



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP 21 2005



Mr. Anthony Rivera, Jr.
31411-A La Matanza Street
San Juan Capistrano, California 92675

Dear Mr. Rivera:

This letter summarizes some key issues raised in the August 29, 2005, informal technical assistance (TA) telephone conference between members of the Office of Federal Acknowledgment (OFA) staff and representatives of a group known as the Juaneno Band of Mission Indians, Acjachemen Nation (Petitioner #84A), which included yourself, Fran Yorba, Christopher A. Lobo, and Greg Cervantes to discuss the group's petition. A copy of the agenda of the issues discussed during the TA telephone conference relating to the group's petition is attached. This letter also acknowledges receipt of your August 29, 2005, letter in which the group raised several questions which were addressed in the informal TA meeting.

The informal meeting began with OFA researchers outlining several genealogical issues for the group to address in its petition. These issues included the use of compatible genealogical software, updating of membership information and membership lists, and the submission of sample membership files, and copies of birth, marriage, and death records. Please remember that the updated membership list must be separately certified by all the members of the governing body and complete membership information must contain the complete name (first, middle, and last), maiden name of female married members, residential addresses and birth dates of each member.

Next OFA researchers detailed several historical and documentation issues for demonstrating community and political authority. As part of the necessary documentation, OFA staff stressed the importance of the group researching in and submitting copies of records of annual elections for Indian officials from the mission period, mission marriage registers and marriage certificates to show marriage patterns, censuses to establish residency patterns and identify ancestral households, and local records such as probate records, county deeds, local newspapers, and cemetery lists to obtain additional memberships of members. OFA researchers also advised the group to be aware of problems related to the use of the 1846 census at San Juan Capistrano, altered entries in the San Juan Capistrano mission baptismal register, and of abstracting accurate information from other mission sources, such as marriage and burial registers. In addition, OFA staff suggested the group provide its current council minutes and governing documents.

Your letter dated August 29, 2005, posed several questions described and answered below.

A. Due to the fact that California has a history of dealing with tribes differently than other parts of the United States, what primary historical documents are required or not required by the OFA during the period of 1850 to the present?

The regulations do not specify what types of primary historical documents a petitioner is required to submit. Under criterion 83.7(a), the regulations list some types of evidence that may be relied upon in demonstrating external identification of the group since 1900 (see 83.7(a)(1)-(6)). For criteria 83.7(b) and (c), the regulations state that the existence of community and political influence shall be demonstrated on a substantially continuous basis from first sustained contact with non-Indians throughout the group's history to the present. The petitioner is encouraged to review the regulations under 83.7(b)(1) and (2) and 83.7(c)(1) and (2) for further details on the combinations of various types of evidence that might show community and political influence. Criterion 83.7(e) requires that the petitioner's membership consists of individuals who descend from a historical tribe or tribes which combined and functioned as an autonomous single political entity. The petitioner should review the types of evidence acceptable to the Secretary which can be used for this purpose (83.7(e)(1)). During the informal technical assistance review, OFA researchers also described other records that might be useful evidence such as mission election records, mission baptismal, marriage and burial records and certificates, local records, and Federal and state censuses.

B. As it relates to the genealogy of the Juaneno Tribe, please identify the time period which is being requested? The level of documentation being requested as proof and the relevance of California 1928/1933 Judgment Rolls, the mission registers of death, marriage and baptismal and the genealogy records dating back to the villages?

As stated above, Criterion 83.7(e) requires that the petitioner's membership consists of individuals who descend from a historical tribe or tribes which combined and functioned as an autonomous single political entity. The petitioner should review the types of evidence acceptable to the Secretary which can be used for this purpose (83.7(e)(1)). During the informal TA review, OFA researchers also described other records from the 18th century onward that may be useful evidence such as mission marriage registers, mission baptismal, marriage and burial certificates, and Federal and state censuses.

C. What is the significance and importance of the certified Bureau of Indian Affairs Certificate of Degree of Indian Blood?

It is one piece of supporting evidence that may be useful in helping to demonstrate criterion 83.7(e).

D. What is the projected notification date of Petition 84A moving into active status within the month of September 2005?

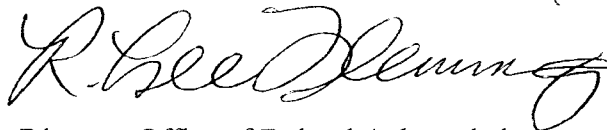
OFA expects to place the petitioner on active consideration sometime in September 2005. No exact date has yet been decided, but the petitioner and interested and informed parties will be informed in writing when the date has been determined.

E. To assist the tribe in fully complying with the Federal Recognition process we are requesting that you provide the tribe with a copy of current OFA administrative, policy and guidelines which govern the authority and provisions of your office (including but not limited to the OFA solicitor's) relative to the Federal recognition process.

OFA's procedures are set forth in 25 CFR Part 83, *Procedures for Establishing that an American Indian Group Exists as an Indian Tribe*. A copy of those regulations is enclosed as well as a copy of OFA's guidelines.

Should you have further questions, please contact the Office of Federal Acknowledgment at 1951 Constitution Avenue, N.W., MS: 34B-SIB, Washington, D.C. 20240; (202) 513-7650.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Lee Fleming".

Director, Office of Federal Acknowledgment

Enclosures: August 29, 2005, Agenda
Copy of Regulations
Copy of Guidelines

cc: Interested and Informed Parties