

(7) Federal Register Notice of Final Determination

- October 23, 1998

Dated: October 19, 1998.

Rosemarie Gnam,
Chief, Branch of Operations, Office of
Management Authority.
[FR Doc. 98-28482 Filed 10-22-98; 8:45 am]
BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Final Determination to Acknowledge the Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan

AGENCY: Bureau of Indian Affairs,
Interior.

ACTION: Notice of Final Determination.

SUMMARY: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs (Assistant Secretary) by 209 DM 8. Pursuant to 25 CFR 83.10(m), notice is hereby given that the Assistant Secretary acknowledges that the Match-e-be-nash-she-wish Band of Pottawatomi Indians (MBPI) of Michigan, c/o Mr. D.K. Sprague, P.O. Box 218, Dorr, Michigan 49323, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group satisfies all seven criteria set forth in 25 CFR 83.7, as modified by 25 CFR 83.8.

DATES: This determination is final and is effective 90 days from publication of the Final Determination, pursuant to 25 CFR 83.10(l)(4), unless a request for reconsideration is filed with the Interior Board of Indian Appeals pursuant to 25 CFR 83.11.

FOR FURTHER INFORMATION CONTACT: Office of the Assistant Secretary—Indian Affairs, (202) 208-7163.

SUPPLEMENTARY INFORMATION: The Assistant Secretary's proposed finding to acknowledge the MBPI was published in the *Federal Register* on July 16, 1997, (62 FR 136, 38113-38115). The 180-day period provided for in the regulations for comment on the proposed finding closed January 12, 1998. Third party comments were received on January 12, 1998, from Dennis J. Whittlesey, Esq., on behalf of the City of Detroit. The 60-day period provided for in the regulations (25 CFR Part 83.10(k)) for the petitioner to respond to third-party comments ended March 13, 1998. The petitioner responded to the third-party comments, but did not submit a response to the proposed finding other than an updated membership list.

This final determination is made following a review of the third party comments on the proposed finding to

acknowledge the MBPI, of the MBPI's response to the third party comments, and of the 1998 membership MBPI list. MBPI is informally referred to by itself and by others as the Gun Lake Band or Gun Lake Tribe. All references in third party comments to that name have been taken as applying to MBPI.

The 1994 regulations required an evaluation of whether MBPI was a previously acknowledged tribe within the meaning of the regulations. Because it has been determined that MBPI meets the definition of unambiguous Federal acknowledgment in section 83.1, it has been evaluated under modified requirements provided in section 83.8 of the regulations. Conclusions concerning previous acknowledgment are solely for the purposes of a determination of previous acknowledgment under 25 CFR Part 83, and are not intended to reflect conclusions concerning successorship in interest to a particular treaty or other rights. The proposed finding determined that Shop-quo-ung was a signatory to the 1855 Treaty of Detroit. Shop quo-ung's Band received annuity payments under that treaty until 1870. This band was antecedent to the MBPI petitioner. Therefore, the date of 1870 was used for purposes of the proposed finding for previous Federal acknowledgment. The third party comments challenged this determination, but did so based on a misidentification of the treaty signer in question as another man, Sagana, rather than Shop-quo-ung aka Moses Foster, who survived until after 1900 and whose subsequent career as chief of the band was well documented. This third party specifically noted also the descent of "most of the people who attended the Bradley and Salem churches" from Shop-quo-ung's band. These comments do not require a change in the determination of previous unambiguous Federal acknowledgment as made in the proposed finding, which is affirmed.

Criterion 83.7(a), as modified by the application of section 83.8 (d)(1), requires external identification of the petitioner as an Indian entity from the date of last Federal acknowledgment. It also requires that these identifications make clear that the group being identified was the same as the entity which had been previously federally acknowledged, but does not require that such identifications specifically refer to the Indian entity as a "tribe." The proposed finding concluded that MBPI clearly meets criterion 83.7(a), since such identifications had been made by the Bureau of Indian Affairs (BIA) and other Federal records such as the special Indian Population schedules of the 1900 and 1910 census, by the Methodist

Church, by a sequence of local and regional historians writing from the 1880's to the present, by the WPA guide to the state of Michigan, and by local newspapers. The Indian mission church at Bradley in Allegan County, Michigan, and its daughter church at Salem were clearly tied to a continuously existing Indian entity which predated the 1870 date of previous unambiguous Federal acknowledgment and which has continued to exist and be identified until the present. Therefore, the conclusion of the proposed finding that MBPI meets criterion 83.7(a) as modified by 83.8(d)(1) is affirmed.

Under criterion 83.7(b) as modified by 83.8(d)(2), a demonstration of meeting the criterion for community (defined by the regulations as "any group of people which can demonstrate that consistent interactions and significant social relationships exist within its membership and that its members are differentiated from and identified as distinct from nonmembers") is required only for the present day, or modern, community. However, the historical and anthropological survey of the MBPI provided sufficient evidence that it had constituted a historical community as well, which had been centered at Bradley in Allegan County, Michigan since the founding of the Griswold Mission in 1838-1839. The existence of continuous community since the latest date of unambiguous previous Federal acknowledgment, 1870, was clearly documented by church, census, and other records. The proposed finding concluded that at least 50 per cent of the petitioner's members were Potawatomi speakers from historical times up through 1957, and that since then, the members have come together in significant numbers across all family lines, and have maintained a significant rate of informal social interaction. The proposed finding concluded that MBPI not only met the requirements of 83.7(b) as modified by 83.8(d) at the present time, but also that it met the requirements of the unmodified 83.7(b) from 1870 to the present. This finding is affirmed by the final determination.

The third party comments on the proposed finding argued that modern community did not exist in MBPI because of its alleged intention to seek trust land in the Detroit, Michigan, area; because of the pre-1992 presence of MBPI names on the membership list of Huron Potawatomi, Inc. (HPI), which was federally acknowledged through the 25 CFR Part 83 process in 1994; and because numerous MBPI members were allegedly dually enrolled with other Michigan tribes.

Taking land into trust is a separate issue from Federal acknowledgment and does not impact the 25 CFR Part 83 criteria. Evidence of enrollment in other tribes may be pertinent to criterion 83.7(b), but it is not dispositive. Community as defined by the regulations involves much more than a formal membership list. A substantial body of anthropological evidence clearly showed the existence of a distinct community that functioned in the Bradley/Salem area even during the years when many residents of that community had their names on the membership list of HPI. The relationship of the formal membership lists of the two groups was extensively analyzed by the HPI proposed finding and final determination as well as by the MBPI proposed finding.

The third party comments alleged that "scores" of MBPI members carried on the 1994 membership list had disaffiliated from the petitioner in order to join another specified tribe, the Little River Band of Ottawa Indians. The BIA identified the names of all persons who had been included on the 1994 MBPI membership list who were not on the 1998 MBPI membership list. Of the 49 individuals, there was one duplicate entry, three persons in one tribe, five persons not enrolled elsewhere, six persons in a second tribe, 11 persons in a third tribe, and 25 persons currently enrolled with Little River. The data did not indicate that persons formerly or currently enrolled with MBPI (see discussion under criterion 83.7(f)) were, as a group, choosing to join any other single tribe according to a pattern, or according to major family lines or political factions. Eliminating the duplicate entry, an analysis of the 48 who disenrolled indicated that their disaffiliation had minimal relevance for MBPI's modern community, since the disenrollments did not change the character of the group as a whole. Therefore, the conclusion of the proposed finding that MBPI meets criterion 83.7(b) as modified by 83.8(d)(2) is affirmed.

Criterion 83.8(d)(5) provides that if a petitioner which has demonstrated previous Federal acknowledgment cannot meet the streamlined evidentiary requirements provided by 83.8, it may demonstrate that it meets the requirements of the criteria in 83.7(a) through (c) from last Federal acknowledgment to the present. The proposed finding concluded that MBPI met the provisions of 83.7(c) in the unmodified form, having maintained political influence or authority over its members from 1870 to the present. There as an identifiable sequence of

leadership throughout this period. During the periods when the community did not have a formal governing structure, a significant level of bilateral political influence or authority was maintained by indigenous ordained and lay ministers through the Methodist Indian missions at Bradley and Salem, Michigan. This influence extended to the whole community. Additionally, under the provisions of interaction between criterion 83.7(b)(2) and 83.7(c)(3), the proposed finding also used the existence of sufficient evidence for criterion 83.7(b) for MBPI for the entire period since 1870 to provide sufficient evidence for criterion 83.7(c) until 1957, and evidence of community after 1957 also was used as one form of evidence under 83.7(c)(1)(iv).

The third party comments argued that, "church activities do not constitute the type of "political influence" required under 83.7(c). However, in the case of several other petitions, the Assistant Secretary has accepted church activities as demonstrating the existence of political influence or authority within the petitioning group and providing a focus of leadership. The Assistant Secretary has also accepted informal leadership and forms of leadership other than council-type structures in prior acknowledgment decisions. In preparing the 1994 revised regulations, the Department specifically rejected more stringent requirements of formal political organization for petitioners. Therefore, we affirm the conclusion of the proposed finding that MBPI meets the requirements of 83.7(c) as modified by 83.8(d)(3).

MBPI met criterion 83.7(d) for the proposed finding. No comments or new evidence was submitted pertaining to this criterion. Therefore, this final determination affirms that MBPI meets criterion 83.7(d).

The proposed finding concluded that MBPI met criterion 83.7(e), descent from the historical Indian tribe. Because this case was considered under 83.8(d), MBPI was required to demonstrate descent from the federally acknowledged entity as it existed in 1870. All persons on the 1994 MBPI membership list, and all persons on the 1998 MBPI membership list, descend from persons listed on the 1870 annuity payroll for Shop-quo-ung's Band and from persons listed on the 1904 Taggart Roll, which was prepared by the BIA to determine eligibility for Potawatomi claims payments.

One commenter argued that research in documents prior to a 1839 payment list discussed in the genealogical technical report to the proposed finding might call into question, "the entire

Potawatomi identity of the historic bands who comprise the modern Indian entity." The Assistant Secretary was aware at the time of the proposed finding that individual families of the Bradley and Salem communities also have Ottawa ancestry. This fact is in accordance with a long-standing pattern of intertribal marriages in Michigan. The identity of the bands prior to the last date of previous unambiguous Federal acknowledgment is not an issue: the MBPI members have clearly established descent from the band as it existed as of 1870. Therefore, this final determination affirms the conclusion of the proposed finding that MBPI meets criterion 83.7(e). After an extensive analysis of the relationship of MBPI enrollment to that of HPI under criterion 83.7(f), the proposed finding concluded that the MBPI membership was composed principally of persons who were not members of any acknowledged North American Indian tribe. The adult MBPI members had provided written confirmation of their membership in MBPI, on behalf of themselves and on behalf of the minors for whom they had legal custody, prior to the issuance of the HPI proposed finding and prior to Federal acknowledgment of HPI.

The BIA verified the 1998 MBPI membership list, concluding that only 17 per cent of the current MBPI membership is dually enrolled with other tribes. The 17 percent of dually enrolled MBPI members are divided among three other federally acknowledged tribes. The membership of MBPI is composed principally of persons who are not members of any acknowledged tribe. Therefore, this final determination affirms the conclusion of the proposed finding that MBPI meets criterion 83.7(f).

MBPI met criterion 83.7(g) for the proposed finding. No comments or new evidence was submitted pertaining to this criterion. Consequently, this final determination confirms that MBPI meets criterion 83.7(g).

This determination is final and will become effective 90 days from the date of publication, unless a request for reconsideration is filed pursuant to § 83.11. The petitioner or any interested party may file a request for reconsideration of this determination with the Interior Board of Indian Appeals (§ 83.11(a)(1)). The petitioner's or interested party's request must be received no later than 90 days after publication of the Assistant Secretary's determination in the **Federal Register** (§ 83.11(a)(2)).

Dated: October 14, 1998.
Kevin Gover,
Assistant Secretary—Indian Affairs.
 [FR Doc. 98-28438 Filed 10-22-98; 8:45 am]
BILLING CODE 4310-02-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-962-1410-00-P, AA-14015]

Alaska Native Claims Selection; Notice for Publication
 In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(8), will be issued to Sealaska Corporation for approximately 19,503.74 acres. The lands involved are within the Tongass National Forest in southeast Alaska.

Copper River Meridian, Alaska

- T. 44 S., R. 60 E.,
Secs. 23, 24 and 26.
- T. 42 S., R. 61 E.,
Sec. 31.
- T. 44 S., R. 61 E.,
Secs. 1, 12, 13, 24 and 26.
- T. 49 S., R. 66 E.,
Secs. 6, 7, 17 thru 20, 29 thru 32.
- T. 50 S., R. 66 E.,
Secs. 5 thru 8, 17 thru 21, 28 thru 33.
- T. 51 S., R. 66 E.,
Secs. 4, 5 and 6.
- T. 56 S., R. 73 E.,
Sec. 36.
- T. 57 S., R. 72 E.,
Secs. 19 and 30.
- T. 74 S., R. 80 E.,
Secs. 16, 17, 19, 20, 21, 30 and 31.
- T. 75 S., R. 82 E.,
Secs. 16, 17, 19, 20 thru 30, and 32.
- T. 73 S., R. 85.,
Sec. 12.
- T. 74 S., R. 86 E.,
Secs. 25, 26, 27, 33 thru 36.
- T. 74 S., R. 87 E.,
Sec. 31.
- T. 76 S., R. 82 E.,
Secs. 2, 11, 19, 20, 24 and 30.
- T. 80 S., R. 83 E.,
Secs. 9, 15, 16 and 17.
- T. 81 S., R. 83 E.,
Sec. 23.
- T. 81 S., R. 84 E.,
Sec. 21.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the *Juneau Empire*. Copies of the decision may be obtained by contacting the Alaska State

Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until November 23, 1998 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Patricia A. Baker,
Land Law Examiner, Branch of ANCSA Adjudication.
 [FR Doc. 98-28455 Filed 10-22-98; 8:45 am]
BILLING CODE 4310-02-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-350-7123-00-6068]

Notice of Decision: To Amend Honey Lake Management Framework Plan; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that on October 5, 1998, John Bosworth, 743 Acting Field Manager, Eagle Lake Field Office, issued a decision to amend the 1976 Honey Lake Management Framework Plan (MFP) Off-Highway Vehicle Designations for Area 6, and Area 7 which includes the Fort Sage OHV Area and surrounding BLM public lands managed by the BLM in Lassen County, California. To protect public lands and resources from damage an off-highway vehicle designation of "limited to designated roads and trails" will be established for this area. The affected public land includes all BLM managed lands within:

Mount Diablo Meridian
 T. 26 N., R. 16 E. (BLM lands east of State Highway 395)
 T. 26 N., R. 17 E.

T. 25 N., R. 17 E.
 T. 25 N., R. 18 E.

SUPPLEMENTARY INFORMATION: A copy of the decision and maps showing the exact location of the OHV designations may be obtained by writing the Eagle Lake Field Office at the above address or calling (530) 257-0456. This action is under authority of 43 CFR 8340.0-3.

FOR FURTHER INFORMATION CONTACT: John Bosworth, Acting Field Manager, Eagle Lake Field Office, Bureau of Land Management, 2950 Riverside Drive, Susanville, CA 96130. (530) 257-0456. For a period of 45 days from the date of publication of this notice, interested parties may submit written comments or objections to the Field Manager, Eagle Lake Field Office at the above address.

Dated: October 5, 1998.
John Bosworth,
Acting Field Manager.
 [FR Doc. 98-28504 Filed 10-22-98; 8:45 am]
BILLING CODE 4310-40-M

DEPARTMENT OF THE INTERIOR

National Park Service

Submission of Study Package to Office of Management and Budget; Review Opportunity for Public Comment

AGENCY: Department of the Interior, National Park Service's National Center for Recreation and Conservation and National Center for Cultural Resources, Stewardships and Partnerships.

ACTION: Notice and request for comments.

Abstract: The National Park Service (NPS) is proposing in 1998 to conduct mail surveys of recipients of services and/or assistance of the following programs: Rivers, Trails, and Conservation Assistance Program (RTCA), Federal Lands to Parks Program (FLP), National Heritage Area Program (NHA), Wild and Scenic Rivers Coordination Program (WSR), and the Historic Preservation Technical Assistance Program (HPT). This survey will be conducted to meet the requirements of the 1995 Government Performance and Results Act (GPRA) and will be used to develop goals to improve effectiveness and public accountability of the respective programs.

Program	Estimated number of	
	Responses	Burden hours
Rivers, Trails, and Conservation Assistance (RTCA) Program	188	62
National Heritage Area (NHA) Program	8	3

4310-02

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Final Determination to Acknowledge the Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan

Agency: Bureau of Indian Affairs

Action: Notice of Final Determination.

SUMMARY: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary - Indian Affairs (Assistant Secretary) by 209 DM 8. Pursuant to 25 CFR 83.10(m), notice is hereby given that the Assistant Secretary acknowledges that the Match-e-be-nash-she-wish Band of Pottawatomi Indians (MBPI) of Michigan, c/o Mr. D.K. Sprague, P.O. Box 218, Dorr, Michigan 49323, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group satisfies all seven criteria set forth in 25 CFR 83.7, as modified by 25 CFR 83.8.

DATES: This determination is final and is effective 90 days from publication of the Final Determination, pursuant to 25 CFR 83.10 (l)(4), unless a request for reconsideration is filed with the Interior Board of Indian Appeals pursuant to 25 CFR 83.11.

SUPPLEMENTARY INFORMATION: The Assistant Secretary's proposed finding to acknowledge the MBPI was published in the FEDERAL REGISTER on July 16, 1997, (62 FEDERAL REGISTER 136, 38113-38115). The 180-day period provided for in the regulations

for comment on the proposed finding closed January 12, 1998. Third party comments were received on January 12, 1998, from Dennis J. Whittlesey, Esq., on behalf of the City of Detroit. The 60-day period provided for in the regulations (25 CFR Part 83.10(k)) for the petitioner to respond to third-party comments ended March 13, 1998. The petitioner responded to the third-party comments, but did not submit a response to the proposed finding other than an updated membership list.

This final determination is made following a review of the third party comments on the proposed finding to acknowledge the MBPI, of the MBPI's response to the third party comments, and of the 1998 membership MBPI list. MBPI is informally referred to by itself and by others as the Gun Lake Band or Gun Lake Tribe. All references in third party comments to that name have been taken as applying to MBPI.

The 1994 regulations required an evaluation of whether MBPI was a previously acknowledged tribe within the meaning of the regulations. Because it has been determined that MBPI meets the definition of unambiguous Federal acknowledgment in section 83.1, it has been evaluated under modified requirements provided in section 83.8 of the regulations. Conclusions concerning previous acknowledgment are solely for the purposes of a determination of previous acknowledgment under 25 CFR Part 83, and are not intended to reflect conclusions concerning successorship in interest to a particular treaty or other rights. The proposed finding determined that Shop-quo-ung was a signatory to the 1855 Treaty of Detroit. Shop quo-ung's Band received annuity payments under that treaty until 1870. This band was antecedent to the MBPI petitioner. Therefore, the date of 1870 was used for purposes of the proposed finding for previous Federal

acknowledgment. The third party comments challenged this determination, but did so based on a misidentification of the treaty signer in question as another man, Sagana, rather than Shop-quo-ung aka Moses Foster, who survived until after 1900 and whose subsequent career as chief of the band was well documented. This third party specifically noted also the descent of “most of the people who attended the Bradley and Salem churches” from Shop-quo-ung’s band. These comments do not require a change in the determination of previous unambiguous Federal acknowledgment as made in the proposed finding, which is affirmed.

Criterion 83.7(a), as modified by the application of section 83.8 (d)(1), requires external identification of the petitioner as an Indian entity from the date of last Federal acknowledgment. It also requires that these identifications make clear that the group being identified was the same as the entity which had been previously federally acknowledged, but does not require that such identifications specifically refer to the Indian entity as a “tribe.” The proposed finding concluded that MBPI clearly meets criterion 83.7(a), since such identifications had been made by the Bureau of Indian Affairs (BIA) and other Federal records such as the special Indian Population schedules of the 1900 and 1910 census, by the Methodist Church, by a sequence of local and regional historians writing from the 1880’s to the present, by the WPA guide to the state of Michigan, and by local newspapers. The Indian mission church at Bradley in Allegan County, Michigan, and its daughter church at Salem were clearly tied to a continuously existing Indian entity which predated the 1870 date of previous unambiguous Federal acknowledgment and which has continued to exist and be identified until the present. Therefore, the conclusion of the proposed finding that MBPI meets criterion 83.7(a) as modified by 83.8(d)(1) is affirmed.

Under criterion 83.7(b) as modified by 83.8(d)(2), a demonstration of meeting the criterion for community (defined by the regulations as “any group of people which can demonstrate that consistent interactions and significant social relationships exist within its membership and that its members are differentiated from and identified as distinct from nonmembers”) is required only for the present day, or modern, community. However, the historical and anthropological survey of the MBPI provided sufficient evidence that it had constituted a historical community as well, which had been centered at Bradley in Allegan County, Michigan since the founding of the Griswold Mission in 1838-1839. The existence of continuous community since the latest date of unambiguous previous Federal acknowledgment, 1870, was clearly documented by church, census, and other records. The proposed finding concluded that at least 50 per cent of the petitioner’s members were Potawatomi speakers from historical times up through 1957, and that since then, the members have come together in significant numbers across all family lines, and have maintained a significant rate of informal social interaction. The proposed finding concluded that MBPI not only met the requirements of 83.7(b) as modified by 83.8(d) at the present time, but also that it met the requirements of the unmodified 83.7(b) from 1870 to the present. This finding is affirmed by the final determination.

The third party comments on the proposed finding argued that modern community did not exist in MBPI because of its alleged intention to seek trust land in the Detroit, Michigan, area; because of the pre-1992 presence of MBPI names on the membership list of Huron Potawatomi, Inc. (HPI), which was federally acknowledged through the 25 CFR Part 83 process in 1994; and because numerous MBPI members were allegedly dually enrolled with other Michigan tribes.

Taking land into trust is a separate issue from Federal acknowledgment and does not impact the 25 CFR Part 83 criteria. Evidence of enrollment in other tribes may be pertinent to criterion 83.7(b), but it is not dispositive. Community as defined by the regulations involves much more than a formal membership list. A substantial body of anthropological evidence clearly showed the existence of a distinct community that functioned in the Bradley/Salem area even during the years when many residents of that community had their names on the membership list of HPI. The relationship of the formal membership lists of the two groups was extensively analyzed by the HPI proposed finding and final determination as well as by the MBPI proposed finding.

The third party comments alleged that “scores” of MBPI members carried on the 1994 membership list had disaffiliated from the petitioner in order to join another specified tribe, the Little River Band of Ottawa Indians. The BIA identified the names of all persons who had been included on the 1994 MBPI membership list who were not on the 1998 MBPI membership list. Of the 49 individuals, there was one duplicate entry, three persons in one tribe, five persons not enrolled elsewhere, six persons in a second tribe, 11 persons in a third tribe, and 25 persons currently enrolled with Little River. The data did not indicate that persons formerly or currently enrolled with MBPI (see discussion under criterion 83.7(f)) were, as a group, choosing to join any other single tribe according to a pattern, or according to major family lines or political factions. Eliminating the duplicate entry, an analysis of the 48 who disenrolled indicated that their disaffiliation had minimal relevance for MBPI’s modern community, since the disenrollments did not change the character of the group as a whole. Therefore, the conclusion of the proposed finding that MBPI meets criterion 83.7(b) as modified by 83.8(d)(2) is affirmed.

Criterion 83.8(d)(5) provides that if a petitioner which has demonstrated previous Federal acknowledgment cannot meet the streamlined evidentiary requirements provided by 83.8, it may demonstrate that it meets the requirements of the criteria in 83.7(a) through (c) from last Federal acknowledgment to the present. The proposed finding concluded that MBPI met the provisions of 83.7(c) in the unmodified form, having maintained political influence or authority over its members from 1870 to the present. There as an identifiable sequence of leadership throughout this period. During the periods when the community did not have a formal governing structure, a significant level of bilateral political influence or authority was maintained by indigenous ordained and lay ministers through the Methodist Indian missions at Bradley and Salem, Michigan. This influence extended to the whole community. Additionally, under the provisions of interaction between criterion 83.7(b)(2) and 83.7(c)(3), the proposed finding also used the existence of sufficient evidence for criterion 83.7(b) for MBPI for the entire period since 1870 to provide sufficient evidence for criterion 83.7(c) until 1957, and evidence of community after 1957 also was used as one form of evidence under 83.7(c)(1)(iv).

The third party comments argued that, "church activities do not constitute the type of 'political influence'" required under 83.7(c). However, in the case of several other petitions, the Assistant Secretary has accepted church activities as demonstrating the existence of political influence or authority within the petitioning group and providing a focus of leadership. The Assistant Secretary has also accepted informal leadership and forms of leadership other than council-type structures in prior acknowledgment decisions. In preparing the 1994 revised regulations, the Department specifically rejected more stringent requirements of formal political organization for

petitioners. Therefore, we affirm the conclusion of the proposed finding that MBPI meets the requirements of 83.7(c) as modified by 83.8(d)(3).

MBPI met criterion 83.7(d) for the proposed finding. No comments or new evidence was submitted pertaining to this criterion. Therefore, this final determination affirms that MBPI meets criterion 83.7(d).

The proposed finding concluded that MBPI met criterion 83.7(e), descent from the historical Indian tribe. Because this case was considered under 83.8(d), MBPI was required to demonstrate descent from the federally acknowledged entity as it existed in 1870. All persons on the 1994 MBPI membership list, and all persons on the 1998 MBPI membership list, descend from persons listed on the 1870 annuity payroll for Shop-quo-ung's Band and from persons listed on the 1904 Taggart Roll, which was prepared by the BIA to determine eligibility for Potawatomi claims payments.

One commenter argued that research in documents prior to a 1839 payment list discussed in the genealogical technical report to the proposed finding might call into question, "the entire Potawatomi identity of the historic bands who comprise the modern Indian entity." The Assistant Secretary was aware at the time of the proposed finding that individual families of the Bradley and Salem communities also have Ottawa ancestry. This fact is in accordance with a long-standing pattern of intertribal marriages in Michigan. The identity of the bands prior to the last date of previous unambiguous Federal acknowledgment is not an issue: the MBPI members have clearly established descent from the band as it existed as of 1870. Therefore, this final determination affirms the conclusion of the proposed finding that MBPI meets criterion 83.7(e).

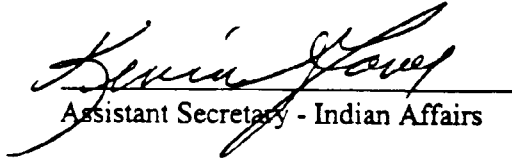
After an extensive analysis of the relationship of MBPI enrollment to that of HPI under criterion 83.7(f), the proposed finding concluded that the MBPI membership was composed principally of persons who were not members of any acknowledged North American Indian tribe. The adult MBPI members had provided written confirmation of their membership in MBPI, on behalf of themselves and on behalf of the minors for whom they had legal custody, prior to the issuance of the HPI proposed finding and prior to Federal acknowledgment of HPI.

The BIA verified the 1998 MBPI membership list, concluding that only 17 per cent of the current MBPI membership is dually enrolled with other tribes. The 17 percent of dually enrolled MBPI members are divided among three other federally acknowledged tribes. The membership of MBPI is composed principally of persons who are not members of any acknowledged tribe. Therefore, this final determination affirms the conclusion of the proposed finding that MBPI meets criterion 83.7(f).

MBPI met criterion 83.7(g) for the proposed finding. No comments or new evidence was submitted pertaining to this criterion. Consequently, this final determination confirms that MBPI meets criterion 83.7(g).

This determination is final and will become effective 90 days from the date of publication, unless a request for reconsideration is filed pursuant to § 83.11. The petitioner or any interested party may file a request for reconsideration of this determination with the Interior Board of Indian

Appeals (§83.11(a)(1)). The petitioner's or interested party's request must be received no later than 90 days after publication of the Assistant Secretary's determination in the FEDERAL REGISTER (§83.11(a)(2)).


Assistant Secretary - Indian Affairs

OCT 14 1998

Date