

use and interpretive opportunities along road corridors, and enhance recreational opportunities with new facilities and services. This alternative would provide substantial ORV access to sustainable trails (approximately 130 miles of motorized trails), provide a moderate amount of proposed wilderness (about 47,067 acres), provide nonmotorized trail opportunities and new camping opportunities, and develop a partnership approach to visitor orientation. Implementation of the ORV trail system would be phased to ensure protection of sensitive species and the environment. Areas found to be eligible for wilderness designation but not proposed as wilderness would be protected through management zoning that would maintain and protect natural values. New visitor and operations facilities along the I-75 corridor would also be provided.

**Alternative F:** Alternative F would emphasize resource preservation, restoration, and research while providing recreational opportunities with limited facilities and support. This alternative would provide the maximum amount of wilderness (about 71,260 acres), no ORV use, and minimal new facilities for visitor contact along I-75.

**Authority:** The authority for publishing this notice is 40 CFR 1506.6.

**FOR FURTHER INFORMATION CONTACT:** Big Cypress National Preserve at the address and telephone number shown above.

The responsible official for this Final EIS is the Regional Director, Southeast Region, NPS, 100 Alabama Street, SW., 1924 Building, Atlanta, Georgia 30303.

Dated: November 18, 2010.

**Gayle Hazelwood,**

*Acting Regional Director, Southeast Region, National Park Service.*

[FR Doc. 2010-29769 Filed 11-22-10; 4:15 pm]

**BILLING CODE 4310-V6-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Availability of the Record of Decision for the Harvest of Glaucous-Winged Gull Eggs by Huna Tlingit in Glacier Bay National Park and Preserve Legislative Environmental Impact Statement

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of availability of the Record of Decision for the Harvest of Glaucous-Winged Gull Eggs by Huna Tlingit in Glacier Bay National Park and Preserve Legislative Environmental Impact Statement.

**SUMMARY:** The National Park Service (NPS) announces the availability of the Record of Decision (ROD) for the Legislative Environmental Impact Statement (LEIS) on the Harvest of Glaucous-Winged Gull Eggs by Huna Tlingit in Glacier Bay National Park and Preserve.

The Record of Decision (ROD) documents the NPS determination that harvest of glaucous-winged gull eggs could be authorized in Glacier Bay National Park without impairing the biological sustainability of the Park's glaucous-winged gull population or impacting other Park purposes and values. Implementation of the decision would require promulgation of public law and regulations, revising Title 36 of the Code of Federal Regulations.

Section 4 of the Glacier Bay National Park Resource Management Act of 2000 (Pub. L. 106-455) directed the NPS to “\* \* \* undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park.” The legislation also states that if the study determines collection could occur without impairing the biological sustainability of the gull population in the park, “\* \* \* the Secretary shall submit recommendations for legislation \* \* \*” to the House and Senate authorizing committees.

The ROD documents the NPS selection of Alternative 3 (*Two Annual Harvest Visits to Five Locations*) based on consideration of the Park's purposes and mission, NPS policies, resource information and values analyzed in the Final Legislative Environmental Impact Statement (FLEIS), and comments received throughout the LEIS process. The FLEIS analysis determined this alternative would not adversely impact Park purposes and resources. Disturbance to nesting gulls is expected to be minimal. The FLEIS analysis concluded that these effects would be minor and would not affect sustainability of gull populations in the Park.

The basis for the decision stems from Park objectives and purposes and the need to respond to Section 4 of Public Law 106-455. Specifically, the decision was based on the following objectives:

- Provide for a limited gull egg harvest in the Park by tribal members of the Hoonah Indian Association (HIA)
- Not impair the biological sustainability of the Park's glaucous-winged gull population
- Protect Park resources and values

The ROD briefly discusses the background of the project, states the

decision and discusses its basis, identifies mitigating measures, summarizes public involvement, describes other alternatives considered, specifies the environmentally preferable alternative, provides a non-impairment determination, and provides a conclusion.

**ADDRESSES:** The ROD can be found online at the NPS Planning, Environment and Public Comment Web site at <http://parkplanning.nps.gov/index.cfm>. Copies of the ROD are available on request from: Wayne Howell, Glacier Bay National Park and Preserve, Box 140, Gustavus, Alaska 99826. Telephone: (907) 697-2662.

**FOR FURTHER INFORMATION CONTACT:** Wayne Howell, Glacier Bay National Park and Preserve, Box 140, Gustavus, Alaska 99826. Telephone: (907) 697-2662.

**SUPPLEMENTARY INFORMATION:** The NPS prepared an EIS, as required, under the National Environmental Policy Act (NEPA) of 1969 and Council of Environmental Quality regulations (40 CFR Parts 1500-1508). A Notice of Intent to prepare an environmental impact statement, published in the **Federal Register** on September 18, 2006 (71 FR 54687), formally initiated the NPS planning and EIS effort. A Draft EIS was issued on December 19, 2008 (73 FR 77837) with a 77-day public comment period. A **Federal Register** notice announcing the availability of the Final EIS was published on May 26, 2010 (75 FR 29574), commencing the required 30-day no-action period (71 FR 3290). The Final EIS described and analyzed the environmental impacts of two action alternatives and a no-action alternative.

The ROD describes how the selected Alternative (Alternative 3—Two Annual Harvest Visits to Five Locations) could be implemented upon enactment of legislation to authorize the annual harvest of glaucous-winged gull eggs at up to five designated locations in Glacier Bay National Park on two separate dates by members of the Huna Indian Association (HIA). Legislative proposals from the NPS are subject to review by the Department of the Interior and the Executive Office of the President before transmittal to Congress can be approved. Thus, a legislative proposal is not included in the Record of Decision. If legislation authorizing the annual harvest of glaucous-winged gull eggs is enacted, each year the NPS and the HIA would prepare a harvest plan to identify sites open to harvest based on annual monitoring and harvest history. A first harvest visit could occur at each of the open sites on or before the

5th day following onset of laying, as determined by NPS staff monitoring a reference site. A second harvest at the same sites could occur within nine days of the first harvest. If inclement weather, logistics, or other issues prevented a first harvest visit within five days of onset of laying, only one harvest would be allowed in that year. No harvest visits would occur after June 15 of any year. The harvest plan would include, at a minimum, vessel(s) to be used to access harvest sites, tentative itinerary for harvest date(s), harvest locations, and names of harvesters. Information in this plan would be used to prepare any necessary Park permits including regulatory exemptions to 36 CFR 13.1178.

**Victor W. Knox,**

*Acting Regional Director, Alaska.*

[FR Doc. 2010-29536 Filed 11-23-10; 8:45 am]

**BILLING CODE 4312-HX-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Proposed Finding Against Federal Acknowledgment of the Tolowa Nation

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of proposed finding.

**SUMMARY:** The Department of the Interior (Department) gives notice that the Assistant Secretary—Indian Affairs proposes to determine that the Tolowa Nation, of Fort Dick, CA is not an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group does not meet one of the seven mandatory criteria for a government-to-government relationship with the United States. This proposed finding is based on one criterion alone.

**DATES:** We must receive comments on this proposed finding by May 23, 2011. We must receive any request for a technical assistance meeting by January 24, 2011. See the **SUPPLEMENTARY INFORMATION** section of this notice for more information about these dates.

**ADDRESSES:** Address comments on the proposed finding or requests for a copy of the report to the Office of Federal Acknowledgment, 1951 Constitution Avenue, NW., MS: 34B-SIB, Washington, DC 20240. Parties who make comments on the proposed finding must also provide a copy of their comments to the petitioner.

**FOR FURTHER INFORMATION CONTACT:** R. Lee Fleming, Director, Office of Federal Acknowledgment, (202) 513-7650.

**SUPPLEMENTARY INFORMATION:** Pursuant to 25 CFR 83.10(h), the Department gives notice that the AS-IA proposes to determine that the Tolowa Nation, P.O. Box 213, Fort Dick, CA 95538, c/o Ms. Sharon Sligh, is not an Indian tribe within the meaning of Federal law. This notice is based on a preliminary finding that the petitioner fails to satisfy one of the seven mandatory criteria for acknowledgment set forth in 25 CFR 83.7(a) through (g), and thus, does not meet the requirements for a government-to-government relationship with the United States.

The Tolowa Nation, Petitioner #85, submitted a letter of intent to petition for Federal acknowledgment on September 11, 1982. It submitted partial documentation on March 22, 1983, and made subsequent submissions in 1983, 1986, 1987, 1996, and 1999. The Department provided technical assistance in 1988 and in 1995. The petition was ready for evaluation on August 3, 2009.

To evaluate unambiguous previous Federal acknowledgment under 25 CFR 83.8, OFA's review of Petitioner #85's narrative and documentation revealed three factors for consideration: the establishment of the Klamath Reservation from 1855 to 1861 and the Smith River Reservation from 1862 to 1869; the establishment of the Smith River, Elk Valley, and Resighini Rancherias in 1906, 1908, and 1938 respectively; and Federal interaction with the Del Norte Indian Welfare Association (DNIWA) from 1941 through 1968.

There is not substantial evidence in the record to show previous unambiguous Federal acknowledgment of the Athabascan-speaking Indians, residing in the villages in Del Norte County, California, known as "Tolowa," either as separate entities or as one entity that included the ancestors of Petitioner #85. Evidence is also insufficient to show that the petitioner evolved from the Indian groups at the Klamath Reservation established in 1855, or at the Smith River lease in 1862, or from the Resighini Rancheria.

Unambiguous Federal acknowledgment of the Elk Valley and Smith River Rancherias, which include descendants of Athabascan-speaking Tolows from Del Norte County, California, continues to the present day. Because a group of the petitioner's ancestors did not enroll at these rancherias and did not evolve as a group from them, Petitioner #85 has not shown unambiguous previous Federal acknowledgment based on the government's acknowledgment of the Smith River and Elk Valley Rancherias.

The Federal Government never recognized DNIWA as a tribal political entity. There is no substantial evidence of unambiguous previous Federal acknowledgment in the record. Therefore, the petitioner is evaluated under 25 CFR 83.7. Whether the petitioner is eligible to be evaluated under 83.8 of the regulations is subject to reconsideration based on new evidence at the time of an amended proposed finding, if any, or the final determination.

Petitioner #85 maintains that its membership and its ancestors existed continuously as a tribe of Indians descended from the Tolowa, an Athabascan-speaking group of Indians residing in Del Norte County, California. The petitioner maintains that its members specifically are the descendants of those Tolowa who were not enrolled at the Smith River and Elk Valley Rancherias.

In order to meet criterion 83.7(b) a petitioner must demonstrate that a predominant portion of its group comprises a distinct community and has existed as a community from historical times until the present. Petitioner #85 did not provide sufficient evidence to demonstrate the petitioner's ancestors existed as a distinct community from first sustained contact in 1853 to 1903, before the rancherias formed. The evidence shows that some of Petitioner #85's ancestors were involved in interaction indicative of a social community, but does not show that they constituted an entity distinct from the others, or were part of any entity evolving from the people described in the record. For the period 1903 through 1949, Department researchers examined recollections from this time gathered from interviews conducted during their site visit in 2010, as well as Federal census material, BIA enrollments, and BIA correspondence to document further DNIWA's activities and informal social interaction. Researchers also consulted BIA enrollments conducted by Henry Roe Cloud in 1939. The evidence is insufficient to show that the petitioner's ancestors evolved as a distinct community from 1903 through the 1930s, after the Elk Valley and Smith River Rancherias formed, or later. DNIWA, claimed by the petitioner as its precursor, did not function as a distinct community from its alleged beginnings in the 1930s through the 1980s. The evidence for this time does not support the assertion by Petitioner #85 that DNIWA provided leadership over an evolving entity that included both the ancestors of Petitioner #85 and the Smith River or Elk Valley Rancherias, or that it evolved into the petitioner in the