

The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department, we) 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 Dry Creek Rancheria Band of Pomo Indians, 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 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.” 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 would 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 the Bureau of Indian Affairs's (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 25 CFR part 162.

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 25 CFR part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by Dry Creek Rancheria Band of Pomo Indians, California.

**William Henry Kirkland, III,**

*Assistant Secretary—Indian Affairs.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[#A2407–014–004–065516; #O2509–014–004–125222]

### Public Land Order No. 7967; National Defense Operating Area Withdrawal, San Diego and Imperial Counties, CA

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order (PLO).

**SUMMARY:** This Order withdraws, subject to valid existing rights, approximately 760.42 acres of Federal lands from settlement, sale, location, and entry under the general land laws, including the United States mining laws, mineral leasing laws, and geothermal leasing laws, for a period of 3 years for use by the Department of the Navy for border security purposes. This withdrawal also transfers administrative jurisdiction of the lands to the Department of the Navy. **DATES:** This PLO takes effect on December 9, 2025.

**FOR FURTHER INFORMATION CONTACT:** Joseph Stout, BLM California State Director, California, telephone: 916–978–4600, email: [josephstout@blm.gov](mailto:josephstout@blm.gov).

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services to contact Mr. Stout. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

#### SUPPLEMENTARY INFORMATION:

#### Order

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1714, and in accordance with subsection 204(e) of that Act, it is determined that an emergency situation exists and that extraordinary measures must be taken to preserve values that would otherwise be lost. It is therefore ordered as follows:

1. Subject to valid existing rights, the following described Federal lands are hereby withdrawn from settlement, sale, location, and entry under the general land laws, including the United States mining laws, mineral leasing laws, and geothermal leasing laws, and jurisdiction over such lands is hereby transferred to the Department of the Navy for border security purposes.

#### Legal Description

A strip of land of the uniform width of 60 feet, lying contiguous to and parallel with the international border between the United States and Mexico, currently subject to the Presidential Proclamation No. 758 Stat. 2136 (May 27, 1907) (commonly known as the "Roosevelt Reservation"), (unless otherwise specified), located in the Counties of San Diego and Imperial, State of California, and situate in the following described locations:

#### San Bernardino Meridian, California

T. 18 S., R. 1 E.,

Sec. 34, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907;

Sec. 35, lots 1 thru 4; being only that strip of land of the uniform width of 60 feet, lying contiguous to and parallel with the international border between the United States and Mexico;

Sec. 36, lots 1 thru 4; being only that strip of land of the uniform width of 50 feet, lying northerly of and adjacent to that certain strip of land, 10 feet in width, which lies northerly of and adjacent to the southerly boundary of lots 1, 2 3, and 4.

T. 18 S., R. 2 E.,

Sec. 31, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907;

Sec. 32, being only that strip of land of the uniform width of 60 feet, lying contiguous to and parallel with lot 5 and the international border between the United States and Mexico, reserved by the Presidential Proclamation of May 27, 1907;

Secs. 35 and 36, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.

T. 18 S., R. 3 E.,

Secs. 25 thru 30, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.

T. 18 S., R. 4 E.,

Secs. 25 thru 30, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.

T. 18 S., R. 5 E.,

Secs. 19 thru 24 and sec. 30, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.

T. 18 S., R. 6 E.,

Secs. 19 thru 24, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.

T. 18 S., R. 7 E.,

Secs. 13 thru 18, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.

T. 18 S., R. 8 E.,

Secs. 7 thru 12 and sec. 18, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.

T. 18 S., R. 9 E.,

Sec. 2 and secs. 7 thru 11, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.

T. 17 S., R. 10 E.,

Secs. 31 thru 35, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.

T. 17 S., R. 11 E.,

Secs. 25 thru 31, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.

T. 17 S., R. 12 E.,

Secs. 24 thru 30, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.

T. 17 S., R. 13 E.,

Sec. 19, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907;

Sec. 20, being only that strip of land of the uniform width of 60 feet, lying contiguous to and parallel with lots 5 and 6, and the international border between the United States and Mexico, reserved by the Presidential Proclamation of May 27, 1907.

T. 17 S., R. 14 E.,

Sec. 19, being only that strip of land of the uniform width of 60 feet, lying contiguous to and parallel with lots 6 and 7, and the international border between the United States and Mexico, reserved by the Presidential Proclamation of May 27, 1907;

Sec. 20, being only that strip of land of the uniform width of 60 feet, lying contiguous to and parallel with lots 1 thru 3, and the international border

between the United States and Mexico, reserved by the Presidential Proclamation of May 27, 1907;

Sec. 23, being only that strip of land of the uniform width of 60 feet, lying contiguous to and parallel with lots 2, 4, and that portion of land in section 23 lying southerly of the SW1/4SE1/4 of section 14, and the international border between the United States and Mexico, reserved by the Presidential Proclamation of May 27, 1907.

T. 17 S., R. 15 E.,

Sec. 13, being only that strip of land of the uniform width of 60 feet, lying contiguous to and parallel with lots 2, 10, and 11, and the international border between the United States and Mexico, reserved by the Presidential Proclamation of May 27, 1907;

Sec. 14, being only that strip of land of the uniform width of 60 feet, lying contiguous to and parallel with lot 1 and the international border between the United States and Mexico, reserved by the Presidential Proclamation of May 27, 1907.

T. 17 S., R. 16 E.,

Sec. 12, being only that strip of land of the uniform width of 60 feet, lying contiguous to and parallel with lots 1 thru 4, and the international border between the United States and Mexico, reserved by the Presidential Proclamation of May 27, 1907;

Sec. 13, being only that strip of land of the uniform width of 60 feet, lying contiguous to and parallel with lot 1 and the international border between the United States and Mexico, reserved by the Presidential Proclamation of May 27, 1907;

Sec. 14, being only that strip of land of the uniform width of 60 feet, lying contiguous to and parallel with lot 1 and the international border between the United States and Mexico, reserved by the Presidential Proclamation of May 27, 1907;

Sec. 15, being only that strip of land of the uniform width of 60 feet, lying contiguous to and parallel with lots 2, 3, 4, 7, and the international border between the United States and Mexico, reserved by the Presidential Proclamation of May 27, 1907;

Sec. 16, being only that strip of land of the uniform width of 60 feet, lying contiguous to and parallel with lots 3, 5, 12 thru 15, and the international border between the United States and Mexico, reserved by the Presidential Proclamation of May 27, 1907;

Sec. 17, being only that strip of land of the uniform width of 60 feet, lying contiguous to and parallel with lots 10 thru 13, and the international border between the United States and Mexico, reserved by the Presidential Proclamation of May 27, 1907;

Sec. 18, being only that strip of land of the uniform width of 60 feet, lying contiguous to and parallel with lots 19 thru 22, and the international border between the United States and Mexico, reserved by the Presidential Proclamation of May 27, 1907.

- T. 17 S., R. 17 E.,  
Secs. 7 thru 12, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.
- T. 17 S., R. 18 E.,  
Secs. 1 and 7 thru 12, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.
- T. 17 S., R. 19 E.,  
Secs. 1 thru 6, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.
- T. 16 S., R. 20 E.,  
Secs. 57 thru 60, unsurveyed (protracted): being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.
- T. 17 S., R. 20 E.,  
Secs. 1 thru 3, unsurveyed (protracted): being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907;  
Secs. 4, 5, and 6, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.
- T. 16 S., R. 21 E.,  
Secs. 31 thru 34, being only that 60 foot strip of land reserved by the Presidential Proclamation of May 27, 1907.

The area described above contains approximately 760.42 acres of Federal lands in San Diego and Imperial Counties, derived from GIS data located in the BLM California State Office.

2. This withdrawal will expire 3 years from the effective date of this Order, unless it is extended in accordance with subsections (c)(1) or (d), whichever is applicable, and (b)(1) of section 204 of Federal Land Policy and Management Act, 43 U.S.C. 1714.

Dated: December 9, 2025.

**Doug Burgum,**

*Secretary of the Interior.*

[FR Doc. 2025–22812 Filed 12–12–25; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Ocean Energy Management

[Docket No. BOEM–2025–0351]

#### Commercial Leasing for Outer Continental Shelf Minerals Offshore the Commonwealth of the Northern Mariana Islands—Request for Information and Interest; Extension of Comment Period and Technical Correction

**AGENCY:** Bureau of Ocean Energy Management, Interior.

**ACTION:** Request for information and interest; extension of the comment period and technical correction.

**SUMMARY:** The Bureau of Ocean Energy Management (BOEM) announces a 30-day extension of the comment period for

the request for information and interest (RFI) for leasing of the Outer Continental Shelf minerals in and around an area offshore the Commonwealth of the Northern Mariana Islands (CNMI), referred to as the RFI Area. BOEM also provides a technical correction in the description of the RFI Area.

**DATES:** BOEM published the RFI on November 12, 2025, and opened a public comment period through December 12, 2025. BOEM is extending this public comment period to January 12, 2026. BOEM must receive all comments, information, and indications of interest in response to this RFI no later than January 12, 2026.

**ADDRESSES:** Please submit indications of interest in commercial leasing electronically via email to [Pacific.Region@boem.gov](mailto:Pacific.Region@boem.gov) or by hard copy by mail to the following address: Bureau of Ocean Energy Management, Pacific Region, Office of Strategic Resources, 760 Paseo Camarillo (CM 102), Camarillo, California 93010. If you elect to mail a hard copy, also include an electronic copy on a portable storage device. Do not submit indications of interest via the Federal eRulemaking Portal.

Please submit all other comments and information as discussed in section 6 of the November 12, 2025, RFI entitled, “Types of Information and Comments Requested,” by either of the following two methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. In the search box at the top of the web page, enter BOEM–2025–0351 and then click “search.” Follow the instructions to submit public comments and to view supporting and related materials.

2. *By mail to the following address:* Bureau of Ocean Energy Management, Pacific Region, Office of Strategic Resources, 760 Paseo Camarillo (CM 102), Camarillo, California 93010.

Treatment of confidential information is addressed in section 8 of the November 12, 2025, RFI entitled, “Protection of Privileged, Personal, or Confidential Information.” BOEM will post all comments received on [regulations.gov](http://www.regulations.gov) unless labeled as confidential and BOEM determines that an exemption from disclosure applies.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Miller, Bureau of Ocean Energy Management, Pacific Region, Office of Strategic Resources, 760 Paseo Camarillo (CM 102), Camarillo, California 93010, at [Pacific.Region@boem.gov](mailto:Pacific.Region@boem.gov) or (805) 384–6305.

**SUPPLEMENTARY INFORMATION:** Comments already submitted for the November 12,

2025, RFI do not need to be resubmitted. Please refer to the RFI published in the **Federal Register** (90 FR 50872) on November 12, 2025, for more information.

#### Technical Correction

In section 5 of the November 12, 2025, RFI entitled, “Description of the RFI Area”, the sentence, “The RFI Area is located west of the Mariana Trench National Monument along the eastern edge of the U.S. Exclusive Economic Zone (Northern Mariana Islands)” is incorrect. The sentence should read as “The RFI Area is located east of the Mariana Trench National Monument along the eastern edge of the U.S. Exclusive Economic Zone (Northern Mariana Islands)” as reflected in Figure 1 of the RFI.

*Authority:* 43 U.S.C. 1337(k)(1) and 30 CFR 581.12.

**James Anderson,**

*Acting Deputy Director Exercising the delegated authority of the Director Bureau of Ocean Energy Management.*

[FR Doc. 2025–22833 Filed 12–12–25; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

[RR03042000, 25XR0680A1, RX.18786000.1000000; OMB Control Number 1006–0015]

#### Agency Information Collection Activities; Diversions, Return Flow, and Consumptive Use of Colorado River Water in the Lower Colorado River Basin

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Reclamation (Reclamation), are proposing to renew and revise an information collection.

**DATES:** Interested persons are invited to submit comments on or before February 13, 2026.

**ADDRESSES:** Send your comments on this information collection request (ICR) by mail to Kerim Dickson, Team Lead, Water Accounting and Verification Group, LCB–4210, Boulder Canyon Operations Office, Interior Region 8: Lower Colorado Basin, Bureau of Reclamation, P.O. Box 61470, Boulder City, NV 89006–1470; or by email to [kdickson@usbr.gov](mailto:kdickson@usbr.gov) with a courtesy copy to [bor-sha-bcooadmin@usbr.gov](mailto:bor-sha-bcooadmin@usbr.gov). Please