

on the Scientific Earthquake Studies Advisory Committee (SESAC), and the National Earthquake Prediction Evaluation Council (NEPEC). The SESAC advises the Director of the U.S. Geological Survey (USGS) on matters relating to the USGS's participation in the National Earthquake Hazards Reduction Program. The NEPEC provides advice and recommendations to the Director of the USGS on earthquake predictions and related scientific research.

**DATES:** Nominations for the SESAC and NEPEC must be received by November 30, 2020.

**ADDRESSES:** SESAC nominations can be sent to Dr. Gavin Hayes at [ghayes@usgs.gov](mailto:ghayes@usgs.gov). Additional information about SESAC may be found at <https://www.usgs.gov/natural-hazards/earthquake-hazards/scientific-earthquake-studies-advisory-committee-sesac>. NEPEC nominations can be sent to Dr. Michael Blanpied at [mblanpied@usgs.gov](mailto:mblanpied@usgs.gov). Additional information about the NEPEC may be found at <https://www.usgs.gov/natural-hazards/earthquake-hazards/national-earthquake-prediction-evaluation-council-nepec>.

**FOR FURTHER INFORMATION CONTACT:** Inquiries regarding SESAC can be directed to Dr. Gavin Hayes, Senior Science Advisor for Earthquake and Geologic Hazards and Designated Federal Officer, [ghayes@usgs.gov](mailto:ghayes@usgs.gov), 303-273-8421. Inquiries regarding NEPEC can be directed to Dr. Michael Blanpied, Associate Coordinator, Earthquake Hazards Program and Designated Federal Officer, [mblanpied@usgs.gov](mailto:mblanpied@usgs.gov), 703-648-6696.

**SUPPLEMENTARY INFORMATION:**

**SESAC**

The SESAC was established in accordance with the Earthquake Hazards Reduction Authorization Act of 1977. The SESAC advises the Director of the USGS on matters relating to the USGS's participation in the National Earthquake Hazards Reduction Program (NEHRP), including its roles, goals and objectives within that program, its capabilities and research needs, guidance on achieving major objectives, and establishing and measuring performance goals. Membership is composed of non-Federal experts who are qualified in the seismic sciences and other appropriate fields. The USGS Director will give due consideration to recommendations from organizations and societies that may include: National Academy of Sciences; Geological Society of America; Seismological Society of America; American Society of

Civil Engineers; American Geophysical Union; Earthquake Engineering Research Institute. Nominees should have established records of distinguished service, be familiar with relevant areas of seismic science and related fields and have at least a general familiarity with USGS programmatic activities relating to its participation in NEHRP.

**NEPEC**

The NEPEC was established under the Earthquake Hazards Reduction Authorization Act of 1977 and provides advice and recommendations to the Director of the USGS on earthquake predictions, forecasts, advisories, and related scientific research. The Director of the USGS appoints members who are experts in the scientific disciplines that bear on earthquake prediction or other relevant disciplines involved in forecasting natural hazards or public response to such forecasts. Nominations are sought from the private and public sectors and nominees should have established records of distinguished service, be familiar with relevant areas of seismic science and related fields and have at least a general familiarity with USGS programmatic activities relating to its participation in NEHRP.

SESAC and NEPEC nominations should include a resume providing adequate description of the nominee's qualifications, including information that would enable the Department of the Interior to make an informed decision regarding meeting the membership requirements of the SESAC and NEPEC, and permit the Department of the Interior to contact a potential member. Nominations are to be sent to the email address listed under **ADDRESSES**.

Non-Federal members of the SESAC and NEPEC serve without compensation. However, while away from their homes or regular places of business, non-Federal SESAC and NEPEC members engaged in SESAC and NEPEC business, approved by the Designated Federal Officer, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under 5 U.S.C. 5703.

As appropriate, certain SESAC and NEPEC members may be appointed as special Government employees (SGEs). Please be aware that applicants selected to serve as SGEs will be required, prior to appointment, to file a Confidential Financial Disclosure Report in order to avoid involvement in real or apparent conflicts of interest. You may find a copy of the Confidential Financial Disclosure Report at the following

website: <https://www.doi.gov/ethics/special-government-employees/financial-disclosure>.

Additionally, after appointment, members appointed as SGEs will be required to meet applicable financial disclosure and ethics training requirements. Please contact 202-208-7960 or [DOI\\_Ethics@sol.doi.gov](mailto:DOI_Ethics@sol.doi.gov) with any questions about the ethics requirements for members appointed as SGEs.

**Authority:** 5 U.S.C. Appendix 2.

**Linda Huey,**

*Program Specialist, USGS Natural Hazards Mission Area.*

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**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**[201A2100DD/AAKC001030/A0A501010.999900]**

**HEARTH Act Approval of Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California Leasing Ordinance**

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

**ACTION:** Notice.

**SUMMARY:** The Bureau of Indian Affairs (BIA) approved the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California (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 business, agricultural, residential leases, wind energy evaluation leases, and wind and solar resource leases without further BIA approval.

**DATES:** BIA issued the approval on October 26, 2020.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, [sharelene.roundface@bia.gov](mailto:sharelene.roundface@bia.gov), (505) 563-3132.

**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 Manzanita Band of Diegueno Mission Indians of the Manzanita 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. 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*, 799 F.3d 1324, 1331, 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.” H. Rep. 112–427 at 6 (2012).

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*, 572 U.S. 782, 810 (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 810–11 (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 Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California.

**Tara Sweeney,**

*Assistant Secretary, Indian Affairs.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS–WASO–NRNHL–DTS#–31075; PPWOCRADIO, PCU00RP14.R50000]

### National Register of Historic Places; Notification of Pending Nominations and Related Actions

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The National Park Service is soliciting electronic comments on the significance of properties nominated before October 17, 2020, for listing or related actions in the National Register of Historic Places.

**DATES:** Comments should be submitted electronically by November 13, 2020.