

**Permit No. TE-114928**

*Applicant:* John A. Howe, Sacramento, California.

The applicant requests a permit to take (capture and collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), and the vernal pool tadpole shrimp (*Lepidurus packardii*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

We solicit public review and comment on each of these recovery permit applications.

Dated: November 23, 2005.

**Michael B. Fris,**

*Acting Manager, California/Nevada Operations Office, U.S. Fish and Wildlife Service.*

[FR Doc. E5-7109 Filed 12-8-05; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**Public Meetings on Development of Proposed Regulations Governing Tribal Energy Resource Agreements**

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

**ACTION:** Notice of public meetings.

**SUMMARY:** In accordance with Title V, Section 504 of the Energy Policy Act of 2005 and Executive Order 13175, the Department of the Interior (DOI), Office of Indian Energy and Economic Development, seeks to consult on the development of proposed regulations to govern Tribal Energy Resource Agreements. We invite public comments at one or more of a series of meetings between January 9 and 19, 2006.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for meeting dates and locations.

**ADDRESSES:** Send written comments by regular mail to Attention: Section 503 Rulemaking, Office of Indian Energy and Economic Development, 1849 C St., NW., Mail Stop 2749, Washington, DC, 20240 or by e-mail to *IEED@bia.edu*.

**FOR FURTHER INFORMATION CONTACT:** Mr. Darryl Francois, Office of Indian Energy and Economic Development, 1849 C St., NW., Mail Stop 2749-MIB, Washington, DC 20240. He can also be reached by telephone at (202) 219-0740 or by electronic mail at *darryl.francois@mms.gov*.

**SUPPLEMENTARY INFORMATION:**

**Meeting Schedule**

Date	City	Meeting location
January 9, 2006	Sacramento, CA	Hilton Sacramento Arden West, 2200 Harvard Street.
January 9, 2006	Houston, TX	Hilton Garden Inn, Bush Intercontinental Airport, 15400 John F. Kennedy Boulevard.
January 10, 2006	Tulsa, OK	Hilton Garden Inn, Tulsa Airport, 7728 East Virgin Court.
January 10, 2006	Billings, MT	Sheraton Billings, 27 North 27th Street.
January 11, 2006	Portland, OR	Doubletree Hotel & Executive Meeting Center, 1000 NE Multnomah.
January 11, 2006	Minneapolis, MN	Hilton Minneapolis/St. Paul Airport Mall of America, 3800 American Boulevard East.
January 12, 2006	Denver, CO	Country Inn Suites, Denver International Airport, 4343 Airport Way.
January 13, 2006	Albuquerque, NM	Albuquerque Marriott, 2101 Louisiana Boulevard NE.
January 13, 2006	Las Vegas, NV	Renaissance Hotel, 3000 Paradise Road.
January 19, 2006	Washington, DC	Sydney Yates Auditorium, Main Interior Building, 1849 C St., NW.

Title V, Section 503 of the Energy Policy Act of 2005 (Pub. L. 109-58), requires the Secretary of the Interior (Secretary) to promulgate regulations that implement new provisions concerning development of energy resources on tribal lands. Specifically, the Act authorizes the creation of Tribal Energy Resource Agreements (TERA). The purpose of these agreements is to promote tribal oversight and management of energy and mineral resource development on tribal lands and further the goal of Indian self-determination.

The Department of the Interior requests public comment on all areas of concern regarding the development of and regulation of TERAs. In addition to general comments on the impact of Title V of the Energy Policy Act of 2005 on Indian tribes, we are asking for specific feedback on the following issues raised by the Act:

- Issue:** The Act sets a specific time limit for the Secretary to approve or disapprove an original or revised TERA.

*Question:* What criteria should the Secretary use to determine whether or not a proposed TERA contains sufficient technical and programmatic information for DOI to “start the clock” and proceed with an evaluation to approve or disapprove an original or revised TERA?

- Issue:** The Act states that the Secretary shall approve a TERA if the Indian tribe has sufficient capacity to regulate the development of its energy resources.

*Question:* What criteria should the Secretary use to determine whether or not an Indian tribe has sufficient capacity to regulate the development of its energy resources?

- Issue:** The Act states that with respect to a lease, business agreement, or right-of-way, a TERA must include provisions that ensure the acquisition of necessary information from the applicant.

*Question:* What constitutes “necessary” information?

- Issue:** The Act states that with respect to a lease, business agreement, or right-of-way, a TERA must include

provisions that address technical or other relevant requirements.

*Question:* What are the “technical or other relevant requirements” that must be included in a TERA?

- Issue:** The Act states that with respect to a lease, business agreement, or right-of-way, a TERA must establish a process for environmental review of energy development projects in accordance with certain minimum requirements.

*Question:* What additional environmental review requirements above the minimum should the Secretary require for a TERA?

- Issue:** The Act states that a lease, business agreement, or right-of-way granted by a TERA shall contain provisions that allow the Secretary to suspend or rescind the agreement if a material violation of the agreement occurs.

*Question:* What constitutes a “material” breach of the terms of a lease, business agreement, or right-of-way? Further, what options should the Secretary make available to tribes to allow for corrective action to TERA-

authorized operations to remove the cause of a "material" breach?

- *Issue:* The Act states that a TERA should provide a process for ensuring that the public is informed of and has an opportunity to comment on the environmental impact of the proposed action.

*Question:* What should be the required key elements of a TERA public review process including, but not limited to, format, timing, and frequency?

- *Issue:* The Act states that a TERA should provide a process for ensuring that responses to relevant and substantive public comments are provided before tribal approval of the lease, business agreement, or right-of-way.

*Question:* How should tribes fulfill this requirement?

We encourage you to pay particular attention to these questions as you consider submitting comments on the regulatory framework for energy development in tribal lands.

Executive Order 13175 requires the Federal Government to consult with tribal officials in the development of Federal policies that have substantial direct effects on one or more Indian tribes. We chose the meeting locations to allow for increased participation by tribal officials. In addition, we will send out letters to tribal officials advising them of and encouraging them to participate in the meetings.

Meetings are open to the public, without advance registration, from 8 a.m. to 12 p.m. DOI staff will be available starting at 1 p.m. to meet with tribal representatives for government-to-government information exchange.

If you wish to speak during a public session you must sign up to do so upon arrival. The order of speakers will follow the sign-up sheet. Public attendance is limited to the space available. Speakers may be time-limited if a large number of people wish to speak.

If you are unable to attend these meetings, but want to provide comments, please send written comments by regular mail to Attention: Section 503 Rulemaking, Office of Indian Energy and Economic Development, 1849 C St., NW., Mail Stop 2749, Washington, DC, 20240 or by e-mail to [IEED@bia.edu](mailto:IEED@bia.edu).

Dated: December 6, 2005.

**Michael D. Olsen,**

*Acting Principal Deputy Assistant Secretary for Indian Affairs.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Intent to Repatriate Cultural Items: American Museum of Natural History, New York, NY

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the possession of the American Museum of Natural History, New York, NY, that meet the definition of "unassociated funerary objects" under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum that has control of the cultural items. The National Park Service is not responsible for the determinations in this notice.

The 56 cultural items are 2 baskets, 2 carvings, 12 charms, 2 crowns, 3 wands, 1 pair of earrings, 2 hair pins, 6 headdresses, 5 headdress ornaments, 6 masks, 1 pipe, 6 rattles, 1 walrus ivory, 3 whale's teeth, 1 wooden box with top, 1 bundle of twigs, 1 bone knife, and 1 ceremonial hat. All of the cultural items were collected by Lieutenant George Thornton Emmons.

In the following list, the origin, collection, and acquisition information is derived from museum records.

The first basket, which came from an old grave house of a doctor of the "Hoonah kow," is made from plant fibers and measures 12 x 3 x 11 cm. The second basket, which came from the grave house of a shaman of "Gau-dac-an, Hoonah-kow," is made of spruce wood, is oblong in shape, exhibits a geometric pattern, and measures 14 x 7 x 3 cm.

The first carving, which came from an old grave house of a doctor of the "Hoonah-kow" on an island off the west coast of Chichagoff Island, near Portlock Harbor, AK, is made of ivory. Although the carving is unfinished, it was intended to represent a bear and would have been attached to a dance robe when completed. The second carving, which came from an old dilapidated shaman's grave in "Hooniah," is made of stone and depicts an eagle sitting up.

The first three charms came from an old grave house of a shaman of the "Kar-qwan-ton" of the "Hoonah-kow" on an island in Cross Sound, AK. The charms are made of bone and they are carved to

represent a land otter's spirit, a bear's spirit, and a land otter's spirit respectively. The fourth charm came from an old grave house of a doctor near "Thlu-hug-gu," is made of bone and depicts a salt water worm. The fifth charm is a peccary tusk that came from a doctor's grave house which stood on an island off the west coast of Chichagoff Island, near Portlock Harbor, AK. The sixth charm is made of bone and came from the grave house of a doctor of the "Hoonah kow" on Icy Straits, AK; although unfinished, it is shaped like a cross. The seventh charm came from the grave house of a deceased doctor of the "Hoonah-kow" at "Gan-ar-dar-kan." This charm is a piece of unadorned green stone that was worn suspended around the neck and may have served as a scratcher. The eighth charm is made of either bone or ivory and came from the grave house of a shaman of the "Hoonah-ah" tribe near "Gan-na-kan." This charm depicts a figure surrounded by devil fish. The remaining four charms were removed from an old moose skin dancing robe from an old shaman's grave house at "Hooniah." The grave house was placed on a rocky eminence, one quarter mile from the village. The ninth charm is made of ivory and consists of five figures. The largest of the five figures represents a bear and the smallest depicts a land otter while three heads represent witches. The tenth charm is made of ivory and is carved to represent an eagle's spirit. The eleventh charm is made of bone and depicts a whale eating a man; a bear's head is carved into the whale's fin and a crow's head is carved into its tail. The twelfth charm is carved from ivory and depicts a witch that has been bound.

The first crown is made of ten carved mountain goat horns that are attached to a piece of sinew. Lieutenant Emmons acquired the crown from a practicing doctor of the "Ky-yatso-hit-ton" (Iron House) who had obtained it from his ancestor, a doctor, who was buried at "Ar-son-ku, Hoonah kow." The second crown came from an old grave house near "Gau-da-can" of the "Hoonah-kow" and is made of nine mountain goat horns that are carved to represent devil fish that are attached to a piece of sinew.

The three dance wands are made of wood. The first wand came from an old shaman's grave house on an island in the Icy Straits and is carved to represent a land otter with a protruding tongue that forms a spear blade on one end. The opposite end is carved to represent a sand hill crane while the two sides represent devil fish. The second and third wands were found in an old grave