

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****Nominations for Indian Reservation Roads Program Coordinating Committee**

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

**ACTION:** Notice of intent to form the Indian Reservation Roads Program Coordinating Committee under 25 CFR 170.155–158.

**SUMMARY:** The Secretary of the Interior is requesting nominations for tribal regional representatives to the Indian Reservation Roads (IRR) Program Coordinating Committee (Committee) which will be established under 25 CFR 170. The IRR final rules amending 25 CFR 170 include establishing a Committee to provide input and recommendations to the Bureau of Indian Affairs (BIA) and the Federal Highway Administration (FHWA) in developing IRR Program policies and procedures and to coordinate with and obtain input from tribes, BIA, and FHWA.

The Secretary will accept only nominations for tribal representatives and alternates officially selected by tribes in each of the 12 BIA regions as stated below.

**DATES:** Nominations for the IRR Program Coordinating Committee tribal representatives and alternates must be received no later than February 28, 2005 at the address below. Nominations received after this date will not be considered.

**ADDRESSES:** Send nominations to Mr. LeRoy Gishi, Chief, Division of Transportation, Bureau of Indian Affairs, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Mail Stop 320–SIB, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Mr. LeRoy Gishi, Chief, Division of Transportation, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Mail Stop 320–SIB, Washington, DC 20240, Telephone (202) 513–7711 or Fax (202) 208–4696.

**SUPPLEMENTARY INFORMATION:** The IRR final rules amending 25 CFR Part 170, effective November 13, 2004, are the result of negotiated rulemaking between tribal and Federal representatives under the Transportation Equity Act for the 21st Century (TEA–21). The IRR final rules include the negotiated rulemaking committee's recommendation that the Secretary of the Interior and the Secretary of Transportation establish an IRR Program Coordinating Committee to

provide input and recommendations to BIA and FHWA in developing IRR Program policies and to coordinate with and obtain input from tribes, BIA, and FHWA. As recommended, the Committee will consist of 12 tribal regional representatives (one from each BIA region) and two non-voting Federal representatives (from BIA and FHWA). In addition to the 12 tribal regional representatives, the Committee will include one alternate from each BIA region who will attend Committee meetings in the absence of the tribal regional representative. Each tribal regional representative must be a tribal governmental official or employee with authority to act for the tribal government.

The Secretary must select regional tribal representatives and alternates from nominees officially proposed by the region's tribes. The Secretary will appoint the initial tribal regional representatives and alternates from each BIA region to either a 1-, 2- or 3-year appointment in order to establish a yearly, one-third change in tribal regional representatives. All appointments thereafter will be for 3-year terms. To the extent possible, the Secretary must make the selection so that there is representation from a broad cross-section of large, medium, and small tribes. The Secretary of the Interior will provide guidance for the replacement of representatives.

**IRR Program Coordinating Committee Responsibilities**

The responsibilities of the Committee are to provide input and recommendations to BIA and FHWA during the development or revision of:

- BIA/FHWA IRR Program Stewardship Plan;
- IRR Program policy and procedures;
- IRR Program eligible activities' determinations;
- IRR Program transit policy;
- IRR Program regulations;
- IRR Program management systems policy and procedures;
- IRR Program fund distribution formula (under 25 CFR 170.157); and
- National tribal transportation needs.

The Committee also reviews and provides recommendations on IRR Program national concerns, including implementation of 25 CFR 170, as amended.

**IRR Program Coordinating Committee Role in the Funding Process**

The Committee will provide input and recommendations to BIA and FHWA for:

- New IRR inventory data format and form;

- Simplified cost to construct (CTC) methodology (including formula calculations, formula program and design, and bid tab methodology);
- Cost elements;
- Over-design issues;
- Inflation impacts on \$1 million cap for the Indian Reservation Roads High Priority Project (IRRHPP) and Emergency Projects (including the IRRHPP Ranking System and emergency/disaster expenditures report); and
- The impact of including funded but non-constructed projects in the CTC calculation.

**IRR Program Coordinating Committee Conduct of Business**

The Committee will hold two meetings per fiscal year. The Committee may call additional meeting(s) with the consent of one-third of Committee members or BIA or FHWA may call additional meeting(s). A quorum consists of eight voting Committee members. The Committee will operate by consensus or majority vote, as the Committee determines in its protocols. The Committee must elect from among the Committee membership a Chair, Vice-Chair, and other officers. These officers will be responsible for preparing for and conducting Committee meetings and summarizing meeting results. The Committee may prescribe other duties for the officers. Any Committee member can submit an agenda item to the Committee Chair.

**IRR Program Coordinating Committee Reporting Requirements and Budget**

The Committee must keep the Secretary and tribes informed through an annual accomplishment report provided within 90 days after the end of each fiscal year. The Committee's budget, funded through the IRR Program management and oversight funds, will not exceed \$150,000 annually.

**Submitting Nominations**

Tribes may nominate up to three individuals from their respective region for the committee. Nominations for alternate positions should clearly state such. Nominees must be tribal governmental officials or employees with authority to act for the tribal government. Nominations must be on official tribal government letterhead signed by a tribal governmental official. Nominations must include written authority for the nominee to act for the tribal government, if the nominee is appointed, and include a resume showing the nominee's relevant education and training, current job description, and professional experience

level in the IRR program, transportation, or transit areas. Incomplete nominations will not be considered.

To be considered, nominations must be received by the close of business February 28, 2005, at the location indicated in the **ADDRESSES** section.

Dated: December 29, 2004.

**David W. Anderson,**

*Assistant Secretary—Indian Affairs.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### List of Additional Lands Affected by White Earth Reservation Land Settlement Act of 1985

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

**ACTION:** Notice.

**SUMMARY:** This notice publishes a list of additional allotments or interests on the White Earth Chippewa Reservation in Minnesota. The Department of the Interior, Bureau of Indian Affairs, have determined that certain additional allotments or interests fall within the scope of sections 4(a), 4(b), or 5(c) of the White Earth Reservation Land Settlement Act of 1985. Under section 7(e) of the Act, as amended, any determination made by the Secretary to include an allotment or interest is required to be published in the **Federal Register**.

#### FOR FURTHER INFORMATION CONTACT:

Gene Virden, Superintendent, Minnesota Agency, Bureau of Indian Affairs, 522 Minnesota Avenue, NW., Bemidji, Minnesota 56601, Telephone (218) 751-2011.

**SUPPLEMENTARY INFORMATION:** The White Earth Reservation Land Settlement Act of 1985, Public Law 99-264 (100 Stat. 61), as amended by Public Law 100-153 (101 Stat. 886), Public Law 100-212 (101 Stat. 1433), and Public Law 101-301 (104 Stat. 210), provides for alternative methods of resolving disputes relative to the title to certain allotments for which trust patents were issued to White Earth Chippewa Indians. Sections 4(a) and 4(b) of the Act define circumstances by which the title to an allotment may have been taken or transferred through a questionable means during the trust period. The Act authorizes the Secretary of the Interior to:

(1) Identify the allotments or interests which were taken or transferred under identified circumstances;

(2) Determine the individuals entitled to compensation under the Act; and

(3) Ascertain the amount of compensation to which each such individual is entitled.

In addition, section 5(c) of the Act provides that the White Earth Band of Chippewa Indians shall be compensated for allotments which were granted to individuals who had died prior to the selection dates of their respective allotments. Under section 8(a) of the Act, the compensation for the taking or transfer of an allotment or interest is to be based on the fair market value of the allotment or interest therein as of the date of such taking or transfer, less any consideration actually received at the time. The compensation to be paid under the Act shall include interest compounded annually at 5 percent from the date of the questionable taking or transfer, until March 24, 1986, and at the general rate of interest earned by Department of the Interior funds thereafter. The Secretary is authorized to issue written notices of compensation determination to the allottees or heirs entitled to it. Such notice will describe the basis for the Secretary's determination, the process whereby such compensation was determined, the method of payment, and the applicable time limits for judicial review of the determination. Any individual who has already elected to file suit in the Federal District Court for the District of Minnesota to seek the recovery of title to an allotment or interest therein, or damages, is barred under section 6(c) from receiving any compensation under the Act.

The Secretary was authorized, under section 7(a) of the Act, to publish a first list of allotments or interest that fall within the provisions of sections 4(a), 4(b), or 5(c) of the Act. The first list of allotments and interests affected by the Act was published in the **Federal Register** on September 19, 1986 (51 FR 33348). The Secretary was also authorized, under section 7(c) of the Act, to publish a second list of allotments and interests affected by the Act, including additions to those appearing on the first list. The amendment contained in Public Law 100-212 authorized the Secretary to include and publish, as part of the second list, corrections to the first list. The list published in the **Federal Register** on March 10, 1989 (54 FR 10216), constitutes the second list of allotments and interests which was determined by the Department of the Interior to fall within the provisions of sections 4(a), 4(b), or 5(c) of the Act.

The Secretary is also authorized, at any time, under section 7(e)(1) of the

Act, as amended, to add allotments or interests to the second list if the Secretary determined that the additional allotments or interests fall within the provisions of sections 4(a), 4(b), or 5(c). The first list of such additions was published in the **Federal Register** on March 27, 1991 (56 FR 12818), and a second list of such additions was subsequently published on April 11, 1994 (59 FR 17174). The Secretary has determined that certain additional allotments or interests fall within the provisions of sections 4(a), 4(b), or 5(c). The list included in this notice contains these additions.

The list describes additional allotments and interests, whether the takings or transfers apply to the allottees or the heirs of inherited interests. The lists characterized in the September 19, 1986, and March 10, 1989, publications as those of Partial Interests are no longer being published. All allotments and interests determined by the Secretary to be affected by sections 4(a), 4(b), or 5(c) of the Act are contained in what had been characterized as the Master List in previous publications and in this addition. Some of the allotments contained on the list include herein may represent partial interests only. The failure to include a Partial Interest List does not mean that there are no partial interests.

The inclusion of an allotment or interest on this list may be judicially reviewed under the provisions of the Administrative Procedure Act, 5 U.S.C. 701, *et seq.* Any such action must be filed in Federal District Court for the District of Minnesota and shall be barred unless it is filed within 90 calendar days of this publication.

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.

Dated: December 23, 2004.

**David W. Anderson,**

*Assistant Secretary—Indian Affairs.*

#### Instruction Sheet

Each questionable taking or transfer has been assigned a 10, 11 or 12 character Issue Number. In every instance, the first six characters, F53408, are identical and denote the Midwest Regional Office, Minnesota Agency and White Earth Indian Reservation. The last four, five and six characters identify the specific taking or transfer. The list contains information regarding allotments and inherited interests, in addition to those listed in previous publications, affected by the Act, including the following subheadings: