



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP 03 2019

Mr. Valentin Lopez
PO Box 5272
Galt, California 95632

Dear Mr. Lopez:

On May 15, 2018, the Office of Federal Acknowledgment (“OFA”) informed Mr. Valentin Lopez and Ms. Irenne Zwierlein that it suspended active consideration of the petition for Federal acknowledgment relating to the Amah Mutsun Band of Ohlone/Costanoan Indians (“Petitioner #120”). The decision to suspend active consideration stemmed from a leadership dispute between the group and governing body represented by Mr. Lopez (“Lopez group”) and the group and governing body represented by Ms. Zwierlein (“Zwierlein group”).

In its letter, OFA requested from each group certain documents within 120 days (i.e., on or before September 12, 2018) to help resolve which group is the duly authorized governing body of Petitioner #120, consistent with OFA’s Guidance and Direction Regarding Internal Procedures (“2008 Guidance”). See 73 Fed. Reg. 30,146 (May 23, 2008). OFA subsequently received documents from both groups within the 120 days. OFA then received supplementary documentation from the Zwierlein group after the 120-day period, which prompted OFA to give the Lopez group an additional window of time to supplement its documentation. OFA accepted both groups’ submissions to ensure that the Office of the Assistant Secretary – Indian Affairs could base its determination regarding the leadership dispute on the most robust record possible.

In evaluating all of the documentation before it, however, OFA has detected several deficiencies that prevent resolution of the leadership dispute. Further documentation is required for evaluation to continue.

Pursuant to the 2008 Guidance and 25 C.F.R. § 83.10(l)(1) (1994), OFA requests that each group mail the following information on or before January 1, 2020, which is 120 days from the date of this letter:

- (1) Notarized, current consent forms completed by all of the group’s members.** Each member must sign a consent form stating that the member voluntarily belongs to the group. A parent must sign separate consent forms for each minor child in their care. Legal guardians or representatives must sign separate consent forms for each minor child or other individual in their care. Legal guardians or representatives also must include with each consent form a copy of the legal document permitting that guardianship or representation. All consent forms must be signed and notarized with a date *after* September 3, 2019, and *before* January 1, 2020.

- (2) **An official, current membership list, certified by the group's governing body, naming all of the known current members of the group.** The group must provide a current membership list that includes "each member's full name (including maiden name), date of birth, and current residential address." 25 C.F.R. § 83.7(e)(2). Full name must include first, middle, and last names—the name on one's birth record. Please use full names rather than using initials. For a spouse, include the current married surname, as well as the name on the birth record. Additionally, we advise that each individual have a distinct membership number, preferably starting with number one.

Please include the membership list as a paper document and as an electronic spreadsheet document. Your certification letter, bearing original signatures of all the members of the group's governing body, must certify both the paper document and the electronic document. The group's governing body must certify them with a date *after* September 3, 2019, and *before* January 1, 2020, and they must represent the full membership on the date of certification.

Following the 120-day period, OFA will review all of the documents and try to determine which group is the duly authorized governing body of Petitioner #120. If OFA is unable to make a determination based on the documents submitted, then the current suspension will remain in place, until further notice. See 2008 Guidance.

Please contact OFA if you have any questions regarding the documents that you must submit. We appreciate your understanding as we work toward resolving this longstanding issue.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Lee Fleming". The signature is fluid and cursive, with a large, stylized "F" at the end.

Director, Office of Federal Acknowledgment

cc: Interested and Informed Parties

Enclosures (2)

Guidance and Direction Regarding Internal Procedures, 73 Fed. Reg. 30,146 (May 23, 2008)
Procedures for Establishing that an American Indian Group Exists as an Indian Tribe, 59 Fed. Reg. 9280 (Feb. 25, 1994)