

Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Lawrence Miller, Palatine, IL; PRT-03197C

Applicant: Seixas Milner, Lawrenceville, GA; PRT-04168C

Applicant: David McNeil, Buhl, AL; PRT-05019C

B. Endangered Marine Mammals and Marine Mammals

Applicant: Anthony Pagano, USGS/ Alaska Science Center, Anchorage, AK; PRT-77245B

The applicant requests an amendment to the permit to take captive polar bears for the purpose of scientific research on polar bear diets and energetics. This notification covers activities to be conducted by the applicant over a 5-year period.

Concurrent with publishing this notice in the **Federal Register**, we are forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2016-25382 Filed 10-19-16; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[178A2100DD/AAKC001030/
AOA501010.999900 253G]

Model Indian Juvenile Code

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Indian Affairs is announcing availability of the final version of the updated 2016 Model Indian Juvenile Code. The updated Model Indian Juvenile Code is intended as a tool to assist Indian Tribes in creating or revising their juvenile codes.

FOR FURTHER INFORMATION CONTACT: Natasha Anderson, Deputy Associate Director, Tribal Justice Support Directorate, Office of Justice Services, Bureau of Indian Affairs, (202) 513-0367 or *BIA_Tribal_Courts@bia.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The BIA initially contracted with the National Indian Justice Center to develop the first Code in 1988 after the

passage Public Law 99-570, title IV, section 4221, which required the creation of a "Model Indian Juvenile Code" (25 U.S.C. 2454).

Most codes should be updated on a regular basis; and it has been over 25 years since the initial Model Indian Juvenile Code was created. Additionally, after the passage of the Tribal Law and Order Act of 2010, a Memorandum of Agreement among DOI, DOJ, and DHHS was developed to establish a framework for collaboration that results in the coordination of resources and programs. The MOA specifically referenced 25 U.S.C. 2454 and the Model Indian Juvenile Code.

Since the creation of the initial Model Indian Juvenile Code, much has changed in the field of juvenile justice. Since the late 1980s, many jurisdictions have engaged in reforms of their juvenile justice systems in response to research finding that the standard juvenile justice system model used in the United States showed no impact to juvenile delinquency and may have, in fact, increased delinquency rates. Research has also found that adolescent brains develop later in life than previously thought. Researchers, advocates and policy makers urge changes to the more punitive models of juvenile justice and encourage systems that are more restorative.

After contracting with the Center of Indigenous Research & Justice (CIRJ), the BIA shepherded an "information gathering phase" beginning with a workshop to discuss a plan of action in updating the Code, at the Office on Victims of Crime's National Indian Nations Conference in Palm Springs, California on December 12, 2014. In April 2015, BIA made available a Discussion Draft on the BIA Web site for review and comment. The CIRJ contractor presented details on the Discussion Draft at the 2015 Annual Federal Bar Indian Law Conference. The BIA held a listening session on the Discussion Draft at the 2015 National Congress of American Indians' Mid-Year Conference in Saint Paul, Minnesota. NCAI hosted a follow-up webinar in November 2015 on Juvenile Justice with a focus on the principles of the Model Indian Juvenile Code update.

On February 24, 2016, the BIA announced the availability of the Draft 2016 Model Indian Juvenile Code for Consultation. Four telephonic Tribal consultation sessions were held on March 30-31 and April 13-14, 2016 in addition to an in-person listening session on April 6, 2016, at the Annual Conference of the National Indian Child Welfare Association. Written Comments

were also accepted with a deadline of May 27, 2016.

II. Summary of the Model Indian Juvenile Code

The 2016 Model Indian Juvenile Code is divided into three categories: (1) Delinquency; (2) Child in Need of Services; and (3) Truancy.

The 2016 Model Indian Juvenile Code focuses on several principles including, but not limited to:

- Ability to divert out of formal process at each decision point;
- Embeds right to counsel for juveniles in delinquency/truancy;
- Restricts use of detention;
- Commentary on choices made in the code and discussion of options for implementation—including diversion examples;
 - Distinguishing between delinquent acts and need for services;
 - For delinquent acts, focus on supervision, treatment and rehabilitation;
 - Process ensuring rights of parties; and
 - Coordination of services.

We have considered the comments received on the draft; and now issue the updated and annotated Model Indian Juvenile Code available at: <http://www.bia.gov/cs/groups/xojs/documents/document/idc2-047015.pdf> or by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. The updated Code is available in both an Annotated PDF and a Microsoft Word version which can be adapted for each Tribe's needs. Further information is available on the Tribal Justice Support Directorate's page at <http://www.bia.gov/WhoWeAre/BIA/OJS/ojs-services/ojs-tjs/index.htm>.

Dated: October 7, 2016.

Lawrence Roberts,

Principal Deputy Assistant Secretary—Indian Affairs.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[178A2100DD/AAKC001030/
AOA501010.999900 253G]

HEARTH Act Approval of Chemehuevi Indian Tribe Regulations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On October 7, 2016, the Bureau of Indian Affairs (BIA) approved the Chemehuevi Indian Tribe of the

Chemehuevi Reservation, California leasing regulations under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Chemehuevi Indian Tribe is authorized to enter into business site leases without further BIA approval.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, MS-4642-MIB, 1849 C Street NW., Washington, DC 20240, at (202) 208-3615.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into agricultural and business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Chemehuevi Indian Tribe of the Chemehuevi Reservation, California.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the

Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 465, preempts State and local taxation of permanent improvements on trust land.

Confederated Tribes of the Chehalis Reservation v. Thurston County, 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe v. Jones*, 411 U.S. 145 (1973)). Similarly, section 465 preempts State taxation of rent payments by a lessee for leased trust lands, because “tax on the payment of rent is indistinguishable from an impermissible tax on the land.” *See Seminole Tribe of Florida v. Stranburg*, No. 14-14524, *13–*17, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe v. Bracker*, 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of “traditional notions of Indian self-government,” requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to “allow tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in tribal communities.” 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes “flexibility to adapt lease terms to suit [their] business and cultural needs” and to “enable

[Tribes] to approve leases quickly and efficiently.” *Id.* at 5–6.

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan v. Bay Mills Indian Community*, 134 S. Ct. 2024, 2043 (2014) (Sotomayor, J., concurring) (determining that “[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding”). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 2043–44 (finding that State and local taxes greatly discourage tribes from raising tax revenue from the same sources because the imposition of double taxation would impede tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or Part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Chemehuevi Indian Tribe of the Chemehuevi Reservation, California.

Dated: October 7, 2016.

Lawrence S. Roberts,
Principal Deputy Assistant Secretary—Indian
Affairs.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVL02000 L58480000.EU0000 241A; N-
89322; N-89336; N-89778; MO #
4500095617]

Notice of Realty Action: Proposed Competitive Sale of Public Lands in Lincoln County, NV

AGENCY: Bureau of Land Management,
Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) proposes to offer by competitive sale three parcels of public land totaling 165.92 acres in Lincoln County, Nevada, at no less than the appraised fair market values (FMV) of \$154,000 for N-89778, containing 12.20 acres; \$145,000 for N-89322 containing 143.72 acres; and \$140,000 for N-89336 containing 10.00 acres. The sale will be subject to the applicable provision of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and applicable BLM land sale regulations.

DATES: Interested persons may submit written comments to the BLM at the address below. The BLM must receive the comments on or before December 5, 2016. The sale by sealed bid and oral public auction will be held on January 10, 2017, at 1:00 p.m., Pacific Time at the Caliente Railroad Depot, 100 Depot Avenue, Caliente, NV 89008. The BLM will start accepting sealed bids beginning December 29, 2016. Sealed bids must be received at the BLM, Ely District Office no later than 4:30 p.m., Pacific Time on January 6, 2017. The BLM will open sealed bids on the day of the sale just prior to the oral bidding.

ADDRESSES: Send written comments concerning this notice and submit sealed bids to Ely District Office, Bureau of Land Management, 702 N. Industrial Way, Ely, NV 89301.

FOR FURTHER INFORMATION CONTACT: Susan Grande, Realty Specialist, Ely District Office, 702 N. Industrial Way, Ely, NV 89301 or by telephone at 775-289-1809 or by email at sgrande@blm.gov; or Chris Carlton, Field Manager, Caliente Field Office, at 775-726-8100 or by email at ccarlton@blm.gov or <http://www.blm.gov/nv/st/>

[en/fo/ely_field_office.html](#). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1-800-877-8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM will conduct a competitive sale (N-89322, N-89336, N-89778) for three parcels totaling 165.92 acres of public land in Lincoln County described as follows:

Mount Diablo Meridian

N-89322

Parcel 1

T. 3 S., R. 60 E.,

Sec. 35, lots 1 and 3.

T. 4 S., R. 60 E.,

Sec. 1, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 4 S., R. 60 E.,

Sec. 2, lot 5.

T. 4 S., R. 60 E.,

Sec. 2, lot 8.

T. 4 S., R. 60 E.,

Sec. 11, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 4 S., R. 60 E.,

Sec. 11, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described aggregates 143.72 acres.

N-89336

T. 6 S., R. 61 E.,

Sec. 29, lots 8 and 9, and

S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 10.00 acres.

N-89778

T. 6 S., R. 61 E.,

Sec. 32, lots 4 and 6.

The area described contains 12.20 acres.

The total area aggregates 165.92 acres.

Upon publication of this Notice in the **Federal Register**, the described land will be segregated from all forms of appropriation under the public land laws, except for the sale provisions of FLPMA. Upon publication and until completion of the sale, the BLM will no longer accept land use applications affecting the identified public lands, except applications for the amendment of previously filed right-of-way (ROW) applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15 and 2886.15. The segregated effect will terminate upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or on October 22, 2018, unless extended by the BLM State Director, Nevada in accordance with 43 CFR 2711.1-2(d) prior to the termination date.

These tracts of public land meet the disposal criteria consistent with Section

203 of FLPMA and the BLM Ely District Record of Decision and Approved Resource Management Plan (ROD/RMP) dated August 20, 2008. The parcels are suitable for disposal and would be in compliance with Public Law 108-424, Lincoln County Conservation, Recreation, and Development Act (LCCRDA), enacted on November 30, 2004, and conform to the ROD/RMP as referenced in the Lands and Realty objectives LR-8, page 66; and Appendix B, page B-1. An Environmental Assessment NV-L030-2015-0027 was prepared and a decision record signed on January 8, 2016. All documents including a map and the appraisal for the sale are available for review at the BLM Caliente Field Office.

FLPMA Section 209, 43 U.S.C.

1719(a), states that “[a]ll conveyances of title issued by the Secretary . . . shall reserve to the United States all minerals in the lands.” The BLM prepared a mineral potential report dated July 22, 2014, which concluded that no significant mineral resource value will be affected by the disposal of these parcels. These parcels are not required for any Federal purposes, and their disposal is in the public interest and meets the intent of the LCCRDA.

In accordance with the policy direction in 43 CFR Section 2710.0-6(c)(3)(i), a competitive sale of public land may be used where “there would be a number of interested parties bidding for the lands and (A) wherever in the judgment of the authorized officer the lands are accessible and usable regardless of adjoining land ownership and (B) wherever the lands are within a developing or urbanizing area and land values are increasing due to their location and interest on the competitive market.” The BLM examined the parcels and found them to be consistent with and suitable for disposal using competitive sale procedures.

Competitive Sale Procedures as prescribed by 43 CFR Section 2711.3-1:

Sales Procedures: Registration for oral bidding will begin at 12:00 p.m., Pacific Time at the Depot Building, 100 Depot Avenue, Council Chambers Room, Caliente, NV 89008, on the day of the sale. There will be no prior registration before the sale date. The public sale auction will be through sealed and oral bids. To determine the high bids among the qualified bids received, the sealed bids must be received at the place of the sale prior to the hour fixed in the notice. They will be opened and recorded on the day of the sale. The highest bid above FMV of the sealed bids will set the starting point for oral bidding on a parcel. Parcels that receive no qualified sealed bids will begin at the established