

**(5) Federal Register Notice of Proposed Finding**

- June 8, 1995

## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

## Proposed Finding Against Federal Acknowledgment of the Golden Hill Paugussett Tribe

May 24, 1995.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed finding.

**SUMMARY:** Pursuant to 25 CFR 83.10(e) of the revised Federal acknowledgment regulations, which became effective March 28, 1994, notice is hereby given that the Assistant Secretary—Indian Affairs (Assistant Secretary) proposes to decline to acknowledge that the Golden Hill Paugussett Tribe, P.O. Box 1645, Bridgeport, Connecticut 06601-1645 exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the Golden Hill Paugussett Tribe does not meet one of the seven mandatory criteria set forth in 25 CFR 83.7, specifically, criterion 83.7(e). Therefore, the Golden Hill Paugussett Tribe does not meet the requirements necessary for a government-to-government relationship with the United States.

**DATES:** As provided by 25 CFR 83.10(e)(1) and 83.10(h) through 83.10(l), any individual or organization wishing to challenge the proposed finding may submit factual or legal arguments and evidence to rebut or support the evidence relied upon. This material must be submitted on or before December 5, 1995.

**ADDRESSES:** Comments on the proposed finding and/or requests for a copy of the report of evidence should be addressed to the Office of the Assistant Secretary, 1849 C Street, N.W., Washington, DC 20240, Attention: Branch of Acknowledgment and Research, Mail Stop 2611-MIB.

**FOR FURTHER INFORMATION CONTACT:** Holly Reckord, Chief, Branch of Acknowledgment and Research, (202) 208-3592.

**SUPPLEMENTARY INFORMATION:** This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary by 209 DM 8.

In order to meet criterion 83.7(e), the petitioner must demonstrate Indian ancestry through descent from a historical tribe, or from tribes which combined and functioned as a single entity. When documenting descent from members of the historical tribe or tribes, the petitioner must show that: (1) The persons claimed as Indian ancestors were of Indian descent from a particular

tribe; and (2) Indian descent must be derived from more than one Indian person.

The Federal acknowledgment process is not intended to recognize single individuals or single extended families of Indian descent, even if of Indian ancestry. Nor is it intended to recognize the descendants of single individuals or families, no matter how large a body of such descendants exist. Criterion e is one of the criteria which is intended to insure continuous existence as a tribal body. Descent from a single Indian ancestor does not meet this requirement.

The petitioner does not meet criterion e for the following reasons: (1) The petitioner's single common ancestor, William Sherman, has not been documented conclusively to have Indian ancestry from the historic Golden Hill Paugussett Tribe or from any other historic Indian tribe; and (2) even if William Sherman were shown to have Indian ancestry, from the historic Golden Hill Paugussett or from any other historic Indian tribe, the present group would be descended from a single Indian individual. It, therefore, would not meet the requirements of criterion e, which requires ancestry as a tribe, not simply Indian ancestry.

The Golden Hill Paugussett Tribe's petition for Federal acknowledgment claims that, "The Golden Hill Paugussett tribe has existed in the State of Connecticut since time immemorial, and has maintained its autonomy and unity as an American Indian tribe while interacting with non-Indian populations since the Colonial period."

The Golden Hill Paugussett Tribe's petition for Federal acknowledgment also maintains that as long as a single Golden Hill Paugussett descendant remains alive, the tribal entity continues to exist. This does not accord with the definition of tribal existence in 25 CFR part 83, and the underlying precedents in Federal law and judicial decisions.

A substantial body of documentation was available on the petitioning group and its ancestors. This extensive evidence does not demonstrate either the Paugussett Indian tribal ancestry claimed in the petition or other Indian tribal ancestry. Furthermore, had Indian ancestry been documented, Indian descent would remain from only one individual. One individual Indian ancestor does not qualify the group for Federal recognition as an Indian Tribe. Based on this factual determination, we conclude that the Golden Hill Paugussett tribe should not be granted Federal acknowledgment under 25 CFR part 83.

As provided by 25 CFR 83.10(h) of the revised regulations, a report

summarizing the evidence, reasoning, and analyses that are the basis for the proposed decision will be provided to the petitioner and interested parties, and is available to other parties upon written request. Comments on the proposed finding and/or requests for a copy of the report of evidence should be addressed to the Office of the Assistant Secretary, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, Attention: Branch of Acknowledgment and Research, Mail Stop 2611-MIB. Third parties must simultaneously supply copies of their comments to the petitioner in order for them to be considered by the Department of the Interior.

During the response period, the Assistant Secretary shall provide technical advice concerning the proposed finding and shall make available to the petitioner in a timely fashion any records used for the proposed finding not already held by the petitioner, to the extent allowable by Federal law (83.10(j)(1)). In addition, the Assistant Secretary shall, if requested by the petitioner or any interested party, hold a formal meeting for the purpose of inquiring into the reasoning, analyses, and factual bases for the proposed finding. The proceedings of this meeting shall be on the record. The meeting record shall be available to any participating party and become part of the record considered by the Assistant Secretary in reaching a final determination (83.10(j)(2)).

If third party submissions are received during the regular response period, the petitioner shall have a minimum of 60 days to respond to these submissions. This period may be extended at the Assistant Secretary's discretion if warranted by the nature and extent of the comments (83.10(k)).

At the end of the response periods for comment on this proposed finding, the Assistant Secretary shall consider the written arguments and evidence submitted during the response periods and issue a final determination. The Assistant Secretary shall consult with the petitioner and interested parties to determine an equitable timeframe for preparation of the final determination and notify the petitioner and interested parties of the date such consideration begins (83.10(l)). The Assistant Secretary may conduct any necessary additional research and may request additional information from the petitioner and commenting parties (83.10(l)(1)). A summary of the final determination will be published in the Federal Register within 60 days from the date on which the consideration of the written arguments and evidence

rebutting or supporting the proposed  
finding begins, as provided in 25 CFR  
83.10 (1)(2).

**Ada E. Deer,**

*Assistant Secretary—Indian Affairs.*

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