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John W. Fritz,

Assistant Secretary, Indian Affairs.

April 2, 1985.

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**Plan for the Use and Distribution of the Devils Lake Sioux Tribe of Indians Judgment Funds in Docket 363 Before the United States Claims Court**

April 4, 1985.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on August 1, 1983, in satisfaction of the award granted to the Devils Lake Sioux Tribe of Indians before the United States Claims Court in Docket 363. The plan for the use and distribution of the funds were submitted to the Congress with a letter dated July 6, 1984, and was received (as recorded in the Congressional Record) by the Senate on July 23, 1984, and by the House of Representatives on July 23, 1984. The plan became effective on January 6, 1985, as provided by the 1973 Act, as amended by Pub. L. 97-458, since a joint resolution disapproving it was not enacted.

The plan reads as follows:

For the Use and Distribution of the Devils Lake Sioux Tribe's Judgment Funds in Docket 363 (Forfeiture Act Claims, Treaties of July 23, 1851, and June 19, 1858, and Non-Forfeiture Act Claims) before the United States Claims Court

The share of the Devils Lake Sioux Tribe, 26.21 percent, of the award funds in Docket 363 appropriated on August 1, 1983, totaling \$3,770,593.88, and the funds appropriated the same date in satisfaction of a Docket 363 award granted specifically to the Devils Lake Sioux Tribe, totaling \$50,731.52, both before the United States Claims Court, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as follows.

**Per Capita Payment Aspect**

Eighty (80) percent of the funds shall be distributed in the form of per capita payments by the Secretary of the

Interior (hereinafter the "Secretary") in sums as equal as possible to all tribal members born on or prior to and living on the effective date of this plan.

**Programing Aspect**

Twenty (20) percent of the funds, and any amounts remaining from the per capita payment provided above, shall be invested by the Secretary and utilized by the tribal governing body on an annual budgetary basis for tribal social and economic development programs as follows:

1. Elderly Assistance Program—four (4) percent
2. Recreation Projects—two (2) percent
3. Education Assistance Program—one (1) percent
4. Assistance in Funeral and Burial Expenses—two (2) percent
5. Tribal Land Acquisition—three (3) percent
6. Tribal Administration—eight (8) percent

**General Provisions**

The per capita shares of living, competent adults shall be paid directly to them. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR Part 4, Subpart D. Per capita shares of legal incompetents and minors shall be handled as provided in the Act of October 19, 1973, 87 Stat. 466, as amended January 12, 1983, 96 Stat. 2512.

None of the funds distributed per capita or made available under this plan for programing shall be subject to Federal or State income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act or, except for per capita shares in excess of \$2,000, any Federal or federally assisted programs.

John W. Fritz,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 85-8714 Filed 4-10-85; 8:45 am]

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**Final Determination That the Kaweah Indian Nation, Inc., Does Not Exist as an Indian Tribe**

April 1, 1985.

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), notice is hereby given that the Assistant

Secretary has determined that the Kaweah Indian Nation, Inc. does not exist as an Indian tribe within the meaning of Federal law. This notice is based on a confirmed determination, following a public comment period on the proposed finding, that the group does not satisfy three of the seven 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.

Notice of the proposed finding to decline to acknowledge the group was first published on page 28770 of the Federal Register on Monday, July 16, 1984. Interested parties were given 120 days in which to submit factual or legal arguments to rebut evidence used to support the proposed finding. No rebuttals or other comments were received during the comment period and no evidence was submitted which would warrant changing the conclusion that the Kaweah Indian Nation does not exist as an Indian tribe within the meaning of Federal law.

In accordance with 25 CFR 83.9(j) of the Acknowledgment regulations, an analysis was made to determine what, if any, options other than acknowledgment are available under which the Kaweah Indian Nation could make application for services and other benefits. No viable alternatives were found.

This determination is final and will become effective 60 days after publication unless the Secretary of the Interior requests the determination be reconsidered pursuant to 25 CFR 83.10.

John W. Fritz,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 85-8689 Filed 4-10-85; 8:45 am]

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**Final Determination That the Principal Creek Indian Nation East of the Mississippi Does Not Exist as an Indian Tribe**

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), notice is hereby given that the Assistant Secretary had determined that the Principal Creek Indian Nation East of the Mississippi does not exist as an Indian tribe within the meaning of Federal law. This notice is based on a confirmed determination, following a public comment period on the proposed findings that the group does not satisfy all of the seven mandatory criteria set forth in 25 CFR 83.7 and, therefore, does