

(5) Federal Register Notice of Proposed Finding

- July 16, 1997

first be donated to and subsequently managed by a holding company. After initial habitat restoration, the property would then be conveyed to Brevard County or other acceptable land conservation program, along with a conservation easement, requiring preservation and management for Florida scrub-jays (and eastern indigo snakes) into perpetuity.

2. The Applicant would pay \$4,900 into an endowment fund which would be used to fund the long-term management of the mitigation site. The conservation easement accompanying the land would require Brevard County to manage the land for Florida scrub-jays and eastern indigo snakes into perpetuity. This provides for restrictions of construction activity, purchase of offsite habitat for the Florida scrub jay, the establishment of an endowment fund for the offsite acquired habitat, and donation of additional offsite habitat.

3. No clearing of scrub vegetation would occur during the nesting season of the Florida scrub jay.

4. The HCP provides a funding mechanism for these mitigation measures.

As stated above, the Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the EA and HCP. An appropriate excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

1. Issuance of an ITP would not have significant effects on the human environment in the project area.

2. The proposed take is incidental to an otherwise lawful activity.

3. The Applicant has ensured that adequate funding will be provided to implement the measures proposed in the submitted HCP.

4. Other than impacts to endangered and threatened species as outlined in the documentation of this decision, the indirect impacts which may result from issuance of the ITP are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's ITP is contingent upon the Applicant's compliance with the terms of the permit and all other laws and regulations under the control of State, local, and other Federal governmental entities.

The Service will also evaluate whether the issuance of a Section 10(a)(1)(B) ITP complies with Section 7 of the Act by conducting an intra-Service Section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: July 9, 1997.

Marvin E. Moriarty,

Acting Regional Director.

[FR Doc. 97-18656 Filed 7-15-97; 8:45 am]

BILLING CODE 4310-55-U

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Finding for Federal Acknowledgment of the Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan

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 the Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan (MBPI), 112 W. Superior Street, Wayland, MI 49348, exists as an Indian tribe within the meaning of Federal law. This notice is based on the 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 comment on 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), 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, N.W., Washington, D.C. 20240, Attention: Branch of Acknowledgment and Research, MailStop 4603-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, formerly called the Gun Lake Band of Grand River Ottawa, consists of descendants from Match-e-be-nash-she-wish's Potawatomi band, which received a three-mile square reserve at Kalamazoo, Michigan, under the Treaty of 1821. The Band moved northward from Kalamazoo to its current location in Allegan County, Michigan, after the 1833 Treaty of Chicago. Because of its location as the northernmost of the Potawatomi bands in Michigan, it was incorporated for payment purposes with the Grand River Ottawa under the Compact of 1838 following the 1836 Ottawa Treaty.

The band was a signatory to the 1855 Treaty of Detroit. It received annuity payments under this and prior treaties until the final commutation payment in 1870. The petitioner thus meets the requirements of section 83.8 as having unambiguous previous Federal acknowledgment and has been considered under the modifications of section 83.7 that are prescribed by section 83.8. The date of the band's final annuity commutation payment, 1870, has been used as the date of the latest Federal acknowledgment for purposes of this finding to enable the petitioner to proceed under the provisions of section 83.8.

Between 1870 and 1904, the petitioner's ancestors continued to reside on lands of the former Griswold Mission, which was referred to as an "Indian Colony" in the 1880 Federal census of Allegan County, Michigan. During 1883-1884, the former Griswold Reserve lands were allotted among the families, generating extensive court records which identified the community and its members. In 1900 and 1910, the Federal census enumerated the Allegan County settlement on the special Indian Population schedules.

The 1904 Taggart Roll and the 1908 Durant Roll—rolls compiled by the Bureau of Indian Affairs (BIA) special agents to settle claims of Michigan's Potawatomi and Ottawa Indians, respectively—listed ancestors of the petitioner. From 1885 onward, the Methodist Church designated the church near Bradley on the former Griswold Reserve lands as an Indian mission. In 1917, a sister church of the petitioner was established at Salem in Allegan County, also designated as an Indian mission by the Methodist

Church. Annual mission reports to the Methodist Church have provided documentation on petitioner participation in mission activities from this period to the present. In 1939, the BIA's Holst Report on Indians in the Lower Peninsula of Michigan provided a summary description of the "Bradley group consisting of 23 families." The 1941 WPA guide to the State of Michigan identified the Bradley settlement as an Indian entity.

Numerous newspaper articles published from the early 1900's to the present have described the petitioner and their ancestors in Allegan County, Michigan, as a Potawatomi group or combined Potawatomi/Ottawa group. Some of these specified that the current group descends from the historical Match-e-be-nash-she-wish band. Therefore, we conclude that the petitioner meets criterion 83.7(a) as modified by criterion 83.8(d).

The petitioner presented evidence that more than 50 percent of the group had resided in a geographical area almost exclusively composed of band members from historical times up to 1920 and maintained consistent interaction with the remainder of the group. At least 50 percent of the band's members, including children and adults, were Potawatomi speakers from historical times up through early 1957. Since then, the members have come together in significant numbers, across all family lines, and have maintained a significant rate of informal social interaction. Thus, the petitioner meets the requirements of criterion 83.7(b) for community up to the present.

Since World War II to the present, younger members of the group have moved away from the Bradley settlement area, a.k.a. the Griswold Colony, to nearby urban areas in search of housing and employment. The majority of the young emigrants relocated to Grand Rapids or Kalamazoo, both approximately 25 miles from the Bradley settlement. These emigrants and their offspring maintained close social and kinship ties with members still residing near Bradley. We conclude the petitioner meets criterion 83.7(b), as modified by section 83.8(d)(2), and that the petitioner demonstrates that it comprises a distinct community at present.

From the early 1800's to at least 1904, traditional chiefs led the Band and were clearly identified by authoritative outside observers. The records of the BIA, the Methodist church, and Allegan County, Michigan, as well as the D.K. Foster papers, provided extensive documentation of the activities

undertaken by the traditional chiefs on behalf of the band. This evidence, in conjunction with evidence under 83.7(c)(iv) and 83.7(b)(2) is sufficient for the MBPI to meet 83.8(d)(3) from the time of last Federal recognition to 1904.

From 1904 to 1992, the leadership was closely associated with lay and ordained band ministers of the community's Methodist missions. The documentation submitted by the petitioner and consulted by the Government's researchers did not find continuous identification of these leaders by authoritative outside sources, at a level required by 83.8(d)(3). However, in cases where a petitioner with prior unambiguous Federal acknowledgment does not submit evidence to demonstrate that the group meets the standards described under the expedited process for previously recognized tribes, they may alternatively demonstrate that they meet 83.7(c) using the forms of evidence described in that section. Under the revised Federal acknowledgment regulations which became effective March 28, 1994, the presumption is made under 83.7(c)(3) that at any period during which the petitioner can show sufficient evidence to meet criterion 83.7(b)(2), they also meet criterion 83.7(c). As the petitioner meets criterion 83.7(b) with sufficient evidence through 1957, under 83.7(3), it also meets criterion 83.7(c) until 1957. Also, the petitioner submitted substantial evidence concerning the actual leadership activities of the lay ministers at Bradley and Salem missions for this period.

From 1957 to 1992, the actual activities and leadership were analyzed to show that the MBPI meet 83.7(c), until 1992, when the group was formally incorporated with a council. Since then, the MBPI have made significant decisions and taken actions to buy land, organize their governing structures, and deal with certain social issues at a level that meets 83.7(c).

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).

All band members listed on the October 20, 1994 roll are of Michigan Potawatomi ancestry and descend from persons listed on the 1904 Taggart Roll. All band members listed on the 1994 roll meet the petitioner's constitutional membership qualifications. We conclude that the petitioner meets criterion 83.7(e).

One hundred twenty-six persons who previously were carried on the Huron Potawatomi, Inc. membership roll committed themselves to the Match-e-

be-nash-she-wish petitioner in writing in October, 1994, and withdrew from the Huron Potawatomi, Inc. prior to the effective date of Huron Potawatomi, Inc.'s Federal acknowledgment.

Accordingly, the MBPI's membership is composed primarily of persons who are not members of any acknowledged North American tribe. Therefore, we conclude that the petitioner meets criterion 83.7(f).

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).

Based on this preliminary factual determination, we conclude that the Match-e-be-nash-she-wish Band of Pottawatomi Indians 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, N.W., Washington, D.C. 20240, Attention: Branch of Acknowledgment and Research, MailStop 4603-MIB. Third parties must also 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 time frame 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).

Dated: June 23, 1997.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 97-18659 Filed 7-15-97; 8:45 am]

BILLING CODE 4310-02-U

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Approval of Record of Decision, Final Environmental Impact Statement for the Santa Rosa Island Resources Management Plan for Improving Water Quality and Conserving Rare Species and Their Habitats; Channel Islands National Park, Santa Barbara County, California

SUMMARY: Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190, as amended), and the regulations promulgated by the Council of Environmental Quality at 40 CFR 1505.2, the Department of the Interior, National Park Service has prepared and approved a Record of Decision for the Final Environmental Impact Statement and Resources Management Plan for Improvement of Water Quality and Conservation of Rare Species and Their Habitats on Santa Rosa Island (Final EIS/RMP).

The National Park Service will implement actions described in the Proposed Action, Alternative D (Revised Conservation Strategy), in the Final EIS/RMP issued in April, 1997, except as follows: (1) A small cattle gathering area, the "Arlington Trap", would be available to the permittee for occasional

rounding up of cattle in the years following closure of Pocket Field; and (2) Regarding utilization of Old Ranch Pasture, under the Proposed Action this Pasture would be closed immediately to cattle and horses. Currently there are no cattle in the Pasture, and the permittee will have until January 1, 1998, to move the existing horse herd from this Pasture to other pastures. Horse utilization for this additional period of time was deemed to have negligible effect on resources and will not hinder restoration efforts.

Copies of the Record of Decision may be obtained from the Superintendent, Channel Islands National Park, 1901 Spinnaker Drive, Ventura, CA 93001, or via telephone at (805) 658-5776.

Dated: June 30, 1997.

Patricia L. Neubacher,

Acting Regional Director, Pacific West Region.

[FR Doc. 97-18632 Filed 7-15-97; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

Acadia National Park Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. Ap. 1, sec. 10), that the Acadia National Park Advisory Commission will hold a meeting on Monday, July 28, 1997.

The Commission was established pursuant to Pub. L. 99-420, Sec. 103. The purpose of the commission is to consult with the Secretary of the Interior, or his designee, on matters relating to the management and development of the park, including but not limited to the acquisition of lands and interests in lands (including conservation easements on islands) and termination of rights of use and occupancy.

The meeting will convene at park headquarters, Acadia National Park, Rt. 233, Bar Harbor, Maine, at 1 p.m. to consider the following agenda:

1. Review and approval of minutes from the meeting held June 16, 1997
2. Subcommittee reports
3. Committee assignments
4. Superintendent's report
5. Public comments
6. Proposed agenda, date and location of next Commission meeting

The meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests

should be made to the Superintendent at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from the Superintendent, Acadia National Park, PO Box 177, Bar Harbor, Maine 04609, tel: (207) 288-3338.

Dated: July 8, 1997.

David Manski,

Acting Superintendent, Acadia National Park.

[FR Doc. 97-18627 Filed 7-15-97; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 5, 1997. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by July 31, 1997.

Beth Boland,

Acting Keeper of the National Register.

CALIFORNIA

Santa Clara County

Agnews Insane Asylum, 4000 Lafayette Ave., Santa Clara, 97000829

CONNECTICUT

Hartford County

Canton Center Historic District, Roughly along Barbourtown, E. Mountain, Humphrey, West, and W. Mountain Rds., Canton vicinity, 97000831

New Haven County

Center Street Cemetery, 2 Center St., Wallingford, 97000833
Grove Street Cemetery, 200 Grove St., New Haven, 97000830

Tolland County

Tolland Green Historic District, Roughly along Old Post, Tolland Stage, and Cider Mill Rds., Tolland, 97000832

DELAWARE

New Castle County

Graham, Robert, House, 751 Crossan Rd., Newark vicinity, 97000835
Mayfield, 1603 Levels Rd., Middletown vicinity, 97000836

Sussex County

Baltimore Mills Historic Archaeological Site, Address restricted, Omar, 97000837