



Georgia Council on American Indian Concerns

gcaic@dnr.ga.gov
2610 GA Hwy 155, SW
Stockbridge, GA 30281
470.890.1027

November 4, 2024

MEMORANDUM

TO: Members, Georgia Council on American Indian Concerns

FROM: Christian Dane

SUBJECT: Proposed rule to the Rules of the Georgia Council on American Indian Concerns, Council Procedures, Rule 45-2-.04

The Georgia Council on American Indian Concerns is proposing one addition to the Rules of the Georgia Council on American Indian Concerns, Council Procedures, Rule 45-2-.04. The purpose of this Rule will mitigate confusion for interested parties who seek state-recognition by making such guidelines more readily accessible on the website of Secretary of State's Rules and Regulations of the State of Georgia. Included in this packet are the following:

- Proposed Notice Page 2
- Background and Synopsis Pages 3
- Date, time and place of Board action Page 3
- Explanation of the Minimal Public Participation Plan Page 4
- Exact Copy of Proposed Rule Page 5-6

I respectfully submit these items for your consideration. The Georgia Council on American Indian Concerns looks forward to presenting these at the March meeting.



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March 25, 2025

NOTICE OF PROPOSED REGULATION ADDITION

TO: All Interested Persons and Parties

FROM: Christian Dane

SUBJECT: Notice of Rule Making for Recommended Guidelines Concerning State Recognition of Indian Tribes

Notice is hereby given that, pursuant to authority contained in O.C.G.A. §44-12-283.2, the Georgia Council on American Indian Concerns proposes to add the Recommended Guidelines Concerning State Recognition of Indian Tribes Regulation, Rule 45-2-.04. The proposed Rule, when adopted, will mitigate confusion for interested parties who seek state-recognition by making such guidelines more readily accessible on the website of Secretary of State's Rules and Regulations of the State of Georgia.

Written public comments will be received through Thursday May 8, 2025. Mailed comments must be postmarked by May 8, 2025, and e-mailed comments will be accepted through close of business (4:30 pm) on May 8, 2025. Comments should be legible, concise and limited to the proposed rule change.

Following this comment period, the Georgia Council on American Indian Concerns will consider the proposed rule addition on Saturday, May 17, 2025, at 12:00 p.m. in the Venue at 223, 223 Torrington Drive, Suite B, Dahlonega, GA 30533.

Mail or email comments to: Christian Dane
Georgia Council on American Indian Concerns
c/o State Parks & Historic Sites
2610 GA Hwy 155, SW
Stockbridge, GA 30281
Email: christian.dane@dnr.ga.gov

Additional information is available at www.georgiaindiancouncil.com. Click in the "News and Public Notices".



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**BACKGROUND AND SYNOPSIS OF
PROPOSED ADDITION TO THE RULES OF THE
GEORGIA COUNCIL ON AMERICAN INDIAN CONCERNS**

**CHAPTER 45-2
COUNCIL PROCEDURES**

**RULE 45-2-.04
GUIDELINES CONCERNING STATE RECOGNITION OF INDIAN TRIBES**

Background:

The proposed rule will make official the Georgia Council on American Indian Concerns' recommended guidelines for state recognition of Indian tribes.

On October 10, 2001, the Council unanimously adopted recommended guidelines for state recognition of Indian tribes. On March 24, 2025, the Council voted to move forward with adding these guidelines for state recognition into Rules and Regulations of the State of Georgia under Chapter 45-2, Council Procedures. Doing so will mitigate confusion and make such guidelines more accessible to the public.

Main Feature:

The main feature of the proposed rule is to make the recommended guidelines for state recognition of Indian tribes official and more accessible to the general public.

Date, Time, and Place of Board Action:

Board Action: Saturday, May 17, 2025, at 12:00 p.m. in the Venue at 223, 223 Torrington Drive, Suite B, Dahlonega, GA 30533.



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**Public Participation Plan
Addition to Georgia Council on American Indian Concerns Council Procedures,
Rule 45-2-.04**

- March 24, 2025 – The proposed Rule 45-2-.04 is presented to the Georgia Council on American Indian Concerns.
- March 31, 2025 - Public Notice of the Proposed Rule is advertised through the Georgia Council on American Indian Concerns' website (georgiaindiancouncil.com). Additionally, the notice will be mailed to all persons who have requested in writing that they be placed upon a mailing list which shall be maintained by the agency for advance notice of its rulemaking proceedings and who have tendered the actual cost of such mailing as from time to time estimated by the agency.
- May 8, 2025 – Public comment period closes.
- May 17, 2025 - Consideration of public comment and final action on proposed rule.



**RULES
OF
GEORGIA COUNCIL ON AMERICAN INDIAN CONCERNS**

**CHAPTER 45-2
COUNCIL PROCEDURES**

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45-2-.04 Recommended Guidelines for State Recognition of Indian Tribes

- (1) The Georgia Council on American Indian Concerns will use these guidelines in its advisory deliberations and issuance of any subsequent report recommending for or against acknowledgement of Indian groups within the State of Georgia.

Indian groups seeking recognition by the Georgia General Assembly are encouraged to prepare a formal petition for recognition using a format suggested by the Georgia Council on American Indian Concerns. Although not presently required by law, the Georgia General Assembly is encouraged to seek the advice of the Georgia Council on American Indian Concerns prior to final consideration of any recognition legislation.

- (a) **Historicity:** The petitioning group should demonstrate a direct genealogical connection to one of the American Indian Tribes, bands, groups, or communities that has been documented historically with reasonable certainty as having inhabited lands within the present boundaries of the State of Georgia for a period of at least forty years prior to the Removal Era.
- (b) **Membership:** The petitioning group shall possess formal membership rolls and written standards for membership that are based on unbroken genealogical descent from one of the American Indian Tribes, bands, groups, or communities indigenous to Georgia, as defined in criterion #1.
- (c) **Government:** The petitioning group should be able to demonstrate that it is a distinct cultural entity capable of self-regulation by documenting the existence and function of its governmental and social institutions and traditions.



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- (d) Geographical Area:** A substantial portion of the members of the petitioning group should presently inhabit a defined area, and its tribal headquarters should be located within the State of Georgia.
- (e) Ethnic Identity:** The members of the petitioning group should be a community that is generally viewed as American Indian and culturally distinct from all other communities surrounding it.
- (f) Exclusions:** The petitioning group shall not be considered if it falls into one of the following categories:
1. The petitioning group is limited to a single family;
 2. It is of recent origin;
 3. It is determined to be a splinter group or political faction that has separated from the main body of a tribe, band, group, or organized Indian Community previously recognized by the State of Georgia;
 4. There is reasonable evidence that the petitioning group was "self-created" for the purpose of improperly gaining American Indian status;
 5. The majority of the members of the petitioning group are also members of other American Indian tribes, bands, groups, or communities.

Authority: O.C.G.A. §44-12-283.2