

(7) Federal Register Notice of Final Determination

- December 21, 1995

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: December 7, 1995.

Stephanie A. Smith,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 95-31077 Filed 12-20-95; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Final Determination for Federal Acknowledgment of the Huron Potawatomi, Inc.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Final Determination.

SUMMARY: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs (Assistant Secretary) by 209 DM 8.

Pursuant to 25 CFR 83.10(m), notice is hereby given that the Assistant Secretary acknowledges that the Huron Potawatomi, Inc., 221 1½ Mile Road, Fulton, Michigan 49052, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group satisfies the criteria set forth in 25 CFR 83.7 as modified by 25 CFR 83.8.

DATES: This determination is final and will become effective 90 days from publication of the Final Determination, pursuant to 25 CFR 83.10 (l)(4), unless a request for reconsideration is filed pursuant to 25 CFR 83.11.

A notice of the Proposed Finding to acknowledge the Huron Potawatomi, Inc. (HPI) was published in the *Federal Register* on May 31, 1995, 60 F.R. 104, 28426-28427. The 180-day period provided for in the regulations for comment on the Proposed Finding closed November 27, 1995. No substantive third-party comments were received by the BIA. The only public comments received were two resolutions in support of the proposed finding. The petitioner waived the 60-day period provided for in the regulations (25 CFR Part 83.10(k)) for the petitioner to respond to third-party comments. This determination is made following a review of Huron Potawatomi, Inc.'s response to the Proposed Finding to acknowledge, which consisted of the submission of an updated membership list.

The petitioner or any interested party may file a request for reconsideration of this determination with the Interior

Board of Appeals (§ 83.11(a)(1)). The petitioner's or interested party's request must be received no later than 90 days after publication of the Assistant Secretary's determination in the *Federal Register* (§ 83.11(a)(2)).

The final determination incorporates the proposed finding and the technical reports to the proposed finding. Under 25 CFR 83.8, Huron Potawatomi, Inc., also known as the Nottawaseppi Huron Potawatomi Band, was deemed to have had prior unambiguous Federal acknowledgment in 1833, the date of the last treaty signed by the Potawatomi of Huron Band's chiefs. Between 1833 and 1840, the tribe's ancestors continued to reside on the Nottawaseppi Reserve. In 1840, the tribe's ancestors either avoided attempts of the Federal Government to remove the Potawatomi to Kansas or returned to Michigan within a few years after removal. The community was reestablished by 1842, and from that date until the present has consistently been identified as a settlement of Michigan Potawatomi in Federal, state, and local documents. Huron Potawatomi, Inc. meets criterion 83.7(a) as modified by criterion 83.8(d).

A geographical residential focus on the Pine Creek Indian Reservation in Calhoun County, Michigan, use of the Potatomi language as late as 1960, and a level of in-group or culturally appropriate patterned out-group marriages to other Michigan Indians from 1842 through 1960 of more than 50 percent were evidence that the tribe met the requirements of criterion 83.7(b) for community up to 1960 under the provisions of 83.7(b)(2). Since 1960, the migration of the tribe's members off the Pine Creek Reservation to specific locations in Michigan was patterned. The outlying settlements not only maintained close social and kinship ties with the central Pine Creek settlement area, but also among the five external settlement areas. Huron Potawatomi, Inc. meets criterion 83.7(b) as modified by section 83.8(d).

Because Huron Potawatomi, Inc. met the requirements of criterion 83.7(b) between 1833 and 1934 by showing a sufficient level of evidence under 83.7(b)(2), pursuant to 83.7(c)(3) they also met criterion 83.7(c) for that time period. From 1934 through 1970, the leadership was by a committee closely associated with the Methodist Indian mission on the Pine Creek reservation. In 1970, the tribe incorporated and has since been administered by an elected chairman and council. Huron Potawatomi, Inc. meets criterion 83.7(c) as modified by criterion 83.8(d).

The tribe has provided a copy of its governing document, which describes

its membership criteria. Huron Potawatomi, Inc. meets criterion 83.7(d).

The 1994 membership list of the Huron Potawatomi, Inc. contained 850 entries. The membership has been documented to descend from persons listed on the 1904 Taggart Roll, compiled by the Bureau of Indian Affairs in connection with the issuance of Potawatomi annuity payments under Federal treaties. The Proposed Finding concluded that the 1994 HPI membership list, after eliminating deceased members and duplicate names, contained 819 actual living persons. The Proposed Finding noted the following items pertaining to the HPI membership: (1) That 171 of the HPI members were also, by ancestry, eligible for membership in the Pokagon Potawatomi Band; (2) that a small number of the HPI members were eligible for enrollment in other federally acknowledged tribes and that two large families appeared to be dually enrolled with the Saginaw Chippewa Indian Tribe; and (3) that 126 individuals on the February 18, 1994, HPI membership list had notified the BIA that they wished to be part of the petition for Federal acknowledgment submitted by the Match-e-be-nash-she-wish Pottawatomi Band, while about 150 others were eligible to be included in the membership of the Match-e-be-nash-she-wish Pottawatomi Band if they so desired. Because of extensive intermarriage among American Indian tribes in Michigan, the above determinations contained overlaps: the same individual might be eligible for more than one of the enrollment options. The Proposed Finding concluded that if the persons who fell into the categories listed above chose to disenroll from HPI, their removal from the HPI membership would not adversely affect the ability of the Huron Potawatomi, Inc. to meet the mandatory criteria of the Federal acknowledgment regulations.

The December 1, 1995, membership list submitted by Huron Potawatomi, Inc. used both the prior membership list dated June 27, 1991 (numbers 1 through 849) and that dated February 15, 1994, as the basis for the changes submitted: it utilized the 1991 membership numbers, whereas the 1994 list did not include membership numbers, and added #850 for one individual (whose name was on the February 19, 1994, list). The December 1, 1995, HPI list represents the following changes from the February 18, 1994, HPI list: 11 former members were noted as deceased; 2 former members enrolled in the Grand Traverse Band; 42 former members enrolled in the Pokagon

Potawatomi Band; and 132 (the 126 noted by the Proposed Finding plus 6 more) former members enrolled in the Match-e-be-nash-she-wish Pottawatomi Band. These withdrawals fell well within the parameters predicted by the Proposed Finding. Since the Proposed Finding, fifty-eight persons carried on the 1991 and 1994 HPI lists relinquished their membership in Huron Potawatomi, Inc. in order to remain enrolled in the Saginaw Chippewa Indian Tribe. These relinquishments resolved any problem caused by dual enrollment in another federally-recognized tribe. Huron Potawatomi, Inc. did not add any members between the February 18, 1994, and December 1, 1995, membership lists: none of the births to tribal members that occurred in the interim met the constitutional requirements for voting membership at age 18. These deductions should have been given, based on the 1994 roll, a net membership for Huron Potawatomi, Inc., of 606 individuals. The list dated December 1, 1995, contained 602 names. The discrepancy of four persons was clarified by an addendum to the membership roll sent by the HPI on December 12, 1995. The addendum identified three names that were on the tribe's deceased list, but had been overlooked. The fourth person was identified as member on the roll who has the same name as a person on the deceased member list. Huron Potawatomi, Inc. meets criterion 83.7(e).

Huron Potawatomi, Inc. is not principally composed of persons who are members of another acknowledged North American Indian tribe. Huron Potawatomi, Inc. meets criterion 83.7(f).

No evidence was found that Huron Potawatomi, Inc. or its members are the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship. Huron Potawatomi, Inc. meets criterion 83.7(g).

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95-31075 Filed 12-20-95; 8:45 am]

BILLING CODE 4310-02-P

Operation and Maintenance Rate Adjustment: Wapato Irrigation Project, Washington; Notice of Proposed Operation and Maintenance Rate Increase

SUMMARY: The Bureau of Indian Affairs proposes to change the assessment rates for operating and maintaining the Wapato Irrigation Project for 1996 and subsequent years. The assessment rates are based on a prepared estimate of the

cost of normal operation and maintenance of the irrigation project. Normal operation and maintenance means the expenses we incur to provide direct support or benefit to the project's activities for administration, operation, maintenance, and rehabilitation. We must include at least:

(a) Personnel salary and benefits for the project engineer/manager and our employees under his management control,

(b) Materials and supplies,

(c) Major and minor vehicle and equipment repairs,

(d) Equipment, including transportation, fuel, oil, grease, lease and replacement,

(e) Capitalization expenses,

(f) Acquisition expenses, and

(g) Other expenses we determine necessary to properly perform the activities and functions characteristic of an irrigation project.

FOR FURTHER INFORMATION CONTACT: Area Director, Bureau of Indian Affairs, Portland Area Office, 911 N.E. 11th Avenue, Portland, Oregon 97232-4169, telephone (503) 231-6702.

DATES: Comments must be submitted on or before [January 22, 1996.]

SUPPLEMENTARY INFORMATION: The authority to issue this document is vested in the Assistant Secretary of Indian Affairs by 5 U.S.C. 301 and the Act of August 15, 1914 (38 Stat. 583, 25 U.S.C. 385). The Secretary has delegated this authority to the Assistant Secretary—Indian Affairs pursuant to part 209 Departmental Manual, Chapter 8. 1A and Memorandum dated January 25, 1994, from Chief of Staff, Department of the Interior, to Assistant Secretaries, and Heads of Bureaus and Offices.

This notice is given in accordance with Section 171.1(e) of part 171, Subchapter H, Chapter 1, of Title 25 of the Code of Federal Regulations, which provides for the Area Director to fix and announce the rates for annual operation and maintenance assessments and related information of the Wapato Irrigation Project for Calendar Year 1996 and subsequent years.

The purpose of this notice is to announce a proposed increase in the Wapato Project assessment rates proportionate with actual operation and maintenance costs. The assessment rates for 1996 will amount to an increase of 11% for the Wapato Satus Unit A Lands and 21% for B lands due to increased storage charges and an 11% increase for the Toppenish-Simcoe & Ahtanum Units.

Charges for Special Services

Charges will be collected for various special services requested by the general public, water users and other organizations during the Calendar Year 1996 and subsequent years until further notice, as detailed below:

- (1) Requests for Irrigation Accounts and Status Reports, Per Report\$15.00
- (2) Requests for Verification of Account Delinquency Status, Per Report.....\$10.00
- (3) Requests for Splitting of Operation and Maintenance Bills (in addition to minimum billing fee) Per Bill\$10.00
- (4) Requests for Billing of Operation and Maintenance to Other than Owner or Lessee of Record (in addition to minimum billing fee) Per Bill\$10.00
- (5) Requests for Other Special Services Similar to the above, when appropriate, Per Report\$10.00
- (6) Requests for elimination of lands from the Project. In the event that the elimination is approved, a portion of the fee will be used to pay the Yakima County Recording Fee.....\$10.00
- (7) Review of subdivision plats.....\$10.00

Ahtanum Unit

Charges

(A) The operation and maintenance rate on lands of the Ahtanum Irrigation Unit for the Calendar Year 1996 and subsequent years until further notice, is fixed at \$10.00 per acre per annum for land to which water can be delivered from the project works.

(B) In addition to the foregoing charges there shall be collected a billing charge of \$5.00 for each tract of land for which operation and maintenance bills are prepared. The bill issued for any tract will, therefore, be the basic rate per acre times the number of acres plus \$5.00. A one acre charge shall be levied on all tracts of less than one acre.

Toppenish-Simcoe Unit

Charges

(A) The operation and maintenance rate for the lands under the Toppenish-Simcoe Irrigation Unit for the Calendar Year 1996 and subsequent years until further notice, is fixed at \$10.00 per acre per annum for land for which an application for water is approved by the Project Engineer.

(B) In addition to the foregoing charges there shall be collected a billing charge of \$5.00 for each tract of land for which operation and maintenance bills are prepared. The bills issued for any tract will, therefore, be the basic rate per acre times the number of acres plus \$5.00. A one acre charge shall be levied on all tracts of less than one acre.