f. Any required certification;

g. All notices, filings, and court records related to the R3 Eminent Domain process;

h. Evidence of the provision of advisory services to program participants and Known Owners;

i. Records relating to the purchase of the replacement property, including but not limited to the final sales price including all fees and closing costs and any liens placed on the property by PRDOH;

j. Evidence of all additional compensation provided to a program participant when the final purchase price of a replacement property including all fees and closing costs is less than the PRDOH-determined FMV;

k. If the court's determination of an owner's entitlement to compensation through the eminent domain action is higher than the PRDOH-determined FMV that is attributable to an owner, evidence that PRDOH provided that owner with additional compensation so that the owner received overall compensation in the amount of the court-determined just compensation for that owner's court-determined proprietary interest;

l. Evidence that the property obtained through the R3 Eminent Domain process was disaster-damaged and qualified under the R3 Program; and

m. Evidence that PRDOH provided any residential tenants of the disaster-damaged property acquired through the R3 Eminent Domain process, other than the program participant, with all services, assistance, and benefits due to them under the applicable URA regulations at 49 CFR part 24 and CDBG regulations at 24 CFR 570.606, as amended by waivers and alternative requirements.

14. All properties obtained through the R3 Eminent Domain process must only be employed for a public use, as follows:

a. Public use shall not be construed to include economic development that primarily benefits private entities; and

b. Any use of funds for mass transit, railroad, airport, seaport or highway projects, as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

15. All URA requirements contained in 49 CFR part 24 or the requirements contained in 24 CFR 570.606 for tenants of disaster-damaged property obtained through the R3 Eminent Domain Process still apply. PRDOH must provide tenants living in property acquired by PRDOH through the R3 Eminent Domain process with all required written notices, advisory services, and replacement housing assistance payments required under 49 CFR part 24 and 24 CFR 570.606.

II.A.4. Waiver of Section 104(d) of the HCDA for the R3 Eminent Domain Process

Based on the good cause described in section II.A.2., HUD waives the one-for-one replacement requirements at section 104(d)(2)(A)(i) and (ii) and 104(d)(3) of the HCDA and 24 CFR 42.375 in the purchase and demolition of the disaster-damaged properties through the R3 Eminent Domain process. The section104(d) one-for-one replacement housing requirements apply to occupied and vacant occupiable lower-income dwelling units demolished or converted in connection with a CDBG-assisted activity. This waiver exempts property purchased in accordance with the URA waiver and alternative requirement in II.A.2. from being replaced in accordance with the one-for-one replacement housing requirements of 24 CFR 42.375. This waiver is necessary to reduce burdensome administrative requirements by allowing the Commonwealth to document that a disaster-damaged property was acquired pursuant to these waivers and alternative requirement for the R3 Eminent Domain process instead of documenting that the acquisition of the property met another exception to, or waiver of the section 104(d) one-for-one replacement requirements contained in 24 CFR 42.375.

II.A.5. Waiver of Section 105(a)(1) of the HCDA for the R3 Eminent Domain Process

Based on the good cause described in section II.A.2., HUD waives the definition of acquisition in section 105(a)(1) of the HCDA to allow the use of the R3 Eminent Domain process to be considered an eligible form of acquisition in the purchase of disaster-damaged properties in the R3 Program. Eminent domain is not an eligible form of acquisition under the HCDA. This waiver is necessary to enable property purchased through the R3 Eminent Domain process in accordance with the waiver and alternative requirement contained in section II.A.2. of this notice to be considered eligible CDBG–DR acquisition activities even though the purchases are made through the use of eminent domain actions.

III. Finding of No Significant Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available online on HUD's CDBG–DR website at *https://www.hud.gov/program_offices/comm_planning/cdbg-dr* and for public inspection between 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, an advance appointment to review the docket file must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Scott Turner,

Secretary.

[FR Doc. 2025–06549 Filed 4–16–25; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[256A2100DD/AAKP300000/A0A501010.000000]

HEARTH Act Approval of Shawnee Tribe Leasing Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Assistant Secretary—Indian Affairs approved the Shawnee Tribe Leasing Ordinance under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to

enter into business, wind and solar, public, religious, educational, cultural, and recreational leases without further Secretary of the Interior approval.

DATES: The Assistant Secretary—Indian Affairs issued the approval on April 11, 2025.

FOR FURTHER INFORMATION CONTACT: Ms. Carla Clark, Bureau of Indian Affairs, Division of Real Estate Services, 1001 Indian School Road NW, Albuquerque, NM 87104, *carla.clark@bia.gov,* (702) 484–3233.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal Leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Shawnee Tribe.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal Government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal Government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act (IRA), 25 U.S.C. 5108, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 5108 of the IRA preempts State taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* 799 F.3d 1324, 1331, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self- government,'' requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' H. Rep. 112–427 at 6 (2012).

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 572 U.S. 782, 810 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 810–11 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal Government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to 25 CFR part 162.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or 25 CFR part 162. Improvements, activities, and leasehold or possessory

interests may be subject to taxation by the Shawnee Tribe.

Scott J. Davis,

Senior Advisor to the Secretary, Exercising the delegated authority of the Assistant Secretary—Indian Affairs.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[256A2100DD/AAMM001010/A0A600000.999900]

Pueblo of Santa Clara, New Mexico; Amendments to Liquor Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Pueblo of Santa Clara Liquor Code. This Liquor Code amends the existing Liquor Code, published in the **Federal Register** on August 18, 2017.

DATES: This Code shall become effective April 17, 2025.

FOR FURTHER INFORMATION CONTACT: Mr. Eric J. Rodriguez, Tribal Government, Southwest Regional Office, Bureau of Indian Affairs, 1001 Indian School Road NW, Albuquerque, New Mexico 87104, *eric.rodriguez@bia.gov,* (505) 536–3100.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. On December 13, 2024, the Tribal Council of the Pueblo of Santa Clara adopted amendments to the Santa Clara Pueblo Liquor Code by Resolution No. 2024–101. The Pueblo of Santa Clara, in furtherance of its economic and social goals, has taken positive steps to regulate retail sales of alcohol and use revenues to combat alcohol abuse and its debilitating effects among individuals and family members within the reservation of the Pueblo of Santa Clara.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs. I certify that the Pueblo of Santa Clara, New Mexico, duly adopted these amendments to the Pueblo of Santa Clara Liquor Code by on December 13, 2024.

Scott Davis,

Senior Advisor to the Secretary of the Interior, Exercising the delegated Authority of the Assistant Secretary-Indian Affairs.

The Pueblo of Santa Clara, New Mexico, Liquor Code, as amended, shall read as follows:

PUEBLO OF SANTA CLARA TRIBAL CODE

TITLE 19, CHAPTER 108—LIQUOR CODE SUBCHAPTER 1: GENERAL PROVISIONS

Sec. 108.1 Findings

The Tribal Council finds as follows:

A. The introduction, possession and sale of alcoholic beverages into Santa Clara Indian Lands has long been regarded as a matter of special concern to the Pueblo, that bears directly on the health, welfare and security of the Pueblo and its members; and

B. Under Federal law and New Mexico state law, and as a matter of inherent Tribal sovereignty, the question of to what extent and under what circumstances alcoholic beverages may be introduced into and sold or consumed within Santa Clara Indian Lands is to be decided by the governing body of the Tribe; and

C. It is desirable that the Tribal Council legislate comprehensively on the subject of the sale and possession of alcoholic beverages within Santa Clara Indian Lands, both to establish a consistent and reasonable Tribal policy on this important subject, as well as to facilitate economic development projects within Santa Clara Indian Lands that may involve outlets for the sale and consumption of alcoholic beverages; and

D. It is the policy of the Tribal Council that the introduction, sale and consumption of alcoholic beverages within Santa Clara Indian Lands be carefully regulated so as to protect the public health, safety and welfare, and that licensees be made fully accountable for violations of conditions of their licenses and the consequences thereof.

Enacted by Res. No. 01–15, May 8, 2001; approved by Sec'y, June 1, 2001.

Sec. 108.2 Definitions

As used in this chapter, the following words shall have the following meanings:

A. ''Pueblo'' or ''Tribe'' means the Pueblo of Santa Clara.

B. ''Tribal Council'' or ''Council'' means the Tribal Council of the Pueblo of Santa Clara.

C. ''Governor'' means the Governor of the Pueblo of Santa Clara.

D. ''Administrator'' means the Tax Administrator of the Pueblo of Santa Clara.

E. ''Person'' means any natural person, partnership, corporation, joint venture, association, or other legal entity.

F ''Sale'' or ''sell'' means any exchange, barter, or other transfer of goods from one person to another for commercial purposes, whether with or without consideration.

G. ''Liquor'' or ''Alcoholic Beverage'' includes the four varieties of liquor commonly referred to as alcohol, spirits, wine and beer, and all fermented, spirituous, vinous or malt liquors or combinations thereof, mixed liquor, any part of which is fermented, spirituous, vinous, or malt liquor, or any otherwise intoxicating liquid, including every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer and intended for oral consumption.

H. ''Licensee'' means a person who has been issued a license to sell alcoholic beverages on the licensed premises under the provisions of this Liquor Code.

I. ''Licensed Premises'' means the location within Santa Clara Indian Lands at which a licensee is permitted to sell and allow the consumption of alcoholic beverages, and may, if requested by the applicant and approved by the Tribal Council, include any related or associated areas or facilities under the control of the licensee, or within which the licensee is otherwise authorized to conduct business (but subject to any conditions or limitations as to sales within such area that may be imposed by the Governor in issuance of the license).

J. ''Santa Clara Indian Lands'' means all lands within the exterior boundaries of the Santa Clara Indian Reservation, all lands within the exterior boundaries of the Santa Clara Pueblo Grant, and all other lands owned by the Pueblo subject to Federal law restrictions on alienation or held by the United States for the use and benefit of the Pueblo.

K. ''Special Event'' means a bona fide special occasion such as a fair, fiesta, show, tournament, contest, meeting, picnic or similar event held on Santa Clara Indian Lands that is sponsored by an established business or non-governmental organization, lasting no more than three days. A special event may be open to the public or to a designated group, and it may be a one-time event or periodic, provided, however, that such events held more than four times a year by the same business or organization shall not be