Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications duly received in accordance with section 10 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1539, *et seq.*). Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species, and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973, as amended.

Name issued	Permit No.	Date
Dr. Daniel Soluk	PRT 805269	10/23/95
Platteville Public Schools	PRT 806718	([1])
Charles R. Bomar	PRT 808510	3/22/96
U.S. Department of Energy	PRT 809224	1/30/96
Dr. Marian Smith	PRT 809225	1/30/96
3D/Environmental (Virgil Brack)	PRT 809227	2/27/96
Dr. Allen Kurta	PRT 809630	2/27/96
U.S. Department of the Army/COE	PRT 809890	3/4/96
Dr. David Edds	PRT 809949	2/27/96
Dr. Patrick Redig	PRT 810396	3/18/96

[1] Abandoned.

Additional information on these permit actions may be requested by contacting the U.S. Fish and Wildlife Service, Division of Endangered Species, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, telephone 612/725–3536 x250, during normal business hours (7:30 a.m.–4:00 p.m.) weekdays.

Dated: April 3, 1996.

John A. Blankenship,

Assistant Regional Director, Ecological Services, Region 3, Fish and Wildlife Service, Fort Snelling, Minnesota.

[FR Doc. 96–8778 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–55–M

Revised Procedures for Selecting and Funding Federal Aid in Sport Fish and Wildlife Restoration Administrative Projects

AGENCY: Interior, Fish and Wildlife Service.

ACTION: Notice.

SUMMARY: The Service is announcing procedures for obtaining funding for Federal Aid administrative projects and availability of an estimated $1,600,000 for Wildlife Restoration projects and $750,000 for Sport Fish projects. This year's program eliminates several eligibility requirements, updates focus areas, and clarifies documentation needs from the previous year.

DATES: Applications/proposals must be received by June 1, 1996.

ADDRESSES: Proposals must be submitted to: U.S. Fish and Wildlife Service, Chief, Division of Federal Aid, MS 140 ARLSQ, 4401 North Fairfax Drive, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Mr. Robert D. Lange, Jr., Chief, Division of Federal Aid, U.S. Fish and Wildlife Service; (703) 358–2156.

SUPPLEMENTARY INFORMATION: The Service publishes a notice in the Federal Register each year announcing the deadline for project proposals, the amount of money available for Sport Fish and Wildlife Restoration projects, and the focus areas identified for the year. Focus areas are used to promote and encourage efforts that address priority needs of the State fish and wildlife agencies.

The focus areas contained in this notice were developed in cooperation with the Grants-in-Aid Committee of the International Association of Fish and Wildlife Agencies and represent that group's assessment of priority projects. The focus areas are provided as a guide so that applicants will know the types of projects that will likely score higher in the rankings.

Several changes have been made since the last year's program. Previously, both eligibility requirements and selection criteria were specified. These have been combined this year to clarify requirements. Also any limitation on the amount of funding that may be requested is eliminated and extending a project longer than three years is possible. Some documentation changes were made to be consistent with standard documentation contained in 43 CFR Part 12. Advance notice is also given that proposals will be required by May 1 in future selection processes following this year.

States, local governments, charitable and educational institutions, and other authorized recipients are authorized to apply for grants according to these procedures. The Department of the Interior has promulgated rules (43 CFR Part 12) adopting common rules developed by the Office of Management and Budget as required by OMB Circulars A–102 and A–110 that contain administrative requirements that apply to these grants. This annual grant program does not contain information collection requirements for which approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995, as specified in 43 CFR Part 12.4 are required. The information collection requirements for this grant program are those necessary to comply with 43 CFR Part 12, which include (a) project narrative; and (b) compliance with Federal laws, regulations, and policies.

Record keeping includes the tracking of costs and accomplishments, monitoring progress and evaluating accomplishments, and reporting requirements. The Standard Form 424 series prescribed by OMB Circulars A–102 and A–110 have the OMB clearance number 0348–0043.

Dated: March 29, 1996.

John G. Rogers,

Deputy Director.

Procedures for Selecting and Funding Federal Aid in Sport Fish and Wildlife Restoration Administrative Projects

A. Purpose

This statement establishes procedures for selecting administrative projects to be funded by the Federal Aid in Sport Fish Restoration and Federal Aid in Wildlife Restoration programs. These projects are funded by grants to States, local governments, charitable and educational institutions, or other authorized recipients to accomplish public purposes relating to administering the Sport Fish and Wildlife Restoration Programs and to facilitate the efforts of the States in implementing these programs.

B. Background

The mission of the two grant programs is to strengthen the ability of State and Territorial fish and wildlife agencies to meet effectively the consumptive and nonconsumptive needs of the public for fish and wildlife resources. The Federal Aid in Sport Fish Restoration Act and the Federal Aid in Wildlife Restoration Act authorize the Secretary of the Interior to cooperate with the States and to use administrative funds for carrying out the purposes of the Acts. The Fish and Wildlife Coordination Act (16 U.S.C. 661) provides the authority to provide financial assistance to Federal, State, and public or private parties to facilitate fish and wildlife programs.

Administrative funds are deducted each year from the total amounts of funds available under the Federal Aid in Sport Fish Restoration Act and the Federal Aid in Wildlife Restoration Act. The statutory provisions related to administrative deductions are as follows:

Federal Aid in Sport Fish Restoration (SFR)—Federal Aid Administrative Funds for sport fish restoration may not exceed 6 percent of the deposits in the SFR Account of the Aquatic Resources Trust Fund. These funds may be used for administrative projects for the ''conduct of necessary investigations, administration, and the execution of this Act and for the aiding in the formulation, adoption, or administration of any compact between two or more States for the conservation and management of migratory fishes in marine or fresh waters.'' (Section 4 of the Act as amended by Pub. L. 98–369, 16 U.S.C. 777c)

Federal Aid in Wildlife Restoration (WR)—Federal Aid Administrative Funds for wildlife restoration may not exceed 8 percent of the excise tax receipts deposited in the WR Fund. These funds may be used for the ''administration and execution of this Act and the Migratory Bird Conservation Act.'' (Section 4 of the Act, 16 U.S.C. 669c)

After making administrative deductions as specified above, the remainder of the funds will be apportioned to the States in accordance with the formulas contained in the Acts. The Service will strive to minimize administrative deductions in order to maximize apportionments to the States.

C. Availability of Funds

In fiscal year 1997, the amounts of funds estimated to be available for administrative projects are $750,000 for sport fish restoration and $1,600,000 for wildlife restoration.

D. Interstate Compacts

The Service also will make available a total of $600,000 annually, without competition, for funding The Atlantic States Marine Fisheries Commission, Gulf States Marine Fisheries Commission, and Pacific States Marine Fisheries Commission, as authorized by law. Requests for additional amounts that may be eligible, must compete with other proposals for Administrative Funds. Proposals will be subject to all of the requirements in Section E.

E. Eligibility Requirements

The Service's Division of Federal Aid will review each proposal to determine if proposals are eligible for funding. To be eligible for funding, proposals must meet the following:

1. Authority—The project being proposed must be consistent with the missions of the programs authorized by the SFR/WR laws and regulations.

2. Scope—The problem or need addressed in the proposal is of direct concern to one-half or more of the States or of national significance, but confined to a lesser geographic area. The scope of marine resources proposals must also address a need that is of direct concern to a majority of States on a specific coast.

3. Significance—The problem or need addressed it deserving of the level of attention proposed.

4. Feasibility—The proposed objectives can be attained in the amount of time and with the personnel and resources requested.

5. Cost-effectiveness—The expected results of accomplishing the proposal are worth the costs to be expended.

6. Period—The maximum duration for any approved projects will be three years. New proposals may be submitted to extend a project beyond the original three-year period.

7. Documentation—Proposals must address each section of the documentation as listed under Submission Requirements. Section G.

F. Application Process

1. All proposals including funding requests for administrative projects must be submitted to the Chief, Division of Federal Aid, U.S. Fish and Wildlife Service. 4401 North Fairfax Drive. ARLSQ. 140, Arlington, Virginia 22203. Proposals originating within the Service must have prior approval by the appropriate Regional Director or Assistant Director.

2. Each year, a Notice will be published in the Federal Register announcing the deadline for submitting proposals. The Notice will also announce total funds available for wildlife and sport fish restoration projects. A table with the approximate dates for each step of the process is provided in Appendix A.

G. Submission Requirements

An original and two copies of each proposal for Federal Aid Administrative funds must be submitted in the following format:

1. *Application of Federal Assistance* Standard Form 424 is prescribed by Office of Management and Budget Circular A–110 and the common rule (Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments). The SF 424 consists of a cover sheet and the SF 424b consists of compliance assurances. Proposals received without these forms will be accepted, but the forms must be received before the proposal is considered for award.

2. *Title—A short descriptive name of the proposal.*

3. *Objective—What will this proposal do? State a concise statement of the purpose of the proposal in quantified terms where possible.*

4. *Need—Why address this problem?*

a. State the problem or need that this proposal is intended to address. Make references to any focus areas that the proposal address.

b. Describe the number of states affected by the project, how they will benefit, and expressed support for the proposal. If the proposal is confined to a specific geographic area, describe the national significance of the proposal.

c. Brief status report on the history of previous work conducted by the proposer or others to address this need.

5. *Expected Results or Benefits*—What will be gained by funding this proposal? Describe the significance of accomplishing the project relative to the stated need. Relate benefits of satisfactorily completing the project to the States' fish and wildlife programs. In addition to stating how the results will be useful, describe provisions for making the product or results available and usable to those affected by the problem or need. Benefits should be expressed in quantified terms, i.e., angler days, harvest per unit effort, improvements to State administration, dollars saved, etc.

6. *Approach*—How will the proposed project be conducted? Describe how the work will be conducted including a description of techniques and methods to be used, milestones, and a schedule of accomplishments.

7. *Resumes*—What are the qualifications of key personnel? Include resumes and names of key individuals

who will be involved in the project, stating their particular qualifications for undertaking the project.

8. *Project Costs*—Submit cost estimates showing total project costs and the Federal and non-Federal shares. Multi-year proposals must include an itemized budget showing funds required for each severable part of the proposal. A severable part is defined as that portion of a proposal that results in a completed product or service. The following are to be included as part of the itemized budget:

a. Personnel.

(1) Include salaries of employees (by position title), amount of the salaries to be charged to the project and identify the percent of each person's time to be spent on the project.

(2) Identify fringe benefits (amount only)—This entry should be the proportionate cost of fringe benefits paid for time spent on the project. For example, if an employee spends 20 percent of his/her time on the project, 20 percent of his/her fringe benefits are charged to the project.

b. Consultants—Identify specific tasks and work to be performed by consultants, including the basis for the fee paid, e.g., hourly rate.

c. Contracts—Identify all work to be performed by contract. If a commitment is made with a particular vendor, prior to applying for funding, explain how the vendor was selected, type of contract, deliverables expected, time frame, cost, and basis for the cost.

d. Travel and Per Diem—Identify number of trips to be taken, purpose, and number of people to travel. Itemize estimated costs and include transportation, per diem, and miscellaneous expenses. Travel expenses shall be in accordance with rates specified by Federal travel regulations. Registration fees may also be included.

e. Equipment—Identify equipment or items to be purchased or rented.

f. Supplies—Identify supplies to be purchased specifically for use by the project. Items used in common by several projects may be included in indirect costs.

g. Indirect Costs—Identify those indirect costs that are based on approved indirect costs rates with the Federal Government. Estimates may be included pending approval of a negotiated Federal indirect cost rate.

h. Other Costs—Identify any other costs not identified above that are attributable to the project.

Appendix B contains a sample proposal along with explanations.

H. Focus Areas

Focus areas are those specific areas in which the States are seeking information and assistance in administering or implementing the Sport Fish and Wildlife Restoration programs. Focus areas will be announced each year by the Service, based on recommendations from the Grants-In-Aid Committee (GIAC) in accordance with the bylaws of the International Association of Fish and Wildlife Agencies (IAFW). Each year, the GIAC will be asked to submit recommendations for focus areas after its September meeting. Each year a Federal Register Notice will announce the Focus Areas, along with the amount of funds available for administrative projects.

The following focus areas were identified as priority needs of the States and those proposals addressing these needs will likely be given priority by the States during the ranking in 1996.

1. *Management*—Handling, directing, manipulating, and managing fish and wildlife populations. These focus areas directly link to resource, hands-on responsibilities of fish and wildlife management agencies.

a. Restore, create, enhance, and protect fish and wildlife.

b. Advance, understanding of population dynamics of fish and wildlife populations.

c. Advance or facilitate ecosystem based habitat restoration.

d. Provide for advancement of collection and management of resource data on a regional or national basis.

e. Facilitate river basin/watershed habitat enhancement or restoration.

f. Advance understanding of the impact of harvest on fish and wildlife populations.

g. Coordination on regional, State/Federal management programs, policies, and procedures.

h. Develop alternatives for registering drugs used for fish production.

i. Review or asses impacts of the 1990 Farm Bill on fish and wildlife.

j. Provision of public access.

2. *Education*—Teaching or training people about fish and wildlife resources and the wise use of the resources.

a. Promoting natural resources and environmental education of ''K through 12'' students.

b. Advancing public understanding of the importance of biological diversity in maintaining diverse hunting and fishing opportunities.

c. Better understanding of constituents and their needs.

d. Educating the public on the need for and appropriateness of regulations in natural resource management.

e. New approaches for teaching hunting and fishing ethics.

f. Continuing education and training for State fish and wildlife biologists.

g. Identification and enhancement of innovative training devices, such as interactive video, for use in hunter and aquatic education.

3. *Outreach*—Public information on fishing, hunting, trapping, and wildlife-associated recreation.

a. Innovative approaches to introducing people to hunting and fishing including emphasis on families.

b. Focusing public attention on the value of SFR/WR funds.

c. Involvement in fish and wildlife conservation on private lands.

d. Promotional materials and opportunities advancing public involvement in fish and wildlife resources.

e. Fact sheets and other information to license holders on fish and wildlife status and activities.

4. *Research*—Investigations, inquiries, searches, examinations, and experiments for the discovery and interpretation of facts.

a. Effectiveness of habitat restoration, creation, and enhancement techniques.

b. Testing and evaluating alternative methodologies for management and collection of resource data.

c. Accumulation and synthesis of existing databases.

d. Effects of man-induced activities on the environment.

5. *Administration*—Service, supervisory, and management responsibilities supporting fish and wildlife agency affairs.

a. Measuring the changing social, economic, and political realms within which fish and wildlife must be managed.

b. Evaluations and recommendations relating to future funding needs and sources for wildlife agencies.

c. Identification and documentation of human dimension aspects of fish and wildlife management.

d. Advancement of automated licensing and fiscal data collections for fish and wildlife agencies.

I. Proposal Review and Selection Process

1. Each proposal will be reviewed for eligibility as defined in section E. The review will be conducted by the Washington Office. The final determination for eligibility will be made at a meeting that includes staff from Washington, with the Chair of the GIAC as an observer.

2. All applicants will be notified that their proposal has been determined eligible or ineligible.

3. Copies of eligible proposals will be forwarded to the Chair, GIAC, along with lists of ongoing grants and ineligible proposals. The Chair, GIAC, will forward copies to the voting members of the GIAC.

4. Voting members of the GIAC will review and rate each eligible proposal high, medium or low.

5. All ratings from GIAC voting members and comments from Service Offices will be returned to the Division of Federal Aid in Washington.

6. The Division of Federal Aid will summarize the ratings and comments.

7. A summary of the comments and ratings will be provided to the Chair, GIAC, for review at the GIAC September meeting.

8. During the September meeting of the IAFWA, the GIAC will evaluate and rank eligible proposals based on the needs of the States. The GIAC will forward its rankings and recommendations to the Service in accordance with IAFWA procedures.

9. The Division of Federal Aid will summarize and consolidate all rankings and comments and develop recommendations for proposal selections and awards. The recommendations may be for partial funding of any proposal.

10. The Federal Aid Division's recommendations will be forwarded to the Director of the Service. The Director will review the recommendations and make the final decision on project selections and funding.

11. The Service will notify each eligible applicant in writing of the final disposition of their proposal.

12. The Director will notify the Regional Directors and the Chair, GIAC, of the proposals selected for funding.

K. Lobbying Restrictions

During the review of proposals, grant applicants may not engage in any activities that might be considered as attempts to influence reviewers or approving officials. If the activities are determined to be lobbying, the proposal will be disqualified for Federal Aid Administrative Funds.

J. Awards and Funding

1. The Service's Division of Contracting and General Services will prepare and sign the formal award agreements. The Federal Aid Office may provide technical assistance to the Division of Contracting and General Services in finalizing the award agreements. The formal award agreements will be forwarded to the awardees for signature and must be signed by the Service and authorized awardee officials before they become valid agreements. This process may require up to 60 days to complete. The Service is not responsible for costs incurred prior to the effective date of a signed agreement; therefore, the starting date for all projects should be planned accordingly.

2. All funding must comply with the *bona fide* need rule established by 31 USC 1502a requiring that the entire amount of a project must be obligated in the fiscal year the grant is approved unless the project is severable. A project is severable only if it can be separated into components that independently meet a separate need.

3. Non-profit grantees must maintain a financial management system in accordance with the Office of Management and Budget Circular A–110. State and local governments must maintain a financial management system in accordance with OMB Circular A–102 and 43 CFR Part 12.

K. Project Administration

Proposals awarded funding will be assigned to a Project Officer. Project Officers are those persons representing the Contracting Officer on technical matters relating to the responsibilities of the grantee. They provide assistance that includes:

1. Assisting Service contracting officials in completing the award agreement;

2. Serving as the Service's point of contact after the award agreement is signed;

3. Receiving and approving bills; and

4. Monitoring project performance and assuring that the awardee adheres to the award agreement.

SUMMARY OF EVENTS—APPENDIX A

Target date	Event
April 1	Federal Register Notice announcing availability of Federal Aid Funds and focus areas for grant applications.
June 1	Washington Office receives proposals.
June 30	Washington Office with assistance from the Regions determines eligibility (Chair of the Grants-in-Aid Committee (GIAC) participates as an observer.
July 15	Service forwards copies of eligible proposals to voting members of the GIAC (includes summary list of ongoing grants and list of ineligible proposals).
July 15	Service sends letters to all applicants informing them that their proposal is eligible or ineligible.
August 15	Voting members of the GIAC forward comments and rating to Chief, FA (Ratings of High, Medium or Low).
September 1	Chief, FA, summarizes comments and ratings and forwards to Chair, GIAC, for review at the September meeting.
September 15	GIAC reviews and ranks proposals and forwards rankings and recommendations to Service, along with recommendations for Focus Areas for the following year.
October 31	Federal Aid summarizes all rankings and recommendations for consideration by the Director.
November 15	Director selects proposals for funding.
November 30	Federal Aid notifies applicants and Chair, GIAC, of the final disposition of proposals.
March 1	Contracting and General Services awards grants.

Sample Proposal for Federal Aid Administrative Funds—Submitted by Gwyilt Institute

I. *Title*: Economic Profiles. Data Analysis, and Survey Design for Sport Fishing.

II. *Objective*: The Gywllt Institute (Institute) proposes to produce State-specific reports on the retail sales, jobs, wages and salaries, years of employment, output, and tax receipts generated by sport fishing in each State.

III. *Need*: In the Fall of 1987 the U.S. Fish and Wildlife Service (Service) released the data tapes of the 1985 National Survey of Fishing, Hunting and Wildlife-Associated Recreation. There is no other comprehensive source of national information on the economic impact of sport fishing on State economies. In their current form the data tapes are not easy for the States to use.

All States can use this information to evaluate the benefits of sport fishing to their economies, to support programs that enhance sport fishing opportunities, and assess the effectiveness of their programs. The

Grant-in-Aid Committee has identified a focus area entitled ''projects that provide for standardized economic analysis of fish and/or wildlife resource benefits at the national and State levels'' that this proposal will address.

This data has not been analyzed previously and presented in a user-friendly manner. However the Institute has demonstrated the ability to accomplish the analysis as evidenced by a similar analysis of boating recreation.

IV. *Expected Results of Benefits*: In 1985, 46.4 million anglers spent 976.6 million days and $28.1 billion pursing their sport. It is anticipated that providing economic profiles for each State will allow State Commissioners of fish and game agencies to argue effectively for the necessary dollars to manage the fishery resources from their respective State legislature. We conservatively estimate that an additional 5 percent of shared resources will be reallocated to recreational anglers.

V. *Approach*: The Institute will provide each State with a specially designed software package for State-specific economic impact analysis. The differences between the results of the National Survey and State data collection efforts pertaining to the economic impact of sport fishing will be analyzed by the Institute. The results of this analysis will be used to make recommendations for the design of future surveys, as well as a standardized format for economic questions on State surveys.

A. Description of Work/Objectives

1. The Grantee shall provide to each of the 50 States. Lotus 1–2–3 (or facsimile) spreadsheets that contain trade margins, location quotients, economic multipliers, and tax rates specific to each of the States. The Grantee shall provide a manual to accompany the spreadsheets that will contain detailed instructions on how to use and modify the spreadsheets to derive the economic impacts of sport fishing, hunting, and wildlife-associated recreation.

2. The Grantee shall download all data from the National Survey from the data tapes to State-specific diskettes. The fishing, hunting and wildlife-associated data shall be on separate diskettes. The diskettes must be accompanied by a software package that allows users to download the data from the diskettes to a Lotus 1–2–3 (or facsimile) spreadsheet.

3. The Grantee shall inform State Directors that workshops will be held by the Institute in each of the Regions of the Service to train State agency and Service personnel on how to use the spreadsheets to analyze the economic impact of fishing or other natural resource uses, using State data or Service data. These sessions will be held in conjunction with the Regional Federal Aid meetings or the Regional meetings of the International Association of Fish and Wildlife Agencies. These sessions will be at no cost to the Government.

4. The Grantee shall assist States by compiling and analyzing State-specific studies and work with States toward assembling data into a format useful for economic impact analysis.

5. The Grantee shall develop recommendations for modifications, if needed, to the design of the 1990 Survey and work with the Responsive Management Project on their economic modules.

6. The following milestones are applicable to paragraphs 1 through 5 above.

a. On a monthly basis, the Grantee shall submit written progress reports to the Service Project Officer. Each report shall contain a summary of the Grantee's efforts and activities for the reporting period, including problems encountered and efforts undertaken for their resolution.

b. Within four months after the effective date of this Agreement, the Grantee shall distribute to each of the 50 States the following items:

(1) Data diskettes

(2) Software to access data diskettes

(3) Manual for diskettes and software

c. Within six months after the effective date of this Agreement, the Grantee shall distribute to each of the 50 States the following items:

(1) Economic Impact Spreadsheets

(2) Manual for Economic Impact Spreadsheets, and

(3) Existing State data and studies.

d. During months five through 12, the Grantee shall participate in the planned training sessions. (See section A.3 Description of Work/Objectives.)

e. Within eight months after the effective date of this Agreement, the Grantee shall prepare the State data in the Impact format.

f. Within 10 months after the effective date of this Agreement, the Grantee shall distribute copies of the Economic Impact Manual and comments. One copy shall be submitted to the Service Project Officer.

g. Within 11 months after the effective date of this Agreement, the Grantee shall submit to the Service Project Office an original and one copy of recommendations for the 1990 Survey.

V. *Resumes:* See attached resumes for Mr. Jones, Project Manager; Mr. Smith, Resource Economist; and Ms. Able, consultant.

VI. *Project Cost:*

A. Personnel:		
Project Manager/Senior Economist (2 months)	=$8,000	
Resource Economist (12 months)	=$35,000	
Secretary (six months)	=$10,000	
Subtotal	$53,000	
Fringe benefits @ 20% Total	$63,000	$63,000
B. Consultant:		
Computer Programmer (one month)	$5,000	$5,000
C. Travel and Per Diem (To consult with Federal Aid—Seattle, WA, to Washington, D.C.:		
Size of staff—One		
Duration (days)—Three		
Air Fare	=$385	
Per Diem	=$240	
Rental Car	=$75	
Total	$700	$700
D. Equipment:		
Diskette Storage Cabinet	=$1,300	
Mainframe Computer Time (100 hrs. @ $50)	=$5,000	
Total	$6,300	$6,300
E. Supplies:		

Diskettes (3,500 @ $1.00)	=$3,500	
Printing (50 Manuals @ $20)	=$1,000	
Subtotal	$4,500	$4,500
		$79,500
F. Indirect Costs @ 12% (rate as established by previous Federal audit)	=$9,540	$9,540
Grand Total	$89,040	$89,040

Note: Cost of training sessions is being funded by other than Federal Government sources.

[FR Doc. 96–8589 Filed 4–8–96; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Indian Affairs

[K00360–95/35420]

Final Determination for Federal Acknowledgment of the Samish Tribal Organization as an Indian Tribe

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of final determination.

SUMMARY: This determination is made pursuant to the acknowledgment regulations, 25 CFR Part 83, that became effective October 2, 1978. All citations are to those regulations unless otherwise stated.

Pursuant to 25 CFR § 83.9(h), notice is hereby given that the Assistant Secretary—Indian Affairs has determined that the Samish Tribal Organization (STO) exists as an Indian tribe within the meaning of Federal law.

This notice is based on a determination that the Samish Tribal Organization meets all of the seven mandatory criteria for acknowledgment set forth in 25 CFR § 83.7 and, therefore, meets the requirements necessary for a government-to-government relationship with the United States.

DATES: This determination is final and will become effective 60 days after the date on which this notice appears in the Federal Register unless the Secretary of the Interior requests a reconsideration by the Assistant Secretary—Indian Affairs pursuant to 25 CFR § 83.10(a)–(c).

FOR FURTHER INFORMATION CONTACT: Office of the Assistant Secretary—Indian Affairs, (202) 208–7163.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs (ASIA) by 209 DM 8.

This determination is made under the acknowledgment regulations, 25 CFR Part 83, which became effective in 1978. All citations are to those 1978 regulations. Revised acknowledgment regulations became effective March 28, 1994 (59 FR 9280). Petitioners under active consideration at the time the revised regulations became effective on March 28, 1994, were given the option to be considered under the revised regulations or the previous regulations. The Samish Tribal Organization requested in writing to be considered under the 1978 regulations.

A final determination to decline to acknowledge the Samish Tribal Organization as a tribe was published in the Federal Register on February 5, 1987 (52 FR 3709). The Secretary declined a request for reconsideration and the determination became effective May 6, 1987. In 1992 in *Greene* versus *United States*, the court declined to consider whether the STO had treaty fishing rights. However, the court vacated the 1987 determination on the grounds that a formal hearing had not been given to the petitioner on the question of its tribal status in connection with the eligibility of its members for Federal programs. The court ordered that a new hearing be held which conformed to the requirements of the Administrative Procedures Act. The Assistant Secretary's determination does not include a determination of the nature or extent of the rights, if any, of the STO or its members to fish pursuant to any treaty.

Under instructions from the court and agreements between the parties, proceedings before an Administrative Law Judge (ALJ) of the Department of Interior's Office of Hearings and Appeals began in 1992. A formal hearing before the ALJ was held in Seattle, Washington, from August 22 to August 30, 1994. The court's instructions required the ALJ to make a recommended decision to the Assistant Secretary—Indian Affairs on whether the STO should be acknowledged to exist as an Indian tribe.

The ALJ signed a recommended decision to acknowledge the Samish Tribal Organization on August 31, 1995. This recommended decision was forwarded through the Director, Office of Hearings and Appeals, and received by the Assistant Secretary on September 11, 1995. Under the procedures established by the court, the parties and *amici curiae* had 30 days from the receipt of the decision by the ASIA, or until October 11, 1995, to submit comments to the ASIA on the ALJ's recommended decision. The procedures also provided that the ASIA would issue a final determination within 30 days of receipt of comments.

Comments opposing acknowledgment were received from the Swinomish Tribal Community, the Tulalip Tribes Inc., and the Upper Skagit Tribe. Comments were received from the STO urging the approval of the recommended decision, commenting on the implementation process and suggesting remedial actions to the STO deemed necessary. The chairperson of STO by memorandum of September 15 requested a meeting with the ASIA on September 27 to discuss formal recognition and to begin the budget and natural resources process. The requested meeting with the ASIA was not held, although the former tribal chairman did speak with the ASIA briefly at a conference at the end of October. Comments were also provided to the ASIA by the Bureau of Indian Affairs, which did not participate in the deliberations on this decision.

The Assistant Secretary has determined to acknowledge the existence of the STO as an Indian tribe. The reasoning underlying her determination incorporates some of the ALJ's findings and rejects other findings. The determination incorporates additional findings based on the administrative record, including materials presented in the hearing, in order to document in the final determination that the STO satisfied mandatory criteria that the ALJ's decision did not specifically address.

In the 1987 determination, vacated by the court, the STO was found to meet the criteria in §§ 83.7 (d), (f) and (g). Both parties to the 1992 proceedings accepted that those criteria were met by the Samish Tribal Organization. No evidence or arguments were submitted sufficient to refute the proposed finding that the Samish Tribal Organization met criteria d, f, and g. Consequently, they were not at issue in the proceedings before the ALJ. We find for purposes of this decision that the Samish Tribal Organization meets the criteria in