State Park, San Luis Obispo County.* Letter from Larry Myers, Executive Secretary, State of California Native American Heritage Commission to Nick Franco, Coastal Sector Superintendent of the San Luis Obispo Coast District, Morro Bay State Park, State of California. First paragraph. October 26, 2004.

⁴¹⁹ *Signed yearly Special Event Permits (DPR 246) from State of California for the implementation of Memorandum of Agreements.* 2004-2024.



Based on this discussion, and in conjunction with 25 CFR § 83.11(b), §2(iv): There are distinct community social institutions encompassing at least 50 percent of the members, such as kinship organizations, formal or informal economic cooperation, or religious organizations, we feel that the evidence provided in combination meets the criteria for Section 1 Criteria 83.11(b) Community and for Section 1 Criteria 83.11(c) Political Influence or Authority as outlined above for the era of 2002 to Present.

⁴²⁰ Baltasar, Michaela. "Spiritual Ritual Welcomes New Season. Tribe Granted Permit of Ascend Local Landmark". The San Luis Obispo Tribune. December 22, 2003. Middle of Front Page and continued on page A8 bottom of sixth column. Quoted material from the first and third paragraphs of article.

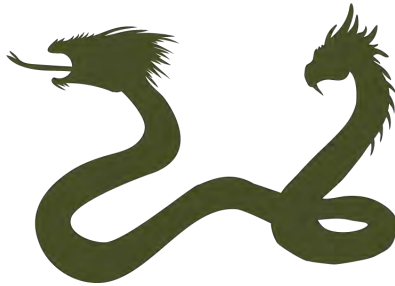
Epilogue

The Salinan culture has been widely documented and researched during the 19th and 20th centuries. One of the researchers, J. Alden Mason, was able to record, for posterity, many of the mythologies that make up this unique culture along the central coast of California.

One of our favorite stories from our culture is the myth of the two headed serpent named TALIYE' KA' TAPelta was fooled by the Prairie-Falcon and his nephew (sometimes noted as his friend) the Raven in chasing them from his lair in Cholame to Morro Rock, a volcanic plug located along the coast of California. The story has several versions but always follows the same storyline culminating at Morro Rock.

The story has been widely told with variances over the centuries and is well enjoyed. We hope this brings a better perspective of the cultural significance of Morro Rock to the Salinan culture to the Office of Federal Acknowledgement.

TALIYE' KA' TAPelta: THE TWO HEADED SERPENT



Many years ago, there was a large two headed serpent monster named Taliye' kA' Tapelta (sounds like tahl-yay kay tah-pel-ta). The Serpent was so large that he could wrap himself all the way around the Morro (Morro Rock)!

The Serpent was also protected by his friend the Whirlwind Spirit. This spirit would bring the Serpent food when he was hungry and protect him from all of his enemies.

The Serpent was feared by all.

One day, the Prairie-Falcon and his nephew, the Raven, were discussing what to do about the Serpent.

The Prairie-Falcon asked the Raven, "What shall we do about the Serpent? He is a menace to all of us!"

Raven thought for a minute and replied, "Uncle, tell me about the powers that you have?"

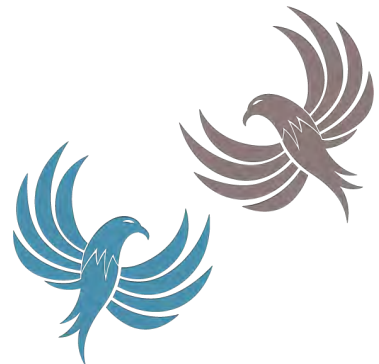
Prairie-Falcon said, "I have two powers. My first power is that I can fly very fast! So fast that the Serpent will not be able to catch me. And my second power comes from the Morro."

The Raven replied, "That is great! I have been to the Morro many times. My powers come from the Asomeneka and Asumloyam mountains in Cholame. As you know, it is where the Serpent lives."

They both smiled at each other. They knew that they could finally do something about the Serpent.

So the Raven said, "Let's go and see the Serpent!"

The Prairie-Falcon and the Raven arrived at the home of the Serpent in Cholame. The Serpent was sound asleep.



“Now is the time to wake him! He is asleep!” said the Prairie-Falcon to the Raven. So they found some reeds growing in the area and made arrows to shoot at the Serpent.

They went inside and the Prairie-Falcon shot the Serpent first on one side and the Raven shot next on the other side. “Let’s go before he wakes up!” cried the Prairie-Falcon to the Raven and they quickly flew away. They flew as fast as they could towards the direction of Morro Rock on the seacoast.



The Serpent and the Whirlwind Spirit came swiftly after them breaking down all the trees in their way!

“Come along, nephew!” cried the Prairie-Falcon as they fled across the countryside with the Serpent and the Whirlwind Spirit close behind them.

“Fly up!” yelled one. “No! Fly down!” yelled the other. Back and forth the birds flew as quickly as they could towards Morro Rock while trees were being knocked over and dust was flying everywhere!

Raven was not as fast as his uncle and was struggling to keep up. The Raven was getting scared and started to fall behind. The Serpent was getting close enough to the Raven that he could hear the ground beginning to rumble!

Prairie-Falcon yelled back to his nephew, “Come on! Don’t be afraid! Summon up your strength!” And with that encouragement the Raven found the strength he needed to catch back up to his uncle.

The Prairie-Falcon looked at the Raven and said, “We are almost to the Morro! When we get there, we will be safe!” The Raven was not sure what his uncle had planned, but he had to trust him.

Finally, the birds made it to Morro Rock and flew to the very top and landed. Just as they landed, they turned around to see the Serpent and the Whirlwind Spirit come racing down the hill towards them.

When The Serpent crossed the ocean to get to the Morro, water flew everywhere! The evil two-headed Serpent got to the base of the rock, encircled it, and began to quickly climb to get the birds. The force of the Serpent caused the Morro Rock to rumble and shake like a loud earthquake! The Whirlwind Spirit followed as well, and the winds blew very hard!

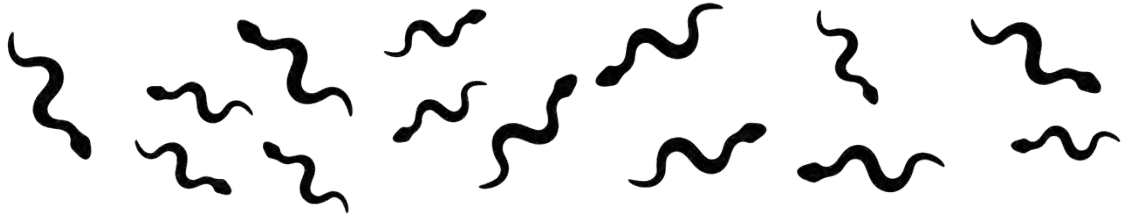


“What are we going to do now?” yelled Raven, his voice trembling with fear. “Don’t ask me that! Just get ready!” the Prairie-Falcon yelled back.

Just as the two-headed Serpent reached the top of the rock to get the birds, the Prairie-Falcon pulled out two magic charms from the Morro. He quickly gave one to his nephew and began to cut up the Serpent into small little pieces. Seeing what his uncle was doing, The Raven flew to the other side of the Morro and began to do the same to the Serpent.

As the little pieces of the Serpent began to fall to the ground, they all turned into small snakes and scurried away. These small snakes became all of the snakes that we see today. The Whirlwind Spirit saw what happened to the Serpent and quickly left as well, never to be seen again.

After it was over, the land was rid of the evil two-headed Serpent Monster and the Prairie-Falcon and the Raven became heroes to the Indians.



Salinan Tribe of Monterey and San Luis Obispo Counties

Petition for Federal Acknowledgment

Section IV

Seven Mandatory Criteria

Criterion 83.11(d): Governing Documents

Section IV
Seven Mandatory Criteria

Criterion 83.11(d): Governing Documents

Enclosed in the Salinan Tribe Digital Files (Section 5 Appendix Files → File 10 Salinan Tribal Documentation → 1 Governing Documents [Folder]) are the Governing Documents for our group as listed below.

<u>Document Title</u>	<u>Effective Date</u>
1. By-Laws, Toro Creek Indians	February 17, 1934
2. Constitution of the Salinan Tribe	August 25, 2004
3. Enrollment Ordinance of the Salinan Tribe of Monterey and San Luis Obispo Counties	May 15, 2024

Salinan Tribe of Monterey and San Luis Obispo Counties

Petition for Federal Acknowledgment

Section IV

Seven Mandatory Criteria

Criterion 83.11(e): Descent From Historical Indian Tribe

Section IV Seven Mandatory Criteria

Criterion 83.11(e): Descent of Current Members from Historical Indian Tribe or Tribes That Combined.

1. Introduction

The Historical Indian Tribe that is being claimed is from the Indian population of both the San Antonio de Padua Mission (Mission San Antonio) and the San Miguel Arcángel Mission (Mission San Miguel), located in Monterey and San Luis Obispo counties respectively in California. This Indian mission population originally came from the surrounding Indian villages that existed just prior to the founding of the two missions based on the result of Spanish policy at the time. The Spanish baptism records from these missions designate those who were baptized as Indian under such Spanish terms including gentile, india/indio, or neófito/neófita.

We have identified and broken down the 29 members of our claimed Historical Indian Tribe by their Associated Historical Tribal Lines on the following pages.

Digital copies and translations of the original baptism, marriage, and death records for our Claimed Historical Indian Tribe as retrieved from the California Spanish Mission archives can be located in our Salinan Tribe Digital Files (Section 5 Appendix Files → Folder 5 Spanish Mission Records for Claimed Historical Indian Tribe → Spanish Mission Records for Claimed Historical Indian Tribe Scans / Translations [Folder]).

CRITERION 83.11(e) 1 IDENTIFICATION OF SPECIFIC MEMBERS OF THE HISTORICAL INDIAN TRIBE WHO ARE ANCESTRAL TO THE PETITIONING GROUP'S MEMBERS					
Historical Indian Tribe Member Identified	Mission Record	Date	Historical Indian Tribe Member Identified	Mission Record	Date
1. Agata Maria	SAP-B 82	May 15, 1773	16. Opolo	SMA-B 2572	Oct 4, 1834
2. Anasthasia Ignes	SAP-B 83	May 15, 1773	17. Laureano Lisjayya	SAP-B 2674	Apr 28, 1802
3. Margarita de Cortona	SAP-B 75	May 1, 1773	18. Martina Lisjayya	SAP-B 2713	Sep 25, 1802
4. Leandro Esmequeuiya	SAP-B 321	Sep 21, 1775	19. Sigismundo Kanep	SAP-B 2373	Mar 9, 1799
5. Maria de la Nieves	SAP-B 380	Mar 19, 1776	20. Pedro Encinales	SAP-B 1761	Oct 14, 1790
6. Severino Chonuto	SMA-B 1020	Nov 12, 1803	21. Eusebio Encinales	SAP-B 4186	Sep 11, 1824
7. Severina	SMA-B 1031	Nov 12, 1803	22. Perfecta Chaluic Garcia	SMA-B 2572	Oct 4, 1834
8. Diego Bravo	SAP-B 48	Mar 7, 1773	23. Paula Lisjayya Olmeda	SAP-B 2025	Jan 14, 1794
9. Barbara	SMA-B 725	Dec 4, 1802	24. Rafaela Kanep	SAP-M 523	Mar 9, 1799
10. Jacobo Talges Chayaui	SMA-B 2155	Dec 28, 1821	25. Uotsomilt	SMA-B 2572	Oct 4, 1834
11. Jacoba Chajeyat	SMA-B 2156	Dec 28, 1821	26. Antonio Estronconio	SMA-B 1236	May 5, 1805
12. Pascual Bylon	SMA-B 1477	Apr 24, 1810	27. Josefa Jarabo	SMA-B 2036	Feb 4, 1819
13. Gregoria Enterria	SMA-B 2157	Dec 28, 1821	28. Refugio Linares	SLD-M 734	Jul 5, 1849
14. Onesimo Bylon	SMA-B 2417	Feb 23, 1830	29. Paula Eu-Echic	SMA-B 2604	Jan 13, 1835
15. Jose Antonio Gambucera	SMA M 396	Dec 30, 1855			

CRITERION 83.11(e) 1 IDENTIFICATION OF SPECIFIC MEMBERS OF THE HISTORICAL INDIAN TRIBE WHO ARE ANCESTRAL TO THE PETITIONING GROUP'S MEMBERS			
Historical Indian Tribe Member Identified	Associated Historical Tribal Line(s)	Historical Indian Tribe Member Identified	Associated Historical Tribal Line(s)
1. Agata Maria	Agata Maria Line	16. Opolo	Pedro Encinales Line
2. Anasthasia Ignes	Agata Maria Line	<i>17. Laureano Lisjayya</i>	<i>Encinales Bylon Toro Creek/Pedro Encinales Lines</i>
3. Margarita de Cortona	Agata Maria Line	<i>18. Martina Lisjayya</i>	<i>Encinales Bylon Toro Creek/Pedro Encinales Lines</i>
4. Leandro Esmequeuiya	Encinales Bylon Toro Creek Line	<i>19. Sigismundo Kanep</i>	<i>Encinales Bylon Toro Creek/Pedro Encinales Lines</i>
5. Maria de la Nieves	Encinales Bylon Toro Creek Line	<i>20. Pedro Encinales</i>	<i>Encinales Bylon Toro Creek/Pedro Encinales Lines</i>
6. Severino Chonuto	Encinales Bylon Toro Creek Line	<i>21. Eusebio Encinales</i>	<i>Encinales Bylon Toro Creek/Pedro Encinales Lines</i>
7. Severina	Encinales Bylon Toro Creek Line	22. Perfecta Chaluic Garcia	Pedro Encinales Line
8. Diego Bravo	Encinales Bylon Toro Creek Line	<i>23. Paula Lisjayya Olmeda</i>	<i>Encinales Bylon Toro Creek/Pedro Encinales Lines</i>
9. Barbara	Encinales Bylon Toro Creek Line	<i>24. Rafaela Kanep</i>	<i>Encinales Bylon Toro Creek/Pedro Encinales Lines</i>
10. Jacobo Talges Chayaui	Encinales Bylon Toro Creek Line	25. Uotsomilt	Pedro Encinales Line
11. Jacoba Chajeyat	Encinales Bylon Toro Creek Line	26. Antonio Estronconio	Pedro Encinales Line
12. Pascual Bylon	Encinales Bylon Toro Creek Line	27. Josefa Jarabo	Pedro Encinales Line
13. Gregoria Enterria	Encinales Bylon Toro Creek Line	28. Refugio Linares	Encinales Bylon Toro Creek Line
14. Onesimo Bylon	Encinales Bylon Toro Creek Line	29. Paula Eu-Echic	<i>* See Note Below</i>
15. Jose Antonio Gambucera	Pedro Encinales Line		

(Italicized members indicate belonging to both the Encinales Bylon Toro Creek Line and the Pedro Encinales Line)

** Note: Although not associated directly with a Tribal Line today, Paula Eu-Echic (29) was the wife to Onesimo Bylon (14) who gave birth to Maria de los Angeles Bylon. Maria de los Angeles Bylon is the half sister to José Bylon, Maria Ceberia Teodora Bylon, and Maria Antonia Bylon of the Toro Creek Indian Settlement and future wife to Tito Encinales.*

CRITERION 83.11(e) 1 IDENTIFICATION OF SPECIFIC MEMBERS OF THE HISTORICAL INDIAN TRIBE WHO ARE ANCESTRAL TO THE PETITIONING GROUP'S MEMBERS				
Historical Tribal Line Name	Claimed Ancestors From Historical Indian Tribe			
Agata Maria Line	1. Agata Maria	2. Anasthasia Ighes	3. Margarita de Cortona	
Encinales Bylon Toro Creek Line	4. Leandro Esmequeuiya	5. Maria de la Nieves	6. Severino Chonuto	7. Severina
	8. Diego Bravo	9. Barbara	10. Jacobo Talges Chayaui	11. Jacoba Chajeyat
	12. Pascual Bylon	13. Gregoria Enterria	14. Onesimo Bylon	17. <i>Laureano Lisjaye</i>
	18. <i>Martina Lisjaye</i>	19. <i>Sigismundo Kanep</i>	20. <i>Pedro Encinales</i>	21. <i>Eusebio Encinales</i>
	23. <i>Paula Lisjaye Olmeda</i>	24. <i>Rafaela Kanep</i>	29. Refugio Linares	
Pedro Encinales Line	15. Jose Ant. Gambucera	16. Opolo	17. <i>Laureano Lisjaye</i>	18. <i>Martina Lisjaye</i>
	19. <i>Sigismundo Kanep</i>	20. <i>Pedro Encinales</i>	21. <i>Eusebio Encinales</i>	22. Perfecta Chaluic Garcia
	23. <i>Paula Lisjaye Olmeda</i>	24. <i>Rafaela Kanep</i>	25. Uotsomilt	26. Antonio Estronconio
	27. Josefa Jarabo			

(Italicized members indicate belonging to both the Encinales Bylon Toro Creek Line and the Pedro Encinales Line)

Section IV Seven Mandatory Criteria

Criterion 83.11(e): Descent of Current Members from Historical Indian Tribe or Tribes That Combined.

2. Current Membership List

The Current Membership List enclosed was prepared in accordance with the requirements of the Office of Federal Recognition in order to meet the standards for Federal Recognition.

The Current Membership List can be located in our Salinan Tribe Digital Files (Section 5 Appendix Files → Folder 10 Salinan Tribal Documentation → 3 Current Membership Documentation [Folder] → Current Membership List.pdf).

A list showing how each member descends from a member of the Claimed Historical Indian Tribe can be located in our Salinan Tribe Digital Files (Section 5 Appendix Files → Folder 10 Salinan Tribal Documentation → 3 Current Membership Documentation [Folder] → Current Membership as Descended from Claimed Historical Indian Tribe.pdf).

Digital copies of each current member's file containing copies of original applications, vital records, declarations, Family Group Sheets, and Family Tree Charts back to Claimed Historical Indian Tribe can be located in our Salinan Tribe Digital Files (Section 5 Appendix Files → Folder 10 Salinan Tribal Documentation → 3 Current Membership Documentation [Folder] → Current Membership Scans [Folder]).

We have also included the original Excel spreadsheet of the Membership List, Past Membership List, and Historical Indian Tribe. This can be found in our Salinan Digital Files:

- Section 5 Appendix Files → Folder 10 Salinan Tribal Documentation [Folder] → Current_Past_HIT_Spreadsheets.xlsx. The tabs are at the bottom.

Section IV Seven Mandatory Criteria

Criterion 83.11(e): Descent of Current Members from Historical Indian Tribe or Tribes That Combined.

3. Past Membership Rolls

In our recent past, there has been a misunderstanding over what constituted a membership roll as defined by the federal government. Our group was under the impression that we had to have multiple rolls on file (e.g. primary, secondary, pending, etc.) to meet the requirements as outlined by the federal government.

We also had to work through computer difficulties in which our database and spreadsheets were compromised through a virus in the past.

We have been able to address the above in recent years with the guidance of the Office of Federal Acknowledgement along with volunteers within our group to properly put together our present membership roll.

The Past Membership Rolls that we include for review come from the following:

1. The By-Laws for the Toro Creek Indians dated February 17, 1934. This membership list was developed to identify the members of the Toro Creek Indians at the inception of this named group.
2. A personal letter to Edward Pierce from his sister Bessie Martin (nee Pierce) dated November 2, 1969. This membership list was developed in order to assist members with their applications to apply for what would become the 1972 Indians of California Judgment Roll under the Act of September 21, 1968.

These documents can be found in our Digital Files (Section 5 Appendix Files → Folder 10 Salinan Tribal Documentation → 2 Past Membership Rolls [Folder]).

Section IV
Seven Mandatory Criteria

Criterion 83.11(e): Descent of Current Members from Historical Indian Tribe or Tribes That Combined.

4. Historical Lists of Members of Historical Indian Tribes

- 4a. The following pages provides the identification of the Claimed Historical Indian Tribe that are ancestral to our members along with their Associated Historical Tribal Lines.
- 4b. The breakdown list of all current members by their claimed ancestors in the Historical Indian Tribe can be found in our Digital Files (Section 5 Appendix Files → File 10 Descent of Current Members List → 3 Current Membership Documentation [Folder] → Current Membership List as Descended from Claimed Historical Indian Tribe.pdf).

CRITERION 83.11(e) 4a IDENTIFICATION OF SPECIFIC MEMBERS OF THE HISTORICAL INDIAN TRIBE WHO ARE ANCESTRAL TO THE PETITIONING GROUP'S MEMBERS			
Historical Indian Tribe Member Identified	Associated Historical Tribal Line(s)	Historical Indian Tribe Member Identified	Associated Historical Tribal Line(s)
1. Agata Maria	Agata Maria Line	16. Opolo	Pedro Encinales Line
2. Anasthasia Ignes	Agata Maria Line	17. Laureano Lisjayya	Encinales Bylon Toro Creek/Pedro Encinales Lines
3. Margarita de Cortona	Agata Maria Line	18. Martina Lisjayya	Encinales Bylon Toro Creek/Pedro Encinales Lines
4. Leandro Esmequeuiya	Encinales Bylon Toro Creek Line	19. Sigismundo Kanep	Encinales Bylon Toro Creek/Pedro Encinales Lines
5. Maria de la Nieves	Encinales Bylon Toro Creek Line	20. Pedro Encinales	Encinales Bylon Toro Creek/Pedro Encinales Lines
6. Severino Chonuto	Encinales Bylon Toro Creek Line	21. Eusebio Encinales	Encinales Bylon Toro Creek/Pedro Encinales Lines
7. Severina	Encinales Bylon Toro Creek Line	22. Perfecta Chaluic Garcia	Pedro Encinales Line
8. Diego Bravo	Encinales Bylon Toro Creek Line	23. Paula Lisjayya Olmeda	Encinales Bylon Toro Creek/Pedro Encinales Lines
9. Barbara	Encinales Bylon Toro Creek Line	24. Rafaela Kanep	Encinales Bylon Toro Creek/Pedro Encinales Lines
10. Jacobo Talges Chayaui	Encinales Bylon Toro Creek Line	25. Uotsomilt	Pedro Encinales Line
11. Jacoba Chajeyat	Encinales Bylon Toro Creek Line	26. Antonio Estronconio	Pedro Encinales Line
12. Pascual Bylon	Encinales Bylon Toro Creek Line	27. Josefa Jarabo	Pedro Encinales Line
13. Gregoria Enterria	Encinales Bylon Toro Creek Line	28. Refugio Linares	Encinales Bylon Toro Creek Line
14. Onesimo Bylon	Encinales Bylon Toro Creek Line	29. Paula Eu-Echic	* See Note Below
15. Jose Antonio Gambucera	Pedro Encinales Line		

(Italicized members indicate belonging to both the Encinales Bylon Toro Creek Line and the Pedro Encinales Line)

* Note: Although not associated directly with a Tribal Line today, Paula Eu-Echic (29) was the wife to Onesimo Bylon (14) who gave birth to Maria de los Angeles Bylon. Maria de los Angeles Bylon is the half sister to José Bylon, Maria Ceberia Teodora Bylon, and Maria Antonia Bylon of the Toro Creek Indian Settlement and future wife to Tito Encinales.

CRITERION 83.11(e) 4a IDENTIFICATION OF SPECIFIC MEMBERS OF THE HISTORICAL INDIAN TRIBE WHO ARE ANCESTRAL TO THE PETITIONING GROUP'S MEMBERS				
Historical Tribal Line Name	Claimed Ancestors From Historical Indian Tribe			
Agata Maria Line	1. Agata Maria	2. Anasthasia Iges	3. Margarita de Cortona	
Encinales Bylon Toro Creek Line	4. Leandro Esmequeuiya	5. Maria de la Nieves	6. Severino Chonuto	7. Severina
	8. Diego Bravo	9. Barbara	10. Jacobo Talges Chayaui	11. Jacoba Chajeyat
	12. Pascual Bylon	13. Gregoria Enterria	14. Onesimo Bylon	17. <i>Laureano Lisjayy</i>
	18. <i>Martina Lisjayya</i>	19. <i>Sigismundo Kanep</i>	20. <i>Pedro Encinales</i>	21. <i>Eusebio Encinales</i>
	23. <i>Paula Lisjayya Olmeda</i>	24. <i>Rafaela Kanep</i>	29. Refugio Linares	
Pedro Encinales Line	15. Jose Ant. Gambucera	16. Opolo	17. <i>Laureano Lisjayya</i>	18. <i>Martina Lisjayya</i>
	19. <i>Sigismundo Kanep</i>	20. <i>Pedro Encinales</i>	21. <i>Eusebio Encinales</i>	22. Perfecta Chaluic Garcia
	23. <i>Paula Lisjayya Olmeda</i>	24. <i>Rafaela Kanep</i>	25. Uotsomilt	26. Antonio Estronconio
	27. Josefa Jarabo			

(Italicized members indicate belonging to both the Encinales Bylon Toro Creek Line and the Pedro Encinales Line)

Section IV Seven Mandatory Criteria

Criterion 83.11(e): Descent of Current Members from Historical Indian Tribe or Tribes That Combined.

5. Authorized Tribal Rolls.

5a. Census of Non-Reservation California Indians – 1905-1906. Charles Edwin Kelsey.

On the Census of Non-Reservation California Indians – 1905-1906 compiled by Special Agent Charles Edwin Kelsey, often referred to as the Kelsey Census Roll, we see enumerated Indians that were living on a defined Indian settlement in Monterey County on Table 83.11(e): Table B, below. The names listed on this table are the same Indians that many of our members descend from. A digital copy of the Kelsey Census Roll can be found in our Salinan Tribe Digital Files:

- Section 5 Appendix Files → Folder 7 Kelsey Census of Non-Reservation California Indians 1905 – 1906 → Kelsey Census of Non-Reservation California Indians 1905 – 1906 Abridged.pdf.

What follows is a background of the Kelsey Census Roll.



Charles E. Kelsey. Undated photograph. Courtesy of Larisa K. Miller "C. E. Kelsey | Northern California Indian Association" website.

<http://jabloner.users.sonic.net>

Born in Montello, Wisconsin in 1861, Attorney Charles Edwin Kelsey and his wife Abigail moved to San Jose, California, in 1901. After they arrived, Kelsey became heavily involved with the Northern California Indian Council (NCIA). Founded by a group of women in the mid 1890's that were deeply concerned over the plight of the California Indians, the NCIA worked energetically to lobby the government to provide the financial assistance needed to buy land for the homeless Indians of California.

At the time, the NCIA worked with the government Indian Office to obtain the any relevant reports that could assist them in their endeavor. After being told there were no such documents, the NCIA proceeded to collect its own data in the field and prepare their own reports and findings.

In 1903, President Theodore Roosevelt visited San Jose and was presented with a memorial report from the NCIA outlining not only the history of the NCIA but the difficult situation for the homeless California Indians as well. One of the suggestions of the memorial was to ask the government to buy back some of the very land that was wrongfully taken by the government and sold to non-Indians.

This Memorial of the Northern California Indian Association presented to President Roosevelt was eventually referred to the U.S. Senate Indian Affairs Committee on January 21, 1904. In response, the federal government in August of 1905 authorized an investigation of the condition of the Indians in Northern California. During this time, Kelsey served as Special Agent for the Office of Indian Affairs.

Special Agent Kelsey, with authorization from Congress, would go on to produce the Census of Non-Reservation California Indians, 1905-1906 (1905-1906 Kelsey Census).⁴²¹ After its completion, Kelsey would be called back to Washington, D.C. to present his results.

⁴²¹ Kelsey, Charles Edwin. *Census of Non-Reservation Indians. 1905-1906*. Archaeological Research Facility, Department of Anthropology. Berkeley, CA. 94720. 1971. (<https://digicoll.lib.berkeley.edu/record/83367?ln=en>)

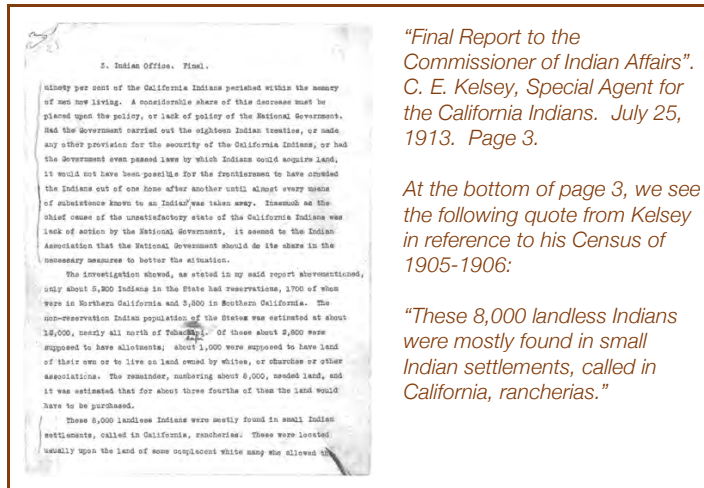
On March 21, 1906, Kelsey presented his "Report of the Special Agent for California Indians to the Commissioner of Indian Affairs" in Washington, D. C. which outlined his findings, recommendations, and the results of the 1905-1906 Kelsey Census.

Upon examination, the 1905-1906 Kelsey Census as a standalone report did not list "settlements" or "groups" of Indians, but rather individual Indians, by name, that were living in geographic regions throughout California. Further, due to the limitation of time, Kelsey was only able to visit 36 of the 45 counties in Northern California at the time and was left with using, supposedly, data from the United States Census of 1900 for the 9 counties he did not visit.⁴²²

However, during his March 21, 1906, presentation to the Commissioner of Indian Affairs, Kelsey refers to his census as follows:

*"The Indians are for the most part settled in little villages called in California rancherias. These little settlements contain all the way from 20 souls up to 250, the usual size being about 50. A schedule or census accompanying this report gives the location of each such settlement and the name of each head of a family and the number dependent upon him. These Indian settlements are for the most part located upon waste or worthless land as near as possible to their ancestral home. These remnants of each stock or tribe or band occupy to-day almost exactly the same territory their ancestors did a century ago."*⁴²³

So although the 1905-1906 Kelsey Census as a standalone report did not list "settlements" or "groups" of Indians, it is apparent that Kelsey did, in fact, interpret these Indians as being located in "little villages called in California rancherias" called "settlements." Kelsey further states that these Indians in his census are "remnants of each stock or tribe or band" showing that they still exist at the time of his report in 1906. We will see this substantiated later in 1913 when Kelsey presents his "Final Report to the Commissioner of Indian Affairs."



While Congress was reviewing the results of his report along with the 1905-1906 Kelsey Census during the spring of 1906, the Forest Homestead Act of 1906 was gradually becoming a reality. This legislation would open agricultural lands within the forest reserves to settlement under the 1862 Homestead Act. The legislation applied only to citizens and not to Indians thereby opening up the potential for abuse by timber speculators. The Forest Homestead Act became law on June 11, 1906.

Ten days later on June 21, 1906, Congress finally responded back to

Kelsey's report. The congressional response included the hiring of Kelsey to oversee the purchase of land for the homeless Indians in California as newly appointed Special Agent for the Office of Indian Affairs. He held this position until 1913.

⁴²² Kelsey, Charles Edwin. *Census of Non-Reservation Indians. 1905-1906*. Pages i, ii, and 3.

⁴²³ Kelsey, Charles Edwin. *Report of the Special Agent for California Indians to the Commissioner of Indian Affairs, March 21, 1906*. This report is attached to "Hearings Before a Subcommittee of the Committee on Indian Affairs, House of Representatives, 66th Congress, Second Session" March 23, 1920. Pages 116-131. Quote located on page 124, top of page. United States Department of the Interior, Washington, D. C.

Looking back on the work of Kelsey for the 1905-1906 Kelsey Census, we see that he was able to visit Monterey County (location of the San Antonio Mission) but did not have time to visit San Luis Obispo County (location of the San Miguel Mission).

As we can see in the first county, Monterey County, Kelsey listed 77 individuals under 15 family heads, and referred to them as of “Salin Stock.” Broken down further, Kelsey listed them as follows: ⁴²⁴

83.11(e): Table A

Geographic Location of Settlement	Number at Settlement
Pleyto	26
Sur	4
Mansfield	24
Milpitas	23
Monterey County Total	77

Taken from the 1905-1906 Kelsey Census in Monterey County, the following Indian individuals are from our tribal group and are listed as: ⁴²⁵

83.11(e): Table B

MONTEREY COUNTY

Salin Stock

Mansfield

Without Land

<u>Name</u>	<u>Indians Heads of Families</u>	<u>Indians Number</u>
David Mora		
2 children		
Sister		
3 children	1	7
Jose Moro (sic)	1	1

Milpitas

Without Land

Jose Enesmo Bailone		
5 children		
Mother	1	7
Mrs. Maris Hocarpio		
1 child	1	2
Pedro Encinales & wife		
5 children	1	7
Felipe Encinales		

⁴²⁴ Kelsey, Charles Edwin. *Census of Non-Reservation Indians. 1905-1906*. Pages 82-83.

⁴²⁵ Kelsey, Charles Edwin. *Census of Non-Reservation Indians. 1905-1906*. Replication of census pages. Pages 82-83.

2 children	1	3
Tite (sic) Encinales	1	1
Petronila Encinales	1	1
Miguella Encinales	1	1
Owning Land		
Mrs. Perfecto Encinales	1	1

As we can see in the second county, San Luis Obispo County, we find that this was one of the nine counties that was not visited due to the limitation of time. For this county, Kelsey listed 70 individuals under 17 family heads. As reported, these numbers were taken from the Twelfth U.S. Census of 1900.⁴²⁶ We have painstakingly researched this Indian population claim and have been unsuccessful in verifying the 70 individuals. Our own research has only located potentially 4 individuals listed as “Indian” on the 14 enumerated districts located in the San Luis Obispo County 1900 Census records.

It should be noted that this same discrepancy is also found by Larisa K. Miller, senior archivist at Sanford University who previously worked for the U.S. National Archives in San Bruno, California. In her research paper, “Counting Context: C. E. Kelsey’s 1906 Census of Nonreservation Indians in Norther California” she writes:

“Aside from these overt errors, there are several aspects of Kelsey’s original census that are problematic. The most puzzling involves the numbers he tapped for the nine counties he did not visit, which are mostly incorrect.” ¶ “The reason for this error is unknown.”⁴²⁷

5b. 1933 Indians of California Census Roll under the California Indians Jurisdictional Act of May 18, 1928.

We have enclosed copies of pertinent original applications for the 1933 Indians of California Census Roll. A list of these applications as well as copies of the enclosed applications can be found in our Digital Files:

- Section 5 Appendix Files → Folder 8 1928 California Indian Jurisdictional Act Original Applications → 1928 CIJA Original Applications Scans [Folder]

along with a corresponding reference list in pdf format.

5c. 1972 Indians of California Judgment Roll under the Act of September 21, 1968.

We have enclosed copies of pertinent original applications for the 1972 Indians of California Judgment Roll along with the two page BIA worksheet and family tree chart. A list of the enclosed applications as well as copies of these applications, worksheets, and family tree charts can be found in our Digital Files:

⁴²⁶ Kelsey, Charles Edwin. *Census of Non-Reservation Indians. 1905-1906*. Pages i, 2, and 3.

⁴²⁷ Miller, Larisa K. *Counting Context: C. E. Kelsey’s 1906 Census of Nonreservation Indians in Northern California*. American Indian Culture and Research Journal: Volume 38, Number 2 (2014). Page 54 and 55. Also available at <http://jabloner.users.sonic.net/articles/>

- Section 5 Appendix Files → Folder 9 1972 California Indian Judgment Roll Original Applications → 1 1972 CIJR Original Applications Costanoan [Folder] → 1972 CIJR Original Applications Costanoan Scans [Folder]
- Section 5 Appendix Files → Folder 9 1972 California Indian Judgment Roll Original Applications → 2 1972 CIJR Original Applications Salinan [Folder] → 1972 CIJR Original Applications Salinan Scans [Folder]

along with their corresponding reference lists in pdf format.

Section IV Seven Mandatory Criteria

Criterion 83.11(e): Descent of Current Members from Historical Indian Tribe or Tribes That Combined.

6. Membership Enrollment Files and GEDCOM.

6a. Enclosed in our Salinan Tribe Digital Files at:

- Section 5 Appendix Files → Folder 10 Salinan Tribal Documentation → 3 Current Member Documentation [Folder] → Current Membership Scans [Folder]

are the full Membership Enrollment Files for each of our 248 members which each contain the following:

- Signed copy of current membership application along with statement of non-affiliation with other recognized tribe(s) and consent to membership. Minors under the age of 18 are members based on parent's application.
- Full Ancestry Chart depicting descent from the claimed Historical Indian Tribe along with other pertinent information for each person in the chart. (It should be noted that we exported this file for printing on tabloid size sheets (11x17) as we discovered that printing on either letter or legal size paper was barely legible. Further, 11x17 gives us the ability to easily fold to a standard letter size format. If the Office of Federal Acknowledgment would like this changed, we would be more than happy to make those changes and resubmit.)
- Family Group Sheets along with Individual History Charts. Although not required, we felt that the Individual History Charts provided quick visual information for the reader and included this on the Family Group Sheets.
- Copies of vital records necessary to verify all child-to-parent links between the current members and the Historical Indian Tribe. Translations of old Spanish records have also been provided as well.

We opted to compile these documents for each member into single membership files to make research easier for the reader. If the Office of Federal Acknowledgment would like the information compiled differently, we will be more than happy to accommodate.

We have also included the original Excel spreadsheet of the Membership List, Past Membership List, and Historical Indian Tribe. This can be found in our Salinan Digital Files:

- Section 5 Appendix Files → Folder 10 Salinan Tribal Documentation [Folder] → Current_Past_HIT_Spreadsheets.xlsx. The tabs are at the bottom.

6b. The electronic genealogical database is located in our Digital Files:

- Section 5 Appendix Files → Folder 10 GEDCOM Files as listed below:

GEDCOM File: 2024_08_25 GEDCOM Salinan Tribe.ged

The original format of this database was prepared using MacFamilyTree 10 (Version 10.3.1) developed by Synium Software.

The computer used was an iMac Retina 5K, 27-inch, 2020 computer with 3.6 GHz 10-Core Intel Core i9 processor and 64 GB 2667 MHz DDR4 memory chips.

The GEDCOM File was exported from the above software using the following configuration:

GEDCOM Version:	GEDCOM 5.5.1
Character Encoding:	UTF-8 Format

If there are any issues with these files, please let us know and we will be more than happy to accommodate the Office of Federal Acknowledgment to the best of our abilities.

**Section IV
Seven Mandatory Criteria**

Criterion 83.11(e): Descent of Current Members from Historical Indian Tribe or Tribes That Combined.

7. Past Members Linking to Historical Indian Tribe

Enclosed in our Salinan Tribe Digital Files are the vital records that verify each child-to-parent link between the current members and the Claimed Historical Indian Tribe.

- Section 5 Appendix Files → Folder 10 Salinan Tribal Documentation → 4 Past Membership Documentation [Folder] → Past Membership Scans / Translations [Folder]

Salinan Tribe of Monterey and San Luis Obispo Counties

Petition for Federal Acknowledgment

Section IV

Seven Mandatory Criteria

Criterion 83.11(f): Members Not From Any Federally Recognized Tribe

Section IV
Seven Mandatory Criteria

Section 83.11(f): Statement of Members Composed Principally of Persons Not Members of any Federally Recognized Tribes

The members listed in this application are not, nor have ever been, a member of any Federally Recognized Tribe as defined by the Office of Federal Acknowledgement.

All members to the Salinan Tribe of San Luis Obispo and Monterey Counties have been required to sign a statement attesting that they are not, nor have ever been, a member of any Federally Recognized Tribe as defined by the Office of Federal Acknowledgement.

These statements can be located in the individual membership folders located in the Salinan Digital Files Section 5 Appendix Files → Folder 10 Salinan Tribal Documentation [Folder] → 3 Current Membership Documentation [Folder] → Current Membership Scans Scans [Folder]

Salinan Tribe of Monterey and San Luis Obispo Counties

Petition for Federal Acknowledgment

Section IV

Seven Mandatory Criteria

Criterion 83.11(g): Congressional Legislation With The U.S. Government

**Section IV
Seven Mandatory Criteria**

Section 83.11(g): Statement of No Congressional Legislation That Prohibits, or Terminated, any Federal Relationship with the United States Government.

The Salinan Tribe of Monterey and San Luis Obispo Counties knows of no Congressional Legislation that would prohibit our group from being in a Federal Relationship with the United States Government, nor have we ever been terminated from any previous Federal Relationship with the United States Government.

Salinan Tribe of Monterey and San Luis Obispo Counties

Petition for Federal Acknowledgment

Section V

Appendix

Salinan Tribe of Monterey and San Luis Obispo Counties

Petition for Federal Acknowledgment

Section V

Appendix

California Spanish Mission Records

Mission Nuestra Señora de La Soledad Records List



Mission Nuestra Señora de La Soledad

Courtesy of Santa Barbara Mission Archive-Library.

History of Mission Nuestra Señora de La Soledad

Mission Soledad founded in 1791 by Father Lasuén, was built to assist the other missions of northern California. The Spanish word *Soledad*, means solitude or loneliness. Built in the sparsely populated area of central California, the feeling of isolation is evident, but founder Father Lasuén didn't name the mission after its surroundings, rather to glorify Our Lady of Solitude, one of the sacred names for the Virgin Mary.

Speculation abounds as to whether its number thirteen in the chain is related to the bad luck it has experienced. Massive floods from the Salinas River ravaged the mission many times. These grounds, still scattered with the ruins of the mission's adobe walls that once stretched the entire complex, are a constant reminder of how difficult life must have been at this remote and desolate mission.

The church, originally located at the east end of the padres quarters was destroyed by floods in 1828. Rebuilt in 1832, this quite simple chapel depicts the religious tone surrounding Mission Soledad. Although a replica bell now occupies the wooden beam to the left of the church entrance, the original mission bell can be found inside the museum.

Like all missions, the fourteen stations of the cross adorn the walls of the mission church. Each church has a different version of the fourteen stations, or the journey of Jesus to Golgotha where he was crucified. These fourteen religious symbols are rare originals.

After the flood of 1828, the mission was hit by an epidemic which killed off many of the Indians. Then, Father Vicente Francisco de Sarria died causing many Indians to leave in hopes of finding a better life elsewhere.

Secularization was particularly hard on Mission Soledad, with the property serving as a ranch house, a grocery store and then a restaurant, eventually sitting abandoned for almost one hundred years until it was sold in 1946 for a mere eight hundred dollars. Eventually, the land was returned to the Catholic Church and a restoration effort began with the help of the Native Daughters of The Golden West. The group restored the small chapel and the covento wing, which now serves as the mission museum.

Mission Soledad; small in size, but still a well maintained part of California history.⁴²⁸

⁴²⁸ Bolton, David A. *"Inside the California Missions"*. Painting courtesy of the Santa Barbara Mission Archive-Library as used from the California Missions Foundation website. <https://californiamissionsfoundation.org/mission-la-soledad/>

Mission Nuestra Señora de La Soledad Records List

<u>Doc No.</u>	<u>Record Number</u>	<u>Spanish Mission</u>	<u>Associated Name</u>	<u>Date of Record</u>	<u>Type of Record</u>	<u>Notes</u>
SLD-1	SLD-M #734	Nuestra Señora de la Soledad	Eusebio Encinal / Refugia Linares	July 5, 1849	Marriage	Indicated Eusebio Encinal was a widower of Pelagia and married Refugia Linares. Note: this marriage was recorded at Mission Soledad but took place at Mission San Antonio.

Mission San Antonio de Padua Records List

*Mission San Antonio de Padua**Courtesy of Santa Barbara Mission Archive-Library.*

History of Mission San Antonio de Padua

Mission San Antonio de Padua, nestled in central California's Valley of the Oaks, is number three in the Franciscans chain of twenty one missions, established July 14, 1771. Located below the Santa Lucia Mountains, adjacent to the Hunter Liggett Military Reservation in Jolon, California, Mission San Antonio de Padua is almost as isolated today as it was more than 200 years ago.

Like many of the missions, San Antonio de Padua fell into ruins after Secularization. Fortunately, restoration efforts led by the Historic Landmarks League and the Hearst Foundation have brought back the splendor of early California.

In 1773, the fathers moved the mission from its original location to a spot further up Los Robles valley because of an unstable water source. Here, the mission fathers developed an extensive aqueduct system, which brought water from the nearby San Antonio River, to be used for bathing, washing, and crop irrigation. Today, the Mission boasts the most complete mission era water system in California.

In addition to its sophisticated water system, Mission San Antonio was the first to use a Spanish, red-tile roof. Realizing the old thatched roofs posed a fire hazard, the fathers looked to the Spanish style, which used dried clay for tiles. Tiled roofs had two advantages over the old thatched roofs: they protected against fire, and they were also waterproof.

Preserved at the mission are the colored notes used by the fathers to teach music to the native population. Traditional instruments included drums, violins, guitars, and harps, like this 19th-century model.

The church at Mission San Antonio has been marvelously restored. Saint Anthony, the mission's patron saint, stands at the center of the altar. The church boasts one of the first recorded California marriages, held in 1773.

Peaceful and rustic, the mission now serves as a retreat center, where guests can find solitude, away from the busyness of everyday life.⁴²⁹

⁴²⁹ Bolton, David A. "Inside the California Missions". Painting courtesy of the Santa Barbara Mission Archive-Library as used from the California Missions Foundation website. <https://californiamissionsfoundation.org/mission-san-antonio/>

Mission San Antonio de Padua Records List

<u>Doc No.</u>	<u>Record No.</u>	<u>Spanish Mission</u>	<u>Associated Name</u>	<u>Date of Record</u>	<u>Type of Record</u>	<u>Notes</u>
SAP-1	SAP-B #13	San Antonio de Padua	Francisca	June 23, 1772	Baptism	For Francisca, did not name parents but indicated both parents were gentiles.
SAP-2	SAP-B #26	San Antonio de Padua	Rosalia Metildis	January 22, 1773	Baptism	For Rosalia Metildis, named mother as the same mother of Francisca at entry #13.
SAP-3	SAP-B #48	San Antonio de Padua	Diego	March 7, 1773	Baptism	Identified Diego as a boy of 8 years of age, and having gentile parents. His godfather was Marcelino Bravo, from whom Diego took a surname.
SAP-4	SAP-B #75	San Antonio de Padua	Margarita de Cortona	May1, 1773	Baptism	Named the baptized individual as Margarita de Cortona, at 22 years of age. Her parents and village origin are not named.
SAP-5	SAP-B #82	San Antonio de Padua	Agata Maria	May 15, 1773	Baptism	Identified the baptized individual as Agata Maria, as 100 years old, and as a daughter of gentiles, Indians, from the Rancheria called Isley, alias S[a]n Juan Bautista.
SAP-6	SAP-B #83	San Antonio de Padua	Anasthasia Ignes	May 15, 1773	Baptism	Named the baptized individual as Anasthasia Ignes, at 60 years old. Her mother is referenced as Agata Maria, of SAP-B #82.

Mission San Antonio de Padua Records List

SAP-7	SAP-B #89	San Antonio de Padua	Maria Beatris	May 1773	Baptism	Identified the baptized individual as Maria Beatris, named as daughter of gentile parents, Quoy and Agata Maria.
SAP-8	SAP-B #194	San Antonio de Padua	Cayetano	October 5, 1773	Baptism	Indicated Cayetano was native to Lacolle, in Lix, and was son of [Esse] Maquiueya. [brother to Diego]
SAP-9	SAP-B #321	San Antonio de Padua	Esemequeuiya	September 21, 1775	Baptism	Identified Esemequeuiya as a native of Sebasten, as 40 years of age, and son of gentile parents. His Christian name was given as Leandro when he baptized in danger of dying.
SAP-10	SAP-B #353	San Antonio de Padua	Francisco Xavier	December 31, 1775	Baptism	Identified Francisco Xavier as the son of Leandro at entry #321, and brother to Diego at entry #48. He was identified as a native of the village of Lix.
SAP-11	SAP-B # 380	San Antonio de Padua	Maria de la Nieves	March 19, 1776	Baptism	Identified Maria de la Nieves as a gentile adult, of about 55 years of age, native to the village of Tichaueys (en lixnapianol) and the mother of Diego at entry #48.
SAP-12	SAP-B #406	San Antonio de Padua	Maria Ysabela	July 8, 1776	Baptism	Identified Maria Ysabela as the daughter of gentile parents and that she was recently born at baptism on 8 July 1776.

Mission San Antonio de Padua Records List

SAP-13	SAP-B #607	San Antonio de Padua	Maria de los Reyes Duarte	January 6, 1780	Baptism	For Maria de los Reyes Duarte, indicated Margarita de Cortona was her godmother at Mission San Antonio.
SAP-14	SAP-B #1761	San Antonio de Padua	Pedro	October 14, 1790	Baptism	Indicated Pedro was baptized at seven years old. He was the child of padres gentiles Guenep, of a father known as Guenep, a native of Kinau.
SAP-15	SAP-B #2024	San Antonio de Padua	Felis	January 14, 1794	Baptism	Indicated Felis' father was Lisjayya, natibve of Lamaca.
SAP-16	SAP-B #2025	San Antonio de Padua	Paula	January 14, 1794	Baptism	Indicated Paula was six years old at the time of baptism, and stated she was the child of the same parents as the previous entry.
SAP-17	SAP-B #2373	San Antonio de Padua	Kanep	March 9, 1799	Baptism	Identified Kanep as being 60 years old, from the village of Roble Caido [Oak Grove] or Kinau, and was given the name of Sigismundo.
SAP-18	SAP-B #2674	San Antonio de Padua	Lisjayya	April 28, 1802	Baptism	Identified Lisjayya as being about 58 years old and was baptized as Laureano at the Pleyto Village or Rancheria.

Mission San Antonio de Padua Records List

SAP-19	SAP-B #2713	San Antonio de Padua	Martina	September 25, 1802	Baptism	Identified Martina as 62 years old, the woman of Laureano Lisjayya, and as a native of Pleyto village.
SAP-20	SAP-B #4186	San Antonio de Padua	Eusebio Encinal	September 11, 1824	Baptism	Indicated "Eusebio" was son of Pedro Encinal and Paula Olmedo.
SAP-21	SAP-B #4340	San Antonio de Padua	Lucia Encinal	March 12, 1829	Baptism	Indicated Lucia was the daughter of Pedro Encinal and Paula Olmedo.
SAP-22	SAP-B #4671	San Antonio de Padua	Maria Antonia del Refugia Encinal	June 14, 1850	Baptism	Maria Antonia del Refugia Encinal indicated parents as Eusebio Ensinal and Refugio Linares.
SAP-23	SAP-B #4676	San Antonio de Padua	Juana Maria del Carmen Encinal	May 10, 1852	Baptism	Juana Maria del Carmen Encinal, identified parents as neophytes Eusebio Encinal and Refugio Linares.
SAP-24	SAP-B #4709	San Antonio de Padua	Jose Eusebio Encinales	December 7, 1857	Baptism	Jose Eusebio Encinales indicated Eusebio and Perfecta Garcia were married. The child was described as a legitimate child and indicated as a "parvulo de razon." This child does not make it to the 1860 census. It is assumed he did not survive to that period.

Mission San Antonio de Padua Records List

SAP-25	SAP-B #4722	San Antonio de Padua	Pedro Damian Encinales	October 22, 1859	Baptism	Pedro Damian Encinales indicated parents as Eusebio Ensinal and Perfecta "Niofitos" (sic).
SAP-26	SAP-B #4730	San Antonio de Padua	Felipe Feliz	May 30, 1861	Baptism	Felipe Feliz identified parents as Eusebio Encinal and Perfecta niofitos de esta Micion.
SAP-27	SAP-B	San Antonio de Padua	Jose Tito Modesto Eusebio	June 15, 1863	Baptism	Jose Tito Modesto Eusebio identified parents as Eucebio Encinal and Perfecta, neofitos.
SAP-28	SAP-B	San Antonio de Padua	Petronila Maria Paula Perfecta	June 18, 1865	Baptism	Petronila Maria Paula Perfecta identified parents as Eucebio Encinal and Maria Perfecta, neophytes of the mission. Her godparents were Julian Leon and Maria Prudenciana.
SAP-29	SAP-B	San Antonio de Padua	Jose Dolores	June 9, 1867	Baptism	Jose Dolores identified parents as Eucebio y de Perfecta neofitos de Esta Micion...
SAP-30	SAP-B	San Antonio de Padua	Maria de los Angeles	March 27, 1870	Baptism	Maria de los Angeles identified parents as Eucebio Encinaly de Perfecta Neofitos de Esta Micion ...

Mission San Antonio de Padua Records List

SAP-31	SAP-B	San Antonio de Padua	Miguela Maria	June 25, 1872	Baptism	Miguela Maria identifies parents as Eucebio Encinal y de Perfecta Neofita de San Miguel. The godparents were Julian Leon and Prudenciana Sinares.
SAP-32	SAP-B	San Antonio de Padua	Caterina Maria Bylon	October 12, 1876	Baptism	Catarina Maria Bylon identified parents as "Enisimo Baylon" and "Clara Ensinal."
SAP-33	SAP-M #7	San Antonio de Padua	Margarita de Cortona / Juan Maria Ruiz	May 16, 1773	Marriage	Identified bride as Margarita de Cortona, an Indian widow of a gentile, as 22 years old, daughter of "Anastacia Ignez" of 60 years of age, listed as baptism entry #83, and native of the village settlement called Leclzatminil, alias San Francisco Solano, situated on the way to Lamaca.
SAP-34	SAP-M #92	San Antonio de Padua	Maria de la Nieves / Luis Betran Terrasa	September 13, 1779	Marriage	Indicated that Maria de la Nieves married Luis Beltran Terrasa and was identified as native to the mission.
SAP-35	SAP-M #109	San Antonio de Padua	Diego Bravo / Rufina Maria	May 30, 1780	Marriage	Indicated Diego Bravo was single when married to Rufina Maria, and both were of Mission San Antonio.

Mission San Antonio de Padua Records List

SAP-36	SAP-M #471	San Antonio de Padua	Diego Bravo / Bernardina	May 21, 1797	Marriage	Indicated Diego Bravo was a widow of Rufina Maria Agila and married Bernardina.
SAP-37	SAP-M #523	San Antonio de Padua	Sigismundo Encinal / Rafaela	March 9, 1799	Marriage	Indicated Sigismundo Encinal was in a previous tribal marriage, and renewed his marriage vows Rafaela on 9 Mar 1799.
SAP-38	SAP-M #586	San Antonio de Padua	Pedro Encinal / Estefana Ollero	October 3, 1801	Marriage	Identified Pedro Encinal, married to Estefana Ollero, as neophytes of the mission. No parents were mentioned.
SAP-39	SAP-M #603	San Antonio de Padua	Paula / Gabriel Mora	May 21, 1802	Marriage	Marriage for Paula and Gabriel Mora.
SAP-40	SAP-M #634	San Antonio de Padua	Laureano / Martina	September 26, 1802	Marriage	Indicated Laureano married Martina on 26 September 1802.
SAP-41	SAP-M #1018	San Antonio de Padua	Pedro Encinal / Paula Olmedo	August 24, 1820	Marriage	Identified Pedro Encinal, as a widower of Estefana Ollero, and married to Paula Olmedo, a widow of Gabriel Mora.
SAP-42	SAP-M #1243	San Antonio de Padua	Paula Olmedo / J.e de Dios Castro	February 5, 1841	Marriage	Paula Olmedo, a widower of Pedro Encinal, married Jose de Dios Castro, a widow of Juana Francisca Cruzelegui.
SAP-43	SAP-M #1261	San Antonio de Padua	Eusebio Encinal / Pelagia Rios	September 11, 1842	Marriage	Indicated Eusebio Encinal was married to Pelagia Rios on September 11, 1842.

Mission San Antonio de Padua Records List

SAP-44	SAP-D #87	San Antonio de Padua	Leandro	October 9, 1778	Passing
SAP-45	SAP-D #174	San Antonio de Padua	Agata Maria	July 26, 1778	Passing
SAP-46	SAP-D #334	San Antonio de Padua	Anasthasia Ighes	December 8, 1784	Passing
SAP-47	SAP-D #1543	San Antonio de Padua	Maria de la Nieves	March 13, 1803	Passing
SAP-48	SAP-D #1813	San Antonio de Padua	Sigismundo Encinal	February 16, 1806	Passing
SAP-49	SAP-D #2874	San Antonio de Padua	Martina	January 8, 1819	Passing
SAP-50	SAP-D #3479	San Antonio de Padua	Laureano	July 18, 1829	Passing
SAP-51	SAP-D #3932	San Antonio de Padua	Pedro Encinal	September 17, 1839	Passing

Mission San Carlos Borroméo de Carmelo Records List

*Mission San Carlos Borroméo de Carmelo**Courtesy of Santa Barbara Mission Archive-Library.*

History of Mission San Carlos Borroméo de Carmelo

Mission San Carlos Borroméo de Carmelo, also called Mission Carmel, is the second of the mission chain and the personal favorite of Father Junípero Serra. Founded on June 3, 1770, it was named after Saint Charles Borromeo, a 16th-century archbishop of Milan.

Fourteen years after founding the mission, Father Serra passed away in this bed, and the mission serves as his final resting place. His body, however, has not rested in peace. On four different occasions, his remains have been removed for examination in the process of sainthood.

The church at present-day Mission Carmel is a fitting tribute to its founder. Father Serra's last wish was for a new, stone church to replace the original adobe chapel. It took Father Lasuén fourteen years to fulfill Father Serra's dream – the new church was completed in 1797. Outside, the mission garden commemorates the 200th anniversary of Father Serra's death. Near the church is a smaller chapel, frequently used for prayer.

Mission Carmel was the center of the mission activity of Junípero Serra, and for this reason, many beautiful artifacts of silver and bronze can be found here. One of the most popular artifacts is the Serra Memorial Cenotaph, made of travertine, marble, and bronze. This monument depicts four missionaries, including Father Serra. All four of the men depicted are buried under the church sanctuary.

From the standpoint of government, Mission Carmel was the most important, serving as the headquarters for the entire mission chain from 1770 to 1803. The fathers, though, did take time away from their administrative duties to engage in scholarly works. California's first library was started here and has grown substantially from the thirty books it contained in 1778.

When the missions were secularized in 1834, the fathers lost control of the mission, and it fell into disrepair. The land was sold, and the mission was neglected for thirty years. The church stood with no roof until restoration efforts began in 1884, bringing this grand structure back to its earlier beauty. Mission Carmel was made a Minor Basilica by Pope John XXIII in 1960.

The Carmel Mission Basilica is the final resting place of Saint Junípero Serra

Spanish Franciscan priest, explorer and colonist of California, Saint Junípero Serra is known as the "Apostle of California" and "The Founding Father of the California Missions".

Saint Pope John Paul II beatified Serra in 1988. Serra was canonized as a Saint of the Catholic Church by Pope Francis during his official visit to the United States on September 23, 2015 at the National Shrine of the Immaculate Conception in Washington D.C.

Mission San Carlos Borroméo de Carmelo Records List

Father Serra oversaw the planning of each mission from Carmel. He established 9 Catholic missions in California Indian regions, with a total of 21 missions eventually being established San Diego to Sonoma.

The missions established by Fr. Serra or during his administration were San Diego de Alcalá (1769), San Carlos Borromeo (1770), San Antonio de Padua (1771), San Gabriel Arcángel (1771), San Luis Obispo de Tolosa (1772), San Francisco de Asis (1776), San Juan Capistrano (1776), Santa Clara de Asis (1777), and San Buenaventura (1782). He was also present at the founding of the presidio of Santa Barbara (1782).

On August 28, 1784, Father Junípero Serra died at Mission San Carlos Borromeo (the Carmel Mission) and he is buried in sanctuary floor of the Basilica.

Throughout the Carmel Mission Basilica Museum visitors can view many of the personal belonging, liturgical furnishings, and relics of Saint Junípero Serra on public display.⁴³⁰

⁴³⁰ Bolton, David A. *"Inside the California Missions"*. Painting courtesy of the Santa Barbara Mission Archive-Library as used from the California Missions Foundation website. <https://californiamissionsfoundation.org/mission-san-carlos-borromeo/>

Mission San Carlos Borroméo de Carmelo Records List

<u>Doc No.</u>	<u>Record Number</u>	<u>Spanish Mission</u>	<u>Associated Name</u>	<u>Date of Record</u>	<u>Type of Record</u>	<u>Notes</u>
SC-1	SC-B #1262	San Carlos Borroméo de Carmelo	Francisca Maria Ruiz	January 31, 1787	Baptism	Born January 23, 1787 at the San Carlos Mission in Monterey County. Parents listed as Juan Maria Ruiz and Margarita Maria.
SC-2	SC-B #1443	San Carlos Borroméo de Carmelo	Raymundo Carlos Maria Ruiz	November 3, 1789	Baptism	For Raymundo Carlos Maria Ruiz identified parents as Juan Maria Ruiz, soldier, Margarita Maria, neophyte of Mission San Antonio.
SC-3	SC-D #4735	San Carlos Borroméo de Carmelo	Francisca Maria Ruiz	July 10, 1855	Passing	Passed on July 10, 1855 at the San Carlos Mission in Monterey County. Listed as widow of Juan Jose Higuera. Burried at San Juan Bautista.

Mission San Luis Obispo de Tolosa Records List



Mission San Luis Obispo de Tolosa

Courtesy of Santa Barbara Mission Archive-Library.

History of Mission San Luis Obispo de Tolosa

Located in Central California, Mission San Luis Obispo de Tolosa is named after Saint Louis, Bishop of Toulouse, and was founded fifth in the chain on September 1st, 1772 by Father Junipero Serra. The mission was founded three years after the fathers first discovered La Cañada de Los Osos – the Valley of the Bears – during a failed trip from San Diego in search of Monterey.

As supplies dwindled in 1772 at the already established four missions of California, residents were plagued by shortages of food. Remembering the Valley of the Bears, a hunting expedition was sent in the summer of 1772 to bring back meat. The local Indians were thankful to the soldiers for killing the bears, a feared enemy. Some of the meat was traded with local people in exchange for edible seed, after which time Father Serra decided La Cañada de Los Osos would be an ideal place for the fifth mission. Although the city of San Luis Obispo has not remained a rugged bear country, a statue of a grizzly bear sits as reminder in the mission plaza.

In 1776, four years after its founding, an Indian fired a flaming arrow onto the roof of one of the mission buildings, starting a disastrous fire that severely damaged several buildings. After this incident, the fathers began work on making roof tiles locally, to reduce susceptibility to fire.

As the city modernized, so did the mission. What was once the fathers' soup kitchen is now this youth center. Mission San Luis Obispo is one of the only missions that never had to relocate; it still stands on its original site.

The mission's walls, which are 50 to 60 feet high, were built according to Vatican law. This law stated that churches were to be built as tall as the local tree – in this case, the pine. The church, with a long secondary nave forms an L-shaped church, the only one of its kind amongst the California missions.

Father Luis Antonio Martinez, who managed the mission for 34 years, grew a large mission vineyard. He sold some of this wine to the other missions when they couldn't grow their own, and also exported it as far as England and Russia.⁴³¹

⁴³¹ Bolton, David A. *"Inside the California Missions"*. Painting courtesy of the Santa Barbara Mission Archive-Library as used from the California Missions Foundation website. <https://californiamissionsfoundation.org/mission-san-luis-obispo/>

Mission San Luis Obispo de Tolosa Records List

<u>Doc No.</u>	<u>Record Number</u>	<u>Spanish Mission</u>	<u>Associated Name</u>	<u>Date of Record</u>	<u>Type of Record</u>	<u>Notes</u>
SLO-1	SLO-B #3083	San Luis Obispo de Tolosa	Jose de los Reyes	January 31, 1850	Baptism	Jose de los Reyes, identified parents as Enesmo & Paula.
SLO-2	SLO-B #3511	San Luis Obispo de Tolosa	Jose Maria (Andronico?)	December 11, 1859	Baptism	Jose Maria (Andronico?) identified his parents as Jose Antonio and Esperana, married neophytes.
SLO-3	SLO-B #6051	San Luis Obispo de Tolosa	Maria Ceberia Teodora Bylon	December 6, 1896	Baptism	Maria Ceberia Teodora Bylon identified her as the legitimate child of Onesimo Bylon and Maria Clara [Encinal].
SLO-4	SLO-B #6506	San Luis Obispo de Tolosa	Francisco	April 20, 1874	Baptism	Identified his parents as Antonio and Esperanza.
SLO-5	SLO-B #6725	San Luis Obispo de Tolosa	Maria Geronima	April 25, 1876	Baptism	Identified parents of Maria Geronima as Jose Antonio Gambusero and Esparansa Gabucero.
SLO-6	SLO-D #2809	San Luis Obispo de Tolosa	Paula	October 2, 1858	Passing	Shows a death for Paula, a neophyte from Mission San Miguel.
SLO-7	SLO-D #5174	San Luis Obispo de Tolosa	Maria	August 28, 1873	Passing	Maria, identified her as Indian and parents as Jose Antonio and Esperanza.

Mission San Miguel Arcángel Records List



Mission San Miguel Arcángel.

Courtesy of Santa Barbara Mission Archive-Library.

History of Mission San Miguel Arcángel

Father Fermin Lasuén founded Mission San Miguel, the sixteenth mission, on July 25, 1797. The site, in an isolated valley on the Salinas River, was chosen as a way to close the gap between Mission San Antonio de Padua to the north and Mission San Luis Obispo to the south.

A fire in 1806 destroyed a temporary church that was built in 1797. Preparation soon began for the new church, which was constructed out of tile and adobe blocks. The large church, with walls six feet thick, was completed in 1818. The bright and vibrant interior frescos of the church were painted by native Indians under the supervision of Esteban Munras of Catalonia, Spain. The inside of the church has never been repainted. The pictures and murals we see today are original and considered to be the most authentic and well preserved in the mission chain.

Outside the church stands the mission cemetery where two thousand Indians lie alongside a bronze statue of Christ. The mission museum features a sixteenth century Spanish wood carving of the mission patron saint, Saint Michael; victorious over Lucifer. The garden corridor is two hundred and thirty feet square and includes three sides of the mission quadrangle. Meanwhile, the nearby bell tower stands as it did in the early 1800's.

Between 1845 and 1870, secularization tore apart the complex as the mission property was distributed among the Indians. Surrounding buildings, except the church and priest quarters,

were sold to individuals. Mission rooms were converted to commercial stores such as hotels, offices and saloons.

On the morning of December 22, 2003 the Central California Coast was hit by a powerful earthquake. Mission San Miguel, just thirty five miles from the epicenter was severely damaged. Numerous cracks appeared in the Mission's walls, rendering the building off-limits to the public. On October 2, 2009, following extensive renovations, the church along with the cemetery, marked its public reopening. Considered one of the eleven most endangered places by the National Trust for Historic Preservation, full preservation of the mission compound is ongoing.⁴³²

⁴³² Bolton, David A. "Inside the California Missions". Painting courtesy of the Santa Barbara Mission Archive-Library as used from the California Missions Foundation website. <https://californiamissionsfoundation.org/mission-san-miguel/>

Mission San Miguel Arcángel Records List

<u>Doc No.</u>	<u>Record Number</u>	<u>Spanish Mission</u>	<u>Associated Name</u>	<u>Date of Record</u>	<u>Type of Record</u>	<u>Notes</u>
SMA-1	SMA-B #46	San Miguel Arcángel	Raymunda	February 20, 1798	Baptism	Indicated Raymunda was the daughter to Foncilo, and was native to the village of ZZical.
SMA-2	SMA-B #725	San Miguel Arcángel	Barbara	December 4, 1802	Baptism	Identified Barbara as the 34 year-old sister to Cornelio and Raymunda at entry #46.
SMA-3	SMA-B #1020	San Miguel Arcángel	Severino	November 12, 1803	Baptism	Identified Severino as Chonutto, father of Raymunda entry #46.
SMA-4	SMA-B #1031	San Miguel Arcángel	Severina	November 12, 1803	Baptism	Identified Severina as 56 years old, the woman of Severino Baptism #1020, and from Las Gallinas.
SMA-5	SMA-B #1236	San Miguel Arcángel	Antonio Estronconio	May 5, 1805	Baptism	Identifies baptism of Antonio Estronconio.
SMA-6	SMA-B #1477	San Miguel Arcángel	Pascual Bylon	April 24, 1810	Baptism	Identified Pascual Bylon as child of Diego Bravo, a neophyte from Mission San Antonio, and of Barbara, of baptism entry #725, at San Miguel.
SMA-7	SMA-B #2036	San Miguel Arcángel	Josefa Jarabo	February 4, 1819	Baptism	Identifies baptism of Josefa Jarabo.
SMA-8	SMA-B #2146	San Miguel Arcángel	Sabina (aka Yuchiut)	August 26, 1821	Baptism	Indicated Sabina was known as Yachiut, from the Rancheria of Bubal.

Mission San Miguel Arcángel Records List

SMA-9	SMA-B #2155	San Miguel Arcángel	Jacobo (aka Talges / Chayue)	December 28, 1821	Baptism	Identified Jacobo, also known as Talges (or) Chayaue, as the father of Sabrina, as 48 years old, and from the village of Bubal. He was also identified as the brother of Claudio (SMA-B #637).
SMA-10	SMA-B #2156	San Miguel Arcángel	Sabrina	December 28, 1821	Baptism	Identified Jacoba, also known as Chajeyat, as the mother of Sabina, as 38 years old, and from the village of Bubal.
SMA-11	SMA-B #2157	San Miguel Arcángel	Chayui	December 28, 1821	Baptism	Identified Chayui as around 14 years old, from the village of Bubal, daughter of Jacobo and Jacoba, and baptized in 1821 as Gregoria.
SMA-12	SMA-B #2417	San Miguel Arcángel	Onesimo Baylon	Febrary 23, 1830	Baptism	Identified Onsemio as the son of Pasqual Baylon Bravo and Gregoria Enterria, and identified the parents by their baptismal number 1477 and 2157.
SMA-13	SMA-B #2572	San Miguel Arcángel	Chaiuic	October 4, 1834	Baptism	Identified Chaiuic as two years old, from the village of Sumtache, as a child of Indians Opolo and Uotsomilt. She was given the name of Perfecta.
SMA-14	SMA-B #2604	San Miguel Arcángel	Paula Eu-Echic	January 13, 1835	Baptism	Identifies the baptism of Paula Eu-Echic.

Mission San Miguel Arcángel Records List

SMA-15	SMA-B #2908	San Miguel Arcángel	Maria de la Encarnacion Bylon	April 3, 1858	Baptism	For Maria de la Encarnacion Bylon identified parents as "Onesimo" and "Paula."
SMA-16	SMA-B #9299	San Miguel Arcángel	Maria de los Angeles Bylon	August 6, 1853	Baptism	Maria de la Encarnacion Bylon identified parents as "Onesimo" and "Paula."
SMA-17	SMA-B #197	San Miguel Arcángel	Maria Antonia Encinal Bylon	October 28, 1884	Baptism	Maria Antonia Bylon identified parents as "Enesimo" and "Clara Ensinal." Listed under Mission San Miguel baptism records but identified the place of baptism at the San Antonio Mission.
SMA-18	SMA-M #258	San Miguel Arcángel	Severino / Severina	November 12, 1803	Marriage	Indicated that Severino and Severina's tribal marriage were renewed.
SMA-19	SMA-M #317	San Miguel Arcángel	Diego Bravo / Barbara	June 22, 1804	Marriage	Indicated Diego Bravo was a widow, and married Barbara, of Mission San Miguel Baptism #725.
SMA-20	SMA-M #343	San Miguel Arcángel	Onesimo / Paula Eu-Echic	August 14, 1848	Marriage	Indicated Onesimo, as a single man, was married to Paula Eu-Echic, a single woman.
SMA-21	SMA-M #396	San Miguel Arcángel	Jose Antonio / Esperanza	Decemer 30, 1855	Marriage	Identifies the marriage of Jose Antonio and Esperanza.

Mission San Miguel Arcángel Records List

SMA-22	SMA-M #619	San Miguel Arcángel	Jacobo Enterria / Jacoba	December 28, 1821	Marriage	Indicated Jacobo Enterria and Jacoba were married 28 December 1821.
SMA-23	SMA-M #683	San Miguel Arcángel	Pasquel Bravo / Gregoria Enterria	February 7, 1826	Marriage	Jose Antonio married Esperanza and both were natives of Mission San Miguel. This marriage was found in the Misson San Miguel baptism records. Special Note: This record was located at the end of Mission San Miguel Baptism Book I final entry 2918, dated 1862. There are 6 Casamientos entris.
SMA-24	SMA-M #765	San Miguel Arcángel	Antonio Estronconio / Josefa Jarabo	June 26, 1833	Marriage	Identifies the marriage of Antonio Estronconio and Josefa Jarabo.
SMA-25	SMA-D #838	San Miguel Arcángel	Severino Rubin	March 24, 1815	Passing	Passing of Severino Rubin.
SMA-26	SMA-D #1420	San Miguel Arcángel	Severina	September 21, 1824	Passing	Indicated Severina died and her baptism number was #1031.
SMA-27	SMA-D #1914	San Miguel Arcángel	Diego Bravo	June 25, 1833	Passing	Indicated Diego Bravo died, was originally from Mission San Antonio, and was married to Barbara and of baptism record from the Mission San Miguel #725.

Mission San Miguel Arcángel Records List

SMA-28	SMA-D #2190	San Miguel Arcángel	Jacoba	August 9, 1837	Passing	Indicated Jacoba died on 9 August 1837.
SMA-29	SMA-D #2285	San Miguel Arcángel	Josefa Jacoba	August 18, 1939	Passing	Indicates that Josefa Jaroba passed on August 17, 1939 and was buried the following day.

Mission Santa Clara de Asís Records List

History of Mission Santa Clara de Asís



Mission Santa Clara de Asís

Courtesy of Santa Barbara Mission Archive-Library.

Mission Santa Clara de Asís, number eight in the chain, and founded on January 12, 1777, lies adjacent to the oldest college in California, the University of Santa Clara. It is here that Father Serra broke tradition, choosing the first woman to serve as patron saint, St. Clare of Assisi, who founded the Poor Clares order of nuns.

Like many in the mission chain, Mission Santa Clara has suffered from its share of flooding, earthquakes and fires. Originally built alongside the Guadalupe River, a flood made the mission's location inadvisable. An interim site was used with a more permanent third location blessed by Father Serra on November 19, 1781. An 1818 earthquake severely damaged the mission, resulting a temporary adobe church near the present site. After secularization the building was purchased by the university and razed in 1867. Construction began on the fifth and final site in 1822. However, a 1926 fire ravaged through Mission Santa Clara, causing the church to be remodeled for a final time. Only this adobe wall and lodge remain after the fire.

The present church is bright and grand. The façade returned to its original one-tower design, embellished with carved wooden statues of the saints. Interior walls were painted in pastel pink and blue and careful copies were made of the destroyed reredos and Augustin Dávila's painted ceiling.

The mission bell tower uses four bells, cast in 1798, 1799, 1805, and one in 1929, a gift from Spain's King Alfonso XIII. This cross contains pieces of Mission Santa Clara's original cross, which stood outside the

previous five churches.

One of the last churches to be secularized, Mission Santa Clara experienced a period of US occupation, before the land was given to a Jesuit order and transformed into a university campus. This school, Santa Clara University, was founded in 1851.⁴³³

⁴³³ Bolton, David A. *"Inside the California Missions"*. Painting courtesy of the Santa Barbara Mission Archive-Library as used from the California Missions Foundation website. <https://californiamissionsfoundation.org/mission-santa-clara/>

Mission Santa Clara de Asís Records List

<u>Doc No.</u>	<u>Record Number</u>	<u>Spanish Mission</u>	<u>Associated Name</u>	<u>Date of Record</u>	<u>Type of Record</u>	<u>Notes</u>
SCL-1	SCL-M #795	Santa Clara de Asis	Francisca de Sales Ruis / Juan Antonio Romero	November 15, 1799	Marriage	Married to Juan Antonio Romero on November 13, 1799 at the Santa Clara Mission in Santa Clara County. Parents listed as Juan Maria Ruiz and Margarita.
SCL-2	SCL-M #1653	Santa Clara de Asis	Francisca de Sales Ruis / Juan Jose Higuera	December 8, 1813	Marriage	Married Juan Jose Higuera on December 8, 1813 at the Santa Clara Mission in Santa Clara County. Was widow to Juan Antonio Romero.
SCL-3	SCL-D #5631	Santa Clara de Asis	Margarita	July 2, 1823	Passing	Indicated "Margarita," wife of Juan Maria Ruiz, died 21 July 1823, in Santa Clara Valley.

Salinan Tribe of Monterey and San Luis Obispo Counties

Petition for Federal Acknowledgment

Section V

Appendix

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Salinan Tribe of Monterey and San Luis Obispo Counties

Petition for Federal Acknowledgment

Section V

Appendix

Footnotes / Endnotes

Footnotes / Endnotes

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20. This identical reference can also be found in the Rivers, Jones manuscript *Walking Along Deer Trails* (1993) on page 150, middle of second column.

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28. *Proposed Finding Against Acknowledgment of The Juaneño Band of Mission Indians (Petitioner #84B)*. (2007). Beginning at the bottom of page 40.
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313. *Grants That Are Fraudulent According to The Facts Contained In These Spanish Archives*. Annual Report of The Commissioner of the General Land Office for The Year 1886. U.S. Dept. of the Interior, General Land Office, Washington, D.C. Page 489. October 7, 1886.
314. Encinal, Eusebio. Probate Records in the Superior Court of Monterey County. No. 530. Filed May 2, 1893. *Order of Decree of Settlement of Accounts and Final Distribution*. PDF pages 63 to 67. Annotated in red box on pdf page 64. Courtesy of the Monterey Historical Society, Boronda Adobe History Center, Salinas, California.
315. ¹Thrift, James W. Attorney for Faxon D. Atherton. Personal letter to Faxon D. Atherton dated May 26, 1875. Milpitas Rancho. Courtesy of the California Historical Society, San Francisco, California.
316. Ibid, *Order of Settlements of Accounts and Final Distribution*. Filed on October 17, 1896. Pages 63 to 67. Handwriting in question appears on page 64.
317. ¹83.11(b) 1900-1930 Subsection 1: Table B, Table of Members for January 1, 1900.
318. As we could not locate any birth records for Manuel Rosa, and as he was the father of Ramon Rosa and Felicita “Felista” Forsting (nee Rosa) and husband to Maria Ceberia Teodora Bylon (evidence provided on CIJA Application Number 10791 for Maria Bylon Questions 6 and 8), we assumed for the sake of discussion that Manuel Rosa was the same age as his wife at the time of marriage. If the Office of Federal Acknowledgment has a different perspective, we would be very open to correcting this as needed.

319. Twelfth Census of the United States, 1900. Schedule No. 1 – Population. Indian Population. San Antonio Township, Monterey County, California. Supervisor’s District Number 2, Enumeration District Number 14. Sheet Numbers 11 and 12. July 2nd and 3rd, 1900. www.ancestry.com.
320. There is conflicting information for Marina Gambucera. According to the California Indian Judgement Roll for Marina’s husband Felipe Encinales (Application #8066, accepted and signed on July 30, 1930), he states under Question 6 that he is married (interpreted as contemporaneously) yet states under Question 8 that his wife “Maria Encinales...Died about 1896...” We also see that there was a marriage license issue in Monterey County for “Felipe Encinal and Miss Mary Gambucero [sic], both of Jolon...” as reported in The Salinas Daily Journal on January 13, 1895 (front page, fifth column, middle of column). This conflicts with a 1900 Indian Population Indian Census which states that his wife “Marina” was still alive at the time of the enumeration (Lines 14 and 15 of 1900 census). We feel there is a reasonable assumption that Marina Encinales (nee Gambucera) passed away before, or around, 1900, and that the enumerator made a mistake during the interview with this population of Indians. We also see no record of Marina Encinales (nee Gambucera) in the “Census of Non-Reservation California Indians, 1905-1906” enumerated by C. E. Kelsey. On page 83 of the Kelsey Census, we see that Felipe Encinales is listed with no wife and 2 children while his brother above, Pedro Encinales, is listed as “Pedro Encinales & wife” giving evidence that Marina may have already passed by the time of this enumeration. If the Office of Federal Acknowledgment has a different perspective, we would be very open to correcting this as needed.
321. 83.11(b and c) 1900-1930 Subsection 1: Table D, Table of Members for January 1, 1910.
322. Fifteenth Census of the United States, 1930. Population Schedule. San Antonio Township, Monterey County, California. Supervisor’s District Number 10, Enumeration District Number 27-39. Sheet Number 4B. Line 73. April 15, 1930. www.ancestry.com.
323. Fifteenth Census of the United States, 1930. Population Schedule. San Antonio Township, Monterey County, California. Supervisor’s District Number 10, Enumeration District Number 27-39. Sheet Number 4B. Line 74. April 15, 1930. www.ancestry.com.
324. “Found No Trace of Missing Man”. Salinas Daily Index. Salinas, California. April 10, 1911. Front page, bottom of column 2. Also appearing the next day in The Daily Review. Pacific Grove, California. April 11, 1911. Front page, middle of column 6. We present this as evidence of the continued relationship between the Bylon and Pierce families.
325. Birth record for William “Bill” Pierce. We have included the entire member file under this footnote for ease of reference.

326. Birth record for Leslie “Les” Pierce. We have included the entire member file under this footnote for ease of reference.
327. Birth record for Adrian Rudolph “Dutch” Pierce. We have included the entire member file under this footnote for ease of reference.
328. In relation to Footnotes 22, 23 and 24, we have included the original 1862 Homestead Act Application as evidence that Edward Pierce was living at Toro Creek on July 1, 1905 with Antonia Bylon and his 3 children. On the sheet labeled “Homestead Proof, Testimony of Claimant” under Question 5 for family makeup and continuous residency we see the answer of “My wife and 3 children. We have.”
329. Thirteenth Census of the United States, 1910 – Indian Population. San Antonio Township, Monterey County, California. Supervisor’s District Number 5, Enumeration District Number 19. Sheet Numbers 11A. May 18th, 1910. www.ancestry.com.
330. See Evidence of Inclusion under Section IV of the Seven Mandatory Criteria for Federal Acknowledgement titled “A. 1900-1939: Bylon/Encinlaes Section” under 83.11(a) External Identification of Indian Entity. We believe this previous section provides reasonable evidence for an identifiable Indian community in regard to the combination Table F and Table G above.
331. 83.11(b and c) 1900-1929 Subsection 2: Table A, Table of Members for January 1, 1920.
332. 83.11(b) 1900-1930 Subsection 2: Table C, Table of Members for January 1, 1930.
333. Tito Encinales and Maria de los Angeles Bylon Ocarpia Encinales marriage record. San Miguel Mission Marriage Register. Entry 14. Entered May 4, 1934. Page 3 of member file for Tito Encinales.
334. The Office of Federal Acknowledgment. “Final Determination against Federal Acknowledgment of the Muwekma Ohlone Tribe”. Approved September 6, 2002. Page 59, Footnote 23.
335. Fourteenth Census of the United States, 1920 San Antonio Precinct, Monterey County, California. Supervisor’s District Number 7, Enumeration District Number 25. Sheet Number 5A. Lines 36 and 37. February 5th, 6th, 9th, 23rd, 24th, 1920. www.ancestry.com.

336. Fifteenth Census of the United States, 1930 San Antonio Township, Monterey County, California. Supervisor's District Number 10, Enumeration District Numbers 27-39. Sheet Number 3B. Lines 84 and 85. April 10th, 1930. www.ancestry.com.
337. Fifteenth Census of the United States, 1930 San Antonio Township, Monterey County, California. Supervisor's District Number 10, Enumeration District Numbers 27-39. Sheet Number 4B. Lines 73 and 74. April 15th, 1930. www.ancestry.com.
338. Rivers, Betty and Jones, Terry L. "Walking Along Deer Trails: A Contribution to Salinan Ethnogeography Based on the Field Notes of John Peabody Harrington". *Journal of California and Great Basin Anthropology*. Volume 15, Number 2. Pages 146-175. Published 1993. Page 154, top portion of second column.
339. *Federal Register*. Volume 80, Number 126. Wednesday, July 1, 2015. Rules and Regulations. Part IV. U. S. Department of the Interior, Bureau of Indian Affairs. 25 CFR Part 83. Federal Acknowledgment of American Indian Tribes; Final Rule. Page 37863 (pdf page 2) second column, second paragraph, second bulleted item in the column.
340. Ibid: Page 37870 (pdf page 9) middle of third column beginning with "d. Marriages/Endogamy as Evidence of Community."
341. The Office of Federal Acknowledgment. "Proposed Finding for Federal Acknowledgment of the Jena Band of Choctaw Indians". Approved September 27, 1994. Genealogical Technical Report begins on pdf page number 101.
342. Salinas Index-Journal. Salinas, California. "*Marriage License: Wood-Pierce*". March 4, 1931. Page 4, bottom of column 6.
343. "*Procedures For Federal Acknowledgement of Indian Tribes*" 25 CFR § 83.10(b)(5): <https://www.ecfr.gov/current/title-25/chapter-I/subchapter-F/part-83#83.10> (Page 6 of 20)
344. Burt, Larry W. "*Termination and Relocation*." *Handbook of North American Indians*, Volume 2: Indians in Contemporary Society. William C Sturtevant. Volume Editor Garrick A. Bailey. Copyright 2008. Page 19, second column.
345. *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Complaint. San Luis Obispo County Superior Court. Filed April 17, 1929.

346. *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Final Ruling from the California Court of Appeals. July 2, 1934.
347. *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Affidavit of Assistant U. S. Attorney for the Southern District of California Ignatius F. Parker on Motion under section 473 of the Code of Civil Procedures to set aside judgment herein. Page 2 of Affidavit. February 13, 1930. “... *That deponent [Assistant U. S. Attorney Ignatius F. Parker] is requested by the Attorney General of the United States and the Commissioner of Indian Affairs to present the Motion filed herein to set aside the judgment heretofore entered herein under Section 473 of the Code of Civil Procedure of California by reason of the fact that defendants herein as California Indians are deemed to be at least as regards their interest in lands, wards of the United States Government...*”
348. Toro Creek Indians By-Laws, February 1934.
349. Indian Reorganization Act. Public Law 73-383, 48 Stat. 984. June 18, 1934.
350. Indian Reorganization Act. Public Law 73-383, 48 Stat. 984. Section 19, last page. June 18, 1934.
351. *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Final Appeal. February 13, 1930.
352. “U. S. Ready to Aid S. L. O. County Indians: Toro Creek Land Sought For Natives”. San Luis Obispo Daily Telegram, San Luis Obispo County. February 25, 1935. Front page, headline and first column.
353. Lipps, O. H., Superintendent for the Sacramento Indian Agency. Fiscal Year 1935 Annual Report Narrative Section.
354. Lipps, O. H., Superintendent for the Sacramento Indian Agency. 1935 Annual Report Narrative Section. Section II, Agricultural Development. Pages 5-6.
355. Lipps, O. H., Superintendent for the Sacramento Indian Agency. 1935 Annual Report Narrative Section. Section V, Program For The Coming Year. Pages 3-4.
356. Nash, Roy. Superintendent for the Sacramento Indian Agency. Fiscal Year 1936-1937 Annual Report Narrative Section.

357. Nash, Roy. Superintendent for the Sacramento Indian Agency. Fiscal Year 1936-1937 Annual Report Narrative Section. Page 9.
358. Nash, Roy. Superintendent for the Sacramento Indian Agency. Fiscal Year 1936-1937 Annual Report Narrative Section. Section VI. Program for the coming Years. Pages 47-48.
359. Nash, Roy. Superintendent for the Sacramento Indian Agency. Fiscal Year 1936-1937 Annual Report Narrative Section. Section VI. Program for the coming Years. Page 49.
360. Rockwell, John G., *“The Status of the Indian in California Today”*. Published by the Sacramento Indian Agency. Section I “Findings and Recommendations of Previous Studies”. Page 24.
361. *“Juvenile Delinquency Among the Indians: Report of the Committee on the Judiciary United States Senate Pursuant to S. Res. 62 as Extended”*. Senate Report 1483, 84th Congress, 2nd Session. Page 232.
362. 67 Stat. House Concurrent Resolution 108, Public Law 108 *“Indians”*, August 1, 1953.
363. 67. Stat. H. R. 1063, Public Law 280. *“An Act To confer on the States of California, Minnesota, Nebraska, Oregon, and Wisconsin, with respect to criminal offenses and civil causes of action committed or arising on Indians reservations within such States, and for other purposes.”* August 15, 1953.
364. 70. Stat. S. 3416. Public Law 959 *“An Act Relative to employment for certain adult Indians on or near Indian reservations.”* August 3, 1956.
365. Madigan, La Verne. *“The American Indian Relocation Program”*. A report undertaken with the assistance of The Field Foundation; Inc. based upon the findings of a Relocation Survey Team under the direction of Dr. Mary H. S. Hayes. Published by The Association of American Indian Affairs, Inc. December 1956. Page 4 “Branch of Relocation Organization Chart – 1957”.
366. 70. Stat. H. R. 585, Public Law 443, Chapter 100 *“An Act To authorize the conveyance to lake County, California, of the Lower Lake Rancheria, and for other purposes.”* March 29, 1956.
367. 70. Stat. H. R. 6692, Public Law 85-91, *“An Act To authorize the transfer of the Coyote Valley Indian Rancheria to the Secretary of the Army, and for other purposes.”* July 10, 1957.
368. 72. Stat. H. R. 2824, Public Law 85-671, *“An Act To provide for the distribution of the land and assets of certain rancherias and reservations in California, and for other purposes.”* August 18, 1958.

369. 78. Stat. H. R. 7833, Public Law 88-419, “*An Act To amend the Act entitled ‘An Act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes’ approved August 18, 1958 (72 Stat. 619).*” August 11, 1964.
370. *Indian, 120, Dies; Race is Vanishing – One of Last “Diggers” is Buried at Jolon.* The Californian. Salinas, California. December 9, 1936. Front page, top of third column.
371. *Member of Vanishing Indian Tribe Braves Storms, Illness and Weary Miles to Protect His Lonely Wife.* The Californian. Salinas, California. January 19, 1933. Page 2, lower left hand corner.
372. *Jose Bylon, Toro Indian, At Happy Hunting Ground.* The San Luis Obispo Daily Telegram. San Luis Obispo, California. April 25, 1935. Page 8, upper right corner.
373. Humphrey, Brad. Special Section Et Cetera: Only Graves Now, Troubled Times at Toro Creek. Atascadero News. Atascadero, California. November 24, 1978.
374. “Tito” Encinales Dies; One of Last Indian Families. Salinas Morning Post. Salinas, California. May 24, 1934. Front page, lower part of sixth column.
375. *One of Last San Miguel Indians Dies at 120.* The Fresno Bee. Fresno, California. December 3, 1936. Page 20 overall, page 8-B, bottom of second column.
376. Kelsey, Charles Edwin. *Final Report to The Commissioner of Indian Affairs.* United States Department of the Interior, Washington, D. C. July 25, 1913. Bottom of page 2 middle of page.
377. There are a few different spellings of Maria Ceberia Teodora Bylon and of the Bylon name as well. Maria Ceberia Teodora Bylon has also been spelled a few different ways as well including Ceberia, Severina, and Seberina. Bylon has been recorded as Bylon, Baylon, Bailon, along with a few other iterations.
378. Arthur “Bud” Pierce passed away on November 22, 1928.
379. Ramon Rosas has also been listed as Ramon Roses, Raymond Roses, and Raymond Rosas. We have enclosed a few examples for review.
380. Felista Forsting (nee Rosas) has also been listed as Felista Roses, Felicia Roses, Felicita Rosas, and Felicia Forsting. We have enclosed a few examples for review.

381. Please see Footnote 5 83.11(b and c) 1930-1954 Discussion of Catarina Forbes and the Salinan cultural relationship.
382. Willhoit, Al et al. *"The End Of The Line. Recollections & A History of Templeton."* First Edition: 2001. Second Edition: 2008. Color Craft Printing, Atascadero, CA 93422. Created for the Templeton Historical Museum Society. 309 S. Main Street, Templeton, CA 93465.
383. Ibid. Willhoit, Al et al. "Indians" written by John Martin. Page 182.
384. Wikiups are a traditional dwelling used by various Native American tribes made of bark, reeds, grass, or animal hides. An example of a wikiup can be seen at <https://loc.gov/pictures/resource/cph.3c01173/> (Courtesy of the Library of Congress).
385. Ibid. Willhoit, Al et al. "Recollections of Templeton" written by Barbara Gillis Tannehill. Page 240.
386. Marriage record for Andrew P. Forsting and Felicita Rosa (sic) as located in the County of San Luis Obispo. Date of marriage on certificate is August 31, 1915.
387. Please see enclosed chart *"Relationships of the San Antonio Mission and San Miguel Mission Indian Entity During the 1905-1906 C. E. Kelsey Census."*
388. Lowe, Dorothy. *"Passing Years Fade Indian Culture"*. The Paso Robles Country News. Pioneer Day '79, Souvenir Issue. Pages 24-25, 37. Week of October 3 – 9, 1979. We have enclosed a copy of both the original article and the transcript of the article as it appeared in *"The End of The Line. Recollections & A History of Templeton"* by Al Willhoit, et al. (pages 259-261) for ease of reading. Editorial note: We opted for an extensive quotation at this point to give the reader an idea of not just who the Toro Creek Indians were during the early part of the 20th century but to also give a historical reminder from earlier sections of this application of where they came from as well.
389. San Luis Obispo County Public Works Department: [https://www.slocounty.ca.gov/departments/public-works/forms-documents/maps-\(county-surveyor\)/rancho-maps](https://www.slocounty.ca.gov/departments/public-works/forms-documents/maps-(county-surveyor)/rancho-maps)
390. Bureau of Land Management General Land Office Records: CA-Mount Diablo 28S 11E. Recorded February 11, 1873.
https://glorerecords.blm.gov/details/survey/default.aspx?dm_id=317048&sid=jbsezwbk.rde#surveyDetailsTabIndex=0

391. Bureau of Land Management General Land Office Records: CA-Mount Diablo 28S 11E. Recorded May 19, 1884. https://glorerecords.blm.gov/details/survey/default.aspx?dm_id=317050&sid=jbsezwbk.rde
392. Our research located two surveyed maps at the Bureau of Land Management website (<https://glorerecords.blm.gov/default.aspx>) that demonstrate the movement of the boundary lines for the Rancho Asuncion Spanish Land Grant confirmand to Pedro Estrada in 1866. For reasons lost in history, the boundaries changed dramatically from the map dated February 11, 1873 to the one dated May 19, 1884. We can see that the location of survey monument Post L. A. (La Asuncion) No. 4 was moved well over a mile to the northwest. This change caused a shift in the boundary lines for this grant. It was this change in boundaries that is spoken about during the legal land dispute as outlined in previous sections (Luigi Marre v. Raymond Roses, Joe Baylon, and Maria Baylon. San Luis Obispo Superior Court, California. April 17, 1929. Case Number 9266). As presented in his affidavit by Assistant United States Attorney Ignatius F. Parker (deponent) for the Indians at Toro Creek, we see the following statement presented by Parker (February 13, 1930): *“That deponent has made an extensive investigation of the records and files pertaining to the title to the lands in controversy herein and deponent verily believes that there is valid doubt as to the right of plaintiffs to possession of the premises in controversy herein as against the defendant;”*. ¶ *“That said investigation of deponent included a review of a certified copy of the Patent of the United States of America to one Pedro Estrada, plaintiffs’ predecessor in interest herein, which patent was issued to Pedro Estrada for the tract called “La Asuncion” situate (sic) in the County of San Luis Obispo, State of California, and including the lands in controversy herein by the United States of America under date of March 22, 1866;”* ¶ *“That said investigation also included a review of the boundary lines of the property claimed by plaintiffs herein, and deponent verily believes there is a valid doubt as to the correctness of the boundary lines of plaintiffs’ lands as set forth in the complaint herein (underline emphasis added) and that therefore under Section 2125 of the Revised Statutes of the United States, referred to above, plaintiffs should in law be required to establish the correctness of the boundary lines of the lands alleged in the complaint to belong to the plaintiffs;...”* Unfortunately, this legal argument of the shifted boundaries, along with other legal issues, never had the chance to be presented in our court system as their appeal before the State of California Court of Appeal was denied.
393. Humphrey, Brad. “Only Graves Now”. Atascadero News, Et Cetera Section. Pages 3-6. November 24, 1978
394. The original outbreak of World War I took place between the late summer of 1914 until 1915 with the original formation of most of the Allied Powers and Central Powers. The United States did not join until April of 1917. It is reasonable to assume that Maria Antonia Bylon and her children remained at the Toro Creek Indian Settlement until the United States joined in the war in 1917 with the declaration of war against Germany on April 6, 1917 and later declaration against Austria-Hungary on December 7, 1917. This

coincides with the birth of the youngest child of Antonia, Edward Joseph “Eddie” Pierce on August 9, 1914 in Pleyto, California, as showing evidence that all of the children of Antonia were living at the Toro Creek reservation before moving as discussed by Antonia’s son Les Pierce in the “Only Graves Now” article that appeared in the Atascadero News on November 24, 1978. (<https://www.loc.gov/collections/stars-and-stripes/articles-and-essays/a-world-at-war/timeline-1914-1921/>)

395. Waltz, Linnea. Staff Writer. “Les Pierce: Gold, Abalone then Turkeys”. The San Luis Obispo County Telegram-Tribune. San Luis Obispo, CA. Front page article, left column, top of page. November 8, 1979.
396. Gibson, Robert. Archaeologist. *Exhibit A: “Notes On Archaeological/Ethnohistoric Resources in Toro Creek Canyon, San Luis obispo County, California.”* Compiled August 1981 to November 1982. Dick Pierce v San Luis County Board of Supervisors, et al. Filed December 3, 1982. Section 4, pages 34-35 of enclosed pdf document.
397. Ruling by the Office of Federal Acknowledgment under The U. S. Department of the Interior. “*Reconsideration on Referral by the Secretary and Summary Under the Criteria and Evidence for the Reconsidered Final Determination Against Federal Acknowledgment of the Chinook Indian Tribe/Chinook Nation.*” July 5, 2002. Page 87, beginning of first full paragraph.
398. Ruling by the Office of Federal Acknowledgment under The U. S. Department of the Interior. “*Summary Under the Criteria and Evidence for Proposed Finding for Federal Acknowledgement of the Snoqualmie Indian Tribe.*” April 26, 1993. Page 8, beginning of paragraph 4.
399. Ibid. Page 8, beginning of paragraph 3.
400. Bill Pierce passed away while commercial diving for abalone on August 20, 1945 in San Luis Obispo County. County of San Luis Obispo Certificate of Death. “Morro Diver Suffocated”. San Luis Obispo Telegram-Tribune. August 21, 1945. Front page.
401. Martin, Bessie. Personal letter to Eddie Pierce dated November 2, 1969
402. Personal letter from Bessie Martin to Edward Pierce. November 2, 1969.
403. Krejsa, Richard J. Chairman of the Board of Supervisors, San Luis Obispo County. Letter to Edward Pierce, March 5, 1975.

404. Humphrey, Brad. *Special Section Et Cetera: Only Graves Now, Troubled Times at Toro Creek*. Atascadero News. Atascadero, California. November 24, 1978. Quoted sections highlighted throughout article.
405. *Les Pierce: Gold, Abalone, Then Turkeys*. San Luis Obispo Telegram-Tribune. San Luis Obispo, California. November 8, 1979. Front page, upper right hand corner.
406. *Luigi Marre Land & Cattle Company v. Raymond Rosas, Jose Baylon, and Maria Baylon*. Case No. 9266. Complaint. San Luis Obispo County Superior Court. Filed April 17, 1929.
407. *Acknowledgement Precedent Manual. Compiled by The Office of Federal Acknowledgement, U. S. Department of the Interior*. Draft January 31, 2005. Downloaded June 3, 2023 (<https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/admindocs/PrecedentManual2005.pdf>) Criterion 83.7(a), page 9 (pdf page number 39), beginning at the bottom of page.
408. Harvey, Alison. *County Line. Burial Site: A Case for Indian Rights*. San Luis Obispo County Telegram-Tribune. San Luis Obispo, California. August 28, 1980. Quoted sections highlighted throughout article.
409. *Dick Pierce v. San Luis County Board of Supervisors, Kern County Land Co. and Tennaco*. Case No. 56926. Declaration of Dick Pierce. San Luis Obispo County Superior Court. Bottom of page 2. Filed December 3, 1982.
410. 25 C. F. R. § 83.10 “How Will the Department Evaluate Each of the Criteria” (<https://www.govinfo.gov/content/pkg/CFR-2023-title25-vol1/pdf/CFR-2023-title25-vol1-part83.pdf>)
411. “*The Official Guidelines to the Federal Acknowledgement Regulations, 25 CFR 83*”. The Bureau of Indian Affairs Branch of Acknowledgement and Research, Washington, D. C. September 1997. Page 42, bottom of first column to top of second column.
412. Personal Note and Picture from Dick Pierce to his uncle Edward J. Pierce dated November 14, 1992.
413. Personal Note from Hilda May Carpenter (nee Pierce) to Toni Jean Woody (nee Pierce). May 26, 2001.
414. Christians, Lindsay. “Fire on Rock to Mark Solstice: Salinans to Climb Otherwise Off-Limits Landmark”. The San Luis Obispo Tribune. December 19, 2003. Top of Page B1 and upper half of column 6 on page B2.

415. *Memorandum of Agreement between The State of California Department of Parks and Recreation, San Luis Obispo Coast District, and The Salinan Tribe of Monterey and San Luis Obispo Counties* for 2018. Recitals as presented are typical for each MOA enclosed and are highlighted on page 2 for each MOA as well.
416. State of California Public Resources Code § 5097.9.
417. News Release from the State of California Department of Parks and Recreation. *State Park to Finalize Agreement Regarding Native American Access to Morro Rock*. Morro Bay, California. February 22, 2006.
418. *Salinan Tribe Access to Morro Rock for Ceremonial Purposes, Morro Bay State Park, San Luis Obispo County*. Letter from Larry Myers, Executive Secretary, State of California Native American Heritage Commission to Nick Franco, Coastal Sector Superintendent of the San Luis Obispo Coast District, Morro Bay State Park, State of California. First paragraph. October 26, 2004.
419. *Signed yearly Special Event Permits (DPR 246) from State of California for the implementation of Memorandum of Agreements. 2004-2024*.
420. Baltasar, Michaela. “Spiritual Ritual Welcomes New Season. Tribe Granted Permit to Ascend Local Landmark”. The San Luis Obispo Tribune. December 22, 2003. Middle of Front Page and continued on page A8 bottom of sixth column. Quoted material from the first and third paragraphs of article.
421. Kelsey, Charles Edwin. *Census of Non-Reservation Indians. 1905-1906*. Archaeological Research Facility, Department of Anthropology. Berkeley, CA. 94720. 1971.
(<https://digicoll.lib.berkeley.edu/record/83367?ln=en>)
422. Kelsey, Charles Edwin. *Census of Non-Reservation Indians. 1905-1906*. Pages i, ii, and 3.
423. Kelsey, Charles Edwin. *Report of the Special Agent for California Indians to the Commissioner of Indian Affairs, March 21, 1906*. This report is attached to “Hearings Before a Subcommittee of the Committee on Indian Affairs, House of Representatives, 66th Congress, Second Session” March 23, 1920. Pages 116-131. Quote located on page 124, top of page. United States Department of the Interior, Washington, D. C.
424. Kelsey, Charles Edwin. *Census of Non-Reservation Indians. 1905-1906*. Pages 82-83.
425. Kelsey, Charles Edwin. *Census of Non-Reservation Indians. 1905-1906*. Replication of census pages. Pages 82-83.

426. Kelsey, Charles Edwin. *Census of Non-Reservation Indians. 1905-1906*. Pages i, 2, and 3.
427. Miller, Larisa K. *Counting Context: C. E. Kelsey's 1906 Census of Nonreservation Indians in Northern California*. *American Indian Culture and Research Journal*: Volume 38, Number 2 (2014). Page 54 and 55. Also available at <http://jabloner.users.sonic.net/articles/>
428. Bolton, David A. "*Inside the California Missions*". Painting courtesy of the Santa Barbara Mission Archive-Library as used from the California Missions Foundation website. <https://californiamissionsfoundation.org/mission-la-soledad/>
429. Bolton, David A. "*Inside the California Missions*". Painting courtesy of the Santa Barbara Mission Archive-Library as used from the California Missions Foundation website. <https://californiamissionsfoundation.org/mission-san-antonio/>
430. Bolton, David A. "*Inside the California Missions*". Painting courtesy of the Santa Barbara Mission Archive-Library as used from the California Missions Foundation website. <https://californiamissionsfoundation.org/mission-san-carlos-borromeo/>
431. Bolton, David A. "*Inside the California Missions*". Painting courtesy of the Santa Barbara Mission Archive-Library as used from the California Missions Foundation website. <https://californiamissionsfoundation.org/mission-san-luis-obispo/>
432. Bolton, David A. "*Inside the California Missions*". Painting courtesy of the Santa Barbara Mission Archive-Library as used from the California Missions Foundation website. <https://californiamissionsfoundation.org/mission-san-miguel/>
433. Bolton, David A. "*Inside the California Missions*". Painting courtesy of the Santa Barbara Mission Archive-Library as used from the California Missions Foundation website. <https://californiamissionsfoundation.org/mission-santa-clara/>