



INTERIOR BOARD OF INDIAN APPEALS

In re Federal Acknowledgment of the Golden Hill Paugussett Tribe

33 IBIA 4 (09/08/1998)

Related Board cases:

32 IBIA 216

34 IBIA 18

Reconsideration denied, 34 IBIA 55

40 IBIA 126



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

IN RE FEDERAL ACKNOWLEDGMENT : Order Affirming Final Determination
OF THE GOLDEN HILL PAUGUSSETT : and Referring Issues to the Secretary
TRIBE : of the Interior
: :
: Docket Nos. IBIA 97-59-A
: IBIA 97-60-A
: :
: September 8, 1998

In accordance with its June 10, 1998, decision in this case, 32 IBIA 216, the Board conducted a supplemental proceeding in which Petitioner was given an opportunity to submit certain additional documents as possible new evidence. The supplemental proceeding has now been concluded. Petitioner has informed the Board that it does not intend to submit any further documents.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1 and 25 C.F.R. § 83.11, the September 16, 1996, Final Determination made by the Assistant Secretary - Indian Affairs is affirmed. The following five allegations of error are referred to the Secretary of the Interior:

(1) BIA placed the burden of proof on Petitioner, despite the provisions of 25 C.F.R. § 83.10(e)(1).

(2) BIA adopted a "one-ancestor" rule without following rulemaking procedures and improperly relied on that rule in the Final Determination.

(3) BIA declined to hold a formal meeting, despite the requirement of 25 C.F.R. § 83.10(j)(2).

(4) BIA considered materials submitted by third parties despite a statement in the rulemaking preamble indicating that third-party materials will not be considered until a petition for acknowledgment is placed on active consideration, 59 Fed. Reg. at 9283, and the fact that the limited review process, under which the Final Determination was made in this case, is undertaken prior to active consideration. 25 C.F.R. § 83.10(e).

(5) BIA considered Petitioner's petition for Federal acknowledgment without requiring that it be certified by the governing body of the Golden Hill group.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge