

Property Management, Office of Acquisition and Property Management, Room 5517, Department of the Interior, Washington, DC 20240, (FIS or 202) 343-3338.

SUPPLEMENTARY INFORMATION: In the new Uniform Relocation Act rules which appeared in the *Federal Register* of Thursday, February 27, 1986 (51 FR 7000), 41 CFR 114-50.310 (-.10), paragraph (h) states, "The Agency official conducting the review of the appeal shall be either the head of the Agency or his or her authorized designee. However, the official shall not have been directly involved in the action appealed." This notice is to advise appellants to file appeals with the Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203, (FIS or 703) 235-3610.

Gerald R. Riso,

Assistant Secretary.

[FR Doc. 86-14657 Filed 6-27-86; 8:45 am]

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Bureau of Indian Affairs

Proposed Finding Against Federal Acknowledgment of the Wampanoag Tribal Council of Gay Head, Inc.

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.

Pursuant to 25 CFR 83.9(f) (formerly 25 CFR 54.9(f)), notice is hereby given that the Assistant Secretary proposes to decline to acknowledge that the Wampanoag Tribal Council of Gay Head, Inc., c/o Mrs. Gladys Widdiss, State Road, RFD Box 137, Gay Head, Massachusetts 02535, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group does not meet two of the mandatory criteria set forth in 25 CFR 83.7 and, therefore, does not meet the requirements necessary for a government-to-government relationship with the United States.

The Wampanoag Tribal Council of Gay Head is based on land which was traditionally and aboriginally Wampanoag. This organization represents a group of lineal descendants of the Gay Head Wampanoag Indians whose ancestors have inhabited this area since first sustained contact with European settlers in 1642. The Gay Head Wampanoags have been identified as being American Indians from historical times until the present, and Gay Head has been identified continuously throughout history as an Indian community. Since at least 1807,

however, a substantial portion of the Gay Head Indian descendants have not resided in this or any other American Indian community, and at present only about 15 percent of the group's 521 members reside at Gay Head. For most of this century, the Gay Head Indians have not maintained group interaction or tribal social relations, either within the historically Indian settlement or between those resident at Gay Head and the ever-growing number of non-resident Gay Head Indian descendants.

Aboriginal Wampanoag leadership was provided by a hereditary chief or sachem, and Gay Head was one of four major sachemships on the island of Martha's Vineyard. No reference to the sachemship could be found after 1687, and there is only one firsthand description of the political system or processes at work at Gay Head prior to 1827. However, there is evidence that the Gay Head Indians continued to maintain some tribal authority through the consensus of a general council between 1727 and 1870. These people continuously petitioned the colonial and state authorities of Massachusetts during this period. State records acknowledge that between 1814 and 1862 these Indians were essentially autonomous and self-governing. In 1862 the State imposed greater jurisdictional control over Gay Head by establishing it as an Indian district. Full state citizenship was extended to the Gay Head Indians in 1869, and in 1870 the State incorporated Gay Head as a township. After that date, the State did not officially recognize the existence of a tribal entity at Gay Head until 1976.

Following incorporation as a town, the Indians at Gay Head lost their political authority and influence as a tribal group. The group's acknowledgment petition maintains that the "imposed" town government structure was adopted by the Indians as their tribal governing body until 1972, the year in which the Wampanoag Tribal Council of Gay Head was formed. However, the existing sources indicate that although the town government was dominated by Indian descendants, in substance and form it was indistinguishable from any other small New England town. It took no actions which might be interpreted as primarily benefitting the Gay Head Indians as a tribal group, and a number of its officers were not of Gay Head Indian descent. There is some evidence, in fact, that it actually spurned Indian activities and identification and rejected formal alliances with other Indians groups and communities.

Unlike any other tribal government, the town government was mandated by State law to accept legal responsibility

for an increasing number of non-Indian residents, while it had no legal authority over the significant number of Gay Head Indian descendants who left the town. No evidence was found to indicate that town officials exerted any informal political influence or control over the non-resident Gay Head Indian descendants or that the non-residents participated in the political process within the town. Nor could it be established that sustained political influence or authority was maintained, within the Gay Head community outside the town government through any formal or informal group structure or process. Neither has it been demonstrated that the Wampanoag Tribal Council of Gay Head, Inc., formed in 1972, has exercised significant political influence or authority over the Gay Head Indian descendants. This organization does not have a substantial base of political support in its claimed membership, either in Gay Head or elsewhere. The Tribal Council has not succeeded either in creating interest in the issues defined by its leadership as important or in promoting attendance and participation in group activities.

The group's governing document describes how membership is determined and how the group governs its affairs and its members. Approximately 98 percent of the 521 members can demonstrate that they meet the group's membership requirement. Documentary evidence exists establishing their ancestry back to the historical tribe as it existed in 1792.

No evidence was found that the members of the Wampanoag Tribe Council of Gay Head, Inc., are members of any other Indian tribe or that the group or its members have been the subject of Federal legislation which has expressly terminated or forbidden a relationship with the United States Government.

Based on this preliminary factual determination, we conclude that the Gay Head Wampanoags meet criteria a, d, e, f, and g, but do not meet criteria b and c of § 83.7 of the Acknowledgment regulations (25 CFR Part 83).

Section 83.9(g) of the regulations provides that 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-days from the date of publication of this notice.

Under § 83.9(f) of the Federal regulations, a report summarizing the evidence for the proposed decision will be available to the petitioners and

interested parties upon written request. Comments and requests for a copy of the report should be addressed to the Office of the Assistant Secretary—Indian Affairs, 1951 Constitution Avenue, NW., South Interior Building, Room 32, Washington, DC 20245, Attention: Branch of Acknowledgment and Research.

After consideration of the written arguments and evidence rebutting the proposed finding and within 60 days after the expiration of the 120-day response period, the Assistant Secretary will publish the final determination regarding the petitioner's status in the Federal Register as provided in § 83.9(h).

If at the expiration of the 120-day response period this proposed finding is confirmed, the Assistant Secretary, in accordance with § 83.9(j), will analyze and forward to the petitioner other options, if any, under which the petitioner might make application for services or other benefits.

Ross O. Swimmer,

Assistant Secretary—Indian Affairs.

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Bureau of Land Management

Action To Prepare for Timber for Sale Under the Provisions of House Joint Resolution 465; Medford District, OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Final notice of action to prepare timber for sale under the provisions of House Joint Resolution 465.

SUMMARY: House Joint Resolution 465 (Pub. L. 99-190) directs the Secretary of the Interior to sell timber returned to the United States under the Federal Timber Contract Payment Modification Act (Pub. L. 98-478) to the extent necessary to achieve sale of the full annual allowable cut for Fiscal Years 1985 and 1986 in the Medford District of the Bureau of Land Management.

To implement the requirements of House Joint Resolution 465, the Medford District will offer for sale in this Fiscal Year 213 million board feet of new timber and all timber not sold in Fiscal Year 1985. Pursuant to the congressional mandate to achieve the full allowable cut for Fiscal Years 1985/1986 as directed by House Joint Resolution 465, if any of these sales are enjoined, stayed or otherwise delayed by reason of judicial review or administrative appeal, the Secretary of the Interior will offer as a substitute sale a nearly equal volume

of timber in the Medford District from that returned to the United States under the Federal Timber Contract Payment Modification Act. House Joint Resolution 465 provides that any decision by the Secretary to sell the returned timber shall not be subject to judicial review.

EFFECTIVE DATE: April 14, 1986.

ADDRESS: Any suggestions or inquiries should be sent to: Director (230), Bureau of Land Management, Room 5626, Main Interior Bldg., 1800 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Chuck Frost (202) 853-8864 or Dave Estola (503) 231-6837.

SUPPLEMENTARY INFORMATION: A notice of action to prepare for sale timber under the provisions of House Joint Resolution 465 was published in the Federal Register on April 14, 1986 (51 FR 12657), and the public was invited to review the proposed substitute sales, ratings and environmental studies and make comments for 30 days. No public comments were received during the comment period.

The Bureau of Land Management recommended that the Secretary of the Interior permit the modification of sales 1 through 22, 25 through 27, 31, 33, 35 and 36, 39 and 44. Those sales were listed in the notice of April 14, 1986. Modifications include changing silvicultural prescriptions from shelterwood to clearcut; removal of cutting units located on trial harvest lands which are not currently needed for studies under the Forestry Intensified Research program; and modifications of units to provide increased protection for other resources such as riparian areas and wildlife habitat. The modifications are in conformance with the environmental impact statements for the Josephine and Jackson/Klamath master units and with the supplemental environmental impact statement for the Medford District timber management program. The Bureau also recommends combining Little Lo Cal (Sale No. 17) and Logan Cut (Sale No. 19) into one sale, combining Toad Ditch (Sale No. 22) and Lucky Seven (Sale No. 44) into one sale and combining Long Gulch (Sale No. 35) and Missouri Mason (Sale No. 39) into one sale because of common access, of common rock resource for surfacing roads and of the relatively close vicinity of the sales to one another. The recommended modifications do not alter the original environmental rating of any sale. The

Bureau of Land Management also recommends rearrangement of sale priority to facilitate modification of sales.

The Secretary of the Interior concurs with the recommendations of the Bureau of Land Management.

The Secretary of the Interior, therefore, directs the Bureau of Land Management to offer sales of timber from the following list of sales, in the order designated, as other planned sales are enjoined, stayed or otherwise delayed by judicial review or administrative appeal:

1. Logan Lo Cal (Combined Little Lo Cal and Logan Cut).
2. Deer Dear.
3. J-Root.
4. Stratton Ridge.
5. Susan Creek.
6. Windy Dutchman.
7. North Fork Butte Creek.
8. Jackass Thinning.
9. Cow Overlook.
10. Rattlesnake.
11. Cleveland Combo.
12. Anaktuvak.
13. Archer McNabb.
14. Hot Loft.
15. Snow Rerun.
16. 14 Stings.
17. Hewitt Creek.
18. Rum Creek.
19. Slippery Chicken.
20. 19 Reasons.
21. Southside II.
22. Lucky Toad (Combination of Toad Ditch and Lucky Seven).
23. Esmond Mountain.
24. Wilcox Peak.
25. Willow Creek.
26. Salt Lick.
27. Headwaters.
28. Long Missouri (Combined Long Gulch and Missouri Mason).
29. Spike II.
30. Murphy Gulch.
31. Pop Rock.
32. Dead Indian Creek.
33. Woodford Creek.
34. Eastman Gulch.
35. Peters Pride.
36. Bull Run.
37. Wildcat.
38. Malone Creek.
39. Cold Springs.
40. West McGinnis.
41. West Panther Salv.
42. Mules Noses.
43. Mules End.
44. Starveout.
45. Flying W.
46. Rockhead II.
47. Pennington Water.
48. Skull Creek.