

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

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Notice of Availability, Notice of a Public Hearing, and Request for Comment on Environmental Assessment, Maximum Economic Recovery, and Fair Market Value for BNI Coal LTD's Lease-by-Application NDM-105513, Oliver County, ND

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability and public hearing.

SUMMARY: The Bureau of Land Management (BLM), North Dakota Field Office (NDFO) is publishing this notice to announce that an Environmental Assessment (EA) for BNI Coal Ltd.'s (BNI) Federal Coal Lease-by-Application (LBA), serial number NDM-105513, is available for public review and comment. The BLM is also announcing that it will hold a public hearing to receive comments on the EA, Fair Market Value (FMV), and Maximum Economic Recovery (MER) of the coal resources contained in the proposed BNI LBA lease tracts.

DATES: The public hearing will be held from 3:00 p.m. to 5:00 p.m. CDT on Thursday, September 24, 2020. Written comments should be submitted and received by the NDFO no later than Thursday, October 8, 2020.

ADDRESSES: The public hearing will be held at the Betty Hagel Memorial Civic Center, 312 Lincoln Ave., Center, ND 58530. Should pandemic conditions in North Dakota change to prevent or further restrict an in-person meeting, the public hearing may be held as a teleconference. Updates would be provided through eplanning and a press release.

In addition, copies of the EA are available at <http://ow.ly/f1y650ASuiG> and at the NDFO. You may submit comments related to the BNI's EA, FMV and MER by any of the following methods:

Electronic: <http://ow.ly/f1y650ASuiG>; or by mail at: Bureau of Land Management North Dakota Field Office, Attention: Carissa Shilling, 99 23rd Avenue West, Suite A, Dickinson, ND 58601.

FOR FURTHER INFORMATION CONTACT: Carissa Shilling, Geologist; telephone: 406-233-3163; email: cshilling@blm.gov; or at the address provided in the **ADDRESSES** section. Persons who use a telecommunications device for the

deaf (TDD) may call the Federal Relay Service at 1-800-877-8339 to contact Ms. Shilling during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: On February 14, 2017, BNI submitted an application to lease several Federal coal lease tracts comprising 630 acres, located in Oliver County, North Dakota. The BLM developed the issue-based EA which analyzed and disclosed potential direct, indirect, and cumulative impacts of leasing and subsequent mining of the proposed lease tracts. The tracts are located at the Center Mine and contain about 6.97 million tons of in-place Federal coal resources. The tracts underlie private surface and are described as follows:

Fifth Principal Meridian, North Dakota

T. 141 N., R. 83 W.,
Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 141 N., R. 84 W.,
Sec. 14, E $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW, and SE $\frac{1}{4}$.
T. 142 N., R. 84 W.,
Sec. 20, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$.

The areas described aggregate 630.00 acres.

Through this notice, the BLM is inviting the public to provide comments regarding the potential environmental impacts related to the proposed action, and to submit comments on the FMV and the MER for the proposed LBA tract. All public comments, whether written or oral, will receive consideration prior to the BLM's decision regarding the leasing of the Federal coal contained in the tracts.

Public comments on the EA should address the potential environmental impacts of the proposed action. Public comments on the FMV and MER for the proposed lease tracts may address, but do not necessarily have to be limited to, the following:

1. The quantity and quality of the Federal coal resource;
2. The mining method to be employed to obtain the MER of the coal resource, including the name of the coal bed(s) to be mined, timing and rate of production, restriction of mining, and the inclusion of the lease tracts into the existing mining operation;
3. The price that the mined coal would bring when sold;
4. Costs, including mining and reclamation, and the anticipated timing of production;
5. The percentage rate at which anticipated income streams should be discounted, either with inflation, or in the absence of inflation, in which case

the anticipated rate of inflation should be given;

6. Depreciation, depletion, amortization, and other tax accounting factors;

7. The value of privately held mineral or surface estate in the Center Mine area.

Any proprietary information or data that you submit to the BLM must be marked as confidential and mailed directly to the BLM NDFO, Attention: Carissa Shilling (see **ADDRESSES** earlier) to assure the data will be treated in accordance with the applicable laws and regulations governing the confidentiality of such information or data. A copy of the comments submitted by the public on the EA, FMV, and MER for the tracts, except those portions identified as proprietary and that meet one of the exemptions in the Freedom of Information Act, will be available for public inspection at the BLM NDFO (see **ADDRESSES** earlier), during regular business hours (8:00 a.m.–4:30 p.m.), Monday through Friday.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, the BLM cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 43 CFR 3425.3 and 3425.4

John Mehlhoff,

Montana/Dakotas State Director.

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DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS-WASO-NAGPRA-NPS0030724;
PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of associated funerary objects in consultation with the appropriate Indian Tribes and Native Hawaiian organizations, and has determined that there is no cultural affiliation between the associated funerary objects and any

present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request to the TVA. If no additional requestors come forward, transfer of control of the associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to the TVA at the address in this notice by October 8, 2020.

ADDRESSES: Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902-1401, telephone (865) 632-7458, email tomaher@tva.gov.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of associated funerary objects under the control of the Tennessee Valley Authority, Knoxville, TN. The associated funerary objects were removed from site 1MA48 in Madison County, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the associated funerary objects was made by TVA professional staff in consultation with representatives of the Alabama-Coushatta Tribe of Texas (previously listed as Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Poarch Band of Creeks (previously listed as Poarch Band of Creek Indians of Alabama); The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee

Indians in Oklahoma (hereafter referred to as "The Consulted Tribes").

History and Description of the Remains

The site listed in this notice was excavated as part of TVA's Wheeler Reservoir Project by the Alabama Museum of Natural History (AMNH) at the University of Alabama, using labor provided by the Civil Works Administration, a precursor to the Works Progress Administration. Details regarding the excavation of this site may be found in *The Flint River Site, MA48*, a report by William S. Webb and David L. DeJarnette. The associated funerary objects excavated from the site listed in this notice have been in the physical custody of the AMNH at the University of Alabama since they were excavated. Human remains and associated funerary objects from 1MA48 were the subject of two previous Notices of Inventory Completion's published in the **Federal Register** (81 FR 60380-60381, September 1, 2016 and 84 FR 38055-38056, August 5, 2019). All the cultural items listed in those notices have been transferred to The Chickasaw Nation. Recently, missing funerary objects removed from site 1MA48 were discovered during the improvement of the curation of TVA's archeological collection at AMNH.

From June to December 1938, excavations took place at the Flint River site, 1MA48, in Madison County, AL. Excavation commenced after TVA had acquired the two parcels of land encompassing site 1MA48 on November 11, 1935 and July 3, 1936. Excavations revealed multiple occupations, including the Late Archaic (4000-1000 B.C.) period, Colbert (300 B.C.-A.D. 100), Flint River (A.D. 500-1000), and the early Mississippian Langston phase (A.D. 900-1200). The 61 associated funerary objects listed in this notice include 46 shell beads, one bone awl, 12 polished and incised antler fragments, and two bone tools.

Determinations Made by the Tennessee Valley Authority

Officials of the Tennessee Valley Authority have determined that:

- Pursuant to 25 U.S.C. 3001(3)(A), the 61 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the associated funerary objects and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court

of Federal Claims, the land from which the associated funerary objects were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma. The Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma have declined to accept transfer of control of these associated funerary objects.

- The Treaty of September 20, 1816, indicates that the land from which the Native American human remains were removed is the aboriginal land of The Chickasaw Nation.

- Pursuant to 43 CFR 10.11(c)(4), the Tennessee Valley Authority has agreed to transfer control of the associated funerary objects to The Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902-1401, telephone (865) 632-7458, email tomaher@tva.gov, by October 8, 2020. After that date, if no additional requestors have come forward, transfer of control of the associated funerary objects to The Chickasaw Nation may proceed.

The Tennessee Valley Authority is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: August 3, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

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DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0030758; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Item: Museum of Riverside, Riverside, CA

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: The Museum of Riverside, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the