

**(7) Federal Register Notice of Final Determination**

**- May 2, 1985**

**Bureau of Indian Affairs****Final Determination That the United Lumbee Nation of North Carolina and America, Inc., Does Not Exist as an Indian Tribe**

April 19, 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), notice is hereby given that the Assistant Secretary has determined that the United Lumbee Nation of North Carolina and America, Inc., does not exist as an Indian tribe within the meaning of the Federal law. This notice is based on a confirmed determination, following a review of public comments on the proposed finding, that the group does not satisfy five of the seven mandatory criteria set forth in 25 CFR 83.7 and, therefore, does not meet the requirements necessary for a government-to-government relationship with the United States.

Notice of the proposed finding to decline to acknowledge the group was first published on page 14590 of the Federal Register on Thursday, April 12, 1984. Interested parties were given 120 days in which to submit factual or legal arguments to rebut evidence used to support the proposed finding. The initial 120-day comment period was subsequently extended for an additional 120 days from September 7, 1984 when it was discovered that some of the principal parties received incomplete reports. The notice of extended appeared in the Federal Register on November 1, 1984 on page 44024.

During the comment period and its extension, one letter in agreement with the finding was received on July 24, 1984. This letter supported the recommendation against Federal acknowledgment in principle and provided minor corrections to some statements in the proposed finding document. In addition to the letter of support, two reports, one with supporting documents were submitted from the group's leader, Mrs. Eva Reed, challenging the proposed finding. One was received August 13, 1984 and the other January 10, 1985. These reports were carefully considered to determine whether the evidence and arguments would strengthen the group's overall petition for acknowledgment. While these reports did provide information to correct some minor factual errors in the proposed finding, they did not present evidence which would warrant changing the conclusion that the United Lumbee Nation of North Carolina and America, Inc., does not exist as an Indian tribe within the meaning of Federal law.

Neither the original petition nor the later reports submitted by the group demonstrate that a antecedent Lumbee group existed in that part of California or that an organized group of Lumbee ever migrated there. The petitioners could not establish the group's descendency either culturally, politically, or genealogically from any tribe which existed historically in the area.

Evidence presented demonstrate that the group's membership was quite dispersed, and no documentation was provided to show that a substantial portion of the group lives in a distinct community which is recognized as Indian. In addition, no evidence was offered to show that the group exercises any tribal political authority over its members.

The United Lumbee Nation of North Carolina and America, Inc. is a group which can be characterized as a voluntary organization. Members have the option of joining. Prospective members of the United Lumbee Nation are expected to have an interest in Indians and Indian culture and their own membership criteria require 1/2 degree of Indian blood. The group has accepted as members individuals who do not meet the blood degree requirement. United Lumbee Nation members claim to descend from a variety of recognized and unrecognized Indian tribes and groups, including, but not limited to Lumbee. Most claim Cherokee or Choctaw ancestry.

In accordance with 25 CFR 83.8(j) of the acknowledgment regulations, an analysis was made to determine what, if

any, options other than acknowledgment are available under which the United Lumbee Nation could make application for services and other benefits. No viable alternatives could be found due to the group's mixed and uncertain Indian ancestry, the geographical dispersion of its membership, and the group's lack of inherent social and political cohesion and continuity. The conclusion is based on the factual arguments and evidence presented in the group's petition, the group's comments to the proposed finding, and the acknowledgment staff's independent research.

This 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. Fritz,

Deputy Assistant Secretary, Indian Affairs.

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