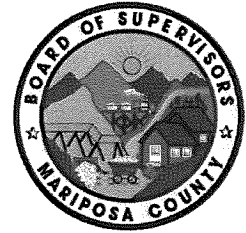


MARIPOSA COUNTY

Board of Supervisors • 209-966-3222



RESOLUTION - ACTION REQUESTED 2021-582

MEETING: October 19, 2021

TO: The Board of Supervisors

FROM: Rosemarie Smallcombe, District I Supervisor

RE: Letter of Support for Southern Sierra Miwuk Nation for (FOIA)

RECOMMENDATION AND JUSTIFICATION:

Approve a Letter of Support Requesting that Assistant Secretary Newland with the Bureau of Indian Affairs Department of the Interior Withdraw the Proposed Finding Issued on November 16, 2018, and that a Response be Provided to the Southern Sierra Miwuk Nation's Request for Freedom of Information Act (FOIA) Submitted by the Council on May 7, 2019 (Supervisor Smallcombe).

The Southern Sierra Miwuk Nation (SSMN) is requesting the Mariposa County Board's continued support in this matter. The Tribe has broad support within the local community and is working with its congressional representatives for a fair resolution of the Tribe's historic status and entitlement to federal acknowledgment as a federally recognized Indian tribe. We believe that withdrawal of the Proposed Finding entered in this matter is the only reasonable action that will both preserve the integrity of the federal acknowledgment process and provide a fair and expedited resolution of the SSMN's legitimate procedural concerns, including the SSMN's request under the Freedom of Information Act (FOIA), which has now been outstanding since May 2019. The Department of the Interior has a responsibility to ensure that the OFA and its officials comply with governing federal law.

With a pending deadline of November 17, 2021, in which the SSMN must respond to the Proposed Finding, the Office of Federal Acknowledgment has still not provided the documents the SSMN requested more than two years ago pursuant to FOIA and the federal acknowledgment regulations. Moreover, the SSMN has not received any response from Assistant Secretary Newland to its June 25, 2021 request that he withdraw the Proposed Finding because the finding fails to comply with the procedural requirements of the federal acknowledgement regulations, and because of the OFA's overall mishandling of the SSMN's petition and FOIA request.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has approved earlier letters of support for the American Indian Council and the Southern Sierra Miwuk community of Mariposa County.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve the letter. Individual Board members may write separate letters of support.

ATTACHMENTS:

SSMN DRAFT LoS BIA 10-8-21 (PDF)

Letter to AS-IA Newland_29sep2021 (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

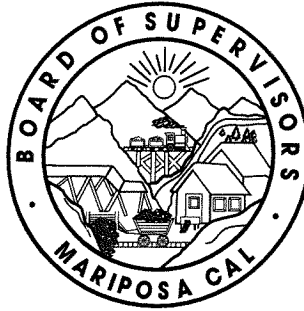
MOVER: Tom Sweeney, District II Supervisors

SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

Mariposa County Board of Supervisors

District 1 ... ROSEMARIE SMALLCOMBE
District 2 TOM SWEENEY
District 3 MARSHALL LONG
District 4 WAYNE FORSYTHE
District 5 MILES MENETREY



DALLIN KIMBLE
County Administrative Officer

RENÉ LAROCHE
Clerk of the Board

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October 19, 2021

Via Facsimile (202) 208-5320
Mr. Brian Newland
Assistant Secretary – Indian Affairs
Department of the Interior
1849 C Street, N.W.
MS-4660-MIB
Washington, D.C. 20240

Re: Petition for Federal Acknowledgement of the Southern Sierra Miwuk Nation

Dear Assistant Secretary Newland,

I am writing on behalf of the Mariposa County Board of Supervisors to follow up on our earlier letters to your predecessor regarding the petition for federal acknowledgement submitted by the American Indian Council of the Southern Sierra Miwuk Nation (SSMN) in Mariposa County. Specifically, by this letter, we ask that you withdraw the Proposed Finding issued by your office on November 16, 2018, and that you comply with the Freedom of Information Act (FOIA) and respond to the FOIA request submitted by the Council on May 7, 2019.

As we noted in our letter dated May 21, 2019, we object to the Proposed Finding as issued because:

- 1) The Proposed Finding does not accurately reflect the status of the SSMN, which also is represented through its non-profit, the American Indian Council of Mariposa County, as a “distinct community.”

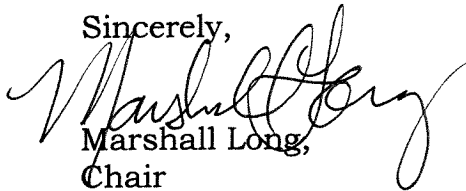
Mariposa County has worked successfully and over an extended period of time with the SSMN (through its non-profit arm, the American Indian Council of Mariposa County) on many issues and projects of mutual interest and concern. We have worked through many of the SSMN leaders and with many members of the SSMN community, which we recognize as a “distinct Indian community.”

2. We object to the limited basis of the Assistant Secretary for Indian Affairs' (AS-IA) Proposed Finding. That Finding evaluated only a portion of one of the seven mandatory criteria stipulated under Part 83.7. It continues to remain unclear to us why the AS-IA chose to limit their review to a 29-year period from 1982 to 2011 when 27 CFR 83.7(b) clearly requires evaluation of the group "from historical times until the present."

For these reasons, we ask that AS-IA withdraw the Proposed Finding, reinitiate the review and fully assess the SSMN community as required under CFR 83.7(b) as well as the other criteria for acknowledgement. We also ask that the AS-IA fully consider all the evidence submitted in support of the SSMN's petition as the narrow scope of the preliminary finding indicates that evidence has been set aside for reasons that are not at all clear. Finally, we repeat our request that AS-IA respond to the FOIA request submitted over two years ago.

We encourage the AS-IA to conduct a complete assessment of the SSMN petition and that your further assessment be fully open and transparent as to the evidence considered and the rationale for all conclusions. We believe that thorough analysis will lead the AS-IA to conclude that the SSMN exists as a distinct Indian community and has existed as such from historical times until the present.

Sincerely,



Marshall Long,
Chair

Mariposa County Board of Supervisors

cc:

Senator Dianne Feinstein
2500 Tulare Street, Suite 4290
Fresno, CA 93721

Senator Alex Padilla
2500 Tulare Street, Suite 5290
Fresno, CA 93721

Congressman Tom McClintock
2200A Douglas Blvd., Suite 240
Roseville, CA 95661