Beginning at the Southeast corner of the tract, from whence a U.S.G.L.O. Brass Cap set for the ¼ corner common to Section 36, T 16 N, R 11 E and Section 31, T 16 N, R 12 E, bears:
S 0° 15′ 55″ E 980.88 feet;
S 89° 45′ 24″ E 788.54 feet;
S 0° 02′ 41″ E 1373.22 feet, thence from said point and place of beginning along the following bearings and distances:
N 89° 56′ 10″ W 444.10 feet to the Southwest corner;
N 0° 15′ 55″ W 490.44 feet to the Northwest corner;
S 89° 56′ 10″ E 444.10 feet to the Northeast corner;
S 0° 15′ 55″ E 490.44 feet to the point of beginning.

An acknowledgment was issued according to the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), for the tract of land described above. The land was proclaimed to be an addition to and part of the Reservation of the Pueblo of Jemez for the exclusive use of Indians on that reservation who are entitled to reside at the reservation by enrollment or tribal membership.

New Mexico Principal Meridian
Santa Fe County, New Mexico

A Parcel of land, containing 5.0 acres, more or less, known as Tract Two (2) within Private Claim 340 in the Pecos Pueblo Grant, Santa Fe County, New Mexico, more particularly described as follows:

DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs

Proclaiming Certain Lands Known as the Pecos Pueblo Grant as an Addition to the Reservation for the Pueblo of Jemez, New Mexico

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Reservation Proclamation.

SUMMARY: This notice informs the public that the Assistant Secretary-Indian Affairs proclaimed approximately 5.0 acres, more or less, to be added to the Reservation of the Pueblo of Jemez, New Mexico.

FOR FURTHER INFORMATION CONTACT: Ben Burshia, Bureau of Indian Affairs, Division of Real Estate Services, MS–4639–MB, 1849 C Street, NW., Washington, DC 20240, telephone (202) 208–7737.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs by Part 209 of the Departmental Manual.

A proclamation was issued according to the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), for the tract of land described below. The land was proclaimed to be an addition to and part of the Reservation of the Pueblo of Jemez for the exclusive use of Indians on that reservation who are entitled to reside at the reservation by enrollment or tribal membership.

New Mexico Principal Meridian
Santa Fe County, New Mexico

A Parcel of land, containing 5.0 acres, more or less, known as Tract Two (2) within Private Claim 340 in the Pecos Pueblo Grant, Santa Fe County, New Mexico, more particularly described as follows:
of land. This reduced land base, consisting of approximately 650 acres, is the current New York State “reservation” inhabited by the Shinnecock petitioner today.

The Shinnecock petitioner meets criterion § 83.7(a), because external observers have identified it as an American Indian entity on a substantially continuous basis since 1900. The record contains acceptable identifications of the petitioner nearly every year since 1900; this is sufficient to satisfy the criterion. Evidence that identifies the petitioner appears in the records of the Town of Southampton, the State of New York, and the Federal Government. Furthermore, scholarly writings identify the petitioner as an American Indian entity, as do writings from newspapers and magazines. Although some documents in the record express doubt that the petitioner is an American Indian entity, the criterion allows for occasional questioning of the petitioner’s Indian character, holding that such evidence “shall not be considered to be conclusive evidence that this criterion has not been met.” Therefore, the petitioner satisfies criterion § 83.7(a).

The Shinnecock petitioner meets criterion § 83.7(b) under a “cross-over” provision in the regulations at § 83.7(b)(2)(v). This cross-over provision allows groups to meet criterion § 83.7(b) for a particular period in time provided that they meet criterion § 83.7(c) during that same period using a form of evidence which is sufficient in itself to demonstrate presence and authority. Such forms of evidence are described at § 83.7(c)(2). The Shinnecock petitioner meets criterion § 83.7(b) from 1789 to the present because it meets criterion § 83.7(c) during that same period using the form of evidence described in § 83.7(c)(2)(i).

The Shinnecock petitioner meets criterion § 83.7(c) from 1789 to the present using the form of evidence described at § 83.7(c)(2)(i), that a petitioner allocates “group resources such as land, residence rights and the like on a consistent basis.” This form of evidence is sufficient in itself to demonstrate the presence of political influence within a group as required by criterion § 83.7(c). The evidence in the record demonstrates that the Indian group located at Shinnecock Neck and its leaders have maintained a Trusteeship system that has allocated land, residence rights, and the like from 1789 to the present. The Shinnecock petitioner also defended its common law rights and, therefore, it would be eligible to be evaluated under § 83.8, the regulations is subject to reconsideration at the time of the final determination.
was not limited to the 2009 membership list.

Evidence identifies 113 historical individuals associated with the Shinnecock reservation 1792–1799, but the petitioner’s members demonstrate descent from individuals appearing on or near the reservation after that time. A few pre-1800 reservation residents continued to serve as Shinnecock trustees and petition signers through the 1820s alongside individuals who most likely include those known to have married Shinnecock women before 1800, but whose identities are not in the record. Genealogical evidence demonstrates that descendants of some of the 1800–1820s reservation residents resided on the reservation in 1865.

Additional evidence for the Shinnecock population 1800–1865 may be submitted during the comment period to provide further context.

The Department finds that the historical Tribe is the Shinnecock Indian Tribe of the Shinnecock leasehold in 1789. This historical Indian Tribe continued to evolve and exist up to 1865. The earliest record to state plainly that it is an enumeration of all residents of the Shinnecock reservation is in the 1865 New York State census of Southampton. For purposes of criterion 83.7(e), current members who demonstrate descent from an Indian on the 1865 State census of the Shinnecock reservation are deemed to demonstrate descent from the historical Shinnecock Tribe. The petitioner demonstrates such descent at an acceptable level whether the analysis considers the current members only (1,022 of 1,066, or 96 percent), the current and disenrolled members (1,030 of 1,267, or 81 percent), or the current, disenrolled, and potential members (1,178 of 1,436, or 82 percent). The current, disenrolled, and potential members who lack evidence of descent for the PF are closely related as kin to current members with demonstrated descent from the 1865 reservation residents. The Department anticipates that they should be able to locate the documentation necessary to resolve the few missing generation-to-generation connections.

The Shinnecock petitioner meets the requirements of criterion 83.7(f). Since the petition contained evidence of only four members enrolled in Federally recognized Tribes, OFA researchers did not examine any Tribal rolls for the presence of the petitioner’s members. Evidence in the record indicates that the petitioning group is composed principally of individuals who are not members of any acknowledged North American Indian Tribes.

The Shinnecock petitioner meets criterion 83.7(g), because there is no evidence that Congress has either terminated or forbidden a Federal relationship with the petitioner or its members.

Based on this preliminary factual determination, the Department proposes to extend Federal acknowledgment under 25 CFR Part 83 to the petitioner known as the Shinnecock Indian Nation.

As provided by 25 CFR 83.10(h) of the 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. Requests for a copy of the report of evidence should be addressed to the Federal Government as instructed in the ADDRESSES section of this notice. It will be posted on the Department’s Indian Affairs Web site at http://www.fbo.gov.

Consistent with 25 CFR 83.10(l), the Department will consult with the petitioner within two weeks of the close of the response period (or the close of the comment period if neither the petitioner nor parties submit comments or Shinnecock waives its response period to submissions) to discuss any issues related to an equitable timeframe for consideration of all written arguments and evidence received during the comment and response periods. The Department will issue a final determination (FD) regarding the petitioner’s status within 60 days of the date active consideration begins for the Shinnecock FD.

This PF meets the December 15, 2009, deadline the petitioner and U.S. negotiated in a settlement agreement that the Court approved by order on May 26, 2009, in Shinnecock v. Salazar, No. CV–06–5013, 1 (E.D.N.Y.). To the extent that the schedule for processing the Shinnecock petition under the agreement differs from the regulatory timelines provided by the regulations in 25 CFR Part 83, the settlement agreement controls. Under the terms of the settlement agreement, any individual or organization wishing to challenge or support the PF may submit factual or legal arguments and evidence, to rebut or support the evidence relied upon, by the date set out in the ADDRESSES section of this notice. However, if the Shinnecock petitioner or an interested party requests additional time in writing, the Department will extend the comment period to the full 180 days that would otherwise be available under the regulations at 83.10(l).

During the comment period, the Shinnecock petitioner and the interested parties may request in writing that the AS–IA hold a formal, on-the-record technical assistance meeting as provided by the acknowledgment regulations at § 83.10(ii)(2). To accommodate the shortened comment period, requests for such a meeting on the Shinnecock PF must be received by the Department within 30 calendar days of the publication of this Federal Register notice.

The settlement agreement provides the petitioner 30 days to respond to comments on the PF submitted by interested or informed parties. This reduced response period starts automatically at the close of the comment period. The petitioner may request restoration of the full 60-day response period, although it must notify the Department in writing prior to the close of the response period. If parties do not submit comments or if the petitioner submits a written waiver to the interested and informed party submissions, the response period will not apply.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.


George T. Skibine,
Acting Principal Deputy, Assistant Secretary—Indian Affairs.

[FR Doc. E9–30209 Filed 12–18–09; 8:45 am]
BILLING CODE 4310–G1–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service


Proposed Programmatic Safe Harbor Agreement for the Sacramento River Conservation Area Forum in Shasta, Tehama, Butte, Glenn, Colusa, Yolo, and Sutter Counties, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; receipt of application.

SUMMARY: This notice advises the public that the Sacramento River Conservation Area Forum (Applicant) has applied to