

Proposed Finding Against Federal Acknowledgment of the Mohegan Tribe of Indians of the State of Connecticut

October 30, 1988.

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) (formerly 25 CFR 54.9(f)), notice is hereby given that the Assistant Secretary proposes to decline to acknowledge that The Mohegan Tribe of Indians of the State of Connecticut, c/o Mr. Courtland Fowler, 1841 Norwich, New London Turnpike, Uncasville, Connecticut 06382, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group does not meet two of the 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.

The Mohegan Tribe of Indians is based in the village of Mohegan, in the Town of Montville, Connecticut, on land which was traditionally and aboriginally Mohegan. This organization represents a group of lineal descendants of the Mohegan Indians whose ancestors have inhabited this area since first sustained contact with European settlers in 1638. The Mohegans have been identified as being American Indians from historical times until the present, and distinct from other Indian groups in Connecticut, although at the present they do not appear to be distinct socially from the non-Indian population. Since the early part of the 20th century, a substantial portion of the Mohegan Indian descendants have not resided within the historical Indian settlement, and at present only about 9 percent of the group's 1,032 members reside in or near the village of Mohegan. Since the 1940's, the Mohegan Indians have not maintained group interaction or social relations, either within the historical Indian settlement or between those residents in or near the village of Mohegan and the ever-growing number of non-resident Mohegan Indian descendants.

Until the early 1940's, the Mohegan maintained a cohesive, albeit continually declining, Indian community on an ever-dwindling land base, as its resident population was gradually surrounded and interspersed by non-Indian settlers. The 20,000-acre tract of aboriginal land sequestered by Connecticut officials for the use of the Mohegan in 1671 was reduced to just 2,600 acres by 1790 when the first land division among tribal members was

made. The tribal lands were again divided in 1861 and tribal members were given title in 1872. The Mohegan as a group and some of its individual members continue to hold title to small parcels of their historic land base.

A Wigwam festival, which served as both a fund-raising fair to benefit the Mohegan church and a Mohegan homecoming in which non-resident Mohegans returned annually to participate, was held on the church grounds almost every year between 1860 and 1927. The Wigwam festival began to decline in the late 1920's. References have been found for only three such community events between 1927 and 1941, when the last successful Wigwam was held.

There is not enough documentary evidence regarding group activities following the cessation of the Wigwam festivals in 1941 to conclude that the petitioning group has maintained a cohesive community within which social interaction took place since that time. The available documentation shows that since 1941, the Mohegan have had few, if any, community events or political meetings of a tribal nature. No evidence was submitted or found regarding other internal events which might have served to bring a substantial number of group members together. There was no evidence of sustained social interaction between the families represented by the current membership. The only current social activity which brings different families together is an annual homecoming which was not started until the late 1970's.

Aboriginal Mohegan leadership was provided by a chief sachem who made decisions in consultation with a council consisting of influential tribal members of similar social rank. The sachem and council form of government was continued until 1789, when the Mohegan abandoned the leadership position of sachem. There is evidence that the Mohegan continued to govern their affairs through some form of council in the years between 1789 and 1903.

The formal position of "chief" was first described in 1903, and various Mohegan men have been identified as chiefs since then. From that time to the mid to late 1930's, the Mohegan made intermittent efforts to maintain some kind of tribal political organization under various leaders and various organizational names. The continuance of the Wigwam festivals to 1941 indicates that some level of group organization and decision making persisted.

There is no documentary evidence of any effort to maintain a functioning tribal governing body and little evidence

of individual political leadership between the early 1940's and 1967. A similar documentary gap exists for the period between 1970 and 1979. The Council of the Descendants of the Mohegan Indians, Inc., formed in 1967, attempted to function as a tribal council for the Mohegan. Not enough is known about the Council of the Descendants to measure its level of influence over or support from the Mohegan group. Evidently, it did not generate enough interest to continue for more than a three-year period (1967-1970).

There is no evidence of any other tribal governing body or other political process between 1941 and 1980. Since 1980, the group has had a formal tribal council and a governing document. However, the available evidence is not sufficient to determine the extent of the Tribal Council's political influence or other authority over its membership.

The group's governing document describes how membership is determined and how the group governs its affairs and its members. Approximately 85 percent of the 1,032 members can demonstrate that they meet the group's membership requirement, which is descent from an individual on a list of Mohegan Indians prepared in or before 1861. Documentary evidence exists establishing their ancestry back to such lists. Descent from the historical tribe could not be documented for 15 percent of the membership. Either the descent claimed could be disproved or there was insufficient information to determine whether the 15 percent descended from the historical tribe.

No evidence was found that the members of the Mohegan Tribe of Indians are members of any other Indian tribe or that the group or its members have been the subject of Federal legislation which has expressly terminated or forbidden a relationship with the United States Government.

Based on this preliminary factual determination, we conclude that the Mohegan Tribe of Indians meet criteria a, d, e, f, and g, but does not meet criteria b and c of § 83.7 of the Acknowledgment regulations (25 CFR Part 83). Section 83.9(g) of the regulations provides that any individual or organization wishing to challenge the proposed finding may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120-days from the date of publication of this notice.

Under § 83.9(f) of the Federal regulations, a report summarizing the evidence for the proposed decision will be available to the petitioner and

interested parties upon written request. Comments and requests for a copy of the report should be addressed to the Office of the Assistant Secretary—Indian Affairs, 18th & C Streets, NW., Washington, DC 20240, Attention: Branch of Acknowledgment and Research, Mail Stop 4627-MIB.

After consideration of the written arguments and evidence rebutting the proposed finding and within 90 days after the expiration of the 120-day response period, the Assistant Secretary will publish the final determination regarding the petitioner's status in the Federal Register as provided in § 83.9(h).
Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[FR Doc. 89-26457 Filed 11-8-89; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[ID-020-09-4410-08]

Burley District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting for Burley District Advisory Council.

SUMMARY: Notice is hereby given that the Burley District Advisory Council will meet on December 5, 1989. The meeting will convene at 9:30 a.m. in the Conference Room of the Bureau of Land Management Office at 200 South Oakley Highway, Burley, Idaho.

Agenda items are: (1) Introductions, (2) Littering and Unauthorized Dumping Laws and Regulations, (3) Update on German Lake and Other Unauthorized Dumps, (4) Prescribed Burns, (5) Update of Black Pine Mountain Deer Proposal.

This meeting is open to the general public. The comment period for persons or organizations wishing to make oral statements to the Council will start at 11:30 a.m. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, Route 3, Box 1, Burley, Idaho 83318, prior to the start of the meeting. Depending upon the number of persons wishing to make statements, a per time limit may be established by the District Manager. Written statements may also be filed. Individuals wishing to attend the field tour must provide their own transportation.

Minutes of the Council meeting will be maintained in the District Office and will be available for the public inspection during regular business hours.

DATE: December, 5, 1989.

ADDRESS: Bureau of Land Management, Burley District Office, Route 3, Box 1, Burley, Idaho 83318.

FOR FURTHER INFORMATION CONTACT: Gerald L. Quinn, Burley District Manager, (208) 678-5514.

Dated: October 31, 1989.

Gerald L. Quinn,

District Manager.

[FR Doc. 89-26484 Filed 11-8-89; 8:45 am]

BILLING CODE 4310-02-M

[WY-060-4320-12-2410]

Meeting; Casper District Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Casper District Advisory Council.

SUMMARY: The Casper District Advisory Council will convene at 10:00 a.m., December 1, 1989 at the Casper District Office, 1701 East "E" Street, Casper, Wyoming. The public comment period is scheduled for 11:00 a.m. The meeting is open to the public.

The council will address the following agenda items during the meeting: 1. Overview of the District's Coal Management Program; 2. Recreation and Wildlife programs; 3. Areas of Critical Environmental Concern (ACECs); 4. Bonding for oil and gas drilling; 5. BLM wilderness update; 6. National recreation area feasibility study; 6. Newcastle Resource Management Plan; and, any other topic raised by either council members or members of the public.

FOR FURTHER INFORMATION CONTACT: Kate DuPont, Public Affairs Specialist, 307-261-7600, Casper, Wyoming.

Dated: November 3, 1989.

James W. Monroe,

District Manager.

[FR Doc. 89-26486 Filed 11-8-89; 8:45 am]

BILLING CODE 4310-02-M

[ID-040-00-4320-10]

Salmon District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Salmon District of the Bureau of Land Management (BLM) announces a forthcoming meeting of the Salmon District Grazing Advisory Board.

DATE: The meeting will be held Thursday, December 14, 1989, at 10:00 a.m.

ADDRESS: The meeting will be held at the Salmon District Office, Bureau of Land Management Conference Room, South Highway 93, Salmon, Idaho 83467.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Public Law 92-463. The meeting is open to the public; public comments on agenda items will be accepted from 1:00 to 1:30 p.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467 by December 8, 1989. The agenda items are Proposed Projects, Allotment Management Plans, Status of Project Accounts, and any other issues dealing with grazing management in the Salmon District.

Summary minutes of the meeting will be kept in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:15 p.m.) within 30 days after the meeting. For further information, contact: Roy S. Jackson, District Manager, Bureau of Land Management, Salmon District Office, P.O. Box 430, Salmon, Idaho 83467, phone (208) 756-5400.

Dated: October 31, 1989.

Roy S. Jackson,

District Manager.

[FR Doc. 89-26483 Filed 11-8-89; 8:45 am]

BILLING CODE 4310-02-M

[MT-020-90-4111-11; MTM 72542]

Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97-451, a petition for reinstatement of oil and gas lease MTM 72542, Carbon County, Montana, was timely filed and accompanied by the required rental accruing from the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of \$5 per acre and 16% respectively. Payment of a \$500 administration fee has been made.

Having met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective as of the date of termination, subject to the original terms and conditions of the lease, the increased rental and royalty rates cited above, and