

"Sec. 7. Nothing in this Act shall be construed to repeal or limit the procedural and substantive requirements of section 8 of the Act of June 17, 1902 (32 Stat. 388).

43 USC 372,  
383.

"Sec. 8. Works financed by loans made under this Act shall be subject to all procedural and substantive requirements of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended); the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151); and the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321)."

60 Stat. 1080;  
72 Stat. 563.  
16 USC 661  
note.  
Post, p. 816.

Approved October 13, 1972.

Public Law 92-488

AN ACT

October 13, 1972  
(H. R. 6318)

To declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oregon, and for other purposes.

Burns Indian  
Colony, Oreg.  
Lands in trust.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, subject to valid existing rights, all of the right, title, and interest of the United States in approximately seven hundred and sixty-two acres of land, and the improvements thereon, located in sections 1 and 12, township 23 south, range 30 east, Willamette meridian, Oregon, that were acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are now administered by the Secretary of the Interior for the benefit of the Burns Indian Colony, Oregon, are hereby declared to be held by the United States in trust for said colony, and to be an Indian reservation for the use and benefit of said colony.

40 USC 401-411  
note.

15 USC 724-728  
note.

SEC. 2. Subject to valid existing rights, there shall also be held in trust for such Burns Indian Colony and added to the reservation established by section 1 of this Act, that certain parcel of land consisting of ten acres, described as the northwest quarter northwest quarter northwest quarter, section 13, township 23 south, range 30 east, Willamette meridian, Harney County, Oregon, which was conveyed on March 2, 1928, by warranty deed from the Egan Land Company, an Oregon corporation, to the United States of America, and which property has been used and occupied since purchase as a permanent camp or place of residence for the Burns Indian Colony of Harney County.

Administration.

SEC. 3. The property subject to this Act shall be administered in accordance with the laws and regulations applicable to Indian tribal property.

Ante, p. 788.

SEC. 4. Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended, is hereby further amended by inserting after "the Fort Mojave Reservation" the words "the Burns Paiute Reservation,".

Claims offset  
against U.S.

SEC. 5. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission

25 USC 70a.

Approved October 13, 1972.



State of Oregon  
OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NO. EO - 79 - 04

BURNS-PAIUTE RESERVATION

As chief executive of the State of Oregon and on its behalf, I hereby offer to the United States for its acceptance as authorized by section 1323, title 25, United States Code, all civil and criminal jurisdiction conferred on the State of Oregon by section 1162, title 18 and section 1360, title 28, United States Code, over the Burns Paiute Reservation.

The transfer of jurisdiction offered by this order shall become effective upon acceptance as provided in Executive Order 11435, November 21, 1968 (33 F.R. 17339).

Executed this 22nd day of February, 1979, at Salem, Oregon.



GOVERNOR

ATTEST:



Assistant SECRETARY OF STATE



Certified True Copy  
*Norma Paulsen 5-18-79*

TITLE STATUS REPORT

DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

ALLOTMENT OR TRACT NUMBER	CODE	RESERVATION NAME	NAME OF ORIGINAL ALLOTTEE	PAGE NO.																	
11002-A	144	BURRIS-PAULTE PUBLIC DOMAIN		1																	
ALLOTMENT AND AMENDATORY ACTS		ALLOTMENT SCHEDULE APPROVED	PATIENT	NUMBER																	
			TRUST	DATE																	
DESCRIPTION OF REALTY INTERESTS CURRENTLY UNDER JURISDICTION OF BIA																					
SECTION	TOWNSHIP	RANGE	MERIDIAN	COUNTY	STATE	NE	N	E	SE	SW	W	SW	W	SW	W	SW	W	SW	ACRES	REMARKS	
1	238	30E	W44	HANNEY	OR															880.28	PART LOTS 1, 2, 4, 5, 8, 9, 10, 11, 12
12	238	30E	W44	HANNEY	OR															180.00	
13	238	30E	W44	HANNEY	OR															4.00	PT NW1/4-1/3
																			TOTAL	1164.28	

LEGAL DESCRIPTION: People 1 and 2 of sections 1, 12, and 13, Township 23 South, Range 30 East, Willamette Meridian, Henry County, Oregon, as shown on the approved Bureau of Land Management Plat dated May 6, 1978 and described as: Parcel 1; commencing at the northwest corner of section 1, Township 23 South, Range 30 East, thence south 74°57' east 273.24 feet to the true point of beginning, thence south 0°27' west 650.82 feet to the southwest corner of said section 1, thence along the south line of said section north 88°58' 18" west 701.88 feet, thence north 4°46' east 589.4 feet, thence north 0°00' east 188.58 feet to the southeast corner of said section 1, thence north 0°00' east 2287.1 feet to the east quarter corner of section 1, thence north 0°47' west 1730.22 feet, thence north 89°18' east 0.0 feet, thence north 0°48' east 872.46 feet, thence north 19°28' west 138 feet, thence south 89°01' west 78.58 feet, thence south 78°58' east 187.54 feet thence south 88°44' west 11.44 feet, thence south 79°41' west 188.12 feet, thence north 72°49' west 242.22 feet, thence north 88°04' west 4718.73 to the true point of beginning, containing 781.70 acres more or less and being with sections 1 and 12. Parcel 2; commencing at the northwest corner of section 13, Township 23 South, Range 30 East, the true point of beginning, thence along the west line of said section 13, south 0°58' west 846.4 feet, thence south 88°30' east 980.0 feet, thence north 0°00' west 697.28 feet to the north line of said section 13, thence south 88°59' west 858.58 feet to the true point of beginning, containing 8.50 acres more or less.

EXCEPT a 10.00 acre parcel of land in Part of the NW1/4 of sec., 1, T. 23S., R. 30E., W.44., Henry County, Oregon, included within the unrecorded plat of T-Awe-Hone' dated 7/12/79, prepared by James E. Buzard, Registered Land Surveyor, containing 780.72 acres, more or less, after the above exception.

*Reservation*



# TITLE STATUS REPORT

DEPTAR  
BURE

1

RESERVATION NAME 111 144 EDNES-PATOTE PUBLIC DOMAIN		NAME OF ORIGINAL ALLOTTEE INDIAN JOE																					
ALLOTMENT AND AMENDATORY ACTS		ALLOTMENT SCHEDULE APPROVED																					
DESCRIPTION OF REALTY INTERESTS CURRENTLY UNDER JURISDICTION OF B I A																							
SECTION	TOWNSHIP	RANGE	MER	COUNTY	STATE	NE				NW				SW				SE				ACRES	REMARKS
						1/4	2/4	3/4	4/4	1/4	2/4	3/4	4/4	1/4	2/4	3/4	4/4	1/4	2/4	3/4	4/4		
32	23S	32 1/2 E	24	WASHEMUT	OREG																	160 00	
																			160 00	TOTAL			

LEGAL (UNAMENDED) DESCRIPTION: The northwest quarter of section 32, Township 23 South, Range 32 1/2 East, Willamette Meridian, Oregon, containing 160.00 acres, more or less.

FORM NO. 4-1968  
REV. 1-74

TITLE STATUS REPORT

DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

SECTION		T1002		144		BURNS-PALMTE PUBLIC DOMAIN		NOT ALLOTTED		PAGE NO. 1	
ALLOTMENT AND INTERESTOR LIST		ALLOTMENT RECORD APPROVED		HEAD OF ORIGINAL ALLOTTEE		NAME		ADDRESS		DATE	
DESCRIPTION OF REALTY INTERESTS CURRENTLY UNDER JURISDICTION OF BIA											
SECTION	TOWNSHIP	RANGE	MILE	COUNTY	STATE	ACRES				TOTAL	REMARKS
						NE	NW	SE	SW		
1	23S	30E	14W	HANNEY	ONE	0	0	0	0	10.000	PT NW
										10.000 TOTAL	

Note: Remaining sections: That part of the northwest quarter of Section 1, Township 23 South, Range 30 East, Willamette Meridian, Burney County, Oregon, included within the plat of To-Kaw-Hoon, unrecorded in the County, dated July 2, 1976, prepared by James H. Bissard, registered land surveyor, containing 10.88 acres, more or less.

*Old*  
*Camp*

Sande Schmidt  
Attorney at Law  
19295 Dayton Road  
Bend, Oregon 97701  
(503) 382-7969

MEMORANDUM

To: Mary Benitez, Tribal Judge

Date: June 13, 1980

From: Sande Schmidt, Tribal Attorney

Re: I. Which governments, tribal, federal, or state, have jurisdiction over Radar Station Road?

II..Which governments, tribal, federal, or state, have jurisdiction over persons committing traffic offenses on the Burns Paiute Reservation?

I. WHICH GOVERNMENTS, TRIBAL, FEDERAL, OR STATE, HAVE JURISDICTION OVER RADAR STATION ROAD?

In 1970 the Bureau of Indian Affairs granted a right of way pursuant to 25 U.S.C. §§323-328 to Harney County for Radar Station Road. At that time the Burns Paiute Tribe was a federally recognized Indian tribe, but the land involved was not an Indian reservation. In 1972 the land was declared a reservation by Congress. Act of Oct. 13, 1972, Pub. L. No. 92-488, 86 Stat. 806. The issues of tribal, federal, and state jurisdiction over the reservation were unclear until 1979, when the state of Oregon retroceded all jurisdiction to the Burns Paiute Tribe.

Under the right of way grant, Harney County agreed "to take jurisdiction of and to maintain" Radar Station Road. It is well settled in federal law, however, that the granting of a right of way across Indian land does not alter the jurisdictional status of that land.

The definition of "Indian country" is given in 18 U.S.C. §1151:

§ 1151. Indian country defined

Except as otherwise provided in sections 1154 and 1156 of this title, the term "Indian country", as used in this chapter, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. June 25, 1948, c. 645, 62 Stat. 757; May 24, 1949, c. 139, § 25, 63 Stat. 94.

Under 18 U.S.C. §1151(a) rights of way running through a reservation are clearly included in Indian country. This statute defines Indian country for federal criminal laws and jurisdiction. As noted by the United States Supreme Court, this definition is also used for determining civil jurisdiction:

"While §1151 is concerned, on its face, only with criminal jurisdiction, the Court has recognized that it generally applies as well to questions of civil jurisdiction." *DeCouteau v. District County Court*, 420 U.S. 425, 427 n.2 (1975).

Many courts have recognized this well-settled principle that rights of way through a reservation remain Indian country and subject to tribal jurisdiction. The Ninth Circuit has held that "rights of way running through a reservation remain part of the reservation and within the territorial jurisdiction of the tribal police." *Ortiz-Barraza v. United States*, 512 F.2d 1176, 1180 (9th Cir. 1975). See *Gourneau v. Smith*, 207 N.W.2d 256, 258 (N.D. 1973) ("There can be no doubt that State highways within the boundaries of a reservation are a part of the reservation.").

The grant of a right of way is a limited grant. It gives only the right to build and maintain a public road, it is not a grant of jurisdiction over

the right of way. In re Fredenberg, 65 F. Supp. 4, 6 (E.D.Wisc. 1946); Ex Parte Konaha, 43 F. Supp. 747 (E.D.Wisc. 1942); State v. Begay, 63 N.M. 414, 320 P.2d 1017 (1958).

Radar Station Road, although a county right of way, is clearly Indian country for jurisdictional purposes. Therefore, the governments having or lacking jurisdiction over Radar Station Road are the same governments having or lacking jurisdiction over any other road on the Burns Paiute Indian Reservation.

## II. WHICH GOVERNMENTS, TRIBAL, FEDERAL, OR STATE, HAVE JURISDICTION OVER PERSON COMMITTING TRAFFIC OFFENSES ON THE BURNS PAIUTE RESERVATION?

The answer to this question is not simple or entirely resolved. Cases now in the courts may help settle the unresolved issues, but until the cases are decided this question must be answered under existing law. The answer to the question depends upon whether Indians or non-Indians are involved and whether civil or criminal jurisdiction is at issue.

The Burns Paiute Tribal Laws contain a traffic code. With the exception of the major traffic offenses, the traffic code is civil and applies to Indians and non-Indians alike. If the offense is criminal and is committed by an Indian, then the tribe has exclusive criminal jurisdiction. State v. Begay, 63 N.M. 414, 320 P.2d 1017 (1958). If a non-Indian commits the offense and it is criminal, or if the tribe declines to exercise its civil jurisdiction, then the problem arises of which government, federal or state, to turn to for criminal enforcement of traffic laws. Indian tribes have no criminal jurisdiction over non-Indians. Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978).

The federal government clearly has jurisdiction over non-Indians committing traffic offenses on the Burns Paiute Indian Reservation. Except to those crimes

involving only Indians, the general criminal laws of the United States apply to Indian country. 18 U.S.C. §1152. One such general criminal law is the Assimilative Crimes Act, 18 U.S.C. §13, which applies state law to federal enclaves. Since Indian reservations are federal enclaves, the federal government has jurisdiction over non-Indians committing criminal offenses on Indian reservations. The federal government, however, does not want to handle these traffic cases and has been generally reluctant to prosecute. The Mescalero Apache Tribe has brought suit to require the federal government to prosecute non-Indian traffic violators on their reservation. Mescalero Apache Tribe v. Bell, No. 78-926C (D.N.M., filed 12/78). This suit is still pending. Clearly federal jurisdiction exists, but whether or not the federal government will or must prosecute is not yet clear.

No federal statute grants the states jurisdiction over non-Indians committing offenses on Indian reservations (P.L. 280 does grant criminal jurisdiction to certain named states over specific reservations, but it has no application to the Burns Paiute Indian Reservation). The courts, however, have created a nonstatutory basis for state criminal jurisdiction. If the offense was committed by a non-Indian and the victim was a non-Indian, then the states have criminal jurisdiction. United States v. McBratney, 104 U.S. 621 (1881); Draper v. United States, 164 U.S. 240 (1896); New York ex rel. Ray v. Martin, 326 U.S. 496 (1946). The state has jurisdiction in these cases because no federal or tribal interests are involved. If federal or tribal interests are involved, then federal jurisdiction exists.

The problem is most traffic offenses do not have a "victim." If there is no clear non-Indian victim, then states may lack jurisdiction. This jurisdictional problem is further clouded by the federal governments reluctance to prosecute traffic cases unless federal, tribal, or Indian interests have been

harmed.

Because the current law is unsettled, the tribe must make a practical choice of which government to turn to for criminal enforcement of traffic laws. The federal government has jurisdiction, but it may not prosecute. The state government may lack jurisdiction, but it probably will prosecute. A traffic offender's challenge of the state's jurisdiction may be successful, but it is doubtful that anyone would make such a challenge. As a practical matter, then, probably the best choice at present is the state government. As pending cases are decided and the law becomes more settled, this choice may change.

RESOLUTION SUPPORTING REASSUMPTION OF JURISDICTION  
BY THE BURNS PAIUTE TRIBE OVER ITS RESERVATION

WHEREAS, Public Law 280 (67 Stat. 588, August 15, 1953) unilaterally transferred civil and criminal jurisdiction over Indians in Indian country to the State of Oregon (section 1162, Title 18 and section 1360, Title 28, United States Code); and

WHEREAS, this grant of jurisdiction requires the State of Oregon to exercise jurisdiction over Indians in all Indian country in the state except for the Warm Springs Reservation; and

WHEREAS, Congress amended this law to require that any state jurisdiction over Indian country could only be acquired thereafter following a referendum approving the transfer of jurisdiction by the affected tribal members (P.L. 90-284, 82 Stat. 78, April 11, 1968); and

WHEREAS, the Burns Paiute Tribe was officially recognized by the federal government on June 13, 1968 upon the approval of the Commissioner of Indian Affairs of a constitution and bylaws for the Burns Colony; and

WHEREAS, the Burns Paiute Reservation was established as an Indian reservation on October 13, 1972 (P.L. 92-488, 86 Stat. 806) from several tracts of land owned by the federal government; and

WHEREAS, since 1975 tribal, state, local, and federal officials and agencies have cooperated in the delivery of services to members of the Burns Paiute Tribe under the assumption that the reservation and tribal members thereon are not subject to state jurisdiction because no tribal referendum has been held to approve such an arrangement; and

WHEREAS, the United States Court of Appeals for the Ninth Circuit decided on December 21, 1978 in U.S. v. Hoodie and Kennedy (Nos. 78-1172 and 78-1173) that the Burns Paiute Reservation is subject to state jurisdiction because of the grant in P.L. 280, and that a prosecution of tribal members for an alleged burglary under federal law should be dismissed; and

WHEREAS, this decision effectively precludes the further development of cooperative undertakings, particularly in regard to law enforcement services, between tribal, state, local, and federal governments by transferring all jurisdictional responsibility to the state; and

WHEREAS, this decision creates an irreplaceable loss in resources available in the local community and offers no federal assistance to carry out the court's ruling in an orderly manner; and

WHEREAS, the state and its subdivisions have inadequate resources to maintain the same level of services both off and on the reservation which have been available before the court's decision; and

WHEREAS, P.L. 280 authorizes a state to return jurisdiction over Indian reservations upon acceptance by the Secretary of the Interior; and

WHEREAS, the return of state jurisdiction over the Burns Paiute Reservation will best serve the interests of the Burns Paiute Tribe, the State of Oregon, and Harney County, and will allow these governments to maintain and continue to upgrade their services to their constituencies;

NOW THEREFORE BE IT RESOLVED THAT the State of Oregon is requested to take whatever steps are necessary through executive or legislative action to notify the Secretary of the Interior of the state's intention to return all jurisdiction acquired by the state, pursuant to P.L. 280 and the Court of Appeals' decision in Hoodie and Kennedy, over the Burns Paiute Reservation; and

BE IT FURTHER RESOLVED THAT this reassumption of jurisdiction should be effected as quickly as possible in order to minimize the significant disruptions created by the court's decision.

CERTIFICATION

This is to certify that the foregoing resolution was endorsed by the Harney County Court by a vote of 3 for and 0 opposed on this 17 day of January, 1979.

Dale White  
Dale White  
Judge of Harney County Court

ATTEST:

Clara Lee, Clerk  
Clara Lee, Clerk

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IN THE COUNTY COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF HARNEY

In the Matter of the Burns )  
Paiute Indian Tribe reserving ) RESOLUTION  
Jurisdiction over their own )  
Reservation. )

WHEREAS, it appearing to the County Court for Harney County  
that the Burns Paiute Tribe has by Resolution No. 79-08 (copy attache  
expressed their desire to resume jurisdiction over their own  
Reservation;

NOW, THEREFORE, this Court hereby approves and recommends  
that jurisdiction over the Burns Paiute Reservation be returned  
to the Burns Paiute Tribe as soon as possible.

Dated at Burns, Oregon, this 11 day of January, 1979.

Ralph White  
County Judge

Edward W. Fairley  
County Commissioner

David Nelson  
County Commissioner

IRVIN D. SMITH  
HARNEY COUNTY DISTRICT ATTORNEY  
P. O. BOX 248  
BURNS, OREGON 97719  
(503) 374-2001

Retrocess

Whereas the Burns Paiute Indian Reservation has lost its criminal and civil jurisdiction on the Burns Paiute Indian Reservation, and

Whereas the Harney County Court Commission and the State of Oregon have approved the tribe's request to return criminal and civil jurisdiction back to the Secretary of Interior and the Burns Paiute Indian Reservation,

Now Therefore Be It Resolved That the Burns Paiute Indian Reservation Business Committee hereby request the Secretary of Interior to accept the retrocession of criminal and civil jurisdiction from the State of Oregon.

Certification

This is to certify that the foregoing resolution was passed at a duly called Business Committee meeting held on this 3<sup>rd</sup> day of March, 1979, by a vote of 3 for and 0 opposed.

Herbert Hawley  
Herbert Hawley,  
Burns Paiute Tribal Chairman

ATTEST:

Betty First Raised  
Betty First Raised,  
Council Member

*Supt  
Wm S. ...*

*Rec'd 10.30A, 5/1/79*

*Forrest J. Gerard  
ASIA*

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**Burns- Paiute Indian Reservation**

**Acceptance of Retrocession of Jurisdiction**

**APR 2 5 1979**

Pursuant to the authority vested in the Secretary of the Interior by Executive Order No. 11435 (33 FR17339) and re delegated to the Assistant Secretary - Indian Affairs by 209 DM 8, I hereby accept, as of 12:01 a.m. (EST) of the day following publication of this notice in the Federal Register, retrocession to the United States of all jurisdiction, Civil and Criminal, exercised by the State of Oregon over the Burns-Paiute Indian Reservation, in the State of Oregon as offered by the Governor of Oregon in Executive Order No. EO-79-04 on the 22nd day of February, 1979, Salem, Oregon.

*/s/ Forrest J. Gerard*

**Assistant Secretary - Indian Affairs**

*1072*

*7/1/79*

The Board of Advisors to the Fund was established to recommend to the Director of the Fund and the Assistant Secretary for Education priorities for funding and the approval or disapproval of grants and contracts of a given kind or over a designated amount under Section 404 of the General Education Provisions Act.

The meeting will not be open to the public. It will be for the sole purpose of reviewing and evaluating grant applications submitted to the Fund under the Comprehensive Program. The meeting will involve discussion of project designs, personnel, and other information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. It has therefore been determined that closing this meeting is in accordance with 5 U.S.C. 552b(c)(4) and (6) and the policies of the Federal Advisory Committee Act.

A summary of the proceedings of the meeting and a roster of members may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, S.W., Room 3123, Washington, D.C. 20202, telephone (202) 245-8091.

Signed at Washington, D.C. on April 11, 1979.

Ernest Bartell,

Director, Fund for the Improvement of Postsecondary Education.

[FR Doc. 79-13339 Filed 5-3-79; 8:45 am]

BILLING CODE 4110-12-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Burns-Paiute Indian Reservation; Acceptance of Retrocession of Jurisdiction

April 25, 1979.

Pursuant to the authority vested in the Secretary of the Interior by Executive Order No. 11435 (33 FR 17339) and redelegated to the Assistant Secretary, Indian Affairs by 209 DM 8, I hereby accept, as of 12:01 a.m. (est) of the day following publication of this notice in the Federal Register, retrocession to the United States of all jurisdiction, Civil and Criminal, exercised by the State of Oregon over the Burns-Paiute Indian Reservation, in the State of Oregon as offered by the Governor of Oregon in Executive Order No. EO-79-04 on the 22nd day of February, 1979, Salem, Oregon.

Forrest J. Gerard,

Assistant Secretary, Indian Affairs.

[FR Doc. 79-13940 Filed 5-3-79; 8:45 am]

BILLING CODE 4310-02-M

### Membership Roll of the Confederated Tribes of Siletz Indians of Oregon

The membership roll of the Confederated Tribes of Siletz Indians of Oregon has been prepared under the Act of November 18, 1977 (95 Stat. 1415), and the regulations issued by the Assistant Secretary—Indian Affairs to assist in its preparation, specifically Subchapter F, Chapter I, Part 43p of Title 25 of the Code of Federal Regulations.

This membership roll, compiled for use in the restoration of federal recognition of these tribes is published as required by Section 6(3)(3) of the November 18, 1977, Act.

Dated: April 24, 1979.

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

Department of the Interior, Bureau of Indian Affairs; Membership Roll of the Confederated Tribes of Siletz Indians of Oregon prepared under the Act of November 18, 1977 (95 Stat. 1415)

#### Certification

The undersigned certify that to the best of our belief and knowledge the attached roll consisting of 44 pages (in the original document) and containing a total of 1083 names constitutes the Membership Roll of the Confederated Tribes of Siletz Indians of Oregon prepared in accordance with Sections 4a, b, and c, of the Act of November 18, 1977 (95 Stat. 1415), and the regulations issued in Subchapter F, Chapter I, Part 43p, of Title 25 of the Code of Federal Regulations.

Dated: April 14, 1979.

Arthur S. Bessell,

Tribal Council Chairman.

Lois C. Chilcott,

Tribal Enrollment Officer.

#### Approval

In accordance with Section 4(b)(2)(2), of the Act of November 18, 1977 (95 Stat. 1415), disposition has been made of all current appeals to the Secretary of the Interior from the rejection of the applications for the inclusion of persons on the roll prepared under the act. Consequently, subject to the adjudication of any additional appeals and under the regulations issued in Subchapter F, Chapter I, Part 43p, of Title 25 of the Code of Federal Regulations, the Membership Roll of the Confederated Tribes of Siletz Indians of Oregon, a copy of which is attached, is approved.

Vincent Little,

Area Director.

[FR Doc. 79-13689 Filed 5-3-79; 8:45 am]

BILLING CODE 4310-02-M



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. 20245

*Handwritten notes and signatures at the top right of the page.*

IN REPLY REFER TO:  
Law Enforcement Services

MAY 11 1979

Memorandum

To: Portland Area Director  
From: Chief, Division of Law Enforcement Services  
Subject: Retrocession - Burns-Paiute

FEB 22

Enclosed are two copies of Federal Register publication of May 4, 1979, (44FR 26169) giving notice of acceptance of Oregon's offer to retrocession of its criminal and civil jurisdiction exercised over the Burns-Paiute Indian Tribe.

One copy is for your files and one copy for the Burns-Paiute tribe.

*1. copy P45  
1 " Tr. exp.*

*E. J. Suarez Sr.*

Enclosure

Bureau of Indian Affairs

RECEIVED

MAY 15 1979

Office of the Area Director,  
PORTLAND AREA OFFICE

MAY 15 1979

The Board of Advisors to the Fund was established to recommend to the Director of the Fund and the Assistant Secretary for Education priorities for funding and the approval or disapproval of grants and contracts of a given kind or over a designated amount under Section 404 of the General Education Provisions Act.

The meeting will not be open to the public. It will be for the sole purpose of reviewing and evaluating grant applications submitted to the Fund under the Comprehensive Program. The meeting will involve discussion of project design, personnel, and other information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. It has therefore been determined that closing this meeting is in accordance with 5 U.S.C. 552(b)(4) and (b) and the policies of the Federal Advisory Committee Act.

A summary of the proceedings of the meeting and a roster of members may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, S.W., Room 3123, Washington, D.C. 20202, telephone (202) 245-8091.

Signed at Washington, D.C. on April 11, 1979.

**Bruce Sarnell,**  
Director, Fund for the Improvement of Postsecondary Education  
[FR Doc. 79-12899 Filed 5-3-79; 8:45 am]  
BILLING CODE 4110-12-M

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**Burns-Plute Indian Reservation;  
Acceptance of Retrocession of  
Jurisdiction**

April 25, 1979.

Pursuant to the authority vested in the Secretary of the Interior by Executive Order No. 11435 (33 FR 17339) and redelegated to the Assistant Secretary, Indian Affairs by 204 DM R, I hereby accept, as of 12:01 a.m. (est) of the day following publication of this notice in the Federal Register, retrocession to the United States of all jurisdiction, Civil and Criminal, exercised by the State of Oregon over the Burns-Plute Indian Reservation, in the State of Oregon as offered by the Governor of Oregon in Executive Order No. EO-79-04 on the 22nd day of February, 1979, Salem, Oregon.

**Forrest J. Gerard,**  
Assistant Secretary, Indian Affairs  
[FR Doc. 79-12900 Filed 5-3-79; 8:45 am]  
BILLING CODE 4310-02-M

**Membership Roll of the Confederated Tribes of Siletz Indians of Oregon**

The membership roll of the Confederated Tribes of Siletz Indians of Oregon has been prepared under the Act of November 18, 1977 (95 Stat. 1415), and the regulations issued by the Assistant Secretary—Indian Affairs to assist in its preparation, specifically Subchapter F, Chapter I, Part 43p of Title 25 of the Code of Federal Regulations.

This membership roll, compiled for use in the restoration of federal recognition of these tribes is published as required by Section 8(j)(3) of the November 18, 1977, Act.

Dated: April 24, 1979.

**Rich Lewis,**  
Deputy Assistant Secretary—Indian Affairs.

Department of the Interior, Bureau of Indian Affairs; Membership Roll of the Confederated Tribes of Siletz Indians of Oregon prepared under the Act of November 18, 1977 (95 Stat. 1415)

**Certification**

The undersigned certify that to the best of our belief and knowledge the attached roll consisting of 44 pages (in the original document) and containing a total of 1083 names constitutes the Membership Roll of the Confederated Tribes of Siletz Indians of Oregon prepared in accordance with Sections 4a, b, and c, of the Act of November 18, 1977 (95 Stat. 1415), and the regulations issued in Subchapter F, Chapter I, Part 43p, of Title 25 of the Code of Federal Regulations.

Dated: April 14, 1979

**Arthur S. Russell,**  
Tribal Council Chairman  
**Leo C. Chikoff,**  
Tribal Enrollment Officer.

**Approval**

In accordance with Section 4(b)(2)(2), of the Act of November 18, 1977 (95 Stat. 1415), disposition has been made of all current appeals to the Secretary of the Interior from the rejection of the applications for the inclusion of persons on the roll prepared under the act. Consequently, subject to the adjudication of any additional appeals and under the regulations issued in Subchapter F, Chapter I, Part 43p, of Title 25 of the Code of Federal Regulations, the Membership Roll of the Confederated Tribes of Siletz Indians of Oregon, a copy of which is attached, is approved.

**Vincent Little,**  
Acting Director  
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