

Plan*For the Use and Distribution of Mescalero Apache Tribe Judgment Funds in Docket 92-403L*

The funds appropriated on February 25, 2002, in satisfaction of an award granted to the Mescalero Apache Tribe in Docket 92-403L before the United States Court of Federal Claims (Court), including all interest and investment income accrued, less attorney fees and litigation expenses, shall be distributed as herein provided.

A. Per Capita Distribution

Fifty (50%) percent of the funds, including interest and investment

income, shall be distributed in the form of per capita payments, as approved by the Tribal Council, in equal amounts to all persons who are enrolled members of the Mescalero Apache Tribe.

1. The per capita shares of living competent adults shall be paid directly to them.

2. The per capita shares of deceased individual beneficiaries shall be determined in accordance with 25 CFR part 15.

3. Per capita shares of legal incompetents and minors shall be handled as provided in 25 U.S.C. 1403(b)(3). The funds will be placed in IIM accounts and may be disbursed to

the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the minor or legal incompetent's health, education, welfare, or emergencies under a plan or plans approved by the Secretary and the Tribal Council.

B. Programming

The remaining funds, including interest and investment income, shall be used for the following purposes. The Tribe may reallocate the funding amounts if the Tribe determines it necessary.

	(percent)
(A) Tribal Store Business Operations Improvement (est. \$1,022,000)	34.07
(B) Tribal Operational Activities (est. \$1,978,000)	
The Tribal Operational Activities programming funds shall be allocated by the Tribe for the following Tribal operational activities with amounts to be determined on a priority as-needed basis:	
(1) Debt Service for principal and interest payments on loans related to capital projects for the new Mescalero Apache Tribe school, Nursing Home/Dialysis Center and other capital projects which require financing	15.93
(2) Funding amounts for the Mescalero Apache Tribe Defined Benefit Pension Plan	33.33
(3) Self-Funded Health Plan Benefit Payments	16.67

C. General Provisions

Funds distributed under this plan shall not be liable for the payment of previously contracted obligations of any recipient as provided in 25 U.S.C. 117b(a). None of the funds distributed per capita or made available under this plan for programming shall be subject to Federal or State income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act, or except for per capita shares in excess of \$2,000 any Federal or federally assisted programs.

Michael D. Olsen,

Acting Principal Deputy, Assistant Secretary—Indian Affairs.

[FR Doc. 04-25046 Filed 11-9-04; 8:45 am]

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DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Plan for the Use and Distribution of Pueblo of Isleta Judgment Funds in Docket No. 98-166L**

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the plan for the use and distribution of the judgment funds awarded to the Pueblo of Isleta (Pueblo) in Docket No. 98-166L is effective as of March 20, 2004. The judgment fund was awarded by the United States Court of Federal Claims on January 7, 2002, and appropriated on March 19, 2002.

FOR FURTHER INFORMATION CONTACT:

Daisy West, Bureau of Indian Affairs, Division of Tribal Government Services, Mail Stop 320-SIB, 1951 Constitution Avenue, NW., Washington, DC 20240. Telephone number: (202) 513-7641.

SUPPLEMENTARY INFORMATION: On December 5, 2003, the plan for the use and distribution of the funds was submitted to Congress pursuant to Section 137 of the Act of November 10, 2003, Pub. L. 108-108, 117 Stat. 1241, and the Indian Tribal Judgment Fund Act, 25 U.S.C. 1401 *et seq.* Receipt of the plan by the House of Representatives and the Senate was recorded in the Congressional Record on December 8, 2003, and January 20, 2004, respectively. The plan became effective on March 20, 2004, because a joint resolution disapproving it was not enacted. The plan reads as follows:

Plan

For the Use and Distribution of Pueblo of Isleta Judgment Funds in Docket No. 98-166L

The funds appropriated on March 19, 2002, in satisfaction of an award granted

to the Pueblo of Isleta (Pueblo) in Docket 98-166L before the United States Court of Federal Claims, less attorney fees and litigation expenses, and including all interest and investment income accrued on the award net of fees and expenses fees and expenses (the "available funds"), shall be distributed as herein provided.

A. Per Capita Distribution.

One hundred (100%) percent of the available funds shall be distributed in the form of per capita payments in amounts as equal as practicable to all enrolled members of the Pueblo who are living on the date this plan becomes effective.

1. The Tribal Council shall prepare and certify to the Bureau of Indian Affairs a list of such persons eligible to participate in said per capita payments.

2. The per capita shares of living competent adults shall be paid directly to them.

3. The per capita shares of incarcerated members who are eligible for the per capita payment shall be either—

(a) Delivered to the incarcerated member or a designated representative at an address directed and authorized by the incarcerated member in writing; or

(b) Placed in Individual Indian Money (IIM) accounts, provided that the Pueblo provides a certified list of those individuals to the Bureau of Indian Affairs along with the written requests from those individuals requesting that

their per capita funds be placed in a non-supervised IIM account.

4. The per capita shares of deceased individual beneficiaries shall be determined in accordance with 25 CFR part 15.

5. Per capita shares of legal incompetents and minors shall be handled as provided in 25 U.S.C. 1403(b)(3). The funds will be placed in IIM accounts and may be disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the minor or legal incompetent's health, education, welfare, or emergencies under a plan or plans approved by the Secretary and the Tribal Council.

B. General Provisions.

Funds distributed under this plan shall not be liable for the payment of previously contracted obligations of any recipient as provided in 25 U.S.C. 117b(a). None of the funds distributed per capita or made available under this plan for programming shall be subject to Federal or State income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act, or except for per capita shares in excess of \$2,000, any Federal or federally assisted programs.

Dated: October 21, 2004.

Michael D. Olsen,

Acting Principal Deputy, Assistant Secretary—Indian Affairs.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-920-1320-EL, WYW151643]

Notice of Competitive Coal Lease Sale, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of competitive coal lease sale.

SUMMARY: Notice is hereby given that certain coal resources in the West Antelope Tract described below in Converse County, WY, will be offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*).

DATES: The lease sale will be held at 10 a.m., on Wednesday, December 15,

2004. Sealed bids must be submitted on or before 4 p.m., on Tuesday, December 14, 2004.

ADDRESSES: The lease sale will be held in the First Floor Conference Room (Room 107), of the Bureau of Land Management (BLM) Wyoming State Office, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, WY 82003. Sealed bids must be submitted to the Cashier, BLM Wyoming State Office, at the address given above.

FOR FURTHER INFORMATION CONTACT: Mavis Love, Land Law Examiner, or Robert Janssen, Coal Coordinator, at 307-775-6258, and 307-775-6206, respectively.

SUPPLEMENTARY INFORMATION: This coal lease sale is being held in response to a lease by application (LBA) filed by Antelope Coal Company of Gillette, WY. The coal resources to be offered consist of all reserves recoverable by surface mining methods in the following-described lands located just south of the Campbell/Converse County line south southeast of Wright, Wyoming, in northern Converse County approximately 2 miles east of State Highway 59 and crossed by Antelope Creek:

T. 40 N., R. 71 W., 6th PM, Wyoming
Sec. 3: Lots 15-18;
Sec. 4: Lots 5-20;
Sec. 5: Lots 5-7, 10-15, 19, 20;
Sec. 9: Lot 1;
Sec. 10: Lots 3, 4;

T. 41 N., R. 71 W., 6th PM, Wyoming
Sec. 28: Lots 9-16;
Sec. 29: Lots 9-11, 14-16;
Sec. 32: Lots 1-3, 6-11, 14-16;
Sec. 33: Lots 1-16.

Containing 2,809.13 acres, more or less.

The tract is adjacent to Federal coal leases held by the Antelope Mine to the east. It is also adjacent to additional unleased Federal coal to the north, south and west.

All of the acreage offered has been determined to be suitable for mining. However, Antelope Creek and an adjacent buffer zone are not expected to be mined. Other features such as pipelines can be moved to permit coal recovery. No producing oil and/or gas wells have been drilled on the tract. All of the surface estate is controlled by the Antelope Mine.

The tract contains surface mineable coal reserves in the Wyodak seam currently being recovered in the adjacent, existing mine. In this area, the Wyodak seam is generally split into the Anderson and Canyon seams. The shallower Anderson seam ranges from about 26-34 feet thick and occurs over most of the LBA. It is the only mineable seam south of Antelope Creek. The

deeper Canyon seam is mineable only north of Antelope Creek on the LBA. It is split on the LBA tract and ranges from about 12-35 feet thick for the upper split and from about 11-19 feet thick for the lower split. The overburden depths range from about 93-195 feet thick north of Antelope Creek and from about 54-127 feet thick south of Antelope Creek on the LBA. The interburden between the Anderson and Canyon seams ranges from about 46-69 feet thick on the LBA. The interburden between the Canyon splits ranges from about 3-7 feet thick.

The tract contains an estimated 194,961,000 tons of mineable coal. This estimate of mineable reserves includes the two main seams and split mentioned above but does not include any tonnage from localized seams or splits containing less than 5 feet of coal. The total mineable stripping ratio (BCY/Ton) of the coal is about 3.0:1. Potential bidders for the LBA should consider the recovery rate expected from thick seam and multiple seam mining.

The West Antelope LBA coal is ranked as subbituminous C. The overall average quality on an as-received basis is 8858 BTU/lb with about 0.23% sulfur and 1.86% sodium in the ash. These quality averages place the coal reserves near the high end of the range of coal quality currently being mined in the Wyoming portion of the Powder River Basin.

The tract will be leased to the qualified bidder of the highest cash amount provided that the high bid meets or exceeds the BLM's estimate of the fair market value of the tract. The minimum bid for the tract is \$100 per acre or fraction thereof. No bid that is less than \$100 per acre, or fraction thereof, will be considered. The bids should be sent by certified mail, return receipt requested, or be hand delivered. The Cashier will issue a receipt for each hand-delivered bid. Bids received after 4 p.m., on Tuesday, December 14, 2004, will not be considered. The minimum bid is not intended to represent fair market value. The fair market value of the tract will be determined by the Authorized Officer after the sale. The lease issued as a result of this offering will provide for payment of an annual rental of \$3.00 per acre, or fraction thereof, and of a royalty payment to the United States of 12.5 percent of the value of coal produced by strip or auger mining methods and 8 percent of the value of the coal produced by underground mining methods. The value of the coal will be determined in accordance with 30 CFR 206.250.

Bidding instructions for the tract offered and the terms and conditions of