

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.

[FR Doc. 2020-23988 Filed 10-28-20; 8:45 am]

BILLING CODE 4337-15-P

## 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.

**ADDRESSES:** Comments are encouraged to be submitted electronically to [National\\_Register\\_Submissions@nps.gov](mailto:National_Register_Submissions@nps.gov) with the subject line “Public Comment on <property or proposed district name, (County) State>.” If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

**SUPPLEMENTARY INFORMATION:** The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before October 17, 2020. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

## FLORIDA

### Duval County

Palm Spring Cemetery, (Historic African American Cemeteries in Duval County, Florida (1765–1969) MPS), 11396 Fort Caroline Rd., Jacksonville, MP100005819

### Monroe County

Matecumbe Methodist Church, 81831 Overseas Hwy., Islamorada, SG100005820

### Volusia County

Tomoka Mound and Midden Complex, Address Restricted, Ormond Beach vicinity, SG100005821, Pacetti Hotel, 4928 South Peninsula Dr., Ponce Inlet, SG100005822

## MICHIGAN

### Kent County

American Box Board Company Headquarters and Factory, 470 Market Ave. SW, Grand Rapids, SG100005823

### Ottawa County

Lakewood Farm, 264 North Lake Shore Dr., Park Township, SG100005825

## NEW YORK

### Herkimer County

Hildreth Homestead, 4083 NY 28, Herkimer, SG100005830

## Suffolk County

Bell, Mary E., House, 66 Railroad Ave., Center Moriches, SG100005831

## OHIO

### Noble County

Caldwell Downtown Historic District, Roughly bounded by Spruce, West, Plum, Bridge, and East Sts., Caldwell, SG100005824

## VIRGINIA

### Arlington County

Glebe Apartments, (Garden Apartments, Apartment Houses and Apartment Complexes in Arlington County, Virginia MPS), 210–212 North Glebe Rd., Arlington, MP100005835

### Charlottesville Independent City

Jackson P. Burley High School, 901 Rose Hill Dr., Charlottesville vicinity, SG100005836

### Essex County

Occupacia-Rappahannock Rural Historic District, Roughly bounded by the Essex County line, Supply, Clarkes Store, and Pilkington Rds., the Rappahannock R., Blandfield (028–5084–0510), and Tidewater Trail (US 17) through center, Tappahannock vicinity, SG100005837

## WEST VIRGINIA

### Jackson County

Charmco Building, 606 Morris St., Charleston, SG100005828

### Lewis County

Gum Farmstead Historic District, 3414 Freeman's Creek Rd., Camden vicinity, SG100005827

### Wayne County

First Congregational Church of Ceredo, 600 C St., Ceredo, SG100005826

Additional documentation has been received for the following resources:

## KANSAS

### Harvey County

McKinley Residential Historic District (Additional Documentation), Roughly East 5th St., SE 3rd St., Allison St., Walnut St., Newton, AD08000670

**Authority:** Section 60.13 of 36 CFR part 60.

Dated: October 20, 2020.

### Sherry A. Frear,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2020–24007 Filed 10–28–20; 8:45 am]

**BILLING CODE 4312–52–P**

## ACTION: Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has received an amended complaint entitled *Certain Digital Imaging Devices and Products Containing the Same and Components Thereof, DN 3494*; the Commission is soliciting comments on any public interest issues raised by the amended complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

**FOR FURTHER INFORMATION CONTACT:** Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the amended complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov).

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** The Commission has received an amended complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Pictos Technologies, Inc. on October 23, 2020. The original complaint was filed on September 25, 2020 and a notice of receipt of complaint; solicitation of comments relating to the public interest published in the **Federal Register** on October 1, 2020. The amended complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain digital imaging devices and products containing the same and components thereof. The amended complaint names as respondents: Samsung Electronics Co., Ltd. of Korea; Samsung Electronics America, Inc. of Ridgefield Park, NJ; and Samsung Semiconductor, Inc. of San Jose, CA. The amended complaint alleges infringement of U.S. Patent Nos. 6,838,651; 7,800,145; 7,323,671; and 7,064,768. The complainant requests that the Commission issue a limited

## INTERNATIONAL TRADE COMMISSION

### Notice of Receipt of Amended Complaint; Solicitation of Comments Relating to the Public Interest

**AGENCY:** U.S. International Trade Commission.