

(5) Federal Register Notice of Proposed Finding

- May 31, 1995

Indian Housing Authorities as technical assistance.

Form Number: None.

Respondents: Individual or Households and Businesses or Other For-Profit.

Reporting Burden:

Questionnaire	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
	500		1		.16		80

Total Estimated Burden Hours: 80.

Status: New.

Contact: Joan Ladesh, HUD (202) 755-0066; Joseph F. Lackey, Jr., OMB, (202) 395-7316.

Dated: May 16, 1995.

[FR Doc. 95-13187 Filed 5-30-95; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs—Proposed Finding For Federal Acknowledgment of Huron Potawatomi, Inc.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed finding.

SUMMARY: Pursuant to 25 CFR 83.10(h), notice is hereby given that the Assistant Secretary—Indian Affairs (Assistant Secretary) proposes to acknowledge that Huron Potawatomi, Inc., 2221 1 1/2 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 tribe satisfies all of the criteria set forth in 25 CFR 83.7 as modified by 25 CFR 83.8, and, therefore, meets the requirements for a government-to-government relationship with the United States.

DATES: As provided by 25 CFR 83.10(i), any individual or organization wishing to challenge the proposed finding may submit arguments and evidence to support or rebut the evidence relied upon. This material must be submitted within 180 calendar days from the date of publication of this notice. As stated in the regulations, 25 CFR 83.10(i), interested and informed parties who submit arguments and evidence to the Assistant Secretary must also provide copies of their submissions to the petitioner.

ADDRESSES: Comments on the proposed finding and/or request for a copy of the report of evidence should be addressed to the Office of the Assistant Secretary, 1849 C Street, NW., Washington, DC 20240, Attention: Branch of Acknowledgment and Research, Mailstop 2611-MIB.

FOR FURTHER INFORMATION CONTACT: Holly Reckord, Chief, Branch of

Acknowledgment and Research, (202) 208-3592.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary by 209 DM 8.

The petitioner, also known as the Nottawaseppi Huron Potawatomi Band, consists of descendants of the historical Potawatomi tribe of Michigan. Its members are descendants specifically of the Potawatomi of Huron, a band which signed treaties with the Federal Government from the Treaty of Greenville in 1795 through the Articles Supplementary to the Treaty of Chicago in 1833. After the War of 1812, this group moved from the Detroit area to the Nottawaseppi Reserve, established by the Federal treaty of 1821, in southwestern Michigan. Because of these treaties, the petitioner meets the requirements of § 83.8 as having unambiguous previous Federal acknowledgment and has been considered under the modifications of § 83.7 that are prescribed by § 83.8. The date of the last treaty, 1833, has been used as the date of latest Federal acknowledgment for purposes of this finding to enable the petitioner to proceed under the provisions of § 83.8. Because the petitioner had already completed documentation of the petition before the present regulations became effective, it was not necessary to determine if there was a later date of unambiguous Federal acknowledgment.

Between 1833 and 1840, the petitioner's ancestors continued to reside on the Nottawaseppi Reserve. In 1840, the ancestors of the petitioner 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. Huron Potawatomi, Inc. is centered at the Pine Creek Indian Reservation in Calhoun County, Michigan. This 120-acre tract of land was purchased by the founders of the community in 1845 with Federal annuity monies and placed in trust with the State of Michigan, in which status it has remained until the present day. During the second half of the 19th century, the original population was augmented by the

migration into the settlement of a few additional Michigan Potawatomi families, which was in accordance with the traditionally permeable boundaries of Potawatomi villages.

From the date of its reestablishment (1842) until the present, the petitioner's community has consistently been identified as a settlement of Michigan Potawatomi in Federal, state, and local documents, which include Federal census records, Bureau of Indian Affairs census records and annuity rolls, county realty records and vital records, Methodist Indian mission records, and local histories. No ethnicity for the community other than Potawatomi has been suggested by any scholar or observer. The identification is as the same tribal entity that was previously acknowledged or as a portion that has evolved from that entity. Therefore, we conclude that the petitioner meets criterion 83.7(a) as modified by criterion 83.8(d).

The petitioner presented evidence that it maintained usage of the Potawatomi language and had a level of in-group or culturally appropriate patterned out-group marriages to other Michigan Indians of over 50 percent of total marriages from 1842 through 1960. At least through 1934, the petitioner had over 50 percent of the group's population resident at or near the Pine Creek site, thus meeting the requirements of criterion 83.7(b), for community up to 1960 under the provisions of § 83.7(b)(2).

Although since the Depression, to the present, younger members of the group have moved off the reservation site in search of housing and employment, there emerged a defined pattern of migration to specific locations in Michigan. Evidence indicates that the emigrants not only maintain close social and kinship ties with the central Pine Creek settlement area, but also maintain close social and kinship ties among the five external settlement areas. Thus, we conclude that the petitioner meets criterion 83.7(b) as modified by section 83.8(d), which requires a showing that the group constitutes a distinct, cohesive community at present.

Because the Huron Potawatomi meet the requirements of the community 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 meet criterion 83.7(c) for that time period. Between 1833 and 1840 (the date the Federal Government attempted to remove all Potawatomi on the Nottawaseppi Reserve to Kansas), anecdotes and reminiscences of pioneer settlers mention leaders and chiefs of the Potawatomi of Huron on the Nottawaseppi Reserve, and the Potawatomi of Huron continued during this period of time to collect Federal annuities under the Treaty of 1807. From 1842 through the present day, the Pine Creek settlement, which is incorporated as Huron Potawatomi, Inc., the petitioner, has had an unbroken sequence of documented leadership.

After the reestablishment of the community at Pine Creek in 1842, the band continued to choose traditional chiefs through 1934. 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 petitioner incorporated and has since been administered by an elected chairman and council. These leaders regularly represented the group in its interaction with the Bureau of Indian Affairs and to the public, as well as supervising internal reservation activities. Therefore, we conclude that the petitioner meets criterion 83.7(c) as modified by criterion 83.8(d).

The petitioning group has provided a copy of its governing document, which describes its membership criteria. Thus, we conclude that the petitioner meets criterion 83.7(d).

With the exception of one adopted child, all of the 819 members on the petitioner's 1994 membership list have 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. Thus we conclude that the petitioner meets criterion 83.7(e).

A portion of the membership of Huron Potawatomi, Inc. (171 individuals)—persons who had dual ancestry from both the Huron Potawatomi and the Pokagon Potawatomi—was determined to be dually enrolled with the Pokagon Potawatomi Band (aka Potawatomi of Michigan and Indiana, Inc.), which was federally acknowledged through the legislative process in 1994, while the petition from Huron Potawatomi, Inc., was being evaluated through the administrative process. At the time the Huron Potawatomi, Inc. membership roll was compiled and submitted, the

Pokagon Potawatomi were not federally acknowledged. Neither the Huron nor the Pokagon constitutions prohibit dual enrollment with other unacknowledged Indian groups. The proportion of individuals enrolled in a recognized tribe (21 percent in the Pokagon Potawatomi and five percent in other tribes) is small enough that the Huron Potawatomi membership is not principally composed of persons who are members of an acknowledged North American Indian tribe. Therefore, we find that the petitioner meets criterion 83.7(f) within the purpose of the regulation, which is designed to prevent the splintering and break-up of federally acknowledged tribes through the Federal acknowledgment process.

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

In October 1994, 126 Taggart Roll descendants who have dual ancestry in both the Huron Potawatomi and in the Potawatomi settlement centered around Bradley and Salem in Allegan County, Michigan, notified the Bureau of Indian Affairs that they wish to have their names removed from the Huron Potawatomi, Inc. membership list in order to be part of the petition for Federal acknowledgment of the Match-e-be-nash-she-wish Potawatomi Band (#9A). Removal of these 126 individuals from the petitioner's membership does not affect the ability of the petitioner to meet the mandatory criteria of the Federal acknowledgment regulations.

Based on this preliminary factual determination, we conclude that the Huron Potawatomi, Inc. should be granted Federal acknowledgment under 25 CFR part 83.

As provided by 25 CFR 83.10(h) of the revised regulations, a report summarizing the evidence, reasoning, and analyses that are the basis for the proposed decision will be provided to the petitioner and interested parties, and is available to other parties upon written request. Comments on the proposed finding and/or requests for a copy of the report of evidence should be addressed to the Office of the Assistant Secretary, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, Attention: Branch of Acknowledgment and Research, Mailstop 2611—MIB. Third parties must simultaneously supply copies of their comments to the petitioner in order for them to be considered by the Department of the Interior.

During the response period, the Assistant Secretary shall provide technical advice concerning the proposed finding and shall make available to the petitioner in a timely fashion any records used for the proposed finding not already held by the petitioner, to the extent allowable by Federal law (83.10(j)(1)). In addition, the Assistant Secretary shall, if requested by the petitioner or any interested party, hold a formal meeting for the purpose of inquiring into the reasoning, analyses, and factual bases for the proposed finding. The proceedings of this meeting shall be on the record. The meeting record shall be available to any participating party and become part of the record considered by the Assistant Secretary in reaching a final determination (83.10(j)(2)).

If third party comments are received during the regular response period, the petitioner shall have a minimum of 60 days to respond to these comments. This period may be extended at the Assistant Secretary's discretion if warranted by the nature and extent of the comments (83.10(k)).

At the end of the response periods the Assistant Secretary shall consider the written arguments and evidence submitted during the response periods and issue a final determination. The Assistant Secretary shall consult with the petitioner and interested parties to determine an equitable timeframe for preparation of the final determination and notify the petitioner and interested parties of the date such consideration begins. The Assistant Secretary may conduct any necessary additional research and may request additional information from the petitioner and third parties. A summary of the final determination will be published in the Federal Register within 60 days from the date on which the consideration of the written arguments and evidence rebutting or supporting the proposed finding begins, as provided in 25 CFR 83.10(l)(2).

Ada E. Deer,
Assistant Secretary—Indian Affairs.
[FR Doc. 95-13172 Filed 5-30-95; 8:45 am]
BILLING CODE 4310-02-P

Bureau of Land Management
[WO-350-09-1430-00]

Information Collection Submitted to
the Office of Management and Budget
for Review Under the Paperwork
Reduction Act

The proposal for the collection of
information listed below has been