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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

IN REPLY REFER TO:

Tribal Government Services - AR

APR 6 1988

MAF 1 1988

Ms. Margaret Mathews
Post Office Box 213
Fort Dick, California 95538

Dear Ms. Mathews:

The Branch of Acknowledgment and Research has completed its initial review for obvious deficiencies and significant omissions in the Tolowa Nation's petition for Federal acknowledgment. The initial review of a petition for obvious deficiencies and significant omissions is required by Section 83.9(b) of Part 83 of Title 25 of the Code of Federal Regulations. The obvious deficiencies letter is a requirement which is provided for in the regulations to insure that a petitioner is not rejected because of technical problems in the petition and that the group's status will be considered on its merits. The letter does not constitute any evidence that a positive conclusion has been or will be reached on the petition, or on the portions of it not discussed in the letter. Nor does the fact that a petitioner responds to the obvious deficiencies review imply in any way that the group has met the seven mandatory criteria by simply submitting additional data. The obvious deficiencies review of the petition merely provides the petitioner the opportunity to submit additional information or clarification prior to the actual active consideration period, at which time the petition will be thoroughly reviewed and evaluated to determine whether the group is entitled to be acknowledged as an Indian tribe.

In the numbered paragraphs which follow we will discuss the areas where we feel additional documentation and/or discussion would strengthen or clarify your petition. We have indicated those areas which we feel are critical to the success of your petition as well as those where information requested would be important to have but is not critical. Critical means the success of your petition may hinge on this information; therefore, it is in your best interest to provide the information if at all possible.

Critical to the Success of the Petition

1. The documented petition does not make clear whether the "Tolowa Nation" is a group independent from Elk Valley Rancheria and Smith River Rancheria. If the petitioning group is a separate entity from the Elk Valley and Smith River rancherias and has a history of independent status from these rancherias, it is critical that you provide us with a documented history of the Tolowa's political organization and their community which demonstrates this separateness. The history should demonstrate how the independent Tolowa group relates to and interacts with the Elk Valley and Smith River rancherias.

2. It is also critical that we have information about the group's current community. Most of the description of the community in the petition narrative ceases with events in the 1920's to 1940's. In order to evaluate the Tolowa Nation under criterion b, we will need a detailed description of the current community and political system as it has existed for the past ten years. This description should include activities which promote and maintain group solidarity and cohesiveness, and distinction from non-members. It is critical that the petition include a description of both the formal and informal processes by which group cohesion is and has been maintained within the Tolowa community. For example, what events or activities (such as the Nah Dosh dances) have served to bring members from various locales together? In what other ways do members of the group interact as a group? What, if any, events or activities have been exclusive to group members as distinct from other Indian and non-Indian people in the area?

3. Any available documentation regarding the receipt by group members of Federal services as Indians from the Indian Health Service, the Department of Education, the Department of Housing and Urban Development, etc., would be valuable to the petition. Similarly, any documentation of members' attendance at Federal Indian schools at Chemawa, Riverside, Hoopa or elsewhere would also be considered valuable.

4. The petition should also describe the relationship with and any overlap in goals, membership and leadership, both now and in the past, between such organizations as the Howonquet Community Council, the Nelechundun Business Council, the Del Norte Indian Welfare Association, and the Tolowa-Tututni and Tolowa Nation councils.

5. How has communication been maintained between members in the various settlements in Del Norte County, and between this group and the estimated 36 percent of members who live outside the original land base? The petitioner needs to provide a description of visiting patterns between members and should also provide examples of interfamily gatherings or cooperative activities.

6. Please describe the extent of both current and historic group participation (i.e., the number or percentage of group members active and involved) in the annual harvest dances and other ceremonies, the services and other functions of the Methodist and Indian Shaker churches at Smith River, and the meetings and other activities of the Del Norte County Indian Welfare Association and other such group organizations?

7. On page 494 the petition states that the record of the Del Norte Indian Welfare Association (DNIWA) "is provided, complete, as an appendix in a reduced format." No such document was found. If at all possible please provide a xerox copy of the "General Ledger for 1949-1969." We would prefer to view the cited ledger in xeroxed rather than abstracted form. We would also like to have photocopies of the 1968, 1969, and 1970 DNIWA membership rolls referred to at the end of page 494 in the petition. If any additional supporting documents can be supplied relating to the Del Norte Indian Welfare Association, they could be very important to a correct understanding of the organization's interrelationship with the Tolowa Nation.

8. The petition contains a 14-page list of names entitled "Preliminary Tolowa Nation Base Roll." In order to correctly evaluate this roll, we need answers to the following questions:

- a. When, by whom and for what purpose was this preliminary roll prepared?
- b. What significance should we attach to the annotation of some persons as "current enrollees?"
- c. What significance should we attach to persons who were not annotated as "current enrollees?"

9. Several specific questions regarding the "1983 Tribal Roll of the Tolowa Nation" appear as an enclosure to this letter. Please review this enclosure and provide the information and/or documentation requested.

Important to the Petition (but not critical to its success)

10. Page 30 of the petition refers to a Tolowa Constitution of 1984. Please provide a copy. Also on page 30 is a reference to "historic, recorded affidavits of membership" in the tribe's possession. We would like to see photocopies of a representative sample of these affidavits and would also like to know how many affidavits you have.

11. The petition lists numerous local newspaper articles about the Tolowa and their activities. Since newspaper articles are not readily available to us, it would be helpful if you could submit a representative sample of these articles.

12. Although some meeting minutes were supplied with the petition, we would like a more representative sample of the minutes of meetings of the governing body and the group as a whole. We are especially interested in the minutes of the July 23, 1983, meeting at which formal elections are said to have been held and a constitution adopted. In general, minutes which record discussions and/or voting on the group's past and present governing documents and on other issues of particular significance to the group as a whole are important.

In addition to the minutes of the July 23, 1983, meeting, we also need a copy of the constitution and bylaws said to have been adopted. The constitutional document submitted with the petition is incomplete and unexecuted and includes no bylaws.

13. Among the petition materials was a two-page list of names, some with addresses and some without, prepared on 8-1/2 x 14" paper (copy enclosed). Please explain when, by whom, and for what purpose this list was prepared.

14. On page 87 of the petition there is reference to a cluster or community of Tolowa people on "B" Street in Crescent City in 1913. Although not critical to the Tolowa petition, we would like to have more description of this group of people and the surrounding area.

15. Finally, there are several annotations in the bibliographies which make reference to "Valory 1971," yet there is no separate citation for this work. Please provide a complete reference for this publication. In addition, we request that the petitioner provide copies of the following petition

references, which are either unaccessible or not easily accessible to our staff:

BICKEL (-QUICK), Polly M.

1979 A Study of Cultural Resources in Redwood National Park. National Park Service.

BOMMELYN, L., et. al.

1984 The Tolowa Language. Arcata, CA.

DEL NORTE COUNTY INDIAN WELFARE ASSOCIATION

1949-69 Ledger Books.

HAMPSON, R. Paul

1977 Letter.

HEFFNER, Kathy

1982 Cultural Resource Interviews for Proposed California Nickle Corporation Mining Project: Gasquet, California. Eureka, CA: U.S. Forest Service. This work is referenced on page 100 of the petition, but does not appear in either bibliography.

HOOD, Joe. D. and Pamela MCGUIRE

1981 The Lake Earl/Tolowa Project: Inventory of Features (Cultural Resources). California Department of Parks and Recreation.

MERRIAM, Donald S.

1910-38 Unpublished Tolowa fieldnotes and vocabulary from the Archives of the University of California, Berkeley.

METHODIST-EPISCOPAL INDIAN MISSION, SMITH RIVER (GUSCHU HALL)

1910-46 Handwritten unpublished records and yearly reports.

SMITH RIVER 1910 SHAKER CHURCH OF WASHINGTON

1928-85 Unpublished records in the possession of A. L. Slagle.

We would appreciate having an opportunity to review any of the research fieldnotes that Mr. Slagle might be willing to share with us.

With the requested documentation, the Acknowledgment staff can fully evaluate the petition when it is placed on active consideration. The staff's research during active consideration is for the purpose of verifying and/or elaborating on an already complete petition. The Acknowledgment staff may be unable to do the research necessary to fill in gaps in the petition on behalf of the petitioner to the extent they have done in the past.

We suggest that the group keep its membership list current by recording new births and deaths which will take place in the interim between September 27, 1986 (the date of the list submitted with petition), and the date the petition is placed on active consideration. When the group is notified that their petition is being placed on active consideration, a supplemental list should be submitted to be attached to the official "1983 Tribal Roll of the Tolowa Nation, amended September 27, 1986." This list should include those additions to the membership, such as newborn infants, who are considered to be members and those individuals who were inadvertently omitted from the roll

submitted with the petition. The supplemental list should also note those members on the group's official roll who are deceased. If recognized, the list of members submitted for acknowledgment purposes will become the group's base roll for Bureau purposes and, as such, will be binding on the group for some time to come, except for minor corrections.

Once the Branch of Acknowledgment and Research has received the requested materials, the staff will review the materials in order to determine whether the materials submitted sufficiently respond to the obvious deficiency letter. The Acknowledgment staff will be in touch with you by telephone to discuss the information requested above. They will be happy to answer any questions you may have at that time. Should additional data be needed or questions arise in the future as a result of on-going research during active consideration, we reserve the right to request this information. Should you have any questions regarding this letter and the information that has been requested, please contact Michael Lawson of the Acknowledgment staff by writing him care of Bureau of Indian Affairs, Branch of Acknowledgment and Research, Mail Stop 1352-MIB, 18th and C Streets, N.W., Washington, D.C. 20240. Please note that there has been a recent change in our address.

Sincerely,

Signed Hazel E. Ebert
Deputy to the Assistant Secretary -
Indian Affairs (Tribal Services)

Enclosures

cc: Al Logan Slagle
Russell Thornton
Sacramento Area Office
Hoopa Valley Agency
Pat Simmons

cc: Surname:Chron:400:440RF:440B
Holdup:LMCMILLION:jrb:3/31/88:x3568 - odtolowa/g