

(7) Federal Register Notice of Final Determination

- December 24, 1997

Unsuitable Properties**Buildings (by State)****Guam**

Bldg. 609

Naval Forces Marianas

ComNavMar Co: Waterfront Annex GU
96540-0051

Landholding Agency: Navy

Property Number: 779740085

Status: Unutilized

Reason: Secured Area Extensive deterioration

Bldg. 611

Naval Forces Marianas

ComNavMar Co: Waterfront Annex GU
96540-0051

Landholding Agency: Navy

Property Number: 779740086

Status: Unutilized

Reason: Secured Area Extensive deterioration

North Carolina

Bldg. 45, Camp Lejeune

Camp Lejeune Co: Onslow NC 28542-0004

Landholding Agency: Navy

Property Number: 779740087

Status: Excess

Reason: Secured Area Extensive deterioration

Bldg. 420, Camp Lejeune

Camp Lejeune Co: Onslow NC 28542-0004

Landholding Agency: Navy

Property Number: 779740088

Status: Excess

Reason: Secured Area Extensive deterioration

Bldg. TP463, Camp Lejeune

Camp Lejeune Co: Onslow NC 28542-0004

Landholding Agency: Navy

Property Number: 779740089

Status: Excess

Reason: Secured Area Extensive deterioration

Ohio

Newtown Fish Toxicology

3411 Church Street

Newton Co: Hamilton OH 44244-

Landholding Agency: GSA

Property Number: 549740019

Status: Excess

Reason: Within 2000 ft. of flammable or
explosive material within airport runway
clear zone

GSA Number: 1-Z-OH-806

[FR Doc. 97-33503 Filed 12-23-97; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

RIN 1018-

**Endangered and Threatened Wildlife
and Plants; Extension of Comment
Period for Draft Conservation
Agreement for the Wasatch Front and
West Desert Populations (Utah) of
Spotted Frog (*Rana luteiventris*)****AGENCY:** Fish and Wildlife Service,
Interior.**ACTION:** Extension of comment period.

SUMMARY: The Fish and Wildlife Service announces an extension of the public review and comment period for the Draft Conservation Agreement for the spotted frog (*Rana luteiventris*) in Utah. The Service announced the availability of the draft Conservation Agreement for the Wasatch Front and West Desert populations (Utah) of spotted frog for review and comment on November 28, 1997 (62 FR 63375). The original comment period requested comments be received on or before December 29, 1997. On December 16, 1997, the Service received an official request for an extension of the comment period to the week of January 13, 1998.

DATES: Comments on the Draft Conservation Agreement must now be received on or before January 16, 1998, to be considered by the Service during preparation of the final conservation agreement and prior to the Service's determination whether it will be a signatory party to the agreement.

ADDRESSES: Persons wishing to review the Draft Conservation Agreement may obtain a copy by contacting the Field Supervisor, U.S. Fish and Wildlife Service, 145 East 1300 South, Suite 404, Salt Lake City, Utah 84115. Written comments and materials regarding the Draft Conservation Agreement should also be directed to the same address. Comments and written materials will be available upon request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Reed E. Harris, Field Supervisor (see ADDRESSES section) (telephone 801/524-5001).

SUPPLEMENTARY INFORMATION: The spotted frog (*Rana luteiventris*) is a candidate for Federal listing pursuant to the Endangered Species Act of 1973, as amended. In 1989 the Service received a petition from the Board of Directors of the Utah Nature Study Society requesting that the Service add the spotted frog (then referred to as *Rana pretiosa*) to the List of Threatened and Endangered Species. The Service subsequently published a notice of a 90-day finding in the Federal Register (54 FR 42529) on October 17, 1990, and a notice of a 12-month petition finding in the Federal Register (58 FR 27260) on May 7, 1993. In the 12-month petition finding the Service found that listing of the spotted frog as threatened in some portions of its range was warranted but precluded by other higher priority listing actions.

Shortly after the 12-month petition finding the Utah Department of Natural Resources began development of a

Conservation Agreement, working cooperatively with other agencies, in an effort to reduce the threats affecting the spotted frog.

Public Comments Solicited

The Service will use information received in its determination on whether it should be a signatory party to the agreement. Comments or suggestions from the public, other concerned government agencies, the scientific community, industry, or any other interested party concerning this draft document are hereby solicited. All comments and materials received will be considered prior to the approval of any final document.

Author

The primary author of this notice is Janet A. Mizzi, Utah Field Office (see ADDRESSES section) (telephone 801/524-5001).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the Fish and Wildlife Act of 1956, the Fish and Wildlife Service Coordination Act of 1964, and the National Memorandum of Understanding (94(SMU-056)).

Dated: December 18, 1997.

Ralph O. Morgenweck,

Regional Director, Denver, Colorado.

[FR Doc. 97-33538 Filed 12-23-97; 8:45 am]

BILLING CODE 4310-65-M

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Final Determination Against Federal
Acknowledgment of the Mobile-
Washington County Band of Choctaw
Indians of South Alabama (MOWA)**

AGENCY: Bureau of Indian Affairs,
Interior.

ACTION: Notice of Final Determination.

SUMMARY: This notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs (Assistant Secretary) by 209 DM 8.

Notice is hereby given that the Assistant Secretary declines to acknowledge that the Mobile—Washington County Band of Choctaw Indians of South Alabama (MOWA), 1080 West Red Fox Road, Mt. Vernon, Alabama 36560, exists as an Indian tribe within the meaning of Federal law. This notice is based on the determination that the group does not satisfy one of the mandatory criteria set forth in 25 CFR

83.7, namely criterion 83.7 (e). Therefore, the MOWA do not meet the requirements necessary for a government-to-government relationship with the United States, 25 CFR 83.10 (m).

DATES: This determination is final and is effective 90 days after publication in the Federal Register, unless a request for reconsideration is filed with the Interior Board of Indian Appeals (IBIA) by the petitioner or any interested party no later than 90 days after publication, 25 CFR 83.11.

FOR FURTHER INFORMATION CONTACT: Holly Reckord, Chief, Branch of Acknowledgment and Research, (202) 208-3592. A request for a copy of the report which summarizes the evidence and analyses that are the basis for this Final Determination should be addressed to the Bureau of Indian Affairs, Branch of Acknowledgment and Research, 1849 C Street NW, Mailstop 4603-MIB, Washington, D.C. 20240, or is available at www.doi.gov/bia/ack_res.html.

SUPPLEMENTARY INFORMATION: The MOWA submitted a documented petition on April 28, 1988, and received an "obvious deficiency review" (OD) from the Bureau of Indian Affairs (BIA) dated February 15, 1990. On November 8, 1991, the MOWA responded to the OD review and on November 19, 1991, the petition was placed on the "ready" list of petitioners waiting to be placed on active consideration. The AS-IA's investigation of the petition and response to the OD review found little or no evidence that the petitioner can meet criterion (e) of 83.7, descent from a historical tribe or from historical tribes which combined and functioned as a single autonomous political entity. Under 25 CFR 83.10 (e) of the Federal acknowledgment regulations, an expedited Proposed Finding may be issued by the Assistant Secretary when there is little or no evidence that the petitioner can meet one of the mandatory criteria (e), (f), or (g) of 83.7. Expedited findings may only be done after the petition is complete and before the petition has been placed on active consideration. A notice of the expedited Proposed Finding to decline to acknowledge the MOWA was published in the Federal Register on January 5, 1995 (60 FR 1874).

The Proposed Finding found that the petitioner clearly did not meet the requirements of criterion 83.7 (e), descent from a historical tribe. To make a Proposed Finding under 83.10 (e), the burden of proof is on the Government to show that the petitioner clearly does not meet the criterion. The Proposed

Finding demonstrated that the MOWA clearly did not meet criterion 83.7 (e), thus meeting the burden of proof required of the Government for making a Proposed Finding under 83.10 (e).

Once the Proposed Finding has been issued, however, the burden of proof shifts to the petitioner for rebuttal. The standard of proof which must be met in the petitioner's response to the Proposed Finding is a lesser one, the "reasonable likelihood of the validity of the facts" standard described in 25 CFR 83.6, the same standard used for all acknowledgment determinations. If, in its response to the Proposed Finding, the petitioner can show that it meets the "reasonable likelihood of the validity of the facts" standard, and thus demonstrates descent from a historical tribe, or historical tribes which amalgamated, then the BIA will undertake a full review of the petition under all seven of the mandatory criteria. However, the MOWA's response to the Proposed Finding did not establish under the "reasonable likelihood of the validity of the facts" standard that the MOWA met criterion 83.7 (e). No new evidence was submitted or found which rebutted the conclusions of the Proposed Finding. Therefore, the MOWA response did not trigger a BIA evaluation of the MOWA petition under all seven mandatory criteria.

The Final Determination is based upon a new analysis of all the information in the record. This includes the information available for the Proposed Finding, the information submitted by the petitioner in its response to the Proposed Finding, and new evidence collected by the BIA researchers for evaluation purposes. Interested and informed parties did not submit evidence during the comment period. Two individuals submitted comments after the close of the response period, which were not considered in the preparation of the final determination in accord with 25 CFR 83.10 (l) (1). Also, numerous form letters were received out of time and all were transmitted to the Solicitor's office for retention for transmittal to the IBIA or the AS-IA in the event of a remand. None of the evidence submitted by the petitioner or located by the BIA during the evaluation process demonstrates that the core ancestors of the MOWA were Choctaw or of other Indian ancestry.

Initially the petitioner claimed descent from six historical Indian tribes: Apache, Cherokee, Chickasaw, Choctaw, Creek, and Houma. In its Response to the Proposed Finding, the petitioner continued to claim ancestry only from

the historical Choctaw, Cherokee, and Creek tribes and narrowed its core ancestors from 30 to 5 individuals. The petitioner submitted additional evidence on four of the five of these ancestors from whom it claimed descent. The BIA searched for evidence, but could not locate any evidence connecting these four claimed core ancestors to the Choctaw or to any other historical tribe. Neither the petitioner nor the BIA found documentation acceptable to the Secretary that the core ancestors claimed to be Indian by the MOWA, were descendants of the historical Choctaw tribe or any other Native American tribe.

The BIA found that all the MOWA members descend from two core families that resided in southwestern Alabama by about 1830. Neither these two families nor their ancestors were found to be members of a historical tribe of American Indians, or of tribes which had combined and functioned as a single American Indian entity. The extensive evidence on these two families either does not support, or in part disproves, Indian ancestry. Only one percent of the petitioner's membership could document any American Indian ancestry through the fifth core ancestor (see above) whose lines married into the families in the late 1880's and early 1900's. Except for this one percent, Indian records for Alabama do not include the known ancestors of the petitioner. There was no evidence in the substantial body of documentation submitted by the petitioner, or in the independent research by the BIA, to demonstrate Choctaw ancestry or any other Indian ancestry for 99% of the petitioner's membership. Thus, the petitioner fails to meet criterion (e), descent from a historical tribe.

The Proposed Finding concluded that the petitioner's claim that its members descended from "full and mixed blood Choctaws, Creeks, Cherokees, and Chickasaws who avoided removal West during the Indian removal in the 1830's" is not valid. The AS-IA found that:

- (1) The petitioner's core ancestral families did not have documented American Indian ancestry;
- (2) The actual MOWA progenitors from the 1880's were not documented as descendants of the known, removal-era, Indians claimed by the petitioner; and
- (3) Many of the persons in the early 19th century "founding Indian community" claimed by the petitioner were not demonstrated to be Choctaw, or even American Indian.

(4) Only one percent of the petitioner's membership can document American Indian ancestry.

In its response to the Proposed Finding, the petitioner submitted evidence including letters, photographs, interviews, school/church records, published secondary sources, newspaper/journal articles, court documents, Federal documents, land records, maps, and time lines. Every piece of evidence submitted was reviewed and it is concluded that:

(1) Some of the evidence was either irrelevant to criterion 83.7(e) because it did not demonstrate genealogical descent from four claimed ancestors or descent from any historical tribe;

(2) Much of the evidence was oral history and was unreliable when tested. Much of the evidence was found to be unsubstantiated by primary documentation; and

(3) The evidence did not connect known MOWA ancestors to the individuals whom the MOWA claimed were Native American or to a historical Indian tribe.

(4) The evidence disproved Indian ancestry to some of the MOWA ancestors.

The BIA searched for evidence on the local, state, and national levels. The core ancestors of the petitioning group are known. None of the primary records demonstrated that these documented, known core ancestors were American Indian, or were descendants of a historical tribe. The BIA also searched the records of the historical tribes which the petitioner claimed and found no connection between the MOWA core ancestors and these historical tribes.

The MOWA response to the Proposed Finding offered no basis for reversing the conclusions of the Proposed Finding against Federal acknowledgment of the MOWA. The evidence in the record does not support the petitioner's claim that it descends from a historical tribe. The record does not provide substantive evidence or any reason to believe that additional research might uncover such evidence. The MOWA petitioner has not demonstrated by a "reasonable likelihood of the validity of the facts" standard that it meets the requirements of criterion 83.7(e). There is thus no need to complete a full evaluation of the documented petition under all seven of the mandatory criteria. The petitioner fails to meet the requirements for Federal acknowledgment as an Indian Tribe.

The Proposed Finding which declined to acknowledge that the petitioner is an Indian tribe is affirmed. This determination is final and will become effective 90 days from the date of

publication unless the petitioner or any interested party files a request for reconsideration of this determination with the Interior Board of Indian Appeals (83.11(a)(1)). The petitioner's or interested party's request must be received no later than 90 days after the publication of the Assistant Secretary's determination in the Federal Register (83.11(a)(2)).

Dated: December 17, 1997.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 97-33532 Filed 12-23-97; 8:45 am]

BILLING CODE 4310-02-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Availability and Public Comment Period on Supplemental Analysis to Environmental Assessment No. CA-069-EA7-42; Tritium and Related Materials Testing on Public Lands in Ward Valley, San Bernardino County, CA

AGENCY: Bureau of Land Management.

ACTION: Public comment period on Supplemental Analysis.

SUMMARY: The Department of the Interior (DOI), Bureau of Land Management (BLM) has prepared a Supplemental Analysis on simultaneous drilling activities by DOI/BLM and the State of California, Department of Health Services, and on related issues.

EFFECTIVE DATE: Public comments on the Supplemental Analysis must be received by January 9, 1998.

ADDRESSES: Copies of the Supplemental Analysis may be obtained upon request. Submit requests to: External Affairs Staff, Bureau of Land Management, California Desert District, 6221 Box Springs Blvd., Riverside, CA 92507; or to: External Affairs Staff, Bureau of Land Management, California State Office, 2135 Butano Drive, Sacramento, California 95825. The EA is also available on the Internet at: www.ca.blm.gov.

SUPPLEMENTARY INFORMATION: DOI and BLM prepared an Environmental Assessment, EA No. CA-069-EA7-42, on proposed tritium and related materials testing and a proposal by the State of California to conduct rainfall infiltration studies. The EA was released for public review on November 6, 1997. Since the initial EA was released, new information has become available that is relevant to the DOI/BLM and State proposals. Specifically, a simultaneous drilling alternative is under

consideration, and more information concerning unexploded military ordnance on site has become available. These topics are analyzed in the Supplemental Analysis which is being distributed for public review through January 9, 1998.

FOR FURTHER INFORMATION CONTACT:

Ward Valley Project Coordinator Bureau of Land Management, California State Office, 2135 Butano Drive, Sacramento, California 95825; tel: (916) 978-4630.

Carl Rountree,

Deputy State Director, Natural Resources.

[FR Doc. 97-33544 Filed 12-23-97; 8:45 am]

BILLING CODE 4310-40-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-910-0777-61-241A]

State of Arizona Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Arizona Resource Advisory Council Meeting, notice of meeting.

SUMMARY: This notice announces a tour and meeting of the Arizona Resource Advisory Council. The tour and meeting will be held January 23-24, 1998 in Safford, Arizona. On January 23, the RAC will tour a grazing allotment along the Gila River and discuss various issues involved in the Safford Field Office Livestock Grazing Biological Opinion. The tour will start at 8:00 a.m. from the BLM Safford Field Office and will conclude at 5:00 p.m. The Safford Field Office is located at 711 14th Avenue. On January 24, the RAC will conduct a one-day business meeting. Again, the meeting will be held at the Safford Field Office, starting at 8:00 a.m. until approximately 2:00 p.m. The agenda items to be covered at the meeting include review of previous meeting minutes; BLM State Director's Update on legislation, regulations and statewide planning efforts; Update on Safford and Tucson Biological Opinions; Presentation on a study performed on the Gila River Watershed and its Runoff; and Reports by the Standards and Guidelines, Recreation and Public Relations Working Groups; Reports from RAC members; RAC Discussion on future meeting dates and locations. A public comment period will take place at 11:30 a.m. January 24, 1998 for any interested publics who wish to address the Council.

FOR FURTHER INFORMATION CONTACT:

Deborah Stevens, Bureau of Land

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Final Determination Against Federal Acknowledgment of the Mobile - Washington County Band of Choctaw Indians of South Alabama (MOWA)

AGENCY: Bureau of Indian Affairs, Interior

ACTION: Notice of Final Determination

SUMMARY: This notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary - Indian Affairs (Assistant Secretary) by 209 DM 8.

Notice is hereby given that the Assistant Secretary declines to acknowledge that the Mobile - Washington County Band of Choctaw Indians of South Alabama (MOWA), 1080 West Red Fox Road, Mt. Vernon, Alabama 36560, exists as an Indian tribe within the meaning of Federal law. This notice is based on the determination that the group does not satisfy one of the mandatory criteria set forth in 25 CFR 83.7, namely criterion 83.7 (e). Therefore, the MOWA do not meet the requirements necessary for a government-to-government relationship with the United States, 25 CFR 83.10 (m).

DATES: This determination is final and is effective 90 days after publication in the **Federal Register**, unless a request for reconsideration is filed with the Interior Board of Indian Appeals (IBIA) by the petitioner or any interested party no later than 90 days after publication, 25 CFR 83.11.

FOR FURTHER INFORMATION CONTACT: Holly Reckord, Chief, Branch of Acknowledgment and Research, (202) 208-3592. A request for a copy of the report which summarizes the evidence and analyses that are the basis for this Final Determination should be

addressed to the Bureau of Indian Affairs, Branch of Acknowledgment and Research, 1849 C Street NW, Mailstop 4603-MIB, Washington, D.C. 20240, or is available at www.doi.gov/bia/ack_res.html.

SUPPLEMENTARY INFORMATION: The MOWA submitted a documented petition on April 28, 1988, and received an "obvious deficiency review" (OD) from the Bureau of Indian Affairs (BIA) dated February 15, 1990. On November 8, 1991, the MOWA responded to the OD review and on November 19, 1991, the petition was placed on the "ready" list of petitioners waiting to be placed on active consideration. The AS-IA's investigation of the petition and response to the OD review found little or no evidence that the petitioner can meet criterion (e) of 83.7, descent from a historical tribe or from historical tribes which combined and functioned as a single autonomous political entity.

Under 25 CFR 83.10 (e) of the Federal acknowledgment regulations, an expedited Proposed Finding may be issued by the Assistant Secretary when there is little or no evidence that the petitioner can meet one of the mandatory criteria (e), (f), or (g) of 83.7. Expedited findings may only be done after the petition is complete and before the petition has been placed on active consideration. A notice of the expedited Proposed Finding to decline to acknowledge the MOWA was published in the **Federal Register** on January 5, 1995 (60 FR 1874).

The Proposed Finding found that the petitioner clearly did not meet the requirements of criterion 83.7 (e), descent from a historical tribe. To make a Proposed Finding under 83.10 (e), the burden of proof is on the Government to show that the petitioner clearly does not meet the criterion. The Proposed Finding demonstrated that the MOWA clearly did not meet criterion 83.7 (e), thus meeting the burden of proof required of the Government for making a Proposed Finding under 83.10 (e).

Once the Proposed Finding has been issued, however, the burden of proof shifts to the petitioner for rebuttal. The standard of proof which must be met in the petitioner's response to the Proposed Finding is a lesser one, the "reasonable likelihood of the validity of the facts" standard described in 25 CFR 83.6, the same standard used for all acknowledgment determinations. If, in its response to the Proposed Finding, the petitioner can show that it meets the "reasonable likelihood of the validity of the facts" standard, and thus demonstrates descent from a historical tribe, or historical tribes which amalgamated, then the BIA will undertake a full review of the petition under all seven of the mandatory criteria. However, the MOWA's response to the Proposed Finding did not establish under the "reasonable likelihood of the validity of the facts" standard that the MOWA met criterion 83.7 (e). No new evidence was submitted or found which rebutted the conclusions of the Proposed Finding. Therefore, the MOWA response did not trigger a BIA evaluation of the MOWA petition under all seven mandatory criteria.

The Final Determination is based upon a new analysis of all the information in the record. This includes the information available for the Proposed Finding, the information submitted by the petitioner in its response to the Proposed Finding, and new evidence collected by the BIA researchers for evaluation purposes. Interested and informed parties did not submit evidence during the comment period. Two individuals submitted comments after the close of the response period, which were not considered in the preparation of the final determination in accord with 25 CFR 83.10 (1) (1). Also, numerous form letters were received out of time and all were transmitted to the Solicitor's office for retention for transmittal to the IBLA or the AS-LA in the event of a remand. None of the evidence submitted by the petitioner or located by the BIA during

the evaluation process demonstrates that the core ancestors of the MOWA were Choctaw or of other Indian ancestry.

Initially the petitioner claimed descent from six historical Indian tribes: Apache, Cherokee, Chickasaw, Choctaw, Creek, and Houma. In its Response to the Proposed Finding, the petitioner continued to claim ancestry only from the historical Choctaw, Cherokee, and Creek tribes and narrowed its core ancestors from 30 to 5 individuals. The petitioner submitted additional evidence on four of the five of these ancestors from whom it claimed descent. The BIA searched for evidence, but could not locate any evidence connecting these four claimed core ancestors to the Choctaw or to any other historical tribe. Neither the petitioner nor the BIA found documentation acceptable to the Secretary that the core ancestors claimed to be Indian by the MOWA, were descendants of the historical Choctaw tribe or any other Native American tribe.

The BIA found that all the MOWA members descend from two core families that resided in southwestern Alabama by about 1830. Neither these two families nor their ancestors were found to be members of a historical tribe of American Indians, or of tribes which had combined and functioned as a single American Indian entity. The extensive evidence on these two families either does not support, or in part disproves, Indian ancestry. Only one percent of the petitioner's membership could document any American Indian ancestry through the fifth core ancestor (see above) whose lines married into the families in the late 1880's and early 1900's. Except for this one percent, Indian records for Alabama do not include the known ancestors of the petitioner. There was no evidence in the substantial body of documentation submitted by the petitioner, or in the independent research by the BIA, to demonstrate Choctaw ancestry or any other Indian ancestry for 99% of the petitioner's membership. Thus, the petitioner fails to meet criterion (e), descent from a historical tribe.

The Proposed Finding concluded that the petitioner's claim that its members descended from "full and mixed blood Choctaws, Creeks, Cherokees, and Chickasaws who avoided removal West during the Indian removal in the 1830's" is not valid. The AS-IA found that:

- (1) The petitioner's core ancestral families did not have documented American Indian ancestry;
- (2) The actual MOWA progenitors from the 1880's were not documented as descendants of the known, removal-era, Indians claimed by the petitioner; and
- (3) Many of the persons in the early 19th century "founding Indian community" claimed by the petitioner were not demonstrated to be Choctaw, or even American Indian.
- (4) Only one percent of the petitioner's membership can document American Indian ancestry.

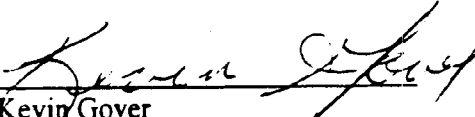
In its response to the Proposed Finding, the petitioner submitted evidence including letters, photographs, interviews, school/church records, published secondary sources, newspaper/journal articles, court documents, Federal documents, land records, maps, and time lines. Every piece of evidence submitted was reviewed and it is concluded that:

- (1) Some of the evidence was either irrelevant to criterion 83.7 (e) because it did not demonstrate genealogical descent from four claimed ancestors or descent from any historical tribe;
- (2) Much of the evidence was oral history and was unreliable when tested. Much of the evidence was found to be unsubstantiated by primary documentation; and
- (3) The evidence did not connect known MOWA ancestors to the individuals whom the MOWA claimed were Native American or to a historical Indian tribe.
- (4) The evidence disproved Indian ancestry to some of the MOWA ancestors.

The BIA searched for evidence on the local, state, and national levels. The core ancestors of the petitioning group are known. None of the primary records demonstrated that these documented, known core ancestors were American Indian, or were descendants of a historical tribe. The BIA also searched the records of the historical tribes which the petitioner claimed and found no connection between the MOWA core ancestors and these historical tribes.

The MOWA response to the Proposed Finding offered no basis for reversing the conclusions of the Proposed Finding against Federal acknowledgment of the MOWA. The evidence in the record does not support the petitioner's claim that it descends from a historical tribe. The record does not provide substantive evidence or any reason to believe that additional research might uncover such evidence. The MOWA petitioner has not demonstrated by a "reasonable likelihood of the validity of the facts" standard that it meets the requirements of criterion 83.7 (e). There is thus no need to complete a full evaluation of the documented petition under all seven of the mandatory criteria. The petitioner fails to meet the requirements for Federal acknowledgment as an Indian Tribe.

The Proposed Finding which declined to acknowledge that the petitioner is an Indian tribe is affirmed. This determination is final and will become effective 90 days from the date of publication unless the petitioner or any interested party files a request for reconsideration of this determination with the Interior Board of Indian Appeals (83.11 (a) (1)). The petitioner's or interested party's request must be received no later than 90 days after the publication of the Assistant Secretary's determination in the **Federal Register** (83.11 (a) (2)).


Kevin Gover
Assistant Secretary - Indian Affairs

Date:

12/14/97