

(5) Federal Register Notice of Proposed Finding

- June 12, 1985

**Notice of Proposed Findings Against
Federal Acknowledgment of the
Tchinouk Indians of Oregon**

May 30, 1985.

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(f) (formerly 25 CFR 54.9(f)), notice is hereby given that the Assistant Secretary proposes to decline to acknowledge that the Tchinouk Indians, c/o Kurleen Parazoo, 5621 Altamont Drive, Klamath Falls, Oregon 97601, exist as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the Tchinouk do not meet four of the criteria set forth in 25 CFR 83.7 and, therefore, do not meet the requirements necessary for a government-to-government relationship with the United States.

The Tchinouk Indians descend from an unknown band or bands of Chinook Indians who inhabited the Columbia River Basin in Oregon and Washington. (For the purpose of this proposed finding Tchinouk should be understood as referring to the petitioning group and Chinook as referring to the aboriginal tribe.) The documented history of the Chinooks began in 1788. The vast majority of the aboriginal population died in an epidemic in the 1830's. The Tchinouk Indians generally trace their Chinook ancestry to two Chinook women who married French-Canadian traders from the Hudson's Bay Company prior to 1830. The specific Chinook band these women were from, or whether they were Lower or Upper Chinook, could not be determined. These individuals settled in the French Prairie region of northwestern Oregon in the 1830's, becoming part of the community of French-Canadians and mixed-bloods. There is no evidence that they formed a distinct Indian community within French Prairie.

By the late 1870's, many of the mixed-blood descendants of these Tchinouk families, along with other mixed-bloods, had migrated to Douglas and Lane Counties in southwestern Oregon. Many settled in an area near Sutherlin, where many Indians and mixed-bloods from different parts of Oregon also settled, and with whom they developed some kinship ties. Shortly after 1900, two of the Tchinouks moved east to the Klamath Indian Reservation in southern Oregon, intermarrying with the local Indian community.

The collection of mixed-blood and Indian families in the Sutherlin area which included the Tchinouk families did not form a distinct Indian community, although many were individually indentified as Indians of one tribe or another. There was no known leadership or other political structure which governed them as a distinct body of people.

Prior to 1957, most of the group members were not identified as being Chinook but rather as being members of other tribal groups, usually Umpqua. They participated in several Indian claims organizations which began in the 1920's which were identified as Umpqua and which included many non-Tchinouk families from the Umpqua Valley region of Douglas County. None of these organizations served as a political entity governing the group's membership. The Tchinouks applied for payment under the Western Oregon judgment fund as Umpqua, Molalla or Calapuya and were rejected in 1957 when their ancestry was determined to be Chinook.

The Tchinouk Indians have only had a formal structure since organizing in 1974 and have only been identified as a Chinook group since that date. The group's constitution and bylaws describe how the membership is determined and how the governing body of the group functions.

Approximately 94 percent of the group's 304 members can document descendency from one or both of the original Chinook ancestors and meet the group's membership criteria. The other 6 percent were found ineligible for membership due to the fact that their ancestry could not be determined or they did not have Chinook ancestry. Only one of the group's members belonged to a recognized tribe.

Detailed research led to the conclusion that the Tchinouk Indians are forbidden the Federal relationship by the Western Oregon Termination Act of 1954. Although not specifically named in the act, the act's broad language applied to them and other non-reservation Indians of Southwestern Oregon. Many members of the Tchinouk received termination services under the act.

Based on this preliminary factual determination, we conclude that the Tchinouk Indians meet criteria d, e, and f, but do not meet criteria a, b, c, or g, of Section 83.7 of the Acknowledgment regulations. Even if it were determined that the Western Oregon Termination Act did not apply to this group, the petitioner would still fail to meet three of the acknowledgment criteria.

Section 83.9(g) of the regulations provides that any individual or organization wishing to challenge the proposed finding may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120 days from the date of publication of this notice.

Under section 83.9(f) of the Federal regulations, a report summarizing the evidence for the proposed decision is available to the petitioners and interested parties upon written request. Comments and requests for a copy of the report should be addressed to the Office of the Assistant Secretary—Indian Affairs, 1951 Constitution Avenue NW., South Interior Building, Room 32, Washington, D.C. 20245, Attention: Branch of Acknowledgment and Research.

After consideration of the written arguments and evidence rebutting the proposed finding and within 60 days after the expiration of the 120-day response period, the Assistant Secretary will publish the final determination regarding the petitioner's status in the Federal Register as provided in § 83.9(h).

Theodore C. Krenzka,
Acting Deputy Assistant Secretary—Indian Affairs.

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