members could not demonstrate Snohomish ancestry. Only 59 percent of STI's 836 members, descending from about 38 or 39 different family lines at the time of the PF, had documented descent from the historical Snohomish tribe.

The PF found that the STI provided an official membership list, separately certified by the group's governing body, as required by 83.7(e)(2). For the FD, the petitioner submitted a membership list, dated March 12, 1999, that identified 1,390 members and was virtually identical with the membership list used for the PF except for the addition of new members. The petitioner's governing body certified the updated membership list by resolution as required under criterion 83.7(e)(2). After auditing the petitioner's membership files and correcting the discrepancies in the 1999 membership list, the current adjusted STI membership totaled 1,113.

Based on new information submitted by the petitioner and the Tulalip Tribes of the Tulalip Reservation, or located by the Department, and other evidence in the record, the Department re-evaluated the STI family lines for evidence of descent from the historical Snohomish tribe. Twenty of the STI family lines, identified as descending from the historical Snohomish tribe in the PF, remain unchanged. Two family lines not previously determined to demonstrate Snohomish ancestry now have been sufficiently documented to show descent from the historical Snohomish tribe, and two "new" family lines, originally considered as part of pre-existing STI family lines, also were found to demonstrate Snohomish descent.

Based on the analysis described above, the evidence for this finding shows that 69 percent of the STI membership (763 of 1,113 members) have documented descent from the historical Snohomish tribe. The petitioner has not demonstrated that the remaining 31 percent of its membership (350 of 1,113 members) are of Snohomish descent or are descended from other Indian tribes that had amalgamated with the petitioner's Snohomish ancestors at some point in history to form a separate and distinct entity. The evidence does not demonstrate that the petitioner as a whole descends from the historical Snohomish tribe. Therefore this FD concludes that the petitioner does not meet criterion 83.7(e).

Criterion 83.7(f): This FD affirms the conclusion of the PF that the petitioner is not principally composed of members of another acknowledged North American Indian tribe. Since the PF, the petitioner obtained enrollment statements from most of its members, who declared that they did not have membership in any other federally acknowledged tribe. Examination of the membership lists of federally recognized tribes in the area did not reveal any names of STI members.

Criterion 83.7(g): This FD affirms the conclusion of the PF that neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

Under Section 83.10(m), the AS–IA is required to decline to acknowledge that a petitioner is an Indian tribe if it fails to satisfy any one of the criteria in Section 83.7. The petitioner did not submit evidence sufficient to meet criteria 83.7(a), (b), (c), and (e), and, therefore, does not satisfy the requirements for acknowledgment.

This determination is final and will become effective 90 days from publication of this notice, unless a request for reconsideration is filed pursuant to section 83.11. The petitioner or any interested party may file a request for reconsideration of this determination with the Interior Board of Indian Appeals (section 83.11(a)(1)). The petitioner's or interested party's request must be received no later than March 9, 2004 of the AS–IA's determination in the **Federal Register** (section 83.11(a)(2)).

Dated: December 2, 2003.

Aurene M. Martin,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 03–30575 Filed 12–9–03; 8:45 am]

BILLING CODE 4310–45–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of an amendment to a tribal-State gaming compact taking effect between the Little Traverse Bay Bands of Odawa Indians and the State of Michigan.

SUMMARY: Under section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100–497, 25 U.S.C 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of the approved tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has deemed approved the amendment to the Class III gaming compact between the Little Traverse Bay Bands of Odawa Indians and the State of Michigan. By the terms of IGRA, the amendment is considered approved, but only to the extent that the amendment is consistent with the provisions of IGRA. The amendment authorizes the addition of a second gaming site in addition to the current site in Petoskey, Michigan. It also creates a 10 county geographical exclusivity area. In exchange for the geographical exclusivity, the tribe agrees to pay between 10 and 12 percent of net win from class III electronic games at the tribe's second site, depending on the amount of actual revenues. The payment to the State ceases if the scope of non-Indian gaming is expanded within the State or if a federally recognized tribe opens a class III gaming facility within the 10 county areas. In addition the payment is reduced if a newly recognized tribe opens a class III facility within the 10 county areas.

EFFECTIVE DATE: December 10, 2003.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: December 2, 2003.

Aurene M. Martin,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 03–30634 Filed 12–9–03; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–020–1010–PO]

Notice of Public Meeting, Eastern Montana Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior, Montana, Billings and Miles City Field Offices.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Eastern Montana Resource Advisory Council (RAC), will meet as indicated below.

DATES: The meeting will be held January 15, 2004 in Miles City, MT beginning at 8 a.m. When determined, the meeting place will be announced in a news release. The public comment period will

AMENDMENT TO
A COMPACT BETWEEN
THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
AND
THE STATE OF MICHIGAN
PROVIDING FOR THE CONDUCT OF TRIBAL CLASS III GAMING
BY THE
LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

The Compact made and entered on the 3d day of December, 1998 by and between the LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS (hereinafter referred to as "Tribe") and the STATE OF MICHIGAN (hereinafter referred to as "State") approved by the Secretary of the Interior by publication in the Federal Register on February 18, 1999 at 64 Fed. Reg. 8111, is hereby amended in accordance with Section 16 of the Compact. All provisions of the Compact not explicitly added or amended herein shall remain in full force and effect.

Section 2(B)(1) is amended to read as follows:

"Eligible Indian lands" means trust and reservation lands acquired under 25 U.S.C.§1300k-4(a) within Emmet or Charlevoix Counties, Michigan. A total of two (2) tribal Class III gaming facilities may be located on Eligible Indian lands; provided, however, if any tribe which attains federal recognition subsequent to the date of this Compact is granted the right, under a valid Compact with the State of Michigan, to operate more than two (2) Class III gaming facilities on its Indian lands, the Tribe shall be afforded the same right subject to the same terms and conditions imposed on such newly recognized tribe.

Section 2(E) is added and inserted to read as follows:

"Petoskey Site" means the Class III gaming facility that the Tribe has been continuously operating under the terms of the Compact since January of 2000 at 1967 U.S. 131 South, Petoskey, MI or any relocation of that site within the Petoskey vicinity.

Section 2(F) is added and inserted to read as follows:

"Second Site" means the Class III Gaming facility that the Tribe is allowed to operate under the definition of "Eligible Indian lands" in addition to the Petoskey Site. The location of the Second Site is contingent on the approval of the affected local unit of State government (either city, village, or township) by formal action of the governing body, or referendum, or by such other means satisfactory to the Governor.

Section 4(I) is amended to read as follows:

No person under the age of 18 may participate in any Class III game at the Petoskey Site. No person under the age of 21 may participate in any Class III game at the Second Site, unless the State changes its law to allow persons under the age of 21 to participate in State licensed casino gaming.

Section 4(O) is added and inserted to read as follows:

The Tribe shall send reports of customers' winnings to the State to the same extent federal law requires the Tribe to send such reports to the federal government.

Section 12 (A) is amended to read as follows:

This Compact shall be binding upon the State and the Tribe for a term of twenty five (25) years from the effective date of these amendments unless modified or terminated by written agreement of both parties.

Section 12 (B) is amended as follows:

The phrase "twenty (20) years after the Compact becomes effective" is replaced by "twenty five (25) years after these Compact amendments become effective."

Section 17 (B) is amended to read as follows:

(B)(1) For the Petoskey site, so long as there is a binding Class III Compact in effect between the State and Tribe and no change in State law is enacted which is intended to permit or permits the operation of electronic games of chance or commercial casino games by any other person (except a person operating such games in the City of Detroit pursuant to the Initiated Law of 1996, MCL 432.201 *et seq.*) and no other person (except a federally-recognized Indian Tribe operating pursuant to a valid Compact under IGRA or a person operating in the City of Detroit pursuant to the Initiated Law of 1996, MCL 432.201) within the State lawfully operates electronic games of chance or commercial casino games, including expansion of lottery games beyond that allowable under State law on the date of execution of this document by the Tribe and State, the Tribe shall make payments to the State as provided in subsection (C). Provided, once the Second Site has been in operation for a period of 24 months, the Tribe shall continue to make payments to the State as provided in subsection (C) unless any such expansion of gaming permitted under State law occurs within any of the counties listed in Section 17(B)(2).

(B)(2) For the Second Site, so long as there is a binding Class III Compact in effect

between the State and Tribe and no change in State law is enacted which is intended to permit or permits the operation of electronic games of chance or commercial casino games, including expansion of lottery games beyond that allowable under State law on the date of execution of this document by the Tribe and State, by any other person within any of the following counties: Emmet, Cheboygan, Charlevoix, Antrim, Otsego, Crawford, Kalkaska, Presque Isle, Montmorency and Oscoda, the Tribe shall make payments to the State as provided in subsection (C).

Section 17 (C) is amended to read as follows:

(C) From and after the effective date of this Compact, and so long as the conditions set forth in subsection (B) remain in effect, the Tribe will make semi-annual payments to the State as follows:

(i) Payment to the State, as directed by the Governor or designee, in an amount equal to eight percent (8%) of the net win at the casino derived from all Class III electronic games of chance operated at the Petoskey Site, as those games are defined in this Compact. Payment to the State, as directed by the Governor or designee, in an amount equal to ten percent (10%) of the first 50 million dollars in annual net win at the casino derived from all Class III electronic games of chance operated at the Second Site, as those games are defined in this Compact, and twelve percent (12%) of annual net win in excess of 50 million dollars.

(ii) As used in this subsection, "net win" means the total amount wagered on each electronic game of chance, minus the total amount paid to players for winning wagers at such machines.

(iii) For purposes of these payments, all calculations of amounts due shall be based upon a fiscal year beginning October 1 and ending September 30 of the following calendar year, unless the parties agree on a different fiscal year, and all payments due the State pursuant to the terms of this section shall be paid no later than sixty (60) days after October 1 and March 31 of each year. Any payments due and owing from the Tribe in the year this Compact is approved, or the final year the Compact is in force, shall reflect the actual net win but only for the portion of the year the Compact is in effect.

Section 17 (E) is added and inserted to read as follows:

Impact of additional Indian Gaming Facilities.

(i) The payments by the Tribe to the State for the economic benefits of exclusivity provided for in this Section 17 shall cease upon the opening of a class III gaming facility without the express consent of the Tribe in any of the counties

listed in Section 17(B)(2) by a tribe that is already federally recognized on the date of execution of these amendments by the Tribe and State.

(ii) In the event that a tribe that is not federally recognized on the date of execution of these amendments by the Tribe and State opens a Class III gaming facility without the express consent of the Tribe in any of the counties listed in Section 17(B)(2), the payment provided for in Section 17(C) from the Petoskey site shall be reduced to 6% of net win, and the payment provided for in Section 17(C) from the Second Site shall be reduced to 8% of net win.

Section 18. The Tribe and State expressly intend and understand that the Tribal payments to local governments provided for in Section 18 of the Compact apply to both the Petoskey Site and the Second Site.

Effective Date. These amendments shall take effect upon completion of all of the following:

(A) Execution by the Governor of the State of Michigan.

(B) Execution by the Tribal Chairperson of the Little Traverse Bay Bands of Odawa Indians.

(C) Submission of these amendments to the United States Secretary of the Interior for approval pursuant to the provisions of the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701 *et seq.*

(D) Publication of the approval of the Secretary of the Interior in the Federal Register.

IN WITNESS WHEREOF, the Tribal Chairperson acting for the Little Traverse Bay Bands of Odawa Indians and the Governor acting for the State of Michigan have hereunto set their hands and seals.

Date: 7/14/03

By: _____
Gerald V. Chingwa, Chairperson

Date: 7/22/03

By: _____
Jennifer M. Granholm, Governor