
(7) Federal Register Notice of Final Determination

- June 11, 1984

group governs its affairs and its members. Virtually all of the Band's 1,470 members can document descendency from the historic Creek Nation and appear to meet the group's membership requirements. Inter-marriage within the group has occurred to such an extent over the years that family lines present in the Poarch community are now extremely intertwined and many members trace their ancestry to more than one established Creek ancestor.

No evidence was found that the members of the Poarch Band of Creeks are members of any other Indian tribes or that the tribe or its members have been the subject of Congressional legislation which has expressly terminated or forbidden a relationship with the Federal Government.

A proposed finding that the Poarch Band of Creeks exists as an Indian tribe was published on page 1141 of the Federal Register on January 9, 1984. Interested parties were given 120 days in which to submit factual and legal arguments to rebut the evidence used to support the finding that the Poarch Band of Creeks exists as an Indian tribe.

During this period two comments were received. These comments did not oppose Federal acknowledgment of the Poarch Band of Creeks, but rather took exception to the tribe's designation of ancestors and members who appeared as "Indian" on the tribe's source documents, used for determining tribal membership eligibility, as full-bloods, especially in light of outside historical as well as self-identification as a half-blood or mixed-blood Indian community. Source documents used are an 1870 and two 1900 Federal population census schedules which list individuals as Indian. Comments focused on what was incorrectly perceived by the commentators as the report's acceptance of blood degrees, computed by the tribe for tribal membership purposes, as factual. The tribe made no representations that blood quantum generated were for anything other than tribal membership purposes, neither did the report.

While eligibility for benefits under some Federal statutes is limited to tribal members with a certain blood degree, Federal law imposes no general blood degree requirement for tribal membership. Moreover, Federal regulations for determining eligibility for acknowledgment as a tribe (25 CFR Part 83) do not contain a blood quantum requirement. Blood quantum statistics concerning the Poarch Band of Creeks which are found within the proposed finding, specifically on page 7 of both the memorandum of recommendation

and its attached genealogical technical report, are solely for tribal membership purposes. Once acknowledged under 25 CFR Part 83, the Bureau's Tribal Enrollment staff will provide specific guidance in computing more factual blood quantum of persons named on the tribe's basic membership roll for use in certifying individual members for Federal purposes. Blood quantum computed for tribal purposes may not necessarily agree with those computed for Federal purposes.

No factual evidence not already considered was provided in the two comments received. The comments were considered but were determined to have no effect on the findings of fact or the decision to recommend the tribe for Federal acknowledgment.

The determination is final and will become effective 60 days from the date of publication, unless the Secretary of the Interior requests the determination be reconsidered pursuant to 25 CFR 83.10.

John W. Frits,
Acting Assistant Secretary—Indian Affairs.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Final Determination for Federal Acknowledgment of the Poarch Band of Creeks

June 4, 1984.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.9(h), notice is hereby given that the Assistant Secretary acknowledges that the Poarch Band of Creeks, c/o Mr. Eddie L. Tullis, Route 3, Box 243-A, Atmore, Alabama 36502, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group satisfies the criteria set forth in 25 CFR 83.7.

Evidence indicates that the contemporary Poarch Band of Creeks is a successor of the Creek Nation of Alabama prior to its removal to Indian Territory. The Creek Nation has a documented history back to 1540. Ancestors of the Poarch Band of Creeks began as an autonomous town of half-bloods in the late 1700's with a continuing political connection to the Creek Nation. The Poarch Band remained in Alabama after the Creek Removal of the 1830's, and shifted within a small geographic area until it settled permanently near present-day Atmore, Alabama.

The Band has existed as a distinct political unit since before the Creek War of 1813-14. It was governed by a succession of military leaders and prominent men in the 19th century. From the late 1800's through 1950, leadership was clear but informal. A formal leader was elected in 1950.

The group's bylaws describe how membership is determined and how the