



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 15 2018

Ms. Irenne Zwierlein
789 Canada Road
Woodside, California 94062

Dear Ms. Zwierlein:

The Amah Mutsun Band of Ohlone/Costanoan Indians (AMB) is under active consideration for a Proposed Finding (PF) in the Department of the Interior's (Department) Federal acknowledgment process under Part 83 of Title 25 of the Code of Federal Regulations (25 CFR Part 83). The AMB chose to have its petition evaluated under the previous version of 25 CFR Part 83, revised as of 1994.

This letter is to advise you that the Acting Assistant Secretary – Indian Affairs, has exercised his discretion and suspended active consideration due to technical problems with the AMB's documented petition. Under §83.10(g),¹ the Assistant Secretary-Indian Affairs (AS-IA) has the discretion to suspend active consideration of a documented petition, either conditionally or for a stated period of time, upon a showing to the petitioner that there are technical problems with the documented petition or administrative problems that temporarily preclude continuing active consideration. The technical issue with the documented petition relates to the on-going AMB leadership dispute; specifically: which group properly represents Petitioner #120.

In 2013, OFA sent a letter (2013 Letter) determining that there were two separate groups: (1) Petitioner #120, represented by you, and (2) a group represented by Mr. Valentin Lopez. During the final preparations and internal reviews of the PF draft document, however, the Department has determined that the 2013 Letter was conclusory and does not appear to reflect a considered analysis of the materials submitted by the parties for Department review. The Department is therefore withdrawing the 2013 Determination and returning to the status quo which existed prior to the decision.

In order to resolve this issue, the Acting AS-IA has determined that OFA will follow the process set forth in the 2008 Federal Register notice establishing procedures for addressing splinter groups arising after a Petitioner submits a Letter of Intent.² This process will be similar to the described in OFA's letter, dated September 27, 2012, to you and Mr. Lopez. The 2008 Federal Register notice and 2012 letter are provided for your reference.

OFA is requesting the following information from both you and Mr. Lopez within the next 120 days:

¹ Because AMB has chosen to have its petition evaluated under the 1994 version of the regulations, this citation includes both a regulation number and regulatory text that no longer appear in the post-2015 version of Part 83.

² See 73 FR 30146 (May 23, 2008).

- (1) The current governing document, and all past governing documents;
- (2) The current membership list that is certified as accurate as of a specific date, and all past membership lists;
- (3) Completed consent forms from every member. A consent form should be signed by each individual and should state that he or she voluntarily wishes to belong to the group. A parent should sign for his or her minor children individually or the legal guardian or representative transacting for that minor child or individual should sign. In the latter instance, the group should submit a copy of the legal document allowing that representation;
- (4) Copies of the all minutes of meetings of the group's governing body since the filing of the letter of intent;
- (5) Copies of documents reflecting changes in the composition of the governing body since the filing of the letter of intent, such as published election results, minutes, newspaper articles, or newsletters; and
- (6) Any court order determining the legitimate leadership of the group.

Following the 120 day submission period, OFA will carefully review the submitted materials and draft a report determining which group properly represents Petitioner #120. Please be advised that if OFA is unable to determine which group properly represents Petitioner #120 based on the received materials, OFA will suspend any further work on the PF until the issue is resolved pursuant to the 2008 Federal Register notice.

Please contact OFA as soon as possible if you have any questions regarding the materials to be submitted or the process going forward. We look forward to working together to resolve this longstanding issue.

Sincerely,



Director, Office of Federal Acknowledgment

cc: Interested and informed parties