

on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, on March 19, 2008, we published a **Federal Register** notice (73 FR 14832) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day public comment period, which ended May 19, 2008. We received one comment. The commenter suggested that annual data collection was unnecessary and advocated estimating population size from year to year based upon the assumption that populations are declining 10 percent per year. Additional statements were not specifically relevant to the information collection requirements.

*Response:* Established in 1966, the BBS program has provided scientifically rigorous national estimates of relative abundance and population trends for hundreds of bird species for over four decades. The information collected by the BBS is central to nongame avian conservation and management efforts in North America, informing science-based avian conservation and management actions by Federal and State agencies and private entities. Analyses of BBS data have identified that not all bird species are declining. In fact, over 40 percent of the bird populations monitored by the BBS are increasing or are stable in numbers. Those that are decreasing are not necessarily decreasing throughout their entire ranges or by as much as 10 percent per year. Thus, through collection of actual population data annually, the BBS is able to identify species in areas most in need of intensive research and management efforts, allowing for efficient targeted use of Federal funds for species conservation and management efforts. The BBS also acts as an early warning system, identifying declining species long before they reach critically low levels. Finally, BBS data are collected by USGS volunteers highly skilled in avian identification making the BBS extremely cost-effective.

*USGS Information Collection Clearance Officer:* Alfred Travnicek, 703-648-7231.

Dated: May 20, 2008.

**Susan D. Haseltine,**

*Associate Director for Biology.*

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**BILLING CODE 4311-AM-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**Land Acquisitions; Oneida Indian Nation of New York**

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

**ACTION:** Notice of Final Agency Determination to Take Land into Trust under 25 U.S.C. 465 and 25 CFR part 151.

**SUMMARY:** The Deputy Secretary and the Associate Deputy Secretary made a final agency determination to acquire approximately 13,003.89 acres in trust for the Oneida Indian Nation of New York. This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Deputy Secretary by 209 Departmental Manual 2.1 and delegated by the Deputy Secretary to the Associate Deputy Secretary under authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 2162), as amended.

**FOR FURTHER INFORMATION CONTACT:** James T. Kardatzke, PhD, Branch Manager, Natural Resources, Bureau of Indian Affairs, Eastern Regional Office, 545 Marriott Drive, Suite 700, Nashville, TN 37214; Telephone (615) 564-6830.

**SUPPLEMENTARY INFORMATION:** This notice is published to comply with the requirement of 25 CFR 151.12(b) that notice be given to the public of the decision by the authorized representative of the Secretary of the Interior to acquire land in trust at least 30 days prior to signatory acceptance of the land into trust. The purpose of the 30-day waiting period is to afford interested parties the opportunity to seek judicial review of final administrative decisions to take land into trust for Indian tribes and individuals before transfer of title to the property occurs. On May 19, 2008, the Deputy Secretary and the Associate Deputy Secretary issued a Record of Decision documenting the Department's final determination to accept approximately 13,003.89 acres into trust for the Oneida Indian Nation of New York under authority of Section 5 of the Indian Reorganization Act of 1934, 25 U.S.C. 465. Title to the 13,003.89 acres, described below by the parcel identification numbers assigned by the Oneida Indian Nation of New York and by the tax lot identification numbers assigned by the counties in which the lands are located, shall be acquired in the name of the United States in trust for the Oneida Indian Nation of New York no sooner than 30 days after the date of this notice.

**ONEIDA COUNTY, NY**

Oneida Nation Parcel No.	Oneida County Tax Lot No.
8	298.000-1-30.3
9	298.000-1-38
10	298.000-1-39
11	310.000-1-15.2
12	310.000-1-27
13	323.000-1-1.3
16	323.000-1-2
17	323.000-1-1.1
19	299.000-1-58.1
20	322.000-2-19
22	322.000-2-28
23	284.000-1-30
24	285.000-1-32
25	284.000-1-29
26	285.000-1-2
27	285.000-1-5
28	285.000-1-8.1
29	284.000-1-27
30	284.000-1-28
31	284.000-1-37
32	297.000-1-3.1
34	310.000-2-1
35	285.000-1-6
36	284.000-1-18
37	270.000-1-34
38	269.000-2-47.1
39	310.000-2-6.2
40	310.000-2-9
41	299.000-1-1
42	286.000-2-83.6
43	286.003-3-42
44	299.000-1-57.2
45	299.000-1-57.3
46	299.000-1-58.3
47	310.000-2-6.1
48	284.000-1-23
49	298.000-1-58
50	284.000-1-25.2
51	299.000-1-58.2
53	298.000-1-57
54	284.000-1-22
55	284.000-1-24
56	284.000-1-20
58	298.000-1-3
59	297.000-1-5.1
59	297.000-1-5.2
60	298.000-1-50.2
61	298.000-1-14
62	298.000-1-50.1
63	298.000-1-56.2
64	298.000-1-50.7
65	298.000-1-69
66	298.000-1-41.1
66	298.000-1-41.2
67	310.000-1-61
68	298.000-1-43
69	299.001-1-35.1
70	299.001-1-35.2
71	299.001-1-35.3
72	298.000-1-42.2
73	298.000-1-42.1
74	299.000-1-56.2
86	299.000-1-55.2
88	299.001-1-36
89	298.002-3-15.1
90	284.000-1-21
91	284.000-1-19
99	286.000-2-83.1
101	299.000-1-27
102	312.000-1-52.1
103	297.001-1-8.1



## MADISON COUNTY, NY—Continued

Oneida Nation Parcel No.	Madison County Tax Lot No.
208 .....	54.-1-32.1
209 .....	55.-1-4.1
210 .....	55.-2-5.11
211 .....	55.-2-7
212 .....	55.-2-8.1
213 .....	64.-1-1
214 .....	64.-1-13.1
227 .....	54.-1-29
282 .....	65.-1-10
283 .....	74.-1-16.5
291 .....	46.-1-62.2
304 .....	54.-3-5.11
304 .....	63.-2-2
315 .....	64.-1-15.2
322 .....	47.-1-61

Dated: May 20, 2008.

**James E. Cason,**

*Associate Deputy Secretary.*

**P. Lynn Scarlett,**

*Deputy Secretary.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Office of Federal Acknowledgment; Guidance and Direction Regarding Internal Procedures

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

**ACTION:** Notice.

**SUMMARY:** The Assistant Secretary—Indian Affairs of the Department of the Interior is providing guidance and direction to Office of Federal Acknowledgment (OFA) staff for managing recurring administrative and technical problems in processing petitions for Federal acknowledgment. This guidance and direction does not amend the acknowledgment regulations at 25 CFR part 83.

**DATES:** *Effective Date:* The guidance and direction defined by this notice are effective on May 23, 2008.

**FOR FURTHER INFORMATION CONTACT:** R. Lee Fleming, Director, Office of Federal Acknowledgment, MS 34B-SIB, 1951 Constitution Avenue, NW., Washington, DC 20240, telephone (202) 513-7650.

#### SUPPLEMENTARY INFORMATION:

##### Introduction

The Department publishes this notice in the exercise of authority under 43 U.S.C. 1457, 25 U.S.C. 2 and 9, 5 U.S.C. 552(a), 5 U.S.C. 301, and under the exercise of authority that the Secretary of the Interior delegated to the Assistant

Secretary—Indian Affairs (Assistant Secretary) by 209 Department Manual 8.

This notice supplements the notice published in the **Federal Register** (70 FR 16513) on March 31, 2005, entitled “Office of Federal Acknowledgment, Reports and Guidance Documents, Availability, etc.”

This notice provides the OFA with guidance and direction regarding management of recurring administrative or technical problems in processing petitions for Federal acknowledgment. This guidance and direction is based on interpretation of the acknowledgment regulations. This guidance and direction does not change the acknowledgment regulations, but will assist in making the process more streamlined and efficient, and improve the timeliness and transparency of the process.

The Department developed its Federal acknowledgment regulations, 25 CFR part 83—Procedures for Establishing that an American Indian Group Exists as an Indian Tribe, after notice and substantial public comment, both as to the original regulations and the amended regulations that became effective in 1994. These regulations establish a uniform procedure and fact-based approach to acknowledgment. The Department subsequently published two notices in the **Federal Register** concerning internal procedures for managing and processing petitions. This notice provides additional guidance and direction.

The Department should direct all groups seeking to be acknowledged as Indian tribes to 25 CFR part 83. OFA will provide copies of the regulations and guidelines to any group or individual to assist them in understanding the Department’s regulatory process for Federal acknowledgment. If a group does not meet the seven mandatory requirements for Federal acknowledgment as an Indian tribe, then the Department will inform the petitioner of “alternatives, if any, to acknowledgment” (such as Congressional legislation) or other means “through which any of its members may become eligible for services and benefits from the Department as Indians” (25 CFR 83.10(n)).

In the more than 29 years that the Department’s acknowledgment regulations have been in effect, the Department has confronted a number of recurring issues in the administration of the regulations including: the emergence of splinter groups; the administration of technical assistance (TA); requests for expedited processing for uniquely qualified groups, requests for a reduction of the time period for

historical evidence; opportunities for streamlining the process through expedited decisions against acknowledgment and decisions against acknowledgment on fewer than all seven criteria; the handling of questionable submissions; and designation of “inactive” status.

#### Guidance and Direction

##### *I. Emergence of Splinter Groups*

**A. Splinter Groups That Arise After a Petitioner Submits a Letter of Intent and Before the Department Determines the Group Is “Ready, Waiting for Active Consideration.”**

Conflicts within a petitioning group that result in multiple and conflicting claims to leadership hamper the ability of OFA to communicate and conduct its business with the group when OFA cannot identify a single governing body as the point of contact with the group. OFA should deal with the designated leaders of the group as a whole, not the group’s various members, and should continue to avoid becoming involved in the internal conflicts of a petitioning group. Disputes are matters that must be handled by the group. When OFA finds that conflicting claims to leadership interfere with its ability to conduct its business with the group, OFA should not devote its expertise and resources to the group’s petition.

In order to be able to work with the one duly authorized governing body of a petitioner when these leadership disputes occur, OFA may request the following information from the group:

- (1) The current governing document, and all past governing documents;
- (2) The current membership list that is certified as accurate as of a specific date, and all past membership lists;
- (3) Completed consent forms from every member. A consent form should be signed by each individual and should state that he or she voluntarily wishes to belong to the group. A parent should sign for his or her minor children individually or the legal guardian or representative transacting for that minor child or individual should sign. In the latter instance, the group should submit a copy of the legal document allowing that representation;
- (4) Copies of the all minutes of meetings of the group’s governing body since the filing of the letter of intent;
- (5) Copies of documents reflecting changes in the composition of the governing body since the filing of the letter of intent, such as published election results, minutes, newspaper articles, or newsletters; and
- (6) Any court order determining the legitimate leadership of the group.