

payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

**Contact:** Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4210, Washington, DC 20410, telephone (202) 708-0477.

- **Regulation:** 24 CFR 982.505(d).

**Project/Activity:** Housing Authority of Spirit Lake (HASL), Spirit Lake, IA.

**Nature of Requirement:** HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

**Granted By:** Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

**Date Granted:** June 19, 2012.

**Reason Waived:** The participants, who are disabled, require an exception payment standard to move to a group home where the units are accessible. To provide this reasonable accommodation so the clients could be assisted in these group home units and pay no more than 40 percent of their adjusted income toward the family share, the HASL was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

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- **Regulation:** 24 CFR 983.59(b)(1).

**Project/Activity:** Washington County Department of Housing Services (WCDHA), Washington County, OR.

**Nature of Requirement:** HUD's regulation at 24 CFR 983.59(b)(1) states that the rent to owner for public housing agency (PHA) owned units is determined according to the same requirements as for other project-based voucher (PBV) units, except that the independent entity approved by HUD must establish the initial contract rents based on an appraisal by a licensed, state-certified appraiser.

**Granted By:** Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

**Date Granted:** June 13, 2012.

**Reason Waived:** WCDHA had difficulty in procuring the services of a licensed, state-certified appraiser. It had exhausted all of its available resources such as referrals from other PHAs, Internet searches, telephone resources, newspaper advertisements, etc.

**Contact:** Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708-0477.

- **Regulation:** 24 CFR 985.101(a).

**Project/Activity:** Cambridge Economic Development Authority (CEDA), Cambridge, MN, Todd County Housing and Redevelopment Authority (TCHRA), Todd County, MN, Otter Tail County Housing and Redevelopment Authority (OTCHRA), Otter Tail County, MN, Mental Health Resources (MHR), St. Paul, MN, Morrison County Housing and Redevelopment Authority (MCHRA), Morrison County.

**Nature of Requirement:** HUD's regulation at 24 CFR 985.101(a) states that a public housing agency must submit the HUD-required Section Eight Management Assessment Program (SEMAP) certification form within 60 calendar days after the end of its fiscal year.

**Granted By:** Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

**Date Granted:** April 6, 2012.

**Reason Waived:** The public housing agencies are small with less than 250 units and the HUD field office was not aware that these agencies were required to submit their biennial SEMAP certifications for the period ending December 31, 2010.

**Contact:** Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410, telephone (202) 708-0477.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R4-R-2011-N267;  
FXRS12650400000-123-FF04R02000]

#### White River National Wildlife Refuge, AR; Final Comprehensive Conservation Plan and Finding of No Significant Impact for Environmental Assessment

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the availability of our final comprehensive conservation plan (CCP) and finding of no significant impact (FONSI) for the environmental assessment for White River National Wildlife Refuge (NWR) in Desha, Monroe, Phillips, and Arkansas Counties, AR. In the final CCP, we describe how we will manage this refuge for the next 15 years.

**ADDRESSES:** You may obtain a copy of the CCP by writing to: Mr. Dennis Sharp, Refuge Manager, White River NWR, 57 CC Camp Road, St. Charles, AR 72140. Alternatively, you may download the document from our

Internet Site: <http://southeast.fws.gov/planning> under "Final Documents."

**FOR FURTHER INFORMATION CONTACT:** Mr. Mike Dawson, Refuge Planner, Jackson, MS, at 601/955-1518 (telephone), or [mike\\_dawson@fws.gov](mailto:mike_dawson@fws.gov) (email).

#### SUPPLEMENTARY INFORMATION:

##### Introduction

With this notice, we finalize the CCP process for White River NWR. We started this process through a notice in the **Federal Register** on January 21, 2009 (74 FR 3628). For more about the process, see that notice.

White River Migratory Waterfowl Refuge was established by Executive Order 7173 of President Franklin D. Roosevelt on September 5, 1935. The purpose of the refuge is to protect and conserve migratory birds and other wildlife resources. White River NWR contains 160,000 acres and 90 miles of the White River lie within the boundaries of the refuge.

We announce our decision and the availability of the final CCP and FONSI for White River NWR in accordance with the National Environmental Policy Act (NEPA) (40 CFR 1506.6(b)) requirements. We completed a thorough analysis of impacts on the human environment, which we included in the draft comprehensive conservation plan and environmental assessment (Draft CCP/EA).

The CCP will guide us in managing and administering White River NWR for the next 15 years. Alternative C, as we described in the final CCP, is the foundation for the CCP.

The compatibility determinations for the following can be found in the final CCP: (1) Hunting, (2) fishing, (3) wildlife observation and photography, (4) environmental education and interpretation, (5) amateur ham radio operation, (6) camping, (7) commercial guiding for wildlife observation and photography, (8) commercial video and photography, (9) commercial waterfowl guiding, (10) commercial fishing, (11) cooperative farming, (12) field trials, (13) forest products harvesting, (14) furbearer trapping, (15) haying, (16) nuisance animal control, (17) research and monitoring, and (18) tournament fishing.

##### Background

###### The CCP Process

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) (Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The

purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

#### Comments

Approximately 100 copies of the Draft CCP/EA were made available for a 30-day public review and comment period via a **Federal Register** notice on October 14, 2011 (76 FR 63945). Fifty seven public comments and two agency comments were received.

#### Selected Alternative

After considering the comments we received and based on our professional judgment, we selected Alternative C for implementation. This alternative is judged to be the most effective management action for meeting the purposes of the refuge by optimizing habitat management and visitor services throughout the refuge. Over the life of the CCP, this management action will balance an enhanced wildlife management program with increased opportunities for public use on the refuge. This alternative will pursue the same five broad refuge goals as each of the other alternatives described in the Draft CCP/EA.

We selected Alternative C for implementation because it directs the development of programs to best achieve the refuge's purpose and goals; emphasizes a landscape approach to land management; collects habitat and wildlife data; and ensures long-term achievement of refuge and Service objectives. At the same time, its management actions provide balanced levels of compatible public use opportunities consistent with existing laws, Service policies, and sound biological principles. It provides the best mix of program elements to achieve the desired long-term conditions within the anticipated funding and staffing levels, and positively addresses significant issues and concerns expressed by the public.

#### Authority

This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105-57.

Dated: January 4, 2012.

Mark J. Musaus,

Acting Regional Director.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Final Determination Against Acknowledgment of the Brothertown Indian Nation

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

**ACTION:** Notice of final determination.

**SUMMARY:** The Department of the Interior (Department) gives notice that the Assistant Secretary—Indian Affairs (AS-IA) declines to acknowledge the petitioner known as the Brothertown Indian Nation as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the petitioner does not satisfy criterion 83.7(g) in the applicable regulations and, therefore, the Department lacks the authority to extend acknowledgment as an Indian tribe to the petitioner.

**DATES:** This determination is final and will become effective 90 days from publication of this notice in the **Federal Register** on December 11, 2012, unless the petitioner or an interested party files within 90 days a request for reconsideration before the Interior Board of Indian Appeals under 25 CFR 83.11.

**ADDRESSES:** Requests for a copy of the final determination that includes the summary evaluation under the criterion should be addressed to the Office of the Assistant Secretary—Indian Affairs, Attention: Office of Federal Acknowledgment, 1951 Constitution Avenue NW., MS: 34B-SIB, Washington, DC 20240. The complete final determination is also available at <http://www.bia.gov/WhoWeAre/AS-IA/OFA/RecentCases/index.htm>.

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

**SUPPLEMENTARY INFORMATION:** Pursuant to 25 CFR 83.10(l)(2), the Department publishes this notice that the Brothertown Indian Nation (BIN), Petitioner #67, is not an Indian tribe within the meaning of Federal law. The Department issued a proposed finding

(PF) to decline to acknowledge the petitioner on August 17, 2009, and published notice of that preliminary determination in the **Federal Register** on August 24, 2009. This final determination (FD) affirms the PF that the Brothertown Indian Nation, does not satisfy criterion 83.7(g) in part 83 of title 25 of the *Code of Federal Regulations* (25 CFR part 83), and, therefore, the Department lacks the authority to extend acknowledgment as an Indian tribe to the petitioner.

The acknowledgment process is based on the regulations at 25 CFR Part 83. Under these regulations, the petitioner has the burden to present evidence that it meets the seven mandatory criteria in section 83.7. Failure to meet any one of the mandatory criteria results in a determination that the petitioning group is not an Indian tribe within the meaning of Federal law. This determination is issued under 25 CFR 83.10(m) and the Guidance and Direction notice (73 FR 30148) published by the AS-IA on May 23, 2008, which permits the Department to issue decisions against acknowledgment based on failure to meet fewer than seven criteria.

This FD on the petition of the Brothertown Indian Nation evaluates the evidence in the record, including evidence the petitioner and third parties submitted, documents located by the Office of Federal Acknowledgment (OFA), and the transcript of the on-the-record technical assistance meeting held on January 4, 2010. The petitioner submitted evidence for the PF and FD, and OFA staff conducted limited research to verify and evaluate the evidence, arguments, and interpretation that the petitioner and third parties submitted. The burden of providing sufficient evidence under the criteria in the regulations rests with the petitioner.

The BIN petitioner does not satisfy criterion 83.7(g). This criterion requires that the petitioner not be subject to "congressional legislation that has expressly terminated or forbidden the Federal relationship." The comments on the PF do not present any new evidence or arguments that provide a basis for revising the conclusion of the PF.

In the Act of 1839, Congress provided that the Brothertown Indian tribe's "rights as a tribe," and specifically its power to act as a political and governmental entity, would "cease and determine." By expressly terminating its relationship with the Brothertown of Wisconsin, Congress has limited the authority of the executive branch to acknowledge the Brothertown as an Indian tribe. Thus, because the Act of 1839, by its "cease and determine"