



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

JAN 15 2020

Mr. Valentin Lopez  
PO Box 5272  
Galt, California 95632

Ms. Irenne Zwierlein  
789 Canada Road  
Woodside, California 94062

Dear Mr. Lopez and Ms. Zwierlein:

On September 3, 2019, the Office of Federal Acknowledgment (“OFA”) sent you each a letter concerning the 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”). OFA has been working with both groups in an attempt to determine which group is the duly authorized governing body of the Amah Mutsun Band of Ohlone/Costanoan Indians (“Petitioner #120”), consistent with OFA’s Guidance and Direction Regarding Internal Procedures (“2008 Guidance”). See 73 Fed. Reg. 30,146 (May 23, 2008).

Pursuant to the 2008 Guidance and 25 C.F.R. § 83.10(1)(1) (1994), OFA requested that each group mail to OFA the following information on or before January 1, 2020, which was 120 days from the date of the September 3, 2019, letter:

- (1) notarized, current consent forms completed by all of the group’s members; and
- (2) an official, current membership list, certified by the group’s governing body, naming all of the known current members of the group.

OFA requested this information because the composition of each group’s membership, as documented in its membership list and consent forms, may help OFA determine which governing body, if either, is the one that OFA must treat as Petitioner #120’s valid governing body moving forward. The Zwierlein group submitted materials that were postmarked December 27, 2019; the Lopez group submitted materials postmarked December 31, 2019, and January 2, 2020. Because January 1, 2020, was a Federal holiday, OFA accepts both of the Lopez group’s submissions.

However, both groups submitted incomplete materials. In its September 3, 2019, letter, OFA requested that each group submit “notarized, current consent forms completed by *all* of the group’s members.” (Emphasis added.) The Zwierlein group stated that it submitted “[s]igned, notarized consent forms from 414 (approximately two-thirds) of its “650 current members.” The Lopez group’s submission was similarly incomplete. In a cover letter accompanying its materials, the Lopez group stated that “[w]e are submitting 244 notarized forms,” which

“represents 49.5%” of the 492 people who “have been approved as members of our historic Tribe.” In addition to those 492 claimed members, the Lopez group also includes on its list an additional “406 members who were members of our Tribe when Zwierlein was our Chair.” Further, the cover letter states that the Lopez group is processing an additional “331 applications [from] persons yet to be approved for membership” whose names “do not appear on the attached list.” Thus, the Lopez group claims a possible total membership of 1,229 individuals (492 + 406 + 331), of which only 244 (20%) have submitted consent forms.

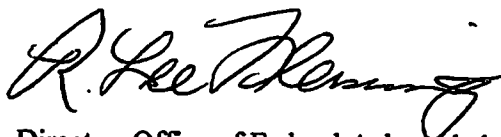
By the groups’ own statements and submissions, they have not provided consent forms from all of their claimed members as OFA requested. In addition, both groups submitted lists that did not meet the current membership list requirements appearing in 25 C.F.R. § 83.7(e)(2) (1994). For example, the lists had missing birthdates and residential addresses for some members. Furthermore, the lists contain some deceased individuals and some duplication of individuals.

Based on the two groups’ submissions to date, OFA has concluded that it cannot determine which group is the duly authorized governing body of Petitioner #120 for the purposes of Part 83. Therefore, active consideration of Petitioner #120 will remain suspended. OFA will further review the submitted materials now on file, formulate a plan for addressing the leadership dispute, and contact the Lopez group and the Zwierlein group in the next 60 days. OFA retains the discretion to extend its 60-day review period in light of competing demands on its resources. In the meantime, please do not send OFA any additional materials that OFA requested in its September 3, 2019, letter.

In accordance with the 2008 Guidance’s section on the “Emergence of Splinter Groups,” OFA reminds both groups that “[t]he Department does not acknowledge parts of an Indian tribe,” and OFA continues to encourage the groups to “work together for the long term.” 73 Fed. Reg. at 30,147. If the groups resolve the leadership dispute, please let OFA know promptly.

Attached is a copy of the 2008 Guidance that discusses the emergence of splinter groups. Please contact OFA if you have any questions or concerns. We appreciate your understanding as we work toward resolving this longstanding issue.

Sincerely,



Director, Office of Federal Acknowledgment

Enclosure