Wildlife Refuge for the next 15 years.
The alternative that appears to best meet
the Refuge purposes is identified as the
preferred alternative. The preferred
alternative is identified based on the
analysis presented in the Draft CCP/EA,
which may be modified following the
completion of the public comment
period based on comments received
from other agencies, Tribal
governments, nongovernmental
organizations, or individuals.

Under Alternative A, the no action
alternative, we would continue to
manage the Refuge as we have in the
recent past. Existing tidal restoration
activities would continue. The existing
hunting, fishing, wildlife observation,
photography, environmental education,
and interpretation opportunities would
remain unchanged.

Under Alternative B, the Service
would develop an inventory and
monitoring program; expand tidal
restoration and enhancement activities
for the benefit of migratory birds,
endangered species, and other native
wildlife; improve and expand visitor
services by developing new public
access locations; develop shoreline
fishing locations; and provide some
additional environmental education
programs.

Under Alternative C (preferred
alternative), the Service would
incorporate those developments
outlined in Alternative B, but would
also emphasize wildlife management by
studying population health and
developing population goals for
wildlife; provide greater interpretive
opportunities; and substantially expand
the environmental education program.

Review and Comment

The Draft CCP/EA will be available
for viewing and downloading online at
http://www.fws.gov/cno/refuges/
planning/ccp.cfm. Copies of the Draft
CCP/EA may also be obtained by writing
to the SF Bay National Wildlife Refuge
Complex, Attn: Winnie Chan, 9500
Thornton Avenue, Newark, CA 94560.

Copies of the Draft CCP/EA may also
be viewed at the San Francisco Bay
National Wildlife Refuge Complex, 1
Marshlands Road, Fremont, CA 94536;
San Pablo Bay National Wildlife Refuge
in Petaluma, CA (call (707) 769–4200 for
directions); and John F. Kennedy
Library, 505 Santa Clara, Vallejo, CA
94590.

Comments on the Draft CCP/EA
should be addressed to: Winnie Chan,
SF Bay NWRC, 9500 Thornton Avenue,
Newark, CA 94560. Comments may also
be faxed to (510) 792–5828 or sent via
e-mail to sfbaynwrc@fws.gov.

At the end of the review and comment
period for this Draft CCP/EA, the
Service will analyze comments and
address them in the Final CCP/EA.

Under Alternative B, the Service
would develop an inventory and
monitoring program; expand tidal
restoration and enhancement activities
for the benefit of migratory birds,
endangered species, and other native
wildlife; improve and expand visitor
services by developing new public
access locations; develop shoreline
fishing locations; and provide some
additional environmental education
programs.

Under Alternative C (preferred
alternative), the Service would
incorporate those developments
outlined in Alternative B, but would
also emphasize wildlife management by
studying population health and
developing population goals for
wildlife; provide greater interpretive
opportunities; and substantially expand
the environmental education program.
ADDITIONS: Comments on the proposed finding or requests for a copy of the report which summarizes the evidence, reasoning, and analyses that are the basis for this proposed finding, should be addressed to the Office of Federal Acknowledgment, 1951 Constitution Avenue, NW., MS–34B–SIB, Washington, DC 20240. Interested or informed parties must provide copies of their submissions to the petitioner.


SUPPLEMENTARY INFORMATION: This notice is published in accordance with authority delegated by the Secretary of the Interior (Secretary) to the AS–IA by 209 DM 8.

The petitioner claims to be a group of Choctaw Indians that migrated from North Carolina to Georgia and then Florida following the Indian removal of the 1830s. None of the available evidence in this petition or that found by OFA researchers demonstrates the validity of this claim.

All the available evidence in the petition record indicates the CNF is an association formed in 2003 of individuals who claim but have not documented Indian ancestry. Indeed, the evidence shows the group’s ancestors were consistently identified as non-Indians and as living in non-Indian communities. The group incorporated in the State of Texas in July 2003, but has an office in Marianna, Florida, on the eastern part of the Florida panhandle. Available evidence indicates the group began holding meetings probably no earlier than September 2004. The regulations provide that the Department may not acknowledge associations, organizations, corporations, or groups of any character formed in recent times. Since early 2004, the membership of the group, as reflected on various membership lists, has fluctuated from a low of 52 to a high of 158.

To meet criterion 83.7(e), the petitioner must demonstrate Indian ancestry through descent from a historical Indian tribe, or tribes which combined and functioned as a single entity. The petitioner claims its members descend from the historical Choctaw Indian tribe. Most members of the petitioner claim to descend from the historical Choctaw Indian tribe through their direct ancestors Burton Hunter (ca. 1833—bef. 1907) and his wife Lucy (ca. 1842—1907). None of the available evidence demonstrates this claimed descent for Burton Hunter or his spouse Lucy from the Choctaw Indian tribe or any other Indian tribe. To reach this conclusion, the Department examined an extensive body of documentation submitted by the petitioner and obtained by Department researchers. The documentation included Federal and State censuses from 1850 to 1945, probate records from Jackson County, Florida, birth, marriage and death certificates from the State of Florida and elsewhere, church records from Jackson County, Florida, World War I civilian draft registration records, homestead application records from the General Land Office, Indian Agency rolls (with application materials) and censuses from 1848 to 1940, and historical treaties dealing with the Choctaw Indian Nation.

All the evidence clearly shows that Burton and Lucy Hunter, their relatives, and descendants were not identified as Indian and do not descend from a historical Indian tribe. No Federal or State censuses between 1870 and 1945 demonstrated that these individuals identified themselves, or that the census enumerators identified them, as Choctaw or Indian, or as belonging to Choctaw or any other Indian tribe. No county court, property, or probate records identified them as Choctaw or Indian, or as belonging to Choctaw or any other Indian tribe. No marriage, church, military, or vital records stated that the petitioner’s ancestors were identified as Choctaw or Indian, or as belonging to Choctaw or any other Indian tribe. Rather, the evidence clearly shows Burton and Lucy Hunter, their relatives and their descendants were consistently identified as non-Indians living in non-Indian communities.

The Department also examined evidence, submitted by the petitioner or obtained by the Department, for six current members or their family lines that apparently descended from an individual other than the Burton or Lucy Hunter named above. This evidence included Federal and State censuses from 1850 to 1945, birth, marriage, and death records, and Indian agency rolls and censuses from 1848 to 1940. None of this evidence for these individuals or their ancestors demonstrated descent from the historical Choctaw Indian tribe or any other Indian tribe. Instead, all of the evidence showed they were consistently identified as non-Indians living in non-Indian communities.

To summarize, the petitioner claims to have descended as a group from the historical tribe of Choctaw Indians. There is no primary or reliable secondary evidence submitted by the petitioner or located by OFA showing that any of the named ancestors or members of the group descended from the historical Choctaw Indian tribe or any other Indian tribe. None of the documentation on the petitioner’s members and their individual ancestors, submitted by the petitioner or found by OFA researchers, supports the petitioner’s claims of descent from the historical Choctaw Indian tribe or any other Indian tribe. The extensive evidence does not support any Indian ancestry. In fact, the evidence clearly shows the petitioner’s members and ancestors were consistently identified as non-Indians living in non-Indian communities.

The Department proposes to decline to acknowledge Petitioner #288 as an Indian tribe because the evidence clearly establishes that the members of the group do not descend from a historical Indian tribe as required under mandatory criterion 83.7(e). The AS–IA concludes that the CNF clearly does not meet criterion 83.7(e), which satisfies the requirement for issuing a PF under 83.10(e). If, in the response to the PF, the petitioner provides sufficient evidence that it meets criterion 83.7(e) under the reasonable likelihood standard, the Department will undertake a review of the petition under all seven mandatory criteria. If, in the response to the PF, the petitioner does not provide sufficient evidence that it meets criterion 83.7(e) under the reasonable likelihood standard, the AS–IA will issue the final determination based upon criterion 83.7(e) only.

Publication of the Assistant Secretary’s PF in the Federal Register initiates a 180-day comment period during which the petitioner and interested and informed parties may submit arguments and evidence to support or rebut the conclusions in the PF (25 CFR 83.10(i)). Comments should be submitted in writing to the address listed in the ADDRESSES section of this notice. Interested or informed parties must provide copies of their submissions to the petitioner. The regulations at 25 CFR 83.10(k) provide petitioner with a minimum of 60 days to respond to any submissions on the PF received from interested and informed parties during the comment period.

At the end of the periods for comment and response on a PF, the AS–IA will consult with the petitioner and interested parties to determine an equitable timeframe for consideration of written arguments and evidence. The Department will notify the petitioner and interested parties of the date such consideration begins. After consideration of the written arguments and evidence submitted in support of the PF and the petitioner’s response to the comments of interested parties and
Notice of Temporary Closures on Public Lands in Northwestern Elko County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Temporary Closures.

SUMMARY: Notice is hereby given that temporary closures to public access, use, and occupancy will be in effect for the dates and times specified in this Notice on public lands administered by the Bureau of Land Management (BLM), Tuscarora Field Office, Elko, Nevada within the Owyhee, Rock Creek, and Little Humboldt Wild Horse Herd Management Areas (HMAs) in the northeastern portion of Elko County, Nevada.

DATES: This temporary closure will be in effect on the Owyhee, Rock Creek and Little Humboldt Wild Horse HMAs from 12:01 a.m. PST on Tuesday, July 6, 2010 until Saturday, July 31, 2010 at 11:59 p.m. PST, or up to 30 days after the start of the gather operation.


FOR FURTHER INFORMATION CONTACT: David Overcast, Tuscarora Field Manager, 775–753–0320. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individuals during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individuals. You will receive a reply during normal hours.

SUPPLEMENTARY INFORMATION: This temporary closure affects public land in the Owyhee, Rock Creek and Little Humboldt Wild Horse HMAs in Elko County, Nevada. The legal description of the affected public lands is:

**Mount Diablo Meridian, Nevada**

- T. 45 N., R. 48 E., secs. 11, 13, and 14, sec. 24, NE¼, NW¼, NW¼SW¼, SE¼SW¼, SE¼SE¼, and SW¼SE¼;
- sec. 25, NW¼, E¼SE¼, and SW¼SE¼;
- sec. 35, NE¼NE¼, W½NE¼, W½, and W¼SE¼;
- sec. 36, E½, SE¼NW¼, and E½SW¼.

- T. 45 N., R. 49 E., secs. 19, 20, and 29 to 32, inclusive.
- T. 44 N., R. 48 E., sec. 2, NW¼NE¼, W½, and E½SE¼;
- sec. 11, NE¼NE¼, W½, and W½SE¼;
- sec. 13;
- sec. 14, W½NE¼, SE¼NE¼, NW¼, and S½;
- sec. 24, NE¼NE¼, W½NE¼, W½, and SE¼.

- T. 44 N., R. 49 E., sec. 19, NE¼, NW¼, SE¼NW¼, W½SW¼, NW¼SW¼, N½SE¼, and SE¼SE¼;
- sec. 27, NE¼NE¼, SW¼NE¼, W½SE¼;
- sec. 28;
- sec. 29, NE¼NE¼, S½NE¼, N½SE¼, and SE¼SE¼;
- secs. 30 and 31;
- sec. 32, E¼NE¼ and E½SE¼;
- secs. 33 and 34.

- T. 42 N., R. 50 E., secs. 3, and 4;
- sec. 5, E½SE¼, E½SE¼, and SW¼SE¼;
- sec. 6, NW¼NE¼ and NW¼;
- sec. 19, E½, SE¼NW¼, NE¼SW¼, and S½SW¼;
- sec. 20, E½;
- sec. 29, NE¼, SE¼NW¼, NW¼SW¼, S½SW¼, and NE¼SE¼;
- sec. 30.

- T. 42 N., R. 49 E., sec. 33, NW¼NE¼, NW¼, NE¼SW¼, V½SW¼, and E½SE¼.
- T. 41 N., R. 49 E., sec. 4, NW¼NE¼, S½NE¼, NW¼NW¼, and SE¼;
- sec. 9, NE¼ and E½SE¼;
- T. 41 N., R. 48 E., secs. 6, 7, and 18.
- T. 41 N., R. 47 E., secs. 1, 12, and 13.
- T. 40 N., R. 48 E., sec. 27, N½ and SE¼;
- sec. 28, W½;
- sec. 29, NE¼, NE¼NW¼, SW¼NW¼, NW¼SW¼, S½SW¼, N½SE¼, and SE¼SE¼;
- sec. 32, N½NW¼, SE¼SW¼, and S½SE¼.

The temporary closure areas encompass 26,813 acres, more or less.

This temporary closure will limit public access to protect persons, property, public lands and public land resources. The closure will ensure the safety and welfare of the public, contractors, and government employees, and provide for the orderly implementation of authorized actions to gather excess wild horses. The temporary closure will prevent public access, use, and occupancy during wild horse capture operations scheduled to occur between July 6, 2010, and July 31, 2010.

Not all subject lands will be temporarily closed during the entire period. Areas temporarily closed to public access will be posted at main entry points with signs, barricades, if appropriate, and copies of this temporary closure notice. The sites identified for temporary closures are historically used gather sites and holding locations. Some of the sites are on public land and some are on privately owned land. The temporary closures will be in effect only on public lands. The public will be authorized to use those areas where capture operations are not in progress. Areas from which the public will be temporarily excluded will be dependent upon the actual area of operation which will vary according to the needs of the contractor. The gather operation includes the authorized use of low-flying aircraft to herd and capture wild horses from various portions of the Owyhee, Rock Creek and Little Humboldt Wild Horse HMAs and adjacent public and private lands outside of the established boundaries of the identified HMAs. In order to operate the aircraft in a safe and effective manner, and based on experience gained from previous gathers, it is necessary to temporarily close the affected areas (gathering and temporary holding facilities) to all public use during actual capture operations. It is anticipated that the gather operation will take approximately 15–20 days, but could last up to 26 days depending on weather, location of herds, success of capture operations, and other variable conditions. Maps of the affected area and other documents associated with this temporary closure are available at the Tuscarora Field Office, 3900 E. Idaho Street, Elko, NV 89801 and at the BLM Elko Web site at http://www.blm.gov/nv/st/en/fo/elko_field_office.html.

Horses will be held temporarily in holding facilities on public lands within the Owyhee, Rock Creek and Little Humboldt HMAs and on adjacent private lands until July 31, 2010, for day-to-day care, veterinary treatment, and preparation for transport to BLM adoption preparation and holding facilities in Nevada and Utah. The temporary closures may be rescinded prior to July 31, 2010, if gather operations are successfully completed before that date. On specifically scheduled and escorted visitation days, the public and media informed parties, the AS–IA will make a final determination regarding the petitioner’s status. The Department will publish a summary of this determination in the Federal Register.

Dated: July 2, 2010.

Donald Lavender, Deputy Assistant Secretary—Indian Affairs.