

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 Micosaukee Tribe of Indians.

Bryan Newland,

Assistant Secretary—Indian Affairs.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOG000000–L18200000–234L1109AF]

Northwest Resource Advisory Council Schedule of Quarterly Public Meetings, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Colorado’s Northwest Resource Advisory Council (RAC) is announcing three public meetings.

DATES: The Northwest Colorado RAC will meet in 2023 as follows:

- The RAC will host a field tour on January 25 and a meeting on January 26.
- The RAC will host a field tour on June 21 and a meeting on June 22.
- The RAC will host a field tour on October 4 and a meeting on October 5.

All field tours will be held from 10 a.m. to 4 p.m. but may conclude earlier depending on the needs of the group. All meetings will be held from 8 a.m. to 3 p.m. All field tours and meetings are open to the public.

ADDRESSES:

- The January 25 field tour will commence at the Grand Junction Field Office, 2815 H Road Grand Junction, CO 81503. Attendees will then travel to McInnis Canyons National Conservation Area. The January 26 meeting will be held at the Grand Junction Field Office.

- The June 21 field tour will commence at the Kremmling Field Office, 2103 E Park Ave., Kremmling, CO 80459. Attendees will then travel to the Upper Colorado River Special Recreation Management Area. The June 22 meeting will be held at the Kremmling Field Office.

- The October 4 field tour will commence at the White River Field Office, 220 E Market St., Meeker, CO 81641. Attendees will travel to the Hunter Fire burn scar. The October 5 meeting will be held at the White River Field Office.

Virtual participation options will also be available for the meeting dates. Registration and participation information will be available on the RAC's web page 30 days in advance of the meetings on the RAC's web page at <https://www.blm.gov/get-involved/resource-advisory-council/near-you/colorado/northwest-rac>.

FOR FURTHER INFORMATION CONTACT: Greg Larson, District Manager; BLM Upper Colorado River District Office, 2815 H Road Street, Grand Junction, Colorado 81506; telephone: 970-244-3000; email: glarson@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 for contacting Greg Larson. 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: The 15-member Northwest Colorado RAC advises the Secretary of the Interior, through the BLM, on a variety of public land issues in the Northwest and Upper Colorado River Districts, including the White River, Kremmling, Little Snake, Colorado River Valley, and Grand Junction Field Offices, and the the Dominguez-Escalante and McInnis Canyons National Conservation Areas. The RAC will conduct a field tour on January 25 of past land acquisitions in McInnis Canyons National Conservation Area. The January 26 meeting will focus on land tenure within the RAC's jurisdiction, Gunnison River permits, and field manager updates. The RAC will conduct a field tour on June 21 to the Upper Colorado River Special Recreation Management Area within the Kremmling Field Office. The June 22 meeting will include a review and discussion on river recreation management, grazing, and field manager updates. The RAC will conduct a field tour on October 4 of the Hunt Fire burn scar within the White River Field Office. The October 5 meeting will include a review and discussion of the Hunt Fire, BLM fire management, and field manager updates.

Public comment periods are scheduled for 2:00 p.m. at the January, June, and October meetings. Contingent on the number of people who wish to comment during the public comment period, individual comments may be limited. Written comments received at least 2 weeks prior to the meetings will be provided in advance to RAC members (see **FOR FURTHER INFORMATION**

CONTACT). Please include "RAC Comment" in your submission.

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.

Members of the public are welcome on field tours but must provide their own transportation and meals. Individuals who plan to attend must RSVP to the BLM Upper Colorado River District Office at least two weeks in advance of the field tours to the contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this Notice. Individuals that need special assistance, such as sign language interpretation and other reasonable accommodations, should contact the BLM (see **FOR FURTHER INFORMATION CONTACT**). The field tours will follow current Centers for Disease Control and Prevention COVID-19 guidance regarding social distancing and wearing of masks. Additional information regarding the meetings will be available on the RAC's web page at <https://www.blm.gov/get-involved/resource-advisory-council/near-you/colorado/northwest-rac>.

Detailed minutes for the RAC meetings will be maintained in the Upper Colorado River District Office and will be available for public inspection and reproduction during regular business hours within thirty (30) days following the meeting. Previous minutes and agendas are also available on the RAC's web page.

(Authority: 43 CFR 1784.4-2)

Douglas J. Vilsack,
BLM Colorado State Director.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

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Notice of Public Meeting for the Southeast Oregon Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management's (BLM's) Southeast Oregon Resource Advisory Council (RAC) will meet as follows.

DATES: The Southeast Oregon RAC will meet Tuesday, February 28, 2023, from 1 p.m. to 4:30 p.m. A public comment period will be offered at 4 p.m. The RAC will reconvene Wednesday, March 1, 2023, from 8 a.m. to 10:30 a.m. A public comment period will be offered at 9:05 a.m. A virtual participation option will also be offered for both meeting days and participation instructions will be available on the RAC's web page in advance of the meeting at <https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/southeast-oregon-rac>.

The RAC will hold a field tour of the Burns BLM Wild Horse Corrals following the March 1 meeting at 10:30 a.m., which is estimated to last for 1 hour depending on the needs of the group. To participate in the tour, please notify RAC coordinator Larisa Bogardus at (541) 219-6863 or lbogardus@blm.gov no later than 4:30 p.m. Thursday, Feb. 23, 2022, so arrangements can be made to accommodate the group size. Members of the public are welcome on the field tour but must provide their own transportation and meals.

ADDRESSES: The meeting is open to the public and will be held at the BLM Burns District Office, 28910 US-20, Hines, OR 97738. The field tour will depart from the same location. The final agenda and additional meeting details will be posted at least 10 days in advance of the meeting on the RAC web page: <https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/southeast-oregon-rac>.

Public comments can be mailed to BLM Vale District, Attn: Wayne Monger, 100 Oregon St., Vale, OR 97918 or sent via email to dmonger@blm.gov. All comments received will be provided to the Southeast Oregon RAC members.

FOR FURTHER INFORMATION CONTACT: Larisa Bogardus, Public Affairs Officer, 3100 H St., Baker City, OR 97814; (541) 219-6863; lbogardus@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. Individuals outside the United States should use the relay services offered within their country to make