

which that SEIS was drafted was to amend the development plan and continue the Title VII status and assistance to the project. Since that time, a Congressional mandate has necessitated that NCDC terminate its relationship with all remaining new community projects.

The only alternative HUD has available to this Proposed Action is to continue the Project Agreement and related documents. This alternative is not organizationally nor fiscally feasible for HUD or the Federal Government. In the opinion of NCDC, the development controls already in existence will be a more realistic and effective control of growth at a substantially lower cost than would be the continuation of HUD involvement.

#### Comments

Comments on the FONSI should be submitted to: General Manager, Mr. Warren T. Lindquist, New Community Development Corporation, U.S. Dept. of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C., 20410 (Attention: Mr. Edwin Baker, Environmental Clearance Officer). Commercial telephone number: (202) 755-6170. Comments should be received within 30 days of the publication of this notice.

Issued at Washington, D.C. October 27, 1982.

Richard H. Broun,

Director, Office of Environment and Energy.

[FR Doc. 82-30384 Filed 11-3-82; 8:45 am]

BILLING CODE 4210-29-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Irrigation Operation and Maintenance Charges; Blackfeet Indian Irrigation Project, Montana

October 15, 1982.

**ACTION:** Recission of General Notice Document published January 27, 1982. This document is published under authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. A General Notice document was published in the *Federal Register* (FR-3886) on Wednesday, January 27, 1982, establishing an increase in the per acre basic water rate for the Blackfeet Indian Irrigation Project in Montana.

That document is hereby rescinded immediately effective upon publication of this notice in the *Federal Register* because it did not comply with provisions of the Administrative Procedures Act on rulemaking. Any

changes to 25 CFR 221 are required to be made in compliance with the Administrative Procedures Act (5 U.S.C. 551 et seq.). Water Rates will be increased for the Blackfeet Project in accordance with prescribed rulemaking procedures in the near future.

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 30350 Filed 11-3-82; 8:45 am]

BILLING CODE 4310-02-M

#### Death Valley Timbi-Sha Shoshone Band of California; of Final Determination for Federal Acknowledgment

October 6, 1982.

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(h) (formerly 54.9(h)) notice is hereby given that the Assistant Secretary acknowledges that the Death Valley Timbi-Sha Shoshone Band, c/o Mrs. Madeline Esteves, P.O. Box 108, Death Valley, California 92328, exists as an Indian tribe. This notice is based on a determination that the group satisfies all of the criteria set forth in 25 CFR 83.7 (formerly 54.7).

The modern Death Valley Timbi-Sha Shoshone Band is the successor and direct descendant of Panamint Shoshone groups which inhabited Death Valley and surrounding areas at the time of earliest white contact in 1849. Members of the group have continuously inhabited the area from earliest contact until the present. The original groups, which were historically linked, gradually combined into one beginning around 1920, coming to center on a settlement at Furnace Creek.

The group has functioned as a political unit since earliest historical times. Traditional leaders survived as late as the 1940's. A formal council was created in 1937, with Bureau assistance, and was dealt with as the group's representative until 1949. Spokesmen for the group existed and have been dealt with by the Federal Government from the early 1960's on. There is continuous evidence of informal but effective political processes which are consistent with the traditional culture.

The Timbi-Sha have retained a considerable degree of cultural distinction from surrounding non-Indian populations and are considered relatively conservative in comparison with recognized Indian groups in the area. A clear distinction is maintained with neighboring Indian groups, which recognize it as a distinct Indian group.

The group was considered to be under Bureau of Indian Affairs (BIA) jurisdiction and was provided services from as early as 1908 until 1956, although considered non-ward Indians in the 1930's. Allotments were provided some members and a reservation was created from the land belonging to one part of the group. The BIA unsuccessfully sought to create a reservation for the rest of the group in the 1930's. The group was determined eligible to organize as a community of half-blood Indians under the Indian Reorganization Act in 1977.

Virtually all of the 199 members of the group can conclusively establish their ancestry as Shoshone Indian from the Death Valley area. No evidence was found that the members of the band are members of any other Indian tribes or that the tribe or its members have been terminated or forbidden the Federal relationship by an act of Congress.

Notice of proposed findings that the Timbi-Sha Shoshone exist as an Indian tribe were published on page 10912 of the *Federal Register* on March 12, 1982. Interested parties were given 120 days in which to submit factual or legal arguments to rebut evidence used to support the findings that the Death Valley Timbi-Sha Shoshone Band exists as an Indian tribe.

The 120-day comment period ended July 12, 1982. A letter supporting the proposed finding was received from the Office of the American Indian Coordinator of the Governor's Office of the State of California. No other comments were received.

The determination is final and will become effective 60 days from the date of publication, unless the Secretary of the Interior requests the determination be reconsidered pursuant to 25 CFR 83.10 (formerly 54.10).

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 82-30323 Filed 11-3-82; 8:45 am]

BILLING CODE 4310-02-M

#### Final Determination That the Munsee-Thames River Delaware Indian Nation Does Not Exist as an Indian Tribe

September 22, 1982.

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(h) (formerly 54.9(h)) notice is hereby given that the Assistant Secretary has determined that the Munsee-Thames River Delaware Indian Nation does not exist as an Indian tribe within the meaning of

Federal law. This notice is based on a determination, following a review of public comment on the proposed findings, that the group does not meet four of the 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 findings to decline to acknowledge the group was published on page 51652 of the *Federal Register* on October 21, 1981. Interested parties were given 120 days in which to submit factual or legal arguments to rebut evidence used to support the findings that the Munsee-Thames River Delaware do not exist as an Indian tribe. There were no rebuttals submitted pursuant to 25 CFR 83.9(g) to challenge the proposed findings. The Lieutenant Governor of the State of Colorado wrote a letter to the Assistant Secretary—Indian Affairs supporting the findings.

In accordance with § 83.9(j) of the Acknowledgment regulations, an analysis was made to determine what, if any, options other than acknowledgement are available under which the Munsee-Thames River Delaware Indian Nation could make application as a tribe for services and other benefits available to recognized Indian tribes. No alternatives could be found due to the group's doubtful Indian ancestry, lack of social and political organization, and inability to establish any historical connection with the Delaware tribe. This conclusion is based on independent research conducted by the acknowledgment staff and on the factual arguments and evidence presented in the Munsee-Thames River Delaware petition.

Requests for copies of the proposed findings published earlier should be addressed to the Office of the Assistant Secretary—Indian Affairs, Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20245, Attention: Branch of Federal Acknowledgment.

This determination is final and will become effective 60 days from the date of publication, unless the Secretary of the Interior requests the determination be reconsidered pursuant to 25 CFR 83.10(a-c).

Kenneth Smith,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 82-30324 Filed 11-3-82; 8:45 am]

BILLING CODE 4310-02-M

### Samish Indian Tribe; Proposed Finding Against Federal Acknowledgment

October 29, 1982.

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), notice is hereby given that the Assistant Secretary proposes to delineate to acknowledge that the Samish Indian Tribe, c/o Mr. Kenneth C. Hansen, P.O. Box 217, Anacortes, Washington 98221, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group does not meet three of the 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.

Under § 83.9(f) of the Federal regulations, a report summarizing the evidence for the proposed decision is available to the petitioner and interested parties upon written request.

Section 83.9(g) of the regulations provides that any individual or organization wishing to challenge the proposed findings may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120 days of the publication of this notice. Comments and requests for a copy of the report should be addressed to the Office of the Assistant Secretary—Indian Affairs, Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20245, Attention: Branch of Federal Acknowledgment.

After consideration of the written arguments and evidence rebutting the proposed findings and within 60 days after the expiration of the response period, the Assistant Secretary will publish his determination regarding the petitioner's status in the *Federal Register* as provided in § 83.9(h).

Ken Smith,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 82-30322 Filed 11-3-82; 8:45 am]

BILLING CODE 4310-02-M

### Bureau of Land Management

[F-14909-A]

#### Alaska Native Claims Selection

The purpose of this decision is to modify the Decision to Issue Conveyance (DIC) of lands to Kuugpiik Corporation, Inc. dated September 30, 1982, as published in the *Federal Register*, Vol. 47, No. 191, on pages 43436 through 43439, October 1, 1982.

Portions of the land descriptions in Parts I and II of the DIC have been revised to assure that all of those lands which are or may be involved in the National Petroleum Reserve in Alaska (NPR-A) boundary dispute (*State of Alaska v. Warner et al.*, Civil Action No.

J75-13, United States District Court for the District of Alaska) are included in Part II. Lands described in Part I of the DIC of September 30, 1982, which are not revised herein remain unchanged.

These descriptions are revised as follows:

#### Part I.—Lands Outside Naval Petroleum Reserve No. 4

*Umia Meridian, Alaska (Surveyed)*

T. 10 N., R. 4 E.

Those portions of Tract A more particularly described as (protracted):

Sec. 1, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River;  
Sec. 12, all land lying above the line of the highest high water mark northeasterly of the northeasterly bank of the Nechelik Channel of the Colville River.

Containing approximately 555 acres.

T. 11 N., R. 4 E.

Those portions of Tract A more particularly described as (protracted):

Secs. 1 and 2, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River;

Secs. 11, 12, and 13, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River;

Secs. 24 and 36, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River.

Containing approximately 2,687 acres.

T. 12 N., R. 4 E.

Those portions of Tract A more particularly described as (protracted):

Secs. 2 and 3, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River;

Secs. 10 and 11, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River, excluding Native allotment F-11949;

Sec. 14, excluding Native allotments F-11951 and F-11949;

Sec. 15, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River, excluding Native allotments F-11949 and F-11951;

Secs. 22 and 23, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River;

Secs. 26 and 35, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River.

Containing approximately 3,406 acres.

T. 10 N., R. 5 E.

Those portions of Tract A more particularly described as (protracted):

Sec. 7, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River;