

(10) Reconsidered Final Determination Documents

- August 23, 1999



United States Department of the Interior

OFFICE OF THE SOLICITOR
Washington, D.C. 20240

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AUG 25 1999

BIA, Branch of Acknowledgment
and Research

AUG 23 1999

Dennis Whittlesey, Esq.
Jackson & Kelly, P.L.L.C.
Suite 400
2401 Pennsylvania Avenue, N.W.
Washington, D.C. 20037

Re: Request for Reconsideration of Determination of Acknowledgment of the
Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan
(Gun Lake Band) as an Indian Tribe

Dear Mr. Whittlesey:

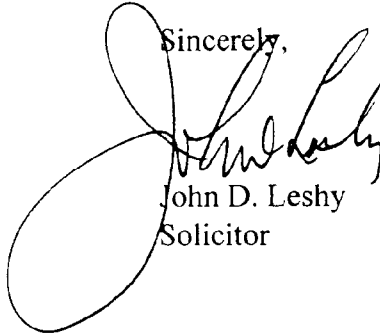
This is in further reference to your January 14, 1999 request, on behalf of your client, the City of Detroit, for reconsideration of the Department of the Interior's decision to acknowledge the Gun Lake Band as an Indian tribe. As you know, by decision dated May 21, 1999 the Department's Board of Indian Appeals (Board) dismissed the request for reconsideration. 33 IBIA 291. However, in accordance with 25 CFR §83.11(f), the Board referred to the Secretary the four grounds for reconsideration that you raised on behalf of your client, because those grounds were outside the Board's jurisdiction. The tribal acknowledgment regulations provide that the Secretary has the discretion to direct the Assistant Secretary-Indian Affairs to reconsider the determination based on those grounds. 25 CFR § 83.11(f)(2).

The Secretary has decided not to exercise his discretion to direct additional review by the Assistant Secretary-Indian Affairs in this instance. The tribal acknowledgment regulations provide an elaborate process for determining whether the Department should acknowledge an Indian group as a tribe. In light of this process the Secretary will not direct reconsideration in the absence of a strong showing that further review would be likely to change the result or, in the absence of such a showing, that the party seeking the reconsideration was denied a fair opportunity to be heard. In this instance, based on the record, the Secretary has concluded that further review is not likely to change the

determination acknowledging the Gun Lake Band as an Indian tribe. Furthermore he has concluded your client has not been denied an opportunity to be heard.

Accordingly the Secretary will not disturb the acknowledgment determination.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Leshy". The signature is stylized with large, overlapping loops and a long horizontal stroke at the end.

John D. Leshy
Solicitor

cc: Service List