

by showing a sufficient level of evidence under 83.7(b)(2), pursuant to 83.7(c)(3) they also meet criterion 83.7(c) for that time period. Between 1833 and 1840 (the date the Federal Government attempted to remove all Potawatomi on the Nottawaseppi Reserve to Kansas), anecdotes and reminiscences of pioneer settlers mention leaders and chiefs of the Potawatomi of Huron on the Nottawaseppi Reserve, and the Potawatomi of Huron continued during this period of time to collect Federal annuities under the Treaty of 1807. From 1842 through the present day, the Pine Creek settlement, which is incorporated as Huron Potawatomi, Inc., the petitioner, has had an unbroken sequence of documented leadership.

After the reestablishment of the community at Pine Creek in 1842, the band continued to choose traditional chiefs through 1934. From 1934 through 1970, the leadership was by a committee closely associated with the Methodist Indian mission on the Pine Creek reservation. In 1970, the petitioner incorporated and has since been administered by an elected chairman and council. These leaders regularly represented the group in its interaction with the Bureau of Indian Affairs and to the public, as well as supervising internal reservation activities. Therefore, we conclude that the petitioner meets criterion 83.7(c) as modified by criterion 83.8(d).

The petitioning group has provided a copy of its governing document, which describes its membership criteria. Thus, we conclude that the petitioner meets criterion 83.7(d).

With the exception of one adopted child, all of the 819 members on the petitioner's 1994 membership list have been documented to descend from persons listed on the 1904 Taggart Roll, compiled by the Bureau of Indian Affairs in connection with the issuance of Potawatomi annuity payments under Federal treaties. Thus we conclude that the petitioner meets criterion 83.7(e).

A portion of the membership of Huron Potawatomi, Inc. (171 individuals)—persons who had dual ancestry from both the Huron Potawatomi and the Pokagon Potawatomi—was determined to be dually enrolled with the Pokagon Potawatomi Band (aka Potawatomi of Michigan and Indiana, Inc.), which was federally acknowledged through the legislative process in 1994, while the petition from Huron Potawatomi, Inc., was being evaluated through the administrative process. At the time the Huron Potawatomi, Inc. membership roll was compiled and submitted, the

Pokagon Potawatomi were not federally acknowledged. Neither the Huron nor the Pokagon constitutions prohibit dual enrollment with other unacknowledged Indian groups. The proportion of individuals enrolled in a recognized tribe (21 percent in the Pokagon Potawatomi and five percent in other tribes) is small enough that the Huron Potawatomi membership is not principally composed of persons who are members of an acknowledged North American Indian tribe. Therefore, we find that the petitioner meets criterion 83.7(f) within the purpose of the regulation, which is designed to prevent the splintering and break-up of federally acknowledged tribes through the Federal acknowledgment process.

No evidence was found that the petitioner or its members are the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship. Therefore, we find that the petitioner meets criterion 83.7(g).

In October 1994, 126 Taggart Roll descendants who have dual ancestry in both the Huron Potawatomi and in the Potawatomi settlement centered around Bradley and Salem in Allegan County, Michigan, notified the Bureau of Indian Affairs that they wish to have their names removed from the Huron Potawatomi, Inc. membership list in order to be part of the petition for Federal acknowledgment of the Matche-be-nash-she-wish Potawatomi Band (#9A). Removal of these 126 individuals from the petitioner's membership does not affect the ability of the petitioner to meet the mandatory criteria of the Federal acknowledgment regulations.

Based on this preliminary factual determination, we conclude that the Huron Potawatomi, Inc. should be granted Federal acknowledgment under 25 CFR part 83.

As provided by 25 CFR 83.10(h) of the revised regulations, a report summarizing the evidence, reasoning, and analyses that are the basis for the proposed decision will be provided to the petitioner and interested parties, and is available to other parties upon written request. Comments on the proposed finding and/or requests for a copy of the report of evidence should be addressed to the Office of the Assistant Secretary, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, Attention; Branch of Acknowledgment and Research, Mailstop 2611—MIB. Third parties must simultaneously supply copies of their comments to the petitioner in order for them to be considered by the Department of the Interior.

During the response period, the Assistant Secretary shall provide technical advice concerning the proposed finding and shall make available to the petitioner in a timely fashion any records used for the proposed finding not already held by the petitioner, to the extent allowable by Federal law (83.10(j)(1)). In addition, the Assistant Secretary shall, if requested by the petitioner or any interested party, hold a formal meeting for the purpose of inquiring into the reasoning, analyses, and factual bases for the proposed finding. The proceedings of this meeting shall be on the record. The meeting record shall be available to any participating party and become part of the record considered by the Assistant Secretary in reaching a final determination (83.10(j)(2)).

If third party comments are received during the regular response period, the petitioner shall have a minimum of 60 days to respond to these comments. This period may be extended at the Assistant Secretary's discretion if warranted by the nature and extent of the comments (83.10(k)).

At the end of the response periods the Assistant Secretary shall consider the written arguments and evidence submitted during the response periods and issue a final determination. The Assistant Secretary shall consult with the petitioner and interested parties to determine an equitable timeframe for preparation of the final determination and notify the petitioner and interested parties of the date such consideration begins. The Assistant Secretary may conduct any necessary additional research and may request additional information from the petitioner and third parties. A summary of the final determination will be published in the **Federal Register** within 60 days from the date on which the consideration of the written arguments and evidence rebutting or supporting the proposed finding begins, as provided in 25 CFR 83.10(l)(2).

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95-13172 Filed 5-30-95; 8:45 am]

BILLING CODE 4310-02-P

Bureau of Land Management

[WO-350-09-1430-00]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been

submitted to the office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the information and collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance Officer at phone number listed below. Comments and suggestions on the requirements should be made to the Bureau Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1004-0107), Washington, DC 20503, telephone number 202-395-7340.

Title: 43 CFR 2800 and 2880, Rights-of-Way.

OMB Approval Number: (1004-0107).

Abstract: This information, supplied by an applicant for a right-of-way, is needed for the authorized officer to determine whether or not a right-of-way may be granted, establish terms and conditions of the grant, and administer the grant when made.

Bureau Form Number: None.

Frequency: Once when an application is filed.

Description of Respondents:

Applicants needing a right-of-way on Federal Lands.

Estimated Completion Time: 16.8 hours.

Annual Responses: 1,000.

Annual Burden Hours: 16,800.

Bureau Clearance Officer: Wendy Spencer 303-236-6642.

Dated: April 15, 1995.

W. Hord Tipton,

Assistant Director, Resource Use & Protection.

[FR Doc. 95-13231 Filed 5-30-95; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit From Aronov Realty Management Incorporated, in Baldwin County, Alabama

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Aronov Realty Management Incorporated, (Applicant), has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act (Act). The proposed permit would authorize for a period of 30 years the incidental take of an endangered species, the Alabama beach mouse (*Peromyscus polionotus ammobates*), known to occupy a 52-acre tract of land owned by the Applicant in

Baldwin County, Alabama. The Application proposed to construct a project known as Martinique, which will include two 18-unit mid-rise residential buildings, their associated landscaped grounds and parking areas, a beach club recreation amenity, and two dune walkover structures (Project).

The Service also announces the availability of an environmental assessment (EA) and habitat conservation plan (HCP) for the incidental take application. Copies of the EA or HCP may be obtained by making requests to the addresses below. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act Regulations (40 CFR 1506.6).

DATES: Written comments on the permit application, EA and HCP should be received on or before June 30, 1995.

ADDRESSES: Persons wishing to review the application may obtain a copy *by writing* the Service's Southeast Regional Office, Atlanta, Georgia. Persons wishing to review the EA or HCP may obtain a copy *by writing* the Regional Office or the Jackson, Mississippi, Field Office. Requests must be in writing to properly process requests. Documents will also be available for public inspection, by appointment, during normal business hours at the Regional Office, or the Field Office. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit under PRT-802986 in such comments.

Regional Permit Coordinator (TE), U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 210, Atlanta, Georgia 30345. (telephone 404/679-7110, FAX 404/679-7280).

Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213 (telephone 601/965-4900, FAX 601/965-4340).

FOR FURTHER INFORMATION CONTACT: Mr. Will McDearman at the above Jackson, Mississippi, Field Office.

SUPPLEMENTARY INFORMATION: The Alabama beach mouse (ABM), *Peromyscus polionotus ammobates*, is a subspecies of the common oldfield mouse *Peromyscus polionotus* and is restricted to the dune systems of the Gulf Coast of Alabama. The known current range of ABM extends from Fort Morgan eastward to the western terminus of Alabama Highway 182, including the Perdue Unit on the Bon Secour National Wildlife Refuge (BSNWR). The sand dune systems inhabited by this species are not uniform; several habitat types are

distinguishable. The species inhabits primary dunes, interdune areas, secondary dunes, and scrub dunes. The depth and area of these habitats from the beach inland varies. Population surveys indicate that this subspecies is usually more abundant in primary dunes than in secondary dunes, and usually more abundant in secondary dunes than in scrub dunes. Optimal habitat consists of dune systems with all dune types. Though fewer ABM inhabit scrub dunes, these high dunes can serve as refugia during devastating hurricanes that overwash, flood, and destroy or alter secondary and frontal dunes. ABM surveys on the Applicant's property reveal habitat occupied by ABM. The Applicant's property contains designated critical habitat for the ABM. Construction of the Project may result in the death of, or injury to, ABM. Habitat alterations due to house placement and its subsequent use may reduce available habitat for food, shelter, and reproduction. Further, the Applicant's property borders the BSNWR, and is considered Priority I lands for inclusion into the Perdue Unit (of BSNWR).

The EA considers the environmental consequences of several alternatives. One action proposed is the issuance of the incidental take permit. This alternative provides for restrictions that include placing landward of the designated ABM critical habitat, establishment of a walkover structure across that scrub dune, a prohibition against housing or keeping pet cats, ABM competitor control and monitoring measures, scavenger-proof garbage containers, restoration of dune systems impacted by the construction, and the minimization and control of outdoor lighting. The HCP provides a funding source for these mitigation measures. Another alternative is Service acquisition of the property for inclusion into the BSNWR. A third alternative is no-action, or deny the request for authorization to incidentally take the ABM.

Dated: May 23, 1995.

Noreen K. Clough,
Regional Director.

[FR Doc. 95-13207 Filed 5-30-95; 8:45 am]

BILLING CODE 4310-55-P

Receipt of Application(s) for Permit

The following Applicant(s) 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.*)