



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240



MAF 1 2 2009

Mr. Anthony Rivera
31411-A La Matanza Street
San Juan Capistrano, California 92675-2674

Dear Mr. Rivera:

Thank you for your letter dated March 6, 2009, regarding your "Request for Further Suspension of Comment Period on Proposed Finding on Petition 84A under 25 CFR § 83.10(g)." The suspension of the comment period on the proposed finding on the Juaneno Band of Mission Indians (Petitioner #84A) and the Juaneno Band of Mission Indians (Petitioner #34B) closed on Friday, March 6, 2009, at which point, the comment period resumed. All parties are cognizant that the comment period will close this Friday, March 13, 2009.

* The Department is unable to extend a suspension period that has already closed. On Friday evening, March 6, 2009, Petitioner #84A faxed a request to extend suspension of the comment period, specifically requesting a second sixty-day suspension to May 12, 2009. The request is based on statements concerning difficulties accessing materials at the Bancroft Library, the reason for the original suspension. Petitioner #84A states that it proposes to submit its comments to criterion 83.7(e) of the proposed finding on March 13, 2009, with the understanding that the Department will grant a second suspension to allow Petitioner #84A to submit its remaining comments to criteria 83.7(a), 83.7(b), and 83.7(c) on May 12, 2009.

The Deputy Assistant Secretary for Policy and Economic Development George T. Skibine considered the request for a second suspension and has denied it. The Department advised all petitioners and interested parties that "[a]ny requests for extensions should be made appropriately in advance of the expiration of the initial or extended comment period" (70 FR 16516). According to your letter, the researcher for Petitioner #84A went to the library on January 5, 2009 to survey the collection and found out that the Bancroft Library had some limitations on its hours for fifteen days after it reopened. Your researcher returned on January 20, 2009, for a week and was productive, "but unable to complete the research" during that week. The Bancroft Library denied her request to stay in the facility for extended hours. Further, some material located off site required four days to retrieve them. Despite these limitations known to the petitioner in January, Petitioner #84A waited 50 days, until the last day of the suspension period, to submit a written request. Thus, this request is untimely. Finally, the justification provided in your letter is not an adequate showing of extraordinary circumstances necessary to justify a second sixty day suspension.

Please be advised that the comment period ends this Friday, March 13, 2009. Under the regulations, unsolicited comments submitted after the close of the comment period will not be considered in preparation of the final determination. After the close of the comment period, the petitioners will have 60 days to respond to any third party comments on the proposed findings (see 83.10(k)). The deadline for the response is May 12, 2009.

Sincerely,

Director, Office of Federal Acknowledgment

cc: Petitioner #84B
Interested and Informed Parties