

you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. We will not, however, consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Authority

This notice is published in accordance with section 1503.1 of the Council on Environmental Quality Regulations (40 CFR Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and the Department of the Interior Manual (516 DM 1-6), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: May 3, 2004.
David W. Anderson,
Assistant Secretary—Indian Affairs.
[FR Doc. 04-24988 Filed 11-9-04; 8:45 am]
BILLING CODE 4310-W7-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Plan for the Use and Distribution of Assiniboine and Sioux Tribes of the Fort Peck Reservation Judgment Funds in Docket No. 773-87L

AGENCY: Bureau of Indian Affairs, Interior.
ACTION: Notice.

SUMMARY: Notice is hereby given that the plan for the use and distribution of the Tribe's portion of the judgment funds awarded in *Assiniboine and Sioux Tribes of the Fort Peck Reservation, et al. v. U.S.*, Docket No. 773-87L is effective as of May 29, 2004. On March 18, 1999, \$4,522,551.84 was appropriated to satisfy an award that was made by the United States Court of Federal Claims to the Tribe and individual Indian plaintiffs in Docket No. 773-87L. A percentage of the Tribe's portion of the aggregate award was transferred to a separate tribal trust fund account on February 14, 2001. The Tribe will most likely receive additional payments from the aggregate award once the identification of all individuals eligible to share in the aggregate award is complete and the pro rata shares are calculated. This plan pertains to the Tribe's portion (\$643,186.73) of the

aggregate award and any additional funds the Tribe may receive from the aggregate award fund.
FOR FURTHER INFORMATION CONTACT: Daisy West, Bureau of Indian Affairs, Division of Tribal Government Services, Mail Stop 320-SIB, 1951 Constitution Avenue, NW., Washington, DC 20240. Telephone number: (202) 513-7641.
SUPPLEMENTARY INFORMATION: On March 23, 2004, the plan for the use and distribution of the funds was submitted to Congress pursuant to section 137 of the Act of November 10, 2003, Pub. L. 108-108, 117 Stat. 1241, and the Indian Tribal Judgment Fund Act, 25 U.S.C. 1401 *et seq.* Receipt of the plan by the House of Representatives and the Senate was recorded in the Congressional Record on March 29, 2004. The plan became effective on May 29, 2004, because a joint resolution disapproving it was not enacted. The plan reads as follows:

Plan

For the Use and Distribution of Assiniboine and Sioux Tribes of the Fort Peck Reservation Judgment Funds Docket No. 773-87-L

This plan governs the use and distribution of the Tribe's share of the judgment funds awarded by the United States Court of Federal Claims (Court) to the Assiniboine and Sioux Tribes of the Fort Peck Reservation (Tribe), *et al.*, in Docket No. 773-87-L. It also governs any additional funds the Court may award to the Tribe in Docket No. 773-87-L, including interest and investment income accrued on the award, less attorney fees and litigation expenses.

Tribal Programming

One hundred percent (100%) of the funds shall be made available for tribal health, education, housing and social services programs of the Tribe. Accounts shall be established for the following programs and funds shall be transferred to those accounts in the specified amounts—

1. Educational and Youth Programs	\$86,500
2. Facilities and Housing Improvement	150,000
3. Equipment for Public Utilities	136,168
4. Medical Assistance/Dental/Eyeglasses/Convalescent Equipment	126,000
5. Senior Citizens/Community Services	160,000
Total	658,668

All funds in excess of \$658,668, and any funds added to the trust fund account as the result of further court proceedings in Docket No. 773-87-L,

shall be utilized for the Senior Citizens/Community Services programs. None of these funds shall be available for per capita distribution to any member of the Tribe.

General Provisions

None of the funds distributed under this plan shall be subject to Federal or State income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act, or any Federal or federally assisted programs.

Dated: October 21, 2004.
Michael D. Olsen,
Acting Principal Deputy Assistant Secretary—Indian Affairs.
[FR Doc. 04-25047 Filed 11-9-04; 8:45 am]
BILLING CODE 4310-4J-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Plan for the Use and Distribution of Mescalero Apache Judgment Funds in Docket No. 92-403L

AGENCY: Bureau of Indian Affairs, Interior.
ACTION: Notice.

SUMMARY: Notice is hereby given that the plan for the use and distribution of the judgment funds awarded to the Mescalero Apache Tribe in Docket No. 92-403L is effective as of March 20, 2004. The judgment fund was awarded by the United States Court of Federal Claims on January 31, 2002, and appropriated on February 25, 2002.

FOR FURTHER INFORMATION CONTACT: Daisy West, Bureau of Indian Affairs, Division of Tribal Government Services, Mail Stop 320-SIB, 1951 Constitution Avenue, NW., Washington, DC 20240. Telephone number: (202) 513-7641.

SUPPLEMENTARY INFORMATION: On December 17, 2003, the plan for the use and distribution of the funds was submitted to Congress pursuant to section 137 of the Act of November 10, 2003, Pub. L. 108-108, 117 Stat. 1241, and the Indian Tribal Judgment Fund Act, 25 U.S.C. 1401 *et seq.* Receipt of the plan by the House of Representatives and the Senate was recorded in the Congressional Record on January 20, 2004. On March 20, 2004, the plan became effective because a joint resolution disapproving it was not enacted. The plan reads as follows:

Plan*For the Use and Distribution of Mescalero Apache Tribe Judgment Funds in Docket 92-403L*

The funds appropriated on February 25, 2002, in satisfaction of an award granted to the Mescalero Apache Tribe in Docket 92-403L before the United States Court of Federal Claims (Court), including all interest and investment income accrued, less attorney fees and litigation expenses, shall be distributed as herein provided.

A. Per Capita Distribution

Fifty (50%) percent of the funds, including interest and investment

income, shall be distributed in the form of per capita payments, as approved by the Tribal Council, in equal amounts to all persons who are enrolled members of the Mescalero Apache Tribe.

1. The per capita shares of living competent adults shall be paid directly to them.

2. The per capita shares of deceased individual beneficiaries shall be determined in accordance with 25 CFR part 15.

3. Per capita shares of legal incompetents and minors shall be handled as provided in 25 U.S.C. 1403(b)(3). The funds will be placed in IIM accounts and may be disbursed to

the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the minor or legal incompetent's health, education, welfare, or emergencies under a plan or plans approved by the Secretary and the Tribal Council.

B. Programming

The remaining funds, including interest and investment income, shall be used for the following purposes. The Tribe may reallocate the funding amounts if the Tribe determines it necessary.

	(percent)
(A) Tribal Store Business Operations Improvement (est. \$1,022,000)	34.07
(B) Tribal Operational Activities (est. \$1,978,000)	
The Tribal Operational Activities programming funds shall be allocated by the Tribe for the following Tribal operational activities with amounts to be determined on a priority as-needed basis:	
(1) Debt Service for principal and interest payments on loans related to capital projects for the new Mescalero Apache Tribe school, Nursing Home/Dialysis Center and other capital projects which require financing	15.93
(2) Funding amounts for the Mescalero Apache Tribe Defined Benefit Pension Plan	33.33
(3) Self-Funded Health Plan Benefit Payments	16.67

C. General Provisions

Funds distributed under this plan shall not be liable for the payment of previously contracted obligations of any recipient as provided in 25 U.S.C. 117b(a). None of the funds distributed per capita or made available under this plan for programming shall be subject to Federal or State income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act, or except for per capita shares in excess of \$2,000 any Federal or federally assisted programs.

Michael D. Olsen,

Acting Principal Deputy, Assistant Secretary—Indian Affairs.

[FR Doc. 04-25046 Filed 11-9-04; 8:45 am]

BILLING CODE 4310-4J-P

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Plan for the Use and Distribution of Pueblo of Isleta Judgment Funds in Docket No. 98-166L**

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the plan for the use and distribution of the judgment funds awarded to the Pueblo of Isleta (Pueblo) in Docket No. 98-166L is effective as of March 20, 2004. The judgment fund was awarded by the United States Court of Federal Claims on January 7, 2002, and appropriated on March 19, 2002.

FOR FURTHER INFORMATION CONTACT:

Daisy West, Bureau of Indian Affairs, Division of Tribal Government Services, Mail Stop 320-SIB, 1951 Constitution Avenue, NW., Washington, DC 20240. Telephone number: (202) 513-7641.

SUPPLEMENTARY INFORMATION: On December 5, 2003, the plan for the use and distribution of the funds was submitted to Congress pursuant to Section 137 of the Act of November 10, 2003, Pub. L. 108-108, 117 Stat. 1241, and the Indian Tribal Judgment Fund Act, 25 U.S.C. 1401 *et seq.* Receipt of the plan by the House of Representatives and the Senate was recorded in the Congressional Record on December 8, 2003, and January 20, 2004, respectively. The plan became effective on March 20, 2004, because a joint resolution disapproving it was not enacted. The plan reads as follows:

Plan

For the Use and Distribution of Pueblo of Isleta Judgment Funds in Docket No. 98-166L

The funds appropriated on March 19, 2002, in satisfaction of an award granted

to the Pueblo of Isleta (Pueblo) in Docket 98-166L before the United States Court of Federal Claims, less attorney fees and litigation expenses, and including all interest and investment income accrued on the award net of fees and expenses fees and expenses (the "available funds"), shall be distributed as herein provided.

A. Per Capita Distribution.

One hundred (100%) percent of the available funds shall be distributed in the form of per capita payments in amounts as equal as practicable to all enrolled members of the Pueblo who are living on the date this plan becomes effective.

1. The Tribal Council shall prepare and certify to the Bureau of Indian Affairs a list of such persons eligible to participate in said per capita payments.

2. The per capita shares of living competent adults shall be paid directly to them.

3. The per capita shares of incarcerated members who are eligible for the per capita payment shall be either—

(a) Delivered to the incarcerated member or a designated representative at an address directed and authorized by the incarcerated member in writing; or

(b) Placed in Individual Indian Money (IIM) accounts, provided that the Pueblo provides a certified list of those individuals to the Bureau of Indian Affairs along with the written requests from those individuals requesting that