

whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision to lease/convey under the R&PP Act, or any other factor not directly related to the suitability of the land for R&PP use.

Before including your address, phone number, e-mail 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. Only written comments submitted by postal service or overnight mail to the Field Manager, BLM Carson City Field Office, will be considered properly filed. Electronic mail, facsimile, or telephone comments will not be considered properly filed.

Any adverse comments will be reviewed by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification of the land described in this notice will become effective on March 17, 2008. The land will not be available for lease/conveyance until after the classification becomes effective.

(Authority: 43 CFR 2741.5)

Dated: January 9, 2008.

**Don Hicks,**

*Carson City Field Office Manager.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[OR-027-1020-PI-020H; HAG-08-0041]

#### Notice of Solicitation of Applications for the Steens Mountain Advisory Council

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

**ACTION:** Notice: Solicitation of Applications.

**SUMMARY:** The Bureau of Land Management is requesting public applications to fill four expired terms on

the Steens Mountain Advisory Council. Applications will be accepted for a person who is a local environmental representative, a person who is a grazing permittee in the Steens Mountain Cooperative Management and Protection Area, a person with expertise and interest in wild horse management, and a person who is a member of the dispersed recreation community on the Steens Mountain.

**DATES:** Send all applications to the address listed below no later than February 19, 2008.

**ADDRESSES:** Applicants can obtain application forms from Kevin Thissell, Temporary Steens Mountain Advisory Council Coordinator, Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738, (541) 573-4541, or *Kevin.Thissell@blm.gov*. Send all application materials to this address prior to the closing date listed above.

**SUPPLEMENTARY INFORMATION:** The Steens Mountain Advisory Council advises the Bureau of Land Management on the management of the Steens Mountain Cooperative Management and Protection Area as described in Public Law 106-399. Each member will be a person who, as a result of training and experience, has knowledge or special expertise that qualifies him or her to provide advice from the categories of interest identified above.

These positions will be for the full term of 3 years, expiring in October of 2011.

The Steens Mountain Advisory Council members serve without monetary compensation, but are reimbursed for travel and per diem expenses at current rates for government employees. The Steens Mountain Advisory Council meets only at the call of the Designated Federal Official, but not less than once per year.

The following must accompany all applications: A completed background information application form; letters of reference from the constituency to be represented; and any other information that details the applicant's qualifications.

The letter of application should specify the category the applicant would like to represent. Application forms and letters of reference will be reviewed by the County Court of Harney County and the Bureau of Land Management. The Bureau of Land Management will then forward recommended nominations to the Secretary of the Interior, who has responsibility for making the appointments.

Dated: January 11, 2008.

**Dana R. Shuford,**

*District Manager.*

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## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### List of Programs Eligible for Inclusion in Fiscal Year 2008 Funding Agreements To Be Negotiated With Self-Governance Tribes

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice lists programs or portions of programs that are eligible for inclusion in Fiscal Year 2008 funding agreements with self-governance tribes and lists programmatic targets.

**DATES:** This notice expires on September 30, 2008.

**ADDRESSES:** Inquiries or comments regarding this notice may be directed to Shirley M. Conway, Regulations Manager, Minerals Revenue Management, Minerals Management Service, 1849 C Street, NW., MS 5557 MIB, Washington, DC 20240.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Title IV of the Indian Self-Determination Act Amendments of 1994 (Pub.L. 103-413, the "Tribal Self-Governance Act" or the "Act") instituted a permanent self-governance program at the Department of the Interior. Under the self-governance program certain programs, services, functions, and activities, or portions thereof, in the Department's bureaus other than the Bureau of Indian Affairs (BIA) are eligible to be planned, conducted, consolidated, and administered by a self-governance tribal government.

Under section 405(c) of the Act, the Secretary of the Interior is required to publish annually: (1) A list of non-BIA programs, services, functions, and activities, or portions thereof, that are eligible for inclusion in agreements negotiated under the self-governance program; and (2) programmatic targets for these bureaus.

Under the Act, two categories of non-BIA programs are eligible for self-governance funding agreements: (1) Under section 403(b)(2) of the Act, any non-BIA program, service, function or activity that is administered by the Department that is "otherwise available to Indian tribes or Indians," can be

administered by a tribal government through a self-governance funding agreement. The Department interprets this provision to authorize the inclusion of programs eligible for self-determination contracts under Title I of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638, as amended). Section 403(b)(2) also specifies "nothing in this subsection may be construed to provide any tribe with a preference with respect to the opportunity of the tribe to administer programs, services, functions and activities, or portions thereof, unless such preference is otherwise provided by law." (2) Under section 403(c) of the Act, the Secretary may include other programs, services, functions, and activities or portions thereof that are of "special geographic, historical, or cultural significance" to a self-governance tribe.

Under section 403(k) of the Act, funding agreements cannot include programs, services, functions, or activities that are inherently Federal or where the statute establishing the existing program does not authorize the type of participation sought by the tribe. However, a tribe (or tribes) need not be identified in the authorizing statutes in order for a program or element to be included in a self-governance funding agreement. While general legal and policy guidance regarding what constitutes an inherently Federal function exists, we will determine whether a specific function is inherently Federal on a case-by-case basis considering the totality of circumstances.

The Office of Self-Governance requested comments on the proposed list on June 14, 2006. A number of editorial and technical changes were provided by Interior's bureaus and incorporated into this Notice. While the Notice of June 14, 2006, illustrated all eligible non-BIA programs for the Department, this Notice is particular to Minerals Management Service (MMS).

## II. Eligible Non-BIA Programs of the Minerals Management Service

Below is a listing of the types of non-BIA programs, or portions thereof, that may be eligible for self-governance funding agreements because they are either "otherwise available to Indians" under Title I and not precluded by any other law, or may have "special geographic, historical, or cultural significance" to a participating tribe. The list represents the most current information on programs potentially available to tribes under a self-governance funding agreement.

The MMS will also consider for inclusion in funding agreements other programs or activities not included below, but which, upon request of a self-governance tribe, MMS determines to be eligible under either sections 403(b)(2) or 403(c) of the Act. Tribes with an interest in such potential agreements are encouraged to begin such discussions.

The MMS provides stewardship of America's offshore resources and collects revenues generated from mineral leases on Federal and Indian lands. The MMS is responsible for the management of the Federal Outer Continental Shelf, which are submerged lands off the coasts that have significant energy and mineral resources. Within the Offshore Minerals Management program, environmental impact assessments and statements, and environmental studies may be available if a self-governance tribe demonstrates a special geographic, cultural or historical connection.

The MMS also offers mineral-owning tribes other opportunities to become involved in its Minerals Revenue Management (MRM) functions. These programs address the intent of tribal self-governance but are available regardless of self-governance intentions or status and are a good prerequisite for assuming other technical functions. Generally, MRM functions are available to tribes because of the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) at 30 U.S.C. 1701. The MRM functions that may be available to self-governance tribes includes:

1. *Audit of Tribal Royalty Payments.* Audit activities for tribal leases, except for the issuance of orders, final valuation decisions, and other enforcement activities. (For tribes already participating in MMS cooperative audits, this program is offered as an option.)

2. *Verification of Tribal Royalty Payments.* Financial compliance verification and monitoring activities, and production verification.

3. *Tribal Royalty Reporting, Accounting, and Data Management.* Establishment and management of royalty reporting and accounting systems including document processing, production reporting, reference data (lease, payor, agreement) management, billing and general ledger.

4. *Tribal Royalty Valuation.* Preliminary analysis and recommendations for valuation and allowance determinations and approvals.

5. *Royalty Management of Allotted Leases.* Mineral revenue collections of allotted leases, provided that MMS

consults with and obtains written approval from affected individual Indian mineral owners to delegate this responsibility to the tribe.

6. *On-line Monitoring of Royalties and Accounts.* On-line computer access to reports, payments, and royalty information contained in MMS accounts. The MMS will install equipment at tribal locations, train tribal staff, and assist tribes in researching and monitoring all payments, reports, accounts, and historical information regarding their leases.

7. *Royalty Internship Program.* An orientation and training program for auditors and accountants from mineral producing tribes to acquaint tribal staff with royalty laws, procedures, and techniques. This program is recommended for tribes that are considering a self-governance funding agreement, but have not yet acquired mineral revenue expertise via a FOGRMA section 202 cooperative agreement, as this is the term contained in FOGRMA and implementing regulations at 30 CFR 228.4.

For questions regarding self-governance contact Shirley M. Conway, Regulations Manager, Minerals Revenue Management, Minerals Management Service, MS 5557 MIB, 1849 C Street, NW., Washington, DC 20240, telephone 202-208-3512, fax 202-501-0247.

## III. Programmatic Targets

During Fiscal Year 2008, upon request of a self-governance tribe, MMS will negotiate funding agreements for its eligible programs beyond those already negotiated.

Dated: December 27, 2007.

**Randall B. Luthi,**

*Director, Minerals Management Service.*

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## JUDICIAL CONFERENCE OF THE UNITED STATES

### Hearing of the Judicial Conference Advisory Committees on Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure

**AGENCY:** Judicial Conference of the United States, Advisory Committees on Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure.

**ACTION:** Notice of cancellation of open hearings.

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**SUMMARY:** The public hearings on proposed amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Rules, scheduled for January 16, 2008, in Pasadena,