

with individual Tolowa Indians associated with the Smith River Tribe. These documents do not show the petitioner or its ancestors were a community distinct within, or from, the Smith River Tribe during those years. Other documents from this period were marriage and death certificates or land records from the first three decades of the 20th century. These documents dealt with just a few of the petitioner's ancestors, particularly the Fred Charles family, who were Elk River Rancheria members. While these records provided some evidence of genealogical connections or residence and land ownership for some of the group's ancestors, they did not demonstrate any social interaction among those ancestors as a distinct group. Nor did they show the petitioner was part of a community of Indians separate from the Smith River and the Elk Valley Tribes. The petitioner also submitted Indian censuses from around the 1920s for the Hoopa Valley Reservation of northern California. These same censuses were evaluated and cited in the PF and did not provide evidence that the petitioner's ancestors formed a distinct social community.

The petitioner submitted some articles from unidentified newspapers from the 1950s and 1960s that dealt with the Smith River Tribe and not the petitioner. A few articles, some already referenced in the PF, discussed activities related to the DNIWA. These documents also did not show the DNIWA later evolved into the petitioner or that petitioner's ancestors were distinct within the DNIWA.

Given that Petitioner has failed to satisfy 83.7(b) for the period from 1930 to 1980, petitioner has failed to satisfy this criterion. The petitioner's evidence for the 1980s to the present is also insufficient to demonstrate criterion 83.7(b). For example, some documents dealt with the activities of the Smith River Tribe, while others, like portions of the Advisory Council on California Indian Policy Recognition Report (1997), dealt with recommendations for revising the Federal acknowledgment regulations as they applied to California Indian groups in general. Two letters from 1982 concerned a group much broader than the petitioner and did not provide evidence of community for the petitioner. Other documents included flyers from the 1990s and 2000s announcing gatherings the petitioner sponsored. These events, such as the "National Indian Observance Day," "Drums on the Beach," or "California Indian Observance Day," without more information, appeared pan-Indian in orientation and standing alone did not

provide sufficient evidence that the petitioner was a distinct community. Other evidence, such as photographs, minutes of limited meetings attended by some council members, and environmental efforts attended by the general public and a few of petitioner's members were insufficient evidence to demonstrate significant social relationships.

Comments on the PF by two third parties added no significant information on community. Wesley Taukchiray detailed his analysis of the location or composition of the Tolowa Indian villages in the late 19th century. He believes that the modern-day petitioner's ancestors are "successors in interest" to these villages. Mr. Taukchiray did not provide any documentation with his submission to support his arguments. None of his analysis shows the petitioner's ancestors were a community distinct within or from the Smith River and the Elk Valley Tribes, or that the petitioner evolved out of those two Tribes.

Gordon Bonser wrote that he had lived in the Crescent City area since the early 1990s and had many friends among the petitioning group. Based on his personal experience, he attested to the fact the petitioner's members viewed "themselves as being both Native American and Tolowa" and as "separate from the Smith River or Elk Valley people." He provided no documentation to support this opinion and contrary evidence in the record outweighs his claims.

In summary, the evidence for the PF and the FD does not demonstrate that the petitioner's ancestors evolved as a community distinct either from the Smith River and Elk Valley Tribes or from any other Tolowa entity that may have existed before 1908. The evidence does not demonstrate that the group's claimed precursor, the DNIWA, was an entity that constituted a community distinct from the membership of the Smith River and the Elk Valley Tribes from the 1930s to the 1980s, or that petitioner's ancestors were distinct within it. Finally, the evidence of the petitioner's activities since the 1980s does not satisfy the regulations or change the conclusion that the evidence was insufficient between 1930 and the 1980s. Thus, the evidence in the record is insufficient to demonstrate that the petitioner constituted a distinct community.

The evidence in the record for the PF and the FD is insufficient to change the conclusions in the PF. Thus, the Department declines to acknowledge the petitioner known as the Tolowa Nation as an Indian tribe within the meaning of

Federal law. The Department will provide a copy of this **Federal Register** Notice to the petitioner and interested parties, and is available to other parties upon written request or as posted on the BIA Web site. Those parties wishing a paper copy of the FD should address their requests to the Assistant Secretary as instructed in the **ADDRESSES** section of this notice. After the publication of this notice 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 this notice in the **Federal Register**. The FD will become effective, as provided in the regulations, 90 days after the **Federal Register** publication unless the IBIA receives a request for reconsideration within that time.

Dated: January 24, 2014.

**Kevin K. Washburn,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 2014-01831 Filed 1-29-14; 8:45 am]

**BILLING CODE 4310-G1-P**

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[14X LLUT980300-L11100000-PH0000-24-1A]

#### Cancellation of Utah Resource Advisory Council Meeting/Conference Call

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of cancellation of meeting/conference call.

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**SUMMARY:** The Jan. 23, 2014, Utah Resource Advisory Council Meeting/Conference Call is cancelled because a quorum cannot be met. If you have any questions, please contact Sherry Foot, Special Programs Coordinator, Bureau of Land Management, Utah State Office, Suite 500, 440 West 200 South, Salt Lake City, Utah 84101; phone (801) 539-4195; or, [sfoot@blm.gov](mailto:sfoot@blm.gov).

**Authority:** 43 CFR 1784.4-1.

**Jenna Whitlock,**

*Associate State Director.*

[FR Doc. 2014-01911 Filed 1-29-14; 8:45 am]

**BILLING CODE 4310-DQ-P**