

MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581, 56 FR 23789 (May 24, 1991).

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: Air Force: Mr. Ray Hatch, Program Manager, AFBCA/DC, 1700 N. Moore St., Suite 2300, Arlington, VA 22209-2802; (703) 696-5260; (This is not a toll-free number).

Dated June 20, 1996.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program,
Federal Register Report for 06/28/96

Suitable/Available Properties

Land (by State)

TEXAS

Railroad (Spur)

Bergstrom Air Force Base

Austin Co.: Travis TX 78719

Landholding Agency: Air Force-BC

Property Number: 199620001

Status: Pryor Amendment

Base closure

Number of Units: 1

Comment: 3.07 acres w/240 sq. ft. pump station, most recent use—fuel pump station railroad.

[FR Doc. 96-16232 Filed 6-27-96; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of an Agency Draft Recovery Plan for the Palezone Shiner for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability for public review of a draft recovery plan for the palezone shiner (*Notropis albizonatus*). This small fish occurs in large creeks and small rivers in the

Tennessee and Cumberland River systems. Although the palezone shiner was likely once more widespread within the Tennessee and Cumberland River systems or drainages, it is presently known from only two widely disjunct populations—the Paint Rock River (a Tennessee River tributary) in Jackson County, Alabama, and the Little South Fork of the Cumberland River in Wayne and McCreary Counties, Kentucky. Two other known populations are extirpated. Populations of this species have been fragmented by habitat alteration (primarily impoundments), and extant populations are impacted by deteriorated water quality, primarily resulting from poor land-use practices (e.g., agriculture and coal mining). The species' present limited distribution also makes it vulnerable to extirpation from stochastic events. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before August 27, 1996 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801. Written comments and materials regarding the plan should be addressed to the Field Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Biggins at the above address (704/258-3939 Ext. 228).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, criteria for recognizing the recovery levels for downlisting or delisting them, and initial estimates of time and costs to implement the recovery measures needed.

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires the development of recovery plans for listed species unless

such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that a public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The primary species considered in this draft recovery plan is the palezone shiner (*Notropis albizonatus*). The areas of emphasis for recovery actions are the Little South Fork of the Cumberland River in the upper Cumberland River basin in south-central Kentucky and the Paint Rock River in the Tennessee River system in northeastern Alabama. Habitat protection, population augmentation/reintroduction, and preservation of genetic material are major objectives of this recovery plan.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority

The authority for this action is Section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: June 21, 1996.

Brian P. Cole,

Field Supervisor.

[FR Doc. 96-16502 Filed 6-27-96; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Indian Affairs

Proposed Finding Against Federal Acknowledgment of the Duwamish Tribal Organization

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed finding.

SUMMARY: Notice is hereby given that the Assistant Secretary—Indian Affairs (Assistant Secretary) proposes to decline to acknowledge that the Duwamish Tribal Organization, 107 Ranier Ave. So., Renton, WA 98055, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the Duwamish Tribal Organization does not satisfy three of the seven criteria set forth in 25 CFR 83.7 and, therefore, does not meet the requirements for a government-to-

government relationship with the United States.

DATES: Any individual or organization wishing to challenge the proposed finding may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120 calendar days from the date of publication of this notice. Interested and informed parties who submit arguments and evidence to the Assistant Secretary should also provide copies of their submissions to the petitioner.

ADDRESSES: Comments on the proposed finding and requests for a copy of the report which summarizes the evidence and analyses that are the basis for the proposed decision should be addressed to the Office of the Assistant Secretary, 1849 C Street N.W., Washington, DC 20240, Attention: Branch of Acknowledgment and Research, Mailstop: 4641-MIB.

FOR FURTHER INFORMATION CONTACT: Holly Reckord, Chief, Branch of Acknowledgment and Research, (202) 208-3592.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary by 209 DM 8 and pursuant to 25 CFR 83.9(f) of the previous acknowledgment regulations. Although revised acknowledgment regulations became effective March 28, 1994, the Duwamish Tribal Organization chose, as provided in 25 CFR 83.3(g) of the revised regulations, to complete their petitioning process under the previous acknowledgment regulations.

The petitioner, the Duwamish Tribal Organization, is an organization of Duwamish descendants that has existed since 1925. While the petitioner's individual members can trace their ancestry back to a historical Duwamish tribe, the petitioner has not existed as a tribal entity continuously since the time of first sustained contact between the historical Duwamish tribe and non-Indians. The petitioner has been identified by external observers as an Indian entity, but only since about 1940. The petitioner does not form, and has not formed, a distinct social or geographical community in western Washington. Its organization has functioned for limited purposes since 1925 and has exercised no meaningful political influence or authority over its members. Of the seven mandatory criteria for Federal acknowledgment as an Indian tribe, the petitioner has met criteria (d), (e), (f), and (g), but has failed to meet criteria (a), (b), and (c).

A historical Duwamish tribe was described as consisting of the Indians living at the confluence of the Black, Cedar, and Duwamish Rivers south of Lake Washington, as well as along the Green and White Rivers, around Lake Washington, and along the eastern shore of Puget Sound in the area of Elliott Bay. Federal negotiators combined the Duwamish with other tribes and bands into confederated "treaty tribes" for the purpose of making a treaty in 1855, and continued to deal with treaty-reservation Indians as the "Duwamish and allied tribes." The evidence indicates that a distinct Duwamish community has not existed since about 1900 and that political activity linked to residents of traditional settlements has not occurred since about 1916. The petitioner's organization came into existence in 1925 when eight men announced their "intention of forming" an organization. No contemporary evidence indicates that this new organization continued the activities of a previous group, and its membership was substantially different from the membership of a Duwamish organization which had been formed in 1915.

The petitioner has satisfied criterion (e), because the available evidence demonstrates that 386 out of the 390 members on the petitioner's 1992 membership roll clearly descend from historical Duwamish Indians. The petitioner has met criterion (d) by providing copies of the constitution and by-laws of the Duwamish Tribal Organization which were adopted in 1925 and are still in effect today. These governing documents also describe the petitioner's membership criteria. There is no evidence that a significant percentage of the petitioner's members belong to any federally-recognized tribe, or that the petitioner was subject to legislation terminating or forbidding a Federal relationship. Thus, the petitioner has met criteria (f) and (g).

The petitioner's current members do not maintain a community that is distinct from the surrounding non-Indian population. No geographical area of concentrated settlement provides them with a social core. The group's geographical dispersion is consistent with other evidence showing that members do not maintain, and have not maintained, significant social contact with each other. Before 1925, the petitioner's ancestors, primarily descendants of marriages between Duwamish Indians and pioneer settlers, had little or no interaction either with the Indians of the historical Duwamish settlements or with those Duwamish who moved to reservations. Since 1925,

the social activities of the petitioner's members with other members, outside the organization's annual meetings, took place within their own extended families, but not with members outside their own family lines. Because the petitioner has not maintained a cohesive community that is socially distinct from other populations in the area, it has not met the requirements of criterion (b).

The Duwamish Tribal Organization has not exercised political influence or authority over its members. Instead, it has limited itself to pursuing Federal acknowledgment and claims against the United States for its dues-paying members. The organization's annual meetings have generally consisted of a presentation by the chairman or chairwoman, a report by the group's claims attorney, and motions only to elect officers, accept new members, or endorse attorney contracts. No evidence shows that members were involved actively in making decisions for the group or resolving disputes among themselves. A decision to intervene in an important fishing rights case was made by a single individual, the chairman. Later, no members participated in completing the paperwork in that case which would have allowed members to utilize fishing rights temporarily. The available evidence shows that this organization has played a very limited role in the lives of its members, and there is no evidence of the existence of informal leadership or political influence within the group outside of the formal organization. Because the petitioner has not maintained tribal political influence or authority over its members throughout history, it has not met the requirements of criterion (c).

The petitioner has been identified intermittently since 1940 as an Indian organization by Federal officials. A historical Duwamish tribe, which existed at the time of first sustained contact with non-Indians, was identified by contemporary Government officials and American settlers, and by later ethnographers, historians, and the Indian Claims Commission. The existence of a Duwamish community at a traditional location near the junction of the Black and Cedar Rivers was identified by external observers as late as 1900. These various identifications of Duwamish entities before 1900 and after 1940, however, do not identify the same entity and do not link the modern petitioner to the historical tribe as an Indian entity which has continued to exist over time. Because the petitioner has not been identified as having a substantially continuous Indian identity from historical times to the present, it

has not met the requirements of criterion (a).

Based on these factual determinations, we conclude that the Duwamish Tribal Organization should not be granted Federal acknowledgment under 25 CFR part 83.

After consideration of the comments on this proposed finding, the Assistant Secretary will publish the final determination of the petitioner's status in the Federal Register as provided in 25 CFR 83.9(h) of the previous acknowledgment regulations.

Dated: June 18, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96-16503 Filed 6-27-96; 8:45 am]

BILLING CODE 4310-02-P

Land Acquisitions

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of final agency determination to take land into trust under 25 CFR Part 151.

SUMMARY: The Assistant Secretary—Indian Affairs made a final decision to acquire approximately 165 acres of land into trust for the Mashantucket Pequot Indian Tribe of Connecticut on May 22, 1996. This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.3A.

FOR FURTHER INFORMATION CONTACT: Alice A. Harwood, Bureau of Indian Affairs, Division of Real Estate Services, Chief, Branch of Technical Services, MS-4522/MIB/Code 220, 1849 C Street, N.W., Washington, D.C. 20240, telephone (202) 208-7737.

SUPPLEMENTARY INFORMATION: The Department of Interior established a procedure to ensure the opportunity for judicial review of administrative decisions to acquire title to lands in trust for Indian tribes and individual Indians under section 5 of the Indian Reorganization Act (IRA) (Public Law 73-383, 48 Stat. 984-988, 25 U.S.C. 465 and other federal statutes). This notice is issued according to the Final Rule establishing a 30-day waiting period after final administrative decisions to acquire lands into trust. The Final Rule was published in the Federal Register on April 24, 1996, 61 FR 80 18082-83, 25 CFR § 151.12(b). On May 22, 1996, the Assistant Secretary—Indian Affairs decided to accept approximately 165 acres of land into trust for the Mashantucket Pequot Indian Tribe of Connecticut. The Secretary shall acquire

title in the name of the United States in trust for the Mashantucket Pequot Indian Tribe for the five tracts of land described below no sooner than 30 days after the date of this notice.

New London County, Connecticut

Lot #101 Town of North Stonington

Lot #3 Town of North Stonington

Lot #30 Town of Ledyard

Lot #58 Town of Ledyard

Lot #72 Town of Ledyard

Lot #76 Town of Ledyard

Lot #82 Town of Ledyard

Title to the land described above will be conveyed subject to any valid existing easements for public roads, highways, public utilities, pipelines, and any other valid easements or rights-of-way now on record.

Dated: May 22, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96-16000 Filed 6-27-96; 8:45 am]

BILLING CODE 4310-02-P

Bureau of Land Management

Notice of Meeting

SUMMARY: The Lower Snake River District Resource Advisory Council will meet in Boise to discuss a U.S. Air Force proposal to withdraw about 11,000 acres of public land in Owyhee County for an expanded Air Force training range.

DATES: July 16, 1996. The meeting will begin at 8:30 a.m. and a public comment period will begin at 9:00 a.m.

ADDRESSES: The Lower Snake River District Office is located at 3948 Development Avenue, Boise, Idaho.

FOR FURTHER INFORMATION CONTACT: Barry Rose, Lower Snake River District Office (208-384-3393).

Dated: June 24, 1996.

Barry Rose,

Public Affairs Specialist.

[FR Doc. 96-16544 Filed 6-27-96; 8:45 am]

BILLING CODE 4310-GG-P

[CA-010-1430-00; CACA 8151]

Order Providing for Opening of Lands Subject to Section 24 of the Federal Power Act; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This order opens, subject to section 24 of the Federal Power Act (FPA), approximately 0.02 acres of public land withdrawn by a Federal Power Commission order, dated July 18, 1949, for Power Project Number 2019.

This action will permit consummation of a pending land exchange and retain the power rights to the United States of America. The Federal Energy Regulatory Commission (FERC) has determined that the power value of the subject land will not be injured or destroyed by their exchange, if the land exchange is subject to section 24 of FPA. FERC concurred with this action in a letter, DVCA-1240, dated June 14, 1996. Although the land has been and will remain closed to mining, it has been and will remain open to mineral leasing.

DATES: June 29, 1996.

FOR FURTHER INFORMATION CONTACT:

Duane Marti, BLM California State Office (CA-931.4), 2800 Cottage Way, Sacramento, CA 95825-1889, 916-979-2858.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by the Act of June 10, 1920, Section 24, as amended, 41 Stat. 1075; 49 Stat. 846; 62 Stat. 275; 16 U.S.C. 818, and pursuant to the determination by the Federal Energy Regulatory Commission in DVCA-1240, it is ordered as follows:

1. At 8:30 a.m. on June 29, 1996, the following described land withdrawn by a Federal Power Commission order, dated July 18, 1949, for Power Project Number 2019, will be opened to disposal by land exchange subject to the provisions of Section 24 of the Federal Power Act as specified by the Federal Energy Regulatory Commission in determination DVCA-1240, and subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law:

Mount Diablo Meridian

T. 4 N., R. 14 E.,

Sec. 34, that portion of lot 15 located within the project boundary of Power Project 2019.

The area described contains approximately 0.02 acres in Calaveras County.

2. The State of California has waived its right of selection in accordance with the provisions of section 24 of the Federal Power Act of 16 U.S.C. 818 (1988), as amended.

Dated: June 21, 1996.

David McIlInay,

Chief, Branch of Lands.

[FR Doc. 96-16543 Filed 6-27-96; 8:45 am]

BILLING CODE 4310-40-P

[OR-030-06-1430-00; GP6-0153]

Notice of Realty Action—Sale

AGENCY: Vale District, Bureau of Land Management, Interior.