

**FOR FURTHER INFORMATION CONTACT:** Dr. Jonathan Godt, Landslide Hazards Program Coordinator and Designated Federal Officer, via email at [jgodt@usgs.gov](mailto:jgodt@usgs.gov), or by telephone at 303-905-9468. 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 international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** The Advisory Council on Landslides (ACL) is established under the National Landslide Preparedness Act (Pub. L. 116-323) and regulated by the Federal Advisory Committee Act, 5 U.S.C. ch. 10. The ACL provides advice and recommendations to the Secretary of the Interior through the Interagency Coordinating Committee on Landslide Hazard on the implementation of the National Landslide Preparedness Act. The ACL will be composed of no fewer than 11 representative members and will meet 1-2 times per year.

Members of the ACL will be individuals not employed by the Federal Government who are qualified in landslide hazard and risk or related fields. The ACL membership will be representative of:

- States, including State geological organizations;
- territories, including territorial geological organizations;
- Indian Tribes, including Tribal geological organizations;
- research institutions and institutions of higher education qualified to provide advice regarding landslide hazard and risk reduction, and representing related scientific, architectural, engineering, and planning disciplines;
- industry standards development organizations; and
- State, territorial, local, and Tribal emergency management agencies.

Selection of members will ensure that a reasonable cross-section of views and expertise is represented on the ACL, including a range of geographies and communities impacted by landslide hazards in the United States. Each member will serve a term of up to three years, with terms staggered to ensure continuity.

Members of the ACL serve without compensation. However, while away from their homes or regular places of business, ACL and subcommittee members engaged in ACL or subcommittee business that the

Designated Federal Official approves may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703, in the same manner as persons employed intermittently in Federal Government service.

Nominations should include a resume that provides contact information and a description of the nominee's qualifications that would enable the Department of the Interior to make an informed decision regarding the candidate's suitability to serve on the ACL. Send nominations to the Designated Federal Officer at the email provided in **ADDRESSES**. Additional information about the ACL may be found online at: <https://www.usgs.gov/programs/landslide-hazards/advisory-committee-landslides-acl>.

*Authority:* 5 U.S.C. ch. 10.

**Gary D. Latzke,**

*Chief of Staff, USGS Natural Hazards Mission Area.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

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AOA501010.999900]

### HEARTH Act Approval of Tunica-Biloxi Indian Tribe Residential Leasing Ordinance

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Indian Affairs (BIA) approved the Tunica-Biloxi Indian Tribe Residential Leasing Ordinance under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into residential leases without further BIA approval.

**DATES:** BIA issued the approval on May 21, 2024.

**FOR FURTHER INFORMATION CONTACT:** Ms. Carla Clark, Bureau of Indian Affairs, Division of Real Estate Services, 1001 Indian School Road NW, Albuquerque, NM 87104, [carla.clark@bia.gov](mailto:carla.clark@bia.gov), (702) 484-3233.

#### SUPPLEMENTARY INFORMATION:

#### I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act

authorizes Tribes to negotiate and enter into business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal Leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) 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 the Tunica-Biloxi Indian Tribe.

#### 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 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 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 the Tunica-Biloxi Indian Tribe.

**Bryan Newland,**

*Assistant Secretary—Indian Affairs.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[BLM\_NV\_FRN\_MO4500179539]

#### Notice of Public Meeting of the Mojave Southern-Great Basin Resource Advisory Council, Nevada

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

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act, the U.S. Department of the Interior, Bureau of Land Management’s (BLM) Mojave Southern-Great Basin Resource Advisory Council (RAC) will meet as follows.

**DATES:** The RAC will participate in a public meeting on August 14, 2024, from 1 p.m. to 5 p.m. Pacific time (PT), and August 15, 2024, from 9 a.m. to 1 p.m. PT, with a virtual participation option. Public comments will be accepted throughout the scheduled agenda items, with general public comments accepted at 12:30 p.m. PT on August 15, 2024. The meeting is open to the public.

**ADDRESSES:** The meeting will be held at the BLM Southern Nevada District Office, 4701 North Torrey Pines, Las Vegas, NV 89130. The final agenda, virtual meeting link, and participation instructions will be made available to the public via the RAC’s web page at least two weeks prior to the meeting at <https://www.blm.gov/get-involved/resource-advisory-council/near-me/nevada>.

Written comments pertaining to the above meeting can be sent to the address in the **ADDRESSES** section, Attention: Theresa Coleman/RAC meeting comments.

**FOR FURTHER INFORMATION CONTACT:**

Public Affairs Specialist Kirsten Cannon, email: [k1cannon@blm.gov](mailto:k1cannon@blm.gov), or telephone: 702–515–5057. 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 international calls to the point-of-contact in the United States.

Please make requests in advance for sign language interpreter services, assistive listening devices, language translation services, or other reasonable accommodations. We ask that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

**SUPPLEMENTARY INFORMATION:** Topics for the RAC meeting are as follows:

On August 14, 2024, the RAC will receive an orientation and be provided district overviews. On August 15, 2024, the RAC will discuss proposed feedback areas based on district priorities, elect officers, and schedule additional meeting dates.

The meeting is open to the public. The formal RAC meeting will have time allocated for public comments. Depending on the number of persons wishing to speak and the time available,