

**01 NCAC 15 .0204            GROUPS INELIGIBLE FOR RECOGNITION**

The following groups and entities are ineligible to petition for official State recognition as American Indian tribes:

- (1)     Splinter Groups – as defined in Rule .0202 of this Section.
- (2)     Previously denied petition groups or entities - Groups, or successors in interest of groups, that have petitioned for and been denied or refused recognition as an American Indian tribe under the State's administrative rules for State recognition as an American Indian tribe, unless the group has new evidence to justify the petition.
- (3)     Parties to certain actions – Any group that:
  - (a)        in any action in State or federal court of competent jurisdiction to which the group was a party attempted to establish its status as an American Indian tribe or successor in interest to an American Indian tribe; and
  - (b)        was determined by that court:
    - (i)            not to be an American Indian tribe; or
    - (ii)          not to be a successor in interest to an American Indian tribe; or
    - (iii)        to be incapable of establishing one or more of the criteria set forth in Rules .0203 or .0212 of this Section.

*History Note:     Authority G.S. 143B-406;  
                         Eff. November 1, 1976;  
                         Amended Eff. February 1, 2006; April 1, 1999;  
                         Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*