

(unofficially) called "The Delaware Tribe of Eastern Oklahoma" * * * our legal name is the *Delaware Tribe of Indians*." By letter dated July 28, 1996, the Delaware Tribe of Western Oklahoma expressed concern that the tribe might be called the "Delaware Tribe of Oklahoma," thereby causing confusion with the Delaware Tribe of Western Oklahoma. The Department has dealt with other tribes which have name similarities, as a review of the Federal Register list of "Indian Entities Recognized and Eligible to Receive Services" demonstrates (60 FR 9250, Feb. 16, 1995). The comment in the July 24, 1996, letter is accepted and the Department will use the "Delaware Tribe of Indians" as the tribe's name.

The Delaware Tribe of Western Oklahoma expressed concern that this final status clarification action may prejudice its rights as a continuation of the Delaware Nation. In response, the Assistant Secretary directs attention to the June 16, 1996, legal review of the Division of Indian Affairs which states that the Delaware were the first Indians to enter into a formal treaty with the federal government and that over the years, the Delaware became divided into groups. The legal review notes specifically that one of these groups is the federally recognized tribe, the Delaware Tribe of Western Oklahoma. This final decision on the Delaware Tribe of Indians does not change the status, or history, of the Delaware Tribe of Western Oklahoma.

The comment from the Delaware Tribe of Western Oklahoma states that the treaties and agreements between the Delaware Nation and the United States, and the Cherokee Nation and the United States must be examined with precision, and that the final determination must address the issues of Delaware sovereignty rather than being a political determination. The June 19, 1996, legal review was such a comprehensive and detailed analysis of the relevant legal record, including a detailed evaluation of pertinent treaties and agreements. This comment raises no new information meriting additional analysis.

A comment was received from the Cherokee Nation dated July 26, 1996. This comment concerns the Cherokee Nation's jurisdictional service area, its court system, law enforcement, Indian child welfare services and civil jurisdiction. Referencing 105 Stat. 990 (1991) and 25 CFR 151.8, the tribe states that it cannot responsibly share its jurisdictional land base, and provides that if the Delawares "concede that their actions will not result in any diminishment of the Cherokee's present

funding, its service area or jurisdictional base, then separate recognition would be agreeable to the tribe." A comment, by letter dated July 23, 1996, from an individual whose certificate of Indian blood identifies her as "Cherokee (adopted Delaware)," expressed concerns that the proposed decision did not contain language addressing the issues of dual enrollment and jurisdiction. This comment notes that the Delaware intend to prohibit dual enrollment, and that a driving force "is the acquisition and control of federal dollars."

The decision to retract the letter of May 24, 1979, is based on a comprehensive legal analysis of the pertinent treaties and agreements as well as a review of the Department of the Interior's administrative practice. Based on this review, the proposed decision published in the Federal Register concluded that the 1979 letter should be retracted because it was not consistent with federal law. Within the restraints imposed by federal law, the Delaware Tribe of Indians as a sovereign tribe will have the same rights to demand consultation and contracting as other tribes. As a separate sovereign, the Delaware Tribe of Indians will have the same legal rights and responsibilities as other tribes, consistent with federal law, both as to jurisdiction and as to its right to define its membership. This decision in effect clarifies the government-to-government relationship between the United States and the Delaware Tribe of Indians which was understood to exist before the May 1979 letter. Although this decision may have legal consequences affecting the Cherokee Nation and the members of both tribes, there is nothing in these comments which indicates that the basis of the proposed decision is in error or that the legal analysis of June 19, 1996, includes errors or is incomplete. These comments, therefore, do not merit a change in the proposed decision.

Based on the legal analysis of the Division of Indian Affairs dated June 19, 1996, and based on the foregoing analysis of the comments received during the public comment period, the Assistant Secretary hereby retracts the letter of May 24, 1979. The notice of proposed decision, 61 FR 33534, is hereby made final. Notice is hereby given that the Delaware Tribe of Indians is a tribal entity recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of its status as an Indian tribe.

By letter dated August 21, 1996, the attorney for the Delaware Tribe of Indians indicated that at a meeting of April 30, 1996, the Delaware Chief was

informally advised that after the 30-day comment period following the Federal Register publication, the Delawares would have the opportunity to respond to any negative comments submitted. The letter of August 21, 1996, included the Delaware response to the comments of the Cherokee Nation and Delaware Tribe of Western Oklahoma. The notice in the Federal Register did not include a right by the Delaware Tribe of Indians to respond to the public comments. The letter of August 21, 1996, was reviewed and because it does not raise any new information or legal arguments pertinent to the basis of the proposed decision, the Assistant Secretary need not address whether the Delaware Tribe of Indians had a right to file this response even though none was provided for in the Federal Register notice.

Nothing herein should be construed as altering the powers and duties of the Delaware Trust Board.

Representatives from the Muscogee Area Office of the Bureau of Indian Affairs shall consult with the Delaware tribal officials and develop, in cooperation with the tribe, a determination of needs and recommended budget, including a determination of the tribal service population.

DATES: This decision is final for the Department and is effective September 23, 1996.

Dated: September 23, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96-24749 Filed 9-26-96; 8:45 am]

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Bureau of Land Management

[CO-030-06-1610-00-1784]

Southwest Resource Advisory Council Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice; Resource Advisory Council meetings.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 USC), notice is hereby given that the Southwest Resource Advisory Council (SW RAC) will meet on Thursday, October 10, 1996, in the BLM Montrose District Office Conference Room, 2465 South Townsend, Montrose, Colorado, and on Thursday, November 14, 1996, in the County Commissioner's Meeting Room, Hinsdale County Courthouse, 311 North Henson, Lake City, Colorado.

DATES: The meetings will be held on Thursday, October 10, 1996, and on

Thursday, November 14, 1996. Both meetings will begin at 9:00 a.m. and end at 4:30 p.m.

ADDRESSES: For additional information, contact Roger Alexander, Bureau of Land Management, Montrose District Office, 2465 South Townsend Avenue, Montrose, Colorado 81401; Telephone 970-240-5300; TDD 970-240-5366.

SUPPLEMENTARY INFORMATION: The October 10, 1996, meeting is scheduled to begin at 9:00 a.m. in the BLM District Office Conference Room, 2465 South Townsend, Montrose, Colorado. The agenda will focus on recreational uses of public lands in southwestern Colorado and the use of prescribed natural fire. Time will be provided for public comments.

The Thursday, November 14, 1996, is scheduled to begin at 9:00 a.m. in the County Commissioner's Meeting Room in the Hinsdale County Courthouse, 311 North Henson, Lake City, Colorado. The agenda will focus on recreational uses of public lands in southwestern Colorado and the use of prescribed natural fire. Time will be provided for public comments.

All Resource Advisory Council meetings are open to the public. Interested persons may make oral statements to the Council, or written statements may be submitted for the Council's consideration. Depending on the number of persons wishing to make oral statements, a per-person time limit may be established by the Montrose District Manager.

Summary minutes for Council meetings are maintained in the Montrose District Office and are available for public inspection and reproduction during regular business hours within thirty (30) days following each meeting.

Dated: September 20, 1996.

Mark W. Stiles,
District Manager.

[FR Doc. 96-24792 Filed 9-26-96; 8:45 am]

BILLING CODE 4310-JB-P

[MT-924-1430-01; MTM 66519]

Order Providing for Opening of Public Lands; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This order opens lands reconveyed to the United States in an exchange under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq. (FLPMA), to the operation of the public land laws. The land that

was acquired in the exchange provides access to other public land with wildlife habitat, livestock operations, excellent big-game hunting opportunities, recreation use area, and is adjacent to the Buffalo Creek Wilderness Study Area. The exchange also allows for increased management efficiency of public land in the area. The public interest was well served through completion of this exchange.

EFFECTIVE DATE: November 15, 1996.

FOR FURTHER INFORMATION CONTACT: Dick Thompson, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406-255-2829.

SUPPLEMENTARY INFORMATION:

1. The following described lands have been acquired by the United States pursuant to Section 206 of FLPMA:

Principal Meridian, Montana

T. 8 S., R. 48 E.,

Sec. 27, lot 8;

Sec. 28, lot 13, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 9 S., R. 48 E.,

Sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 9 S., R. 49 E.,

Sec. 18, lot 1, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Total acreage acquired: 220.88 acres.

2. At 9 a.m. on November 15, 1996, the lands described in paragraph 1 above that were conveyed to the United States will be opened only to the operation of the public land laws generally, subject to valid existing rights and requirements of applicable law. All valid applications received at or prior to 9 a.m. on November 15, 1996, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: September 18, 1996.

Thomas P. Lonnie,

Deputy State Director, Division of Resources.

[FR Doc. 96-24760 Filed 9-26-96; 8:45 am]

BILLING CODE 4310-DN-P

[NV-930-1430-01; N-59733]

Amendment of Lahontan Resource Management Plan (RMP)/ Notice of Realty Action, Recreation and Public Purposes Act Classification, Washoe County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice is hereby given that the Bureau of Land Management (BLM) has amended the Lahontan RMP to change the land tenure designation on 120 acres of public land in Washoe County from retention to disposal. Notice is further given that this 120 acres of public land has been examined and is determined to

be suitable for classification and conveyance to Washoe County pursuant to the Recreation and Public Purposes Act of 1926, as amended (43 U.S.C. 869 et seq.) for use as a bomb disposal and training facility.

SUMMARY: The following described public land is hereby classified as suitable for conveyance under the provisions of the Recreation and Public Purposes Act:

Mount Diablo Meridian

T. 23 N., R. 21 E.,

Sec. 8, SW $\frac{1}{4}$ SW $\frac{1}{4}$,

Sec. 17, W $\frac{1}{2}$ NW $\frac{1}{4}$.

Upon publication of this notice in the Federal Register, the land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

PLANNING PROTESTS: Any party that participated in the plan amendment and is adversely affected by the amendment may protest this action as it affects issues submitted for the record during the planning process. The protests shall be in writing and filed with the Director (760) Bureau of Land Management, 1800 "C" Street NW., Washington, DC 20240 within 30 days of this notice.

DATE AND ADDRESSES: For a period of 45 days from the date of publication of this notice in the Federal Register, interested persons may submit comments regarding the proposed conveyance or classification of the land to the Assistant District Manager, Non-Renewable Resources, Bureau of Land Management, 1535 Hot Springs Road, Carson City, Nevada 89706. Objections will be reviewed by the District Manager who may sustain, vacate, or modify this realty action.

CLASSIFICATION COMMENTS: Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

APPLICATION COMMENTS: Comments on the application would include whether BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a bomb disposal and training facility.

SUPPLEMENTARY INFORMATION: In the absence of objections, the classification will become effective 60 days from the date of publication of this notice in the