

Status of the proposed information collection: Not applicable.

Estimate of public burden: The additional reporting burden is considered minimal, as the data collected will be electronically reported and consists primarily on information Title I lenders currently collect during the loan origination process. In aggregate the reporting burden is estimated a 1,211 hours annually.

Authority

Section 236 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: October 15, 1997.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

List of Programs Eligible for Inclusion in Fiscal Year 1999 Annual Funding Agreements To Be Negotiated With Self-Governance Tribes by Interior Bureaus Other Than the Bureau of Indian Affairs

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: This notice lists programs or portions of programs that are eligible for inclusion in Fiscal Year 1999 annual funding agreements with self-governance tribes and lists programmatic targets for each of the non-BIA bureaus, pursuant to section 405(c)(4) of the Tribal Self-Governance Act.

DATES: This notice expires on September 30, 1999.

ADDRESSES: Inquiries or comments regarding this notice may be directed to the Office of Self-Governance, 1849 C Street NW, 2548 MIB, Washington, DC 20240. Telephone (202) 219-0240 or to the bureau points of contact listed below.

SUPPLEMENTARY INFORMATION:

I. Background

Title II of the Indian Self-Determination and Education Assistance Act Amendments of 1994 (P.L. 103-413, the "Self-Governance Act" or the "Act") instituted a permanent tribal self-governance program at the Department of the Interior (DOI). Under the self-governance program certain programs,

functions, services, and activities or portions thereof in Interior bureaus other than BIA are eligible to be planned, conducted, consolidated, and administered by a self-governance tribal government.

Under section 405(c) of the Self-Governance Act, the Secretary of the Interior is required to publish annually: (1) A list of non-BIA programs, services, activities, and functions or portions thereof, that are eligible for inclusion in agreements negotiated under the self-governance program; and (2) programmatic targets for these bureaus.

Under the Self-Governance Act, two categories of non-BIA programs are eligible for self-governance funding agreements.

Under section 403(b)(2) of the Act, any non-BIA program, service, function or activity that is administered by Interior that is "otherwise available to Indian tribes or Indians," can be administered by a tribal government through a self-governance agreement. The Department interprets this provision to require only the inclusion of programs eligible for self-determination contracting under Title I of the Indian Self-Determination and Education Assistance Act (P.L. 93-638).

Under section 403(c) of the Act, the Secretary may include other programs, services, functions, and activities, or portions thereof, that are of "special geographic, historical, or cultural significance" to a self-governance tribe.

Under section 403(k) of the Self-Governance Act, annual agreements cannot include programs, services, functions, or activities that are inherently Federal or where the statute establishing the existing program does not authorize the type of participation sought by the tribe. However, a tribe (or tribes) need not be identified in the authorizing statutes in order for a program or element to be included in a self-governance agreement. While general legal and policy guidance regarding what constitutes an inherently Federal function exists, we will determine whether a specific function is inherently Federal on a case-by-case basis considering the totality of circumstances.

II. Annual Funding Agreements Between Self-Governance Tribes and Non-BIA Bureaus of the Department of the Interior

During Fiscal Year 1996, one annual funding agreement was negotiated by the Bureau of Reclamation and the Gila River Indian Community for work related to a portion of the Central Arizona Project. This successor annual funding agreement to continue

development of an irrigation system on their reservation as authorized by section 301(a) of the Colorado River Basin Project Act was begun in Fiscal Year 1997. Another successor agreement is continuing in Fiscal Year 1998.

In Fiscal Year 1997, two agreements were negotiated by the National Park Service. The annual funding agreement with Kawerak, Inc., supported by funds from the shared Beringian heritage program, builds on the previous agreement and covers work to be completed in Fiscal Year 1998. This work will result in a more complete record of the Bering Strait Region's Inupiat, St. Lawrence Island Yupik and Southern Norton Sound Yupik culture, history, knowledge and traditions. The self governance cooperative agreement with Lower Elwha Klallam Tribe enables the Elwha to carry out selected National Park Service functions, services and activities under the NPS Elwha River Restoration Program.

III. Eligible Programs of the Department of the Interior non-BIA Bureaus

Following this paragraph is a listing by bureau of the types of non-BIA programs, or portions thereof, that may be eligible for self-governance annual funding agreements because they are either "otherwise available to Indians" and not precluded by any other law, or may have "special geographic, historical, or cultural significance" to a participating tribe. This summary is a general listing that represents the bureaus' best estimates of activities that may be available for negotiation at the request of the self-governance tribe. Since 1996, the Bureau of Mines no longer exists and, therefore, is not on this list.

The Department will also consider for inclusion in annual funding agreements other programs or activities not included in this listing, but which, upon request of a self-governance tribe, the Department determines to be eligible under either sections 403(b)(3) or 403(c) of the Act. If you have any questions about these programs or other programs that you may be interested in, please contact the appropriate bureau representative.

A. Eligible Programs of the Bureau of Land Management (BLM)

BLM management responsibilities cover a wide range of areas such as recreational activities, timber, range and minerals management, wildlife habitat management and watershed restoration. In addition, BLM is responsible for the survey of certain Federal and tribal lands. Two programs also provide tribal services: (1) Tribal and allottee minerals

management; and (2) Survey of tribal and allottee lands. BLM contracts out some of its activities in the management of public lands. These and other activities, dependent upon the availability of funds, the need for specific services, or the self-governance tribe demonstrating a special geographic, cultural, or historical connection, may be available for inclusion in agreements. Once a tribe has made initial contact with BLM, more specific information will be provided by the respective BLM State office.

Programs Otherwise Available

1. *Cadastral Survey*. Tribal and allottee cadastral survey services are already available for contracts under Title I of the Act and may be available for inclusion in an annual funding agreement.

2. *Minerals Management*. Inspection and enforcement of Indian oil and gas operations, inspection, enforcement and production verification of Indian sand and gravel operations: These activities, already available for contracts under Title I of the Act, may be available for inclusion in an annual funding agreement.

Potential tribal connection

1. *Cultural Heritage*. Cultural heritage activities, such as research and inventory, may be available in specific States.

2. *Forestry Management*. Activities, such as environmental studies, tree planting, thinning and similar work may be available in specific States.

3. *Range Management*. Activities such as re-vegetation, noxious weed control, fencing, and similar activities may be available in specific States.

4. *Riparian Management*. Activities such as facilities construction, erosion control, rehabilitation, and similar activities may be available in specific States.

5. *Recreation Management*. Activities such as facilities construction and maintenance, interpretive design and construction, and similar activities may be available in specific States.

6. *Wildlife and Fisheries Habitat Management*. Activities such as construction and maintenance, interpretive design and construction, and similar activities may be available in specific States.

For questions regarding Indian self-governance contact the BLM Self-Governance Coordinator, Dr. Marilyn Nickels, Washington Office, 1849 C Street NW, Washington, D.C. 20240, (202) 452-0330, fax: (202) 452-7701. General information on all contracts

available in a given year through the BLM can be obtained from the BLM National Business Center, PO Box 25047, Bldg 50 Denver Federal Center, Denver, CO 80225-0047.

B. Eligible Programs of the Bureau of Reclamation

Reclamation operates a wide range of water resource management projects for hydroelectric power generation, municipal and industrial water supplies, flood control, outdoor recreation, enhancement of fish and wildlife habitats, and research. Most of Reclamation's activities involve construction, operation and maintenance, and management of water resources projects and associated facilities. Components of the following Fiscal Year 1999 water resource management and construction projects may be eligible for self-governance annual funding agreements.

1. Wetlands Enhancement Project (Sac and Fox Nation of Oklahoma)—OK
2. Klamath Project—CA, OR
3. Newlands Project—NV, CA
4. Trinity River Restoration Program—CA
5. Central Valley Project (Trinity Division)—CA
6. Central Arizona Project—AZ, CA, NM, UT
7. Colorado River Front Work/Levee System—AZ, CA, NV
8. Lower Colorado Indian Water Management Study—AZ, CA, NV
9. Washoe Project—NV, CA
10. Yuma Area Projects—AZ, CA, NV
11. Wild Horse Dam and Reservoir—NV
12. Indian Water Rights Settlement Projects—as Congressionally authorized.

For questions regarding self-governance contact Dr. Barbara McDowell, Native American Affairs Office, Bureau of Reclamation (W-6100), 1849 C Street NW., Washington, DC 20240-0001, (202) 208-4733, fax: (202) 208-6688.

C. Eligible Programs of the Fish and Wildlife Service (FWS)

The mission of FWS is to conserve, protect, and enhance fish, wildlife, and their habitats for the continuing benefit of the American people. Primary responsibilities are for migratory birds, endangered species, freshwater and anadromous fisheries, and certain marine mammals. FWS has a continuing cooperative relationship with a number of Indian tribes through the National Wildlife Refuge System and the National Fish Hatcheries program. FWS will discuss participation in any program with any Indian tribe, self-

governance or non-self-governance. Any tribe may contact a wildlife refuge or fish hatchery about direct contracting or entering into cooperative agreements.

Some elements of the following programs may be eligible for contracting under a self-governance annual funding agreement:

1. *Fish & Wildlife Technical*

Assistance, Restoration & Conservation

- a. Fish & wildlife population surveys
- b. Habitat surveys
- c. Sport fish restoration
- d. Feeding depredating migratory birds
- e. Fish & wildlife program planning
- f. Habitat restoration activities

2. *Endangered Species Program*

- a. Cooperative management of conservation programs
- b. Development of recovery plans
- c. Conducting status surveys for high priority candidate species
- d. Recovery plan implementation

3. *Education Programs*

- a. Interpretation
- b. Outdoor classrooms
- c. Visitor center operations
- d. Volunteer coordination efforts on & off-refuge

4. *Environmental Contaminants Program*

- a. Analytical devices
- b. Removal of underground storage tanks
- c. Specific cleanup activities
- d. Natural resource economic analysis
- e. Specific field data gathering efforts

5. *Hatchery Operations*

- a. Egg taking
- b. Rearing/feeding
- c. Disease treatment
- d. Tagging
- e. Clerical/facility maintenance

6. *Wetland & Habitat Conservation and Restoration*

- a. Construction
- b. Planning activities
- c. Habitat monitoring and management

7. *Conservation Law Enforcement*

- a. All law enforcement efforts under cross-deputization

8. *National Wildlife Refuge Operations & Maintenance*

- a. Construction
- b. Farming
- c. Concessions
- d. Maintenance
- e. Comprehensive management planning
- f. Biological program efforts
- g. Habitat management

Locations of National Wildlife Refuges in Close Proximity to Self-Governance Tribes

1. Humboldt Bay National Wildlife Refuge—CA

2. Kootenai National Wildlife Refuge—ID
3. Agassiz National Wildlife Refuge—MN
4. Rice Lake National Wildlife Refuge—MN
5. Mille Lacs National Wildlife Refuge—MN
6. Pablo National Wildlife Refuge—MT
7. Ninepipe National Wildlife Refuge—MT
8. National Bison Range—MT
9. Sequoyah National Wildlife Refuge—OK
10. Tishomingo National Wildlife Refuge—OK
11. Bandon Marsh National Wildlife Refuge—OR
12. San Juan Islands National Wildlife Refuge—WA
13. Dungeness National Wildlife Refuge—WA
14. Nisqually National Wildlife Refuge—WA
15. Alaska National Wildlife Refuges Statewide—AK
16. Mescalero National Fish Hatchery—NM
17. Alchesay National Fish Hatchery—AZ
18. Quinault National Fish Hatchery—WA
19. Makah National Fish Hatchery—WA

For questions regarding self-governance contact Duncan Brown, Native American Liaison, Fish and Wildlife Service (MS3012), 1849 C Street NW, Washington, D.C. 20240-0001, (202) 208-4133, fax: (202) 208-7407.

D. Eligible Programs of the Minerals Management Service (MMS)

MMS provides responsible stewardship of America's offshore resources and collects revenues generated from mineral leases on Federal and Indian lands. MMS is responsible for the management of the Federal Outer Continental Shelf, which are submerged lands off the coasts that have significant energy and mineral resources. MMS also offers mineral-owning tribes other opportunities to become involved in MMS's Royalty Management Program functions.

Within the Offshore Minerals Management program, environmental impact assessments and statements, and environmental studies, may be available if a self-governance tribe demonstrates a special geographic, cultural, or historical connection.

Generally, royalty management programs are available to tribes because of their status as Indians. Royalty management programs that may be available to self-governance tribes are as follows.

1. *Audit of Tribal Royalty Payments.* Audit activities for tribal leases including issuing demands, subpoenas and orders to perform restructured accounting. Excepted activities are the issuance of final valuation decisions, and other enforcement activities. (For tribes already participating in MMS delegated audits, this program is offered as an optional alternative.)

2. *Verification of Tribal Royalty Payments.* Financial compliance verification and monitoring activities, production verification, and appeals research and analysis.

3. *Tribal Royalty Reporting, Accounting and Data Management.* Establishment and management of royalty reporting and accounting systems including document processing, production reporting, reference data (lease, payor, agreement) management, correction of erroneous report data, billing and general ledger.

4. *Tribal Royalty Valuation.* Preliminary analysis and recommendations for valuation and allowance determinations and approvals.

5. *Royalty Management of Allottee Leases.* Royalty management of allottee leases including the same activities listed for tribal leases.

6. *Online Monitoring of Royalties and Accounts.* Online computer access to reports, payments, and royalty information contained in MMS accounts. MMS will install equipment at tribal locations, train tribal staff, and assist tribe in researching and monitoring all payments, reports, accounts, and historical information regarding their leases.

7. *Royalty Internship Program.* This is a flexible orientation or training program for auditors and accountants from mineral producing tribes. The program is customized for each tribe's needs to acquaint tribal staff with royalty laws, procedures, and techniques or to prepare them to assume royalty management functions. This program is recommended for tribes that are considering a self-governance agreement but have not yet acquired mineral revenue expertise via a FOGDMA section 202 contract.

For questions regarding self-governance contact Joan Killgore, Royalty Liaison Office, Minerals Management Service, 1849 C Street NW, Room 4241, Washington, D.C. 20240-0001, (202) 208-3512, fax (202) 208-3982.

E. Eligible Programs of the National Park Service (NPS)

The National Park Service administers the National Park System made up of

national parks, monuments, historic sites, battlefields, seashores, lake shores and recreation areas. NPS maintains the park units, protects the natural and cultural resources, and conducts a range of visitor services such as law enforcement, interpretation of geology, history, and natural and cultural resources. Some elements of these programs may be eligible for contracting under a self-governance annual funding agreement. The list below was developed considering the geographic proximity to, and/or traditional association of a self-governance tribe with, units of the National Park system, and the types of programs that have components that may be suitable for contracting through a self-governance annual funding agreement.

Otherwise Available On-Going Programs and Activities

Archeological surveys
Comprehensive management planning
Cultural resource management projects
ethnographic studies
Erosion control
Fire protection
Hazardous fuel reduction
Housing construction and rehabilitation
gathering baseline
Subsistence data—AK janitorial services
Maintenance
Natural resource management projects
range assessment—AK
Reindeer grazing—AK
Road repair
Solid waste collection and disposal
Trail rehabilitation

Components of these programs are potentially eligible for inclusion in a Self-Governance annual funding agreement. Programs may be available within units of the National Park System.

Potential Tribal Connection

Special Programs

Beringia Research
Elwha River Restoration

Aspects of these programs may be available if a self-governance tribe demonstrates a geographical, cultural, or historical connection.

Lake Clark National Park and Preserve—AK
Katmai National Park and Preserve—AK
Glacier Bay National Park and Preserve—AK
Sitka National Historical Park—AK
Kenai Fjords National Park—AK
Wrangell-St. Elias National Park & Preserve—AK
Bering Land Bridge National Park—AK
Northwest Alaska Areas—AK
Gates of the Arctic National Park & Preserve—AK

Yukon Charlie Rivers National Preserve—AK
 Casa Grande Ruins National Monument—AZ
 Joshua Tree National Park—CA
 Lassen Volcanic National Park—CA
 Redwoods National Park—CA
 Whiskeytown National Recreation Area—CA
 Hagerman Fossil Beds National Monument—ID
 Sleeping Bear Dunes National Lakeshore—MI
 Voyageurs National Park—MI
 Grand Portage National Monument—MN
 Bear Paw Battlefield, Nez Perce National Historical Park—MT
 Glacier National Park—MT
 Great Basin National Park—NV
 Bandelier National Monument—NM
 Hopewell Culture National Historical Park—OK
 Chickasaw National Recreation Area—OK
 Effigy Mounds National Monument—IA
 Olympic National Park—WA
 San Juan Islands National Historic Park—WA
 Mt. Rainier National Park—WA
 Ebey's Landing National Historical Reserve—WA

Aspects of the ongoing programs and activities may be available at these park units with known geographic, cultural, or historical connections with a self-governance tribe.

While NPS has tried to indicate the types of programs that may be available, this is not intended to be an all-inclusive listing. NPS will also discuss participation in any program with any Indian tribe, self-governance or non-self-governance.

For questions regarding self-governance contact Dr. Patricia Parker, American Indian Liaison Office, National Park Service (2205), 1849 C Street NW, Room 3410, Washington, D.C. 20240; telephone (202) 208-5475, fax (202) 273-0870.

F. Eligible Programs of the Office of Surface Mining (OSM)

OSM regulates surface coal mining and reclamation operations, and reclaims abandoned coal mines, in cooperation with States and Indian tribes.

1. *Abandoned Mine Land Reclamation Program.* This program to restore eligible lands mined and abandoned or left inadequately restored is available to Indian tribes.

2. *Control of the Environmental Impacts of Surface Coal Mining.* This program includes analyses, NEPA documentation, technical reviews, and studies. Where surface coal mining

exists on Indian land, certain regulatory activities that are not inherently Federal, including, for example, designation of areas unsuitable for mining, are available to Indian tribes.

For questions regarding self-governance contact Maria Mitchell, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW, (MS-210-SIB), Washington, D.C. 20240, telephone (202) 208-2847, fax (202) 208-3111.

G. Eligible Programs of the U.S. Geological Survey (USGS)

The mission of the U.S. Geological Survey is to provide information on biology, geology, hydrology, and cartography that contributes to the wise management of the nation's natural resources and to the health, safety, and well-being of the American people. Information includes maps, data bases, and descriptions and analyses of the water, plants, animals, energy, and mineral resources, land surface, underlying geologic structure and dynamic processes of the earth. Information on these scientific issues is developed through extensive research, field studies, and comprehensive data collection to: Evaluate natural hazards such as earthquakes, volcanoes, landslides, floods, droughts, subsidence and other ground failures; assess energy, mineral, and water resources in terms of their quality, quantity, and availability; evaluate the habitats of animals and plants; and produce geographic, cartographic, and remotely-sensed information in digital and non-digital formats. No USGS programs are specifically available to American Indians or Alaska Natives. Components of programs may have a special geographic, cultural, or historical connection with a tribe.

1. *Mineral, Environmental, and Energy Assessments.* Components of this program that involve geologic research, data acquisition, and predictive modeling may be available for inclusion in an annual funding agreement.

2. *USGS Earthquake Hazards Reduction Program.* Components of this program involves research, data acquisition, and modeling related to earthquakes and seismically active areas may be available for inclusion in an annual funding agreement.

3. *Water Resources Data Collection and Investigations.* Components of this program may be available for inclusion in an annual funding agreement if a self-governance tribe demonstrates a special geographic, cultural, or historical connection.

4. *Biological Resources Inventory, Monitoring, Research and Information Transfer Activities.* Components of this program may be available for inclusion in an annual funding agreement if a self-governance tribe demonstrates a special geographic, cultural or historical connection.

For questions regarding self-governance contact Sue Marcus, American Indian/Alaska Native Liaison, U.S. Geological Survey, 105 National Center, Reston, VA 20192, telephone (703) 648-4437, fax (703) 648-5068.

IV. Programmatic Targets

Each of the non-BIA bureaus will attempt to successfully negotiate at least one annual funding agreement with a self-governance tribe for implementation in Fiscal Year 1998.

Dated: October 15, 1997.

Juliette Falkner,

Special Assistant to the Secretary.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*)

Applicant: Rod Brandenburg, Longmont, CO, PRT-834807.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Julian B. Smith, Jr., Metter, GA, PRT-835364.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Michael Seaman/Yale University, New Haven, CT, PRT-835315.

The applicant requests a permit to import hair samples from gorillas (*Gorilla gorilla*) collected in the wild in