

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.*

[FR Doc. 2012-22416 Filed 9-11-12; 8:45 am]

**BILLING CODE 4310-55-P**

## 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"

language, has both expressly ended and forbidden the Federal relationship for this petitioner, the BIN petitioner does not meet the requirements of criterion 83.7(g).

Based on this determination and the regulatory requirement in section 83.10(m), the Department issues the final determination declining to acknowledge the petitioner known as the Brothertown Indian Tribe as an Indian tribe within the meaning of Federal law.

A copy of the FD that includes the summary evaluation under criterion 83.7(g) and summarizes the evidence, reasoning, and analyses that are the basis for the FD will be provided to the petitioner and interested parties, and is available to other parties upon written request. It will be posted on the Bureau of Indian Affairs Web site <http://www.bia.gov/WhoWeAre/AS-IA/OFA/RecentCases/index.htm>. Requests for a copy of the FD should be addressed to the Federal Government as instructed in the **ADDRESSES** section of this notice.

After the publication of notice of the FD in the **Federal Register**, the petitioner or any interested party may file a request for reconsideration with the Interior Board of Indian Appeals (IBIA) under the procedures in section 83.11 of the regulations. The IBIA must receive this request no later than 90 days after the publication of the FD in the **Federal Register**. The FD will become effective as provided in the regulations, 90 days after the **Federal Register** publication unless a request for reconsideration is received within that time.

Dated: September 4, 2012.

**Donald E. Laverdure**,  
*Acting Assistant Secretary—Indian Affairs.*  
[FR Doc. 2012-22380 Filed 9-11-12; 8:45 am]

**BILLING CODE 4310-G1-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-SER-VIIS-10517; 5360-726]

#### Minor Boundary Revision at Virgin Islands National Park

**AGENCY:** National Park Service, Interior.  
**ACTION:** Notification of Boundary Revision.

**SUMMARY:** Notice is hereby given that, pursuant to 16 U.S.C. 4601-9(c)(1)(ii), the boundary of the Virgin Islands National Park is modified to include an additional 3.57 acres of unimproved land identified as Tract 03-157, which will then be donated to the United

States. The land is located at Estate Haulover on the east end of the Island of St. John, immediately adjacent to the current boundary of the Virgin Islands National Park. The boundary revision is depicted on Map No. 161/92,009A dated March 2011. The map is available for inspection at the following locations: National Park Service, Southeast Region Land Resources Program Center, 1924 Building, 100 Alabama Street SW., Atlanta, Georgia 30301, and National Park Service, Department of the Interior, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** National Park Service, Chief, Southeast Region Land Resources Program Center, 1924 Building, 100 Alabama Street SW., Atlanta, Georgia 30303, telephone (404) 507-5664.

**DATES:** The effective date of this boundary revision is September 12, 2012.

**SUPPLEMENTARY INFORMATION:** 16 U.S.C. 4601-9(c)(1)(ii) provides that, after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior is authorized to make this boundary revision upon publication of notice in the **Federal Register**. The Committees have been notified of this boundary revision. This boundary revision will make a significant contribution to the purposes for which the national park was established by enabling the Service to efficiently manage and protect significant resources similar to that already protected within the present park boundary. This property contains significant natural and cultural resources. Its two wetlands and expanse of shoreline make this an important site for resident and migratory birds, as well as locally listed flora and fauna. The site has a rich history as well, as Taino Indian and colonial period pottery shards have been found in this area.

Dated: July 23, 2012.

**David Vela**,  
*Regional Director, Southeast Region.*  
[FR Doc. 2012-22406 Filed 9-11-12; 8:45 am]  
**BILLING CODE 4310-VP-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NRNL-11134: 2200-3200-665]

#### National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing

or related actions in the National Register were received by the National Park Service before August 18, 2012. Pursuant to section 60.13 of 36 CFR Part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202-371-6447. Written or faxed comments should be submitted by September 27, 2012. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: August 27, 2012.

**J. Paul Loether**,  
*Chief, National Register of Historic Places/  
National Historic Landmarks Program.*

## LOUISIANA

### East Baton Rouge Parish

Corona Building, 1854 North St., Baton Rouge, 12000825

## MAINE

### Kennebec County

Togus VA Medical Center and National Cemetery, 1 VA Center, Augusta, 12000826

## MASSACHUSETTS

### Hampshire County

Middlefield Center Historic District, 138-188 Skyline Trail, & 7 Bell Rd., Middlefield, 12000827

## MONTANA

### Carbon County

Montana, Wyoming and Southern Railroad Depot, 403 Broadway Ave., Belfry, 12000828

### Lake County

Dayton State Bank, 133 C St., Dayton, 12000829

### Yellowstone County

Garfield School, 3212 1st Ave., S., Billings, 12000830