cannot guarantee that we will be able to
do so.
Abstract: The National Park Service (NPS) Act of 1916, 36 Stat 535, 16 U.S.C. 1, et seq., requires that the NPS preserve national parks for the use and enjoyment of present and future
generations. This collection will provide the
Glen Canyon Dam Adaptive Management Program (GCDAMP) with
information about tribal stakeholder’s perspectives on the condition and
protection of natural and cultural
resources in Glen and Grand Canyons. Identifying tribal preferences and values for natural and cultural resources in
Glen and Grand Canyons is a high priority for the GCDAMP. There are
substantial ongoing and prior studies
exploring the preferences and values
recreationists and the general public
hold for resources (for example, whitewater rafting and hydropower) in
Glen and Grand Canyons. However,
there is almost a complete absence of
relevant prior tribal socioeconomic
studies exploring this information. This
collection will provide information
needed to inform decisions on
management actions and policies
related to operation of Glen Canyon
Dam. This notice will cover the
development and pretesting of the final
survey instrument.
Title of Collection: Tribal Perspectives
for and Values of Resources
Downstream of Glen Canyon Dam.
OMB Control Number: 1028–NEW.
Form Number: None.
Type of Review: New.
Respondents/Affected Public:
Individuals/households.
Total Estimated Number of Annual
Responses: 350.
Total Estimated Number of Annual
Respondents: 350.
Total Estimated Number of Annual
Burden Hours: 700.
Respondent’s Obligation: Voluntary.
Frequency of Collection: One time.
Total Estimated Annual Non-hour
Burden Cost: We have not identified any
“non-hour cost” burdens associated with
this collection of information.
An agency may not conduct or
sponsor and a person is not required to
respond to a collection of information
unless it displays a currently valid OMB
control number.
The authorities for this action are the
Paperwork Reduction Act of 1995 (44
U.S.C. 3501, et seq.).
David Lytle,
Director, Southwest Biological
Science Center.
[FR Doc. 2019–07119 Filed 4–9–19; 8:45 am]
BILLING CODE 4338–11–P
DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
[190A2100DD/AACK001030/
AOAS01010.999900]
HEARTH Act Approval of Mississippi
Band of Choctaw Indians Regulations
AGENCY: Bureau of Indian Affairs, Interior.
ACTION: Notice.
SUMMARY: On March 5, 2019, the Bureau of
Indian Affairs (BIA) approved the
Mississippi Band of Choctaw Indians
(Tribe) leasing regulations under the
Helping Expedite and Advance
Responsible Tribal Homeownership Act
of 2012 (HEARTH Act). With this
approval, the Tribe is authorized to
enter into agricultural, residential,
business, wind and solar, wind energy
evaluation, and other authorized
purposes, leases without further BIA
approval.
FOR FURTHER INFORMATION CONTACT: Ms.
Sharlene Round Face, Bureau of Indian
Affairs, Division of Real Estate Services,
1849 C Street NW, MS–4642–MIB,
Washington, DC 20240, telephone: (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
Mississippi Band of Choctaw Indians.
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 72,440, 72,447–48
(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
Tribal leasing regulations approved by
the Federal government pursuant to the
HEARTH Act.
Section 5 of the Indian Reorganization
Act, 25 U.S.C. 5108, 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 5108
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
72,447–48, 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) (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 Mississippi Band of Choctaw Indians.

Dated: March 5, 2019.

Tara Sweeney, Assistant Secretary—Indian Affairs.

[FR Doc. 2019–07092 Filed 4–9–19; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[192D0102DR/DS5A300000/DR.5A311.JA000118]

Draft Environmental Impact Statement for the Proposed Redding Rancheria Fee-to-Trust and Casino Project, Shasta County, California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, intends to file a Draft Environmental Impact Statement (DEIS) with the U.S. Environmental Protection Agency (EPA) in connection with the Redding Rancheria’s (Tribe) application requesting that the United States acquire approximately 232 acres of land in trust for the Tribe for the construction and operation of a casino resort.

DATES: Written comments on the DEIS must arrive within 45 days after EPA publishes its Notice of Availability in the Federal Register. The date and location of the public hearing on the DEIS will be announced at least 15 days in advance through a notice to be published in local newspapers (Redding Record Searchlight and Sacramento Bee) and online at http://www.reddingeis.com.

ADDRESSES: You may mail or hand-deliver written comments to Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and “DEIS Comments, Redding Rancheria Project” on the first page of your written comments. You may also submit comments through email to Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at chad.broussard@bia.gov. If emailing comments, please use “DEIS Comments, Redding Rancheria Project” as the subject of your email.

FOR FURTHER INFORMATION CONTACT: Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Room W–2820, Sacramento, California 95825; telephone: (916) 978–6165; email: chad.broussard@bia.gov. Information is also available online at http://www.reddingeis.com.

SUPPLEMENTARY INFORMATION: The Tribe submitted an application to the Department of the Interior (Department) requesting the placement of approximately 232 acres of fee land in trust by the United States upon which the Tribe would construct a casino resort. The facility would include an approximately 69,500 square foot casino, an approximately 250-room hotel, an event/convention center, an outdoor amphitheatre, a retail center, and associated parking and infrastructure. The new facility would replace the Tribe’s existing casino, and the existing casino buildings would be converted to a different Tribal use.

Accordingly, the proposed action for the Department is the acquisition requested by the Tribe. The proposed fee-to-trust property is located in an unincorporated part of Shasta County, California, approximately 1.6 miles northeast of the existing Redding Rancheria, and about two miles southeast of downtown Redding. The proposed trust property includes seven parcels, bound by Bechelli Lane on the north, private properties to the south, the Sacramento River on the west, and Interstate 5 on the east. The Shasta County Assessor’s parcel numbers (APNs) for the property are 055–010–011, 055–010–012, 055–010–014, 055–010–015, 055–050–001, 055–020–004 and 055–020–005.

The following alternatives are considered in the DEIS: (1) Proposed Project; (2) Proposed Project with No Retail Alternative; (3) Reduce Intensity Alternative; (4) Non-Gaming Alternative; (5) Anderson Site Alternative; (6) Expansion of Existing Casino Alternative; and (7) No Action Alternative. Environmental issues addressed in the EIS include land resources; water resources; air quality; noise; biological resources; cultural/ historical/archaeological resources; resource use patterns; traffic and transportation; public health and safety;