

the tribal revenue allocation plan according to your governing document.

§ 290.19 Where should the Indian tribe submit the tribal revenue allocation plan?

You must submit your tribal revenue allocation plan to your respective Superintendent. The Superintendent will review the tribal revenue allocation plan to make sure it has been properly adopted and contains all information needed. The Superintendent will then transmit the tribal revenue allocation plan promptly to the Appropriate Bureau Official.

§ 290.20 What action must the Appropriate Bureau Official take?

The Appropriate Bureau Official must approve any tribal revenue allocation plan that is sufficiently detailed to allow the Appropriate Bureau Official to determine that it complies with § 290.11 and the IGRA.

§ 290.21 How long will the review by the Appropriate Bureau Official take?

(a) Within 90 days after the Appropriate Bureau Official receives the tribal revenue allocation plan, or such shorter time as may be provided in the tribes' governing documents approved by the Secretary, the Appropriate Bureau Official must review and approve the tribal revenue allocation plan if it conforms with this part and the IGRA.

(b) If the tribal revenue allocation plan does not conform to the requirements of IGRA or this part, the Appropriate Bureau Official will send you a written notice within the time periods set forth in paragraph (a) of this section. The notice will explain why the tribal revenue allocation plan does not comply with this part or the IGRA and tell you how to bring it into compliance.

§ 290.22 What action will the Appropriate Bureau Official take if the tribal revenue allocation plan cannot be approved?

The Appropriate Bureau Official will not approve any tribal revenue allocation plan for distribution of net gaming revenues from a tribal gaming activity if:

(a) The tribal revenue allocation plan is inadequate, particularly with respect to the requirements described in § 290.11 and IGRA, and you fail to bring it into compliance; or

(b) The tribal revenue allocation plan is not adopted in compliance with your governing documents; or

(c) The tribal revenue allocation plan does not include a reasonable justification for limiting per capita payments to certain groups of members; or

(d) The tribal revenue allocation plan violates the Indian Civil Rights Act of 1968, any other provision of Federal law, or the United States' trust obligations.

§ 290.23 May an Indian tribe appeal the Appropriate Bureau Official's decision?

Yes, the Appropriate Bureau Official's decision may be appealed in accordance with the regulations at 25 CFR part 2.

§ 290.24 What happens if an Indian tribe makes per capita payments without an approved tribal revenue allocation plan?

The Department of Justice may enforce the per capita approval requirements of IGRA for any tribe refusing to comply with the law.

§ 290.25 How does the Indian tribe assure compliance with its tribal revenue allocation plan?

You must establish a process in the tribal revenue allocation plan for reviewing expenditures of net gaming revenues and explain how you will correct deficiencies.

§ 290.26 How does the Indian tribe resolve disputes arising from per capita distributions?

You must establish a process to resolve disputes arising from per capita distributions.

§ 290.27 Do changes/amendments to a tribal revenue allocation plan require approval?

Yes, the Appropriate Bureau Official must approve any changes/amendments to a tribal revenue allocation plan to ensure that the changes/modifications conform to § 290.11 and the IGRA.

§ 290.28 What is the liability of the United States under this part?

The United States is not liable for the manner in which a tribe distributes funds from net gaming revenues.

Dated: May 22, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

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Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Public Hearing on Proposed Endangered Status for the Least Chub (*Notemigonus crysoleucas*) and Proposed Designation of Its Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearing and reopening of comment period.

SUMMARY: The Fish and Wildlife Service (Service) provides notice that a public hearing will be held on the proposed determination of endangered status with critical habitat for the least chub (*Notemigonus crysoleucas*). To accommodate the public hearing, the comment period on the proposal is reopened. The least chub is a small fish in the minnow family endemic to the Bonneville Basin in Utah. All interested parties are invited to submit comments on this proposal.

DATES: The public hearing will be held from 3 p.m. to 5 p.m. and 6 p.m. to 8 p.m., with registration beginning at 2:30 p.m., on Thursday, June 27, 1996. Comments will be accepted until July 15, 1996.

ADDRESSES: The public hearing will be held at the Wendover High School, 110 Wildcat Blvd., Wendover, Utah. Written comments and materials should be sent to the Field Supervisor, Fish and Wildlife Service, 145 East 1300 South, Suite 404, Salt Lake City, Utah, 84115. Comments and materials received will be available for inspection, by appointment, during normal business hours, at the above address.

FOR FURTHER INFORMATION CONTACT: Robert D. Williams, Assistant Field Supervisor, telephone 801/524-5001 (see **ADDRESSES** Section).

SUPPLEMENTARY INFORMATION:

Background

The least chub (*Notemigonus crysoleucas*) is a small monotypic minnow endemic to the Bonneville Basin of Utah where it was once common and widely distributed. Populations of least chub have declined and continue to be threatened by habitat loss and degradation, and the introduction of nonactive species which compete with and predate least chub. The species is now restricted to several spring systems in the Snake Valley of western Utah, with one additional population recently discovered in eastern Juab County near Mona, Utah. Listing the least chub as endangered would afford the species protection under the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

On September 29, 1995, the Service published a proposed rule (60 FR 50518) to list the least chub as an endangered species with critical habitat. Section 4(b)(5)(E) of the Act requires that a public hearing be held if requested within 45 days of publication

of the proposal in the Federal Register. During the open comment period a public hearing request was received from private land owners in the vicinity of the species proposed critical habitat. The Service originally scheduled a hearing on December 18, 1995.

However, this hearing was canceled due to the listing moratorium enacted by Congress. This moratorium has now been lifted and the Service is proceeding with the public hearing.

Public Comments Solicited

The Service has scheduled this hearing on Thursday, June 27, 1996 from 3 p.m. to 5 p.m. and 6 p.m. to 8 p.m., with registration beginning at 2:30 p.m. mountain daylight time (see **ADDRESSES** above). Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement to be presented to the Service at the start of the hearing. In the event there is a large attendance, the time allotted for oral statements may have to be limited.

Oral and written statements concerning the proposed rule will

receive equal consideration by the Service. There are no limits to the length of written comments presented at this hearing or mailed to the Service. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to the least chub;

(2) The location of any additional populations of least chub and the reasons why any habitat should or should not be determined to be critical habitat as provided in section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species;

(4) Current or planned activities which may adversely modify the area that is being considered for critical habitat; and

(5) Any foreseeable economic or other impacts resulting from the proposed designation of critical habitat.

Legal notices and news releases announcing the date, time, and location of the hearing are being published in

newspapers concurrently with this Federal Register notice.

The previous comment period on this proposal closed on January 19, 1996. To accommodate this hearing, the Service reopens the comment period. Written comments may now be submitted until July 15, 1996, to the Service office identified in the **ADDRESSES** section above. All comments must be received before the close of the comment period to be considered.

Author

The author of this notice is Janet Mizzi, Utah Field Office (see **ADDRESSES** above), telephone 801/524-5001.

Authority

Authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

Dated: May 31, 1996.

Terry T. Terrell,

Deputy Regional Director, Region 6, Fish and Wildlife Service.

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