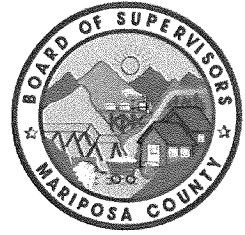


MARIPOSA COUNTY

Board of Supervisors · 209-966-3222



RESOLUTION - ACTION REQUESTED 2022-265

MEETING: May 3, 2022
TO: The Board of Supervisors
FROM: Rosemarie Smallcombe, District I Supervisor
RE: Southern Sierra Miwuk Nation Letter of Support

RECOMMENDATION AND JUSTIFICATION:

Approve a Letter of Support to the Department of the Interior in Support of Federal Acknowledgement of the Southern Sierra Miwuk Nation; and Authorize the Board of Supervisors Chair to Sign the Letter.

The Southern Sierra Miwuk Nation has been fighting for recognition for 40 Years. In 2018, the Office of Federal Acknowledgment issued Proposed Finding against their Federal Acknowledgment Claim. The SSMN continues to fight for acknowledgment and has asked the Mariposa County Board of Supervisors to continue their support for the SSMN claim to be recognized.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has approved letters in support of other efforts that will benefit the County or its residents.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve the letter. Individual members of the Board may write their own letters of support as desired.

ATTACHMENTS:

So. Sierra Miwuk Nation Ltr to AS-IA_Ext. Request_12apr2022 (PDF)
SSMN DRAFT LoS 4-22-22 (002) (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

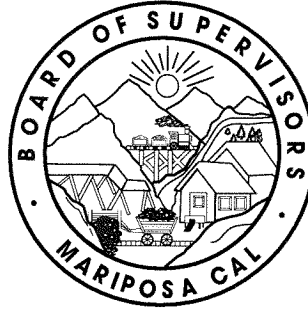
MOVER: Marshall Long, District III Supervisor

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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May 3, 2022

The Honorable Deb Haaland,
Secretary of the Interior
Department of the Interior
1849 C Street, N.W., 6th Floor
Washington DC 20240

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

Dear Secretary Haaland,

I am writing on behalf of the Mariposa County Board of Supervisors to follow up on our earlier letters to your staff 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 meet with representatives of the SSMN. We understand the documentation necessary to schedule such a meeting is largely complete. As outcomes of that meeting, we support the SSMN's request that your department –

- 1) withdraw the Proposed Finding issued by your office on November 16, 2018
- 2) establish a 180-day period for issuance of a new Proposed Finding
- 3) issue a directive to the Office of Federal Acknowledgment to –
 - a) respond to the SSMN Freedom of Information Act (FOIA) request submitted by the Council on May 7, 2019, within 30 days
 - b) accept additional evidence from the SSMN in support of its Petition during the first 90 days of the 180-day period and
 - c) meet and confer with the SSMN, as needed, during the 180-day period.

As we noted in our letter dated May 21, 2019, we object to the Proposed Finding as issued in November 2018 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. Even today, 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 the Proposed Finding be withdrawn immediately and that the AS-IA 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 nearly three 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 of all material submitted 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,



Rosemarie Smallcombe, 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

Bryan Newland, Assistant Secretary – Indian Affairs
Department of the Interior
1849 C. Street, N.W.
MS- 46006-MIB
Washington, D.C. 20240