

# Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### Notice of Proposed Changes to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Michigan

**AGENCY:** Natural Resources Conservation Service (NRCS) in Michigan, US Department of Agriculture.

**ACTION:** Notice of availability of proposed changes in Michigan NRCS FOTG, Section IV for review and comment.

**SUMMARY:** It is the intention of NRCS in Michigan to issue revised conservation practice standards in Section IV of the FOTG. The revised standards include: Forest Harvest Trails and Landings (655) Critical Area Planting (342) Upland Wildlife Habitat Management (645)

**DATES:** Comments will be received on or before November 22, 1999.

**FOR FURTHER INFORMATION CONTACT:** Inquire in writing to Kevin Wickey, Assistant State Conservationist for Technology, Natural Resources Conservation Service, 1405 S. Harrison Rd., Room 101, E. Lansing, MI 48823. Copies of these standards will be made available upon written request. You may submit electronic requests and comments to [kwickey@mi.nrcs.usda.gov](mailto:kwickey@mi.nrcs.usda.gov).

**FOR FURTHER INFORMATION CONTACT:** Kevin Wickey, 517-337-6701, ext. 1242.

**SUPPLEMENTARY INFORMATION:** Section 393 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law, to NRCS state technical guides used to carry out highly erodible land and wetland provisions of the law, shall be made available for public review and comment. For the next 30 days, the

NRCS in Michigan will receive comments relative to the proposed changes. Following that period, a determination will be made by the NRCS in Michigan regarding disposition of those comments and a final determination of change will be made.

Dated: October 5, 1999.

**Jane E. Hardisty,**

*State Conservationist, E. Lansing, Michigan.*

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## DEPARTMENT OF COMMERCE

### Bureau of the Census

[Docket Number 990924263-9263-01]

#### American Indian and Alaska Native Areas (AIANA) Geographic Program for Census 2000—Proposed Program

**AGENCY:** Bureau of the Census, Commerce.

**ACTION:** Notice of proposed program and request for public comments.

**SUMMARY:** This notice includes the proposed program used to designate American Indian and Alaska Native areas (AIANAs) in Census 2000 and describes the changes from the criteria used for the 1990 census, as well as a list of definitions of key terms used in the criteria, and background information. This proposed program will apply to all AIANAs in the United States. The Census Bureau will accept comments on this notice for a period of 30 days after publication in the **Federal Register**.

The Census Bureau uses the collective term AIANAs for Census 2000 to refer to:

- Alaska Native Regional Corporations (ANRCs),
- Alaska Native village (ANVs) statistical areas,
- Federally recognized American Indian reservations,
- American Indian tribal subdivisions,
- American Indian off-reservation trust lands,
- Tribal designated statistical areas (TDSAs),
- Oklahoma tribal statistical areas (formerly "tribal jurisdiction statistical areas (TJSAs)"),<sup>1</sup>

<sup>1</sup> The designation "tribal jurisdiction statistical area" was changed to Oklahoma tribal statistical

• State-recognized American Indian reservations, and

• State-designated American Indian statistical areas (SDAISAs).

The above includes both legally established geographic areas and statistically created geographic areas (see "Definitions of Key Terms" in the **SUPPLEMENTARY INFORMATION** section).

Prior to the 1980 census, the U.S. Office of Management and Budget established an ad hoc interagency committee on the American Indian and Alaska Native Population to identify and examine how the federal government could provide improved data for this population. One of the primary tasks of the interagency committee, which included the U.S. Census Bureau and federal agencies with responsibility for funding, planning, or administering programs for this population, was to identify the content and geographic areas for which 1980 census data were needed to fulfill federal legislative and program requirements. In addition to the federal effort, the Census Bureau sought information on data needs from American Indian and Alaska Native tribal governments and communities as well as state governments.

To meet the diverse data requirements, as well as provide general-purpose statistics, the Census Bureau had to identify and define new geographic areas reflecting, to the extent possible, legally established entities, unique historical tribal homelands, and current settlements of tribal activity.

While aware of the use(s) of data by other federal agencies for program purposes, the Census Bureau does not create geographic frames of reference based on specific federal agency use(s) or need(s). The challenge of developing geographic frames of reference that would produce data for legal entities as well as significant statistical areas was made more difficult by the lack of one definitive source of information, and the differing legal circumstances and geographic settlement patterns of particular tribes. There are both federally recognized and state-recognized tribes with reservations and/or established land bases. While some

area to avoid the mis-perception that such designation constituted recognition or confirmation by the federal government of a particular legal status. The new designation is defined in the "Definitions of Key Terms" section.

federally recognized and state-recognized tribes do not have established land bases, they conduct identifiable tribal activity.

For tribal governments with reservations existing under law today or off-reservation trust lands, the Census Bureau had to work out a mechanism to obtain and maintain the most current, legally established boundaries for census purposes. Because some tribes do not currently have a legally established land base (reservation or off-reservation trust lands) with clearly delineated boundaries and legally recognized jurisdictions, the Census Bureau has had to develop a statistical equivalent. In doing so, the Census Bureau had to focus on the overall objective—producing statistics for a geographically defined area having significance for the tribal governments and for federal and state agencies funding and administering programs for the tribal governments. With this as the objective, the Census Bureau has developed the underlying premise that newly created geographic statistical areas should reflect, to the extent reasonably possible, the area in which there is an identifiable tribal activity and a concentration of persons who identify with the particular tribe. Admittedly, because of the lack of a clearly defined land base for some recognized tribes and because persons who identify with other tribes may be concentrated in the same areas, these criteria are of necessity somewhat amorphous.

The effort to produce meaningful data for American Indian tribal governments has been an evolutionary process that is best evidenced by the steps taken by the Census Bureau in the 1980 and 1990 censuses. A brief description of those procedures is included under the "Background" heading in the **SUPPLEMENTARY INFORMATION** section. This historic narrative will be followed by a description of the plans for Census 2000.

**DATE:** Any comments, suggestions or recommendations concerning this Census 2000 proposed program in this notice should be submitted in writing by November 22, 1999.

**ADDRESS:** Address all written comments to the Director, Bureau of the Census, Room 2049, Federal Building 3, Washington DC 20233-0001.

**FOR FURTHER INFORMATION CONTACT:** Robert Marx, Chief, Geography Division, Bureau of the Census, Room 651, WP-1, Washington DC 20233-7400, telephone (301) 457-2131, or e-mail (rmarx@geo.census.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to Title 13, United States Code, Section

141(a), the Secretary of Commerce, as delegated to the Census Bureau, undertakes every ten years the decennial census " \* \* \* in such form and content as he may determine \* \* \*," giving wide discretion to the Census Bureau in undertaking the census. The Census Bureau depicts AIANAs solely for purposes of presenting general-purpose statistical data from the decennial census of population and housing. It does not take into account or attempt to anticipate any nonstatistical uses that may be made of AIANAs, nor will the Census Bureau modify the definition of AIANAs to meet the requirements of the programs of other agencies. Where disputes occur because of overlapping boundaries, the Census Bureau will encourage the respective tribal officials to reach a mutually acceptable agreement. However, there may be instances where the Census Bureau cannot depict the boundaries submitted because they are in dispute. Representation of boundaries on Census Bureau maps and in Census Bureau data bases are solely for the purpose of data collection and data tabulation and do not convey any representation or right as to land ownership or legal status.

#### **Executive Order 12866**

This notice does not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

#### **Regulatory Flexibility Act**

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Assistant General Counsel for Legislation and Regulation, Department of Commerce, certified to the Chief Counsel, Small Business Administration, that this notice will not have a significant economic impact on a substantial number of small entities. This notice sets forth the Census Bureau's proposed program to designate AIANAs in Census 2000. The program will be used by the Census Bureau to tabulate and disseminate statistical data for AIANAs from the decennial census, solely for statistical purposes.

#### **Definitions of Key Terms**

*Alaska Native Claims Settlement Act (ANCSA)*—Legislation (Pub. L. 92-203) enacted in 1972 establishing Alaska Native Regional Corporations (ANRCs) and Alaska Native villages (ANVs) to conduct business and nonprofit activities by and for Alaska Natives.

*Alaska Native Regional Corporation (ANRC)*—A corporate entity organized to conduct both business and nonprofit affairs of Alaska Natives pursuant to the Alaska Native Claims Settlement Act. Twelve ANRCs are geographic entities

that cover most of the State of Alaska. A thirteenth ANRC represents Alaska Natives who do not live in Alaska and do not identify with any of the 12 corporations. The boundaries of ANRCs have been legally established.

*Alaska Native village (ANV)*—A type of local governmental unit in Alaska that constitutes an association, band, clan, community, group, tribe, or village recognized pursuant to the Alaska Native Claims Settlement Act of 1972 (Pub. L. 92-203). ANVs do not have boundaries that are clearly delineated or locatable. The Census Bureau does not define ANVs for the purposes of presenting census data. The Census Bureau does present census data for ANV statistical areas that represent the settled portion of the ANV.

*Alaska Native village statistical area (ANVSA)*—A statistical entity that represents the densely settled portion of an ANV. ANVSAs are delineated or reviewed by officials of the ANV or the ANRC in which the ANV is located for the purpose of presenting census data.

*American Indian reservation*—An American Indian governmental entity with legally defined boundaries established by treaty, statute, and/or executive or court order. The federal government and some state governments have established reservations as territory over which American Indians have primary governmental jurisdiction. These entities are designated as colonies, communities, pueblos, rancherias, ranches, reservations, reserves, tribal towns, or villages. The Bureau of Indian Affairs (BIA) maintains a list of federally recognized tribal governments. States provide a list of state-recognized American Indian reservations.

*American Indian tribal subdivision*—An administrative subdivision of a federally recognized American Indian reservation, known as an area, chapter, community, district, and so forth. These entities are internal units of self-government or administration that serve social, cultural, and/or economic purposes for the American Indians on the reservation and/or off-reservation trust lands.

*American Indian trust land*—Land held in trust by the federal government for either a tribe recognized by the federal government (tribal trust land) or an individual member of that tribe (individual trust land). Trust land can only be alienated or encumbered by the owner with the approval of the Secretary of the Interior or his/her authorized representative. Trust lands may be located on or off the reservation.

The Census Bureau recognizes and tabulates data separately only for off-reservation trust lands, because primary tribal governmental authority is generally not attached to tribal lands located off the reservation unless those lands are placed into trust status. Trust land always is associated with a specific federally recognized reservation and/or tribal government.

**Boundary and Annexation Survey (BAS)**—A Census Bureau survey of counties/county equivalents, minor civil divisions (MCDs), incorporated places, ANRCs, and federally recognized American Indian reservations and/or off-reservation trust lands. Its purpose is to determine, solely for the purposes of data collection and data tabulation, the complete inventory and the correct names, legal descriptions, official status, and official boundaries of the legal entities with primary governmental jurisdiction over certain lands within the United States as of January 1 of the survey year. The BAS also collects specific information on the legal actions that establish a boundary or impose boundary changes.

**Bureau of Indian Affairs (BIA)**—An agency of the federal government, located in the Department of the Interior, responsible for the historic and legal relationships between the federal government and federally recognized American Indian tribal governments and communities.

**Fee land (or land in fee simple status)**—Land owned in fee simple (total ownership, not in trust) by a tribe recognized by the federal government or individual members of a tribe. The title to such land is held by the tribe or an individual, and tracts and/or parcels of land can be alienated or encumbered by the owner without the approval of the Secretary of the Interior or his/her authorized representative. This type of land may be located on or off a federally recognized reservation. The Census Bureau does not identify fee land (or land in fee simple status) as a specific geographic category.

**Historic Areas of Oklahoma**—The area encompassing the former American Indian reservations that had legally established boundaries during the period 1900 through 1907 but were dissolved during the two- to three-year period preceding the establishment of Oklahoma as a state in 1907. The 1980 census tabulated data for this single entity, which was replaced for the 1990 census by the designation “tribal jurisdiction statistical areas” (TJSAs), reflecting, in general, a breakdown of the data by individual former reservations.

**Joint use area**—The term, as applied to any AIANA by the Census Bureau, means that the area is administered jointly and/or claimed by two or more American Indian tribes. The Census Bureau designates both legal and statistical joint use areas as unique geographic entities for the purpose of presenting census data.

**Legal entity**—A geographically defined governmental entity whose origin, boundary, name, and description result from charters, laws, treaties, or other governmental action. Examples are the United States, states and state equivalents, counties and county equivalents, MCDs, incorporated places, congressional districts, American Indian reservations and off-reservation trust lands, ANRCs, ANVs, and American Indian tribal subdivisions. The legal entities recognized for Census 2000 are those that exist on January 1, 2000. (The Census Bureau does not recognize ANVs for the purpose of presenting census data. The Census Bureau presents census data for ANV statistical areas which represent the settled portion of the ANV.)

**Oklahoma tribal statistical area (OTSA)**—A statistical entity identified and delineated for the Census Bureau in consultation with federally recognized American Indian tribes in Oklahoma. (In 1990, OTSAs were called TJSAs.) An OTSA encompasses an area that is generally defined by the boundaries of a former reservation in Oklahoma and is occupied today by individuals who identify with a tribe or tribes that have historically held or resided upon the former reservation.

**Restricted land**—A type of American Indian land belonging to tribes recognized by the federal government or individual members of those tribes. The title to such land is held by the tribe or individual and can only be alienated or encumbered by the owner with the approval of the Secretary of the Interior or his/her authorized representative. Restricted land may be located on or off a federally recognized reservation. The Census Bureau does not identify restricted land as a specific geographic category.

**State-designated American Indian statistical area (SDAISA)**—A statistical entity for state-recognized American Indian tribes that do not have a state-recognized land base (reservation). SDAISAs are identified and delineated for the Census Bureau by a designated state official. SDAISAs generally encompass a compact and contiguous area that contains individuals who identify with a state-recognized American Indian tribe and in which there is identifiable tribal activity.

**Statistical entity**—A specially defined geographic entity for which the Census Bureau tabulates data. Statistical entity boundaries are not legally defined, and the entities have no legal or governmental standing. Examples are metropolitan areas, urbanized areas, census county divisions, census-designated places, census tracts, census block groups, census blocks, tribal designated statistical areas (TDSAs), state-designated American Indian statistical areas (SDAISAs), Oklahoma tribal statistical areas (OTSAs—formerly called tribal jurisdiction statistical areas (TJSAs)), and Alaska Native village statistical areas (ANVSAs).

**Subreservation area**—See “American Indian tribal subdivision.”

**Surface estate**—That portion of the interest, ownership, or property in land that resides on the earth's surface, as distinguished from the subsurface estate (for example, mineral rights). The Census Bureau collects the boundaries of off-reservation trust lands where the surface estate is held in trust; it does not collect the boundaries where only the subsurface estate is held in trust.

**Tribal designated statistical area (TDSA)**—A statistical entity identified and delineated for the Census Bureau by a federally recognized American Indian tribe that does not currently have a legally established land base (reservation and/or off-reservation trust land). A TDSA encompasses a compact and contiguous area that contains individuals who identify with the federally recognized American Indian tribe and in which there is identifiable tribal activity.

**Tribal jurisdiction statistical area (TJSA)**—See “Oklahoma tribal statistical area” (OTSA).

## Background

### 1980 Census

The Census Bureau began to report data systematically for American Indian and Alaska Native areas (AIANAs) in conjunction with the 1980 census, when it identified and published data for American Indian reservations. The Census Bureau worked with the BIA and state officials to identify American Indian reservations and to obtain accurate maps of their boundaries, and with officials in Alaska to determine locations for ANVs. American Indian off-reservation tribal trust lands were identified for the first time as geographic entities. To provide data for tribes recognized by the federal government in Oklahoma that no longer had a reservation, an all-encompassing geographic entity called the Historic Areas of Oklahoma was created. Also

identified as geographic entities were American Indian subreservation areas, which are internal units of self-government or administration such as chapters, communities, and districts. The Census Bureau also sought input from American Indian tribal governments on the identification of the geographic areas.

#### 1990 Census

For 1990, the Census Bureau expanded and improved its geographic identification of American Indian reservations and off-reservation trust lands and increased the involvement of American Indian and Alaska Native officials in the geographic delineations. The Census Bureau also consulted with the Census Advisory Committee on the American Indian and Alaska Native Populations. For those tribes identified by the BIA as currently having a legally established land base, defined as a reservation or off-reservation trust lands, the Census Bureau continued to use boundaries certified by the BIA only for census purposes. The Census Bureau did not provide data for subreservation areas. It began to report data for American Indian off-reservation individual trust lands (in addition to the off-reservation tribal trust lands) and for Alaska Native Regional Corporations (ANRCs). It developed Alaska Native village statistical areas (ANVSAs) to represent the settled portion of Alaska Native villages (ANVs) because of the difficulty in obtaining and representing boundaries for the ANVs. It established a new geographic entity called the tribal designated statistical area (TDSA) to identify federally and state-recognized tribes without a land base (a reservation and/or off-reservation trust land) but with an area that has been associated with the tribe. The Census Bureau replaced the all-inclusive Historic Areas of Oklahoma with tribal jurisdiction statistical areas (TJSAs). Because tribes in Oklahoma have, for the most part, continued to live on and conduct tribal activities upon the lands that were former reservations, most of the 1990 TJSAs delineated by the tribes have boundaries that are very similar to the former reservation boundaries. The 1990 criteria established by the Census Bureau included a statement that TJSAs cannot include any reservation or trust lands. In fact, most of the tribes in Oklahoma do have trust lands but because the parcels are small and in many cases scattered, the 1990 program allowed tribes to identify as TJSAs a larger contiguous area associated with their tribe, generally constituting a former reservation.

#### Census 2000

For Census 2000, the Census Bureau continues to work with tribal governments and federal and state agencies, as well as the Census Advisory Committee on American Indian and Alaska Native Populations, to improve its geographic identification of AIANAs. For federally recognized tribes, instead of using updated boundaries obtained from the BIA, the Census Bureau offers programs to collect updated boundaries directly from the tribal governments. In 1997, it undertook the Tribal Review Program, to enable officials of all federally recognized American Indian tribes with a land base to review and update the maps used for Census 2000 for their jurisdictions. This involved checking the boundaries of reservations and/or off-reservation trust lands shown in the Census Bureau's geographic data base (Topologically Integrated Geographic Encoding and Referencing System (TIGER)) as provided to the Census Bureau for the 1990 census by the BIA, providing suggestions for Census 2000 block boundaries in the Block Definition Project, and updating and correcting the road and other base features shown on the census maps. The Tribal Review Program also gave tribes in Oklahoma the opportunity to review the delineation of their OTSAs, formerly TJSAs (generally defined by the boundaries of former reservations).

Beginning in 1998, the Census Bureau made federally recognized American Indian tribes with a land base part of its annual BAS. ANRCs also were included in the 1999 BAS. All American Indian entities included in the BAS will also be included in the Census 2000 Boundary Validation Program. This program will enable governmental officials responsible for legal entities to review and provide any corrections to the January 1, 2000, boundaries (the boundaries used for census statistical data tabulation). Boundary validation is scheduled to begin April 2000 and extend through July 2000. Also, to support tribal requests for data by administrative subdivisions, the Census Bureau will offer tribal officials the opportunity to delineate their chapters, communities, or districts as American Indian tribal subdivisions (similar to the 1980 subreservation areas).

In addition to offering the above programs, the Census Bureau has introduced a new geographic entity, the SDAISA, and has made some changes to the criteria for TDSAs and OTSAs (formerly TJSAs). See below for details.

#### Criteria

##### A. Legal Entity Criteria for Census 2000

1. The Census Bureau will use the following criteria for AIANAs that are legal entities for Census 2000.

##### a. Alaska Native Regional Corporations (ANRCs)

ANRCs are corporate entities organized to conduct both the business and nonprofit affairs of Alaska Natives pursuant to the Alaska Native Claims Settlement Act. Alaska is divided into 12 ANRCs that cover most of the state. The ANRC boundaries have been established by the Department of the Interior in cooperation with Alaska Natives. Each ANRC is designed to include Alaska natives with a common heritage and common interests. A thirteenth ANRC represents Alaska Natives who do not live in Alaska and do not identify with any of the 12 corporations. As part of the 1999 and 2000 BAS, representatives of the 12 nonprofit ANRCs are offered the opportunity to review and update the ANRC boundaries.

##### b. American Indian Reservations

The federal government and some state governments have established American Indian reservations as territory over which American Indians have primary governmental jurisdiction. Boundaries are established by treaty, statute, and/or executive or court order. A reservation of a tribe recognized by the federal government may be located in more than one state, but state-recognized reservations must respect state boundaries. The Census Bureau obtains changes to the boundaries of federally recognized American Indian reservations and off-reservation trust land directly from the tribes through the annual BAS. Acceptance of boundary changes requires legal documentation, such as copies of the deeds putting the land into trust, supporting any, and all, changes to the 1990 census boundary as certified to the Census Bureau by the BIA, as well as the absence of any litigation involving these boundaries. Any changes to the inventory of reservations for federally recognized tribes will be based upon BIA designation of the reservation. If there is a question about the status of the 1990 boundary, the Census Bureau will consult with other responsible federal agencies for resolution of the matter. A designated state liaison will provide the Census Bureau with the boundaries of state-recognized American Indian reservations.

### c. American Indian Off-Reservation Trust Lands

American Indian trust lands are tracts and/or parcels of land held in trust by the federal government for either a tribe recognized by the federal government (tribal trust land) or an individual member of that tribe (individual trust land). Trust land can only be alienated or encumbered by the owner with the approval of the Secretary of the Interior or his/her authorized representative. Trust land is always associated with a specific federally recognized reservation and/or tribe, and it may be located on or off a reservation. The Census Bureau, however, recognizes and tabulates data separately only for off-reservation trust lands because primary tribal governmental jurisdiction is attached to lands within the legal boundaries of a federally recognized reservation whether the lands are held in trust status or not. Primary tribal governmental jurisdiction is generally not attached to tribal lands located off the reservation until the lands are placed in trust. The Census Bureau does not identify or compile data for other types of off-reservation American Indian land, such as restricted land and fee land (land in fee simple status). These lands are owned by individuals and have an individual's name on the title of the land. (The compilation of land ownership information by individuals is not within the mission of the decennial census.) The Census Bureau collects the boundaries of off-reservation trust lands where the surface estate is held in trust. It does not collect the boundaries of parcels and/or tracts of land where only the subsurface estate has been placed in trust. The Census Bureau collects the boundaries of American Indian off-reservation trust lands through its annual BAS. The tribes are required to provide legal documentation to support any, and all, legal boundary changes since the BIA provided the boundaries to the Census Bureau that reflected the status for census purposes as of January 1, 1990.

### d. American Indian Tribal Subdivisions

Some American Indian reservations and/or off-reservation trust land areas have administrative subdivisions variously designated as areas, chapters, communities, districts, and so forth. These entities are internal units of tribal self-government or administration that serve social, cultural, and/or economic purposes for the American Indians on the reservation. Federally recognized tribes interested in data from Census 2000 by such administrative entities will be offered the opportunity to

delineate these subdivisions only on their land base (reservation and/or off-reservation trust land). The Census Bureau can report only one administrative level of subdivisions within a reservation and/or off-reservation trust land area. Tribes that have multiple levels of administrative units should submit the lowest level. If the reservation or off-reservation trust lands are discontinuous, the tribal subdivisions will be discontinuous. The Census Bureau will collect information for American Indian tribal subdivisions in the 2000 BAS.

### 2. Changes in the Legal Entity Criteria for Census 2000

Most provisions of the legal entity AIANA criteria remain unchanged from those used in conjunction with the 1990 census, with the few exceptions summarized below.

- The Census Bureau will contact all federally recognized tribes directly to obtain updates and supporting documentation on the boundary information rather than obtaining updated boundary information from the BIA.
- American Indian tribal subdivisions are new for Census 2000 in the sense that the Census Bureau did not identify or report data for them in conjunction with the 1990 census. However, they are similar in many respects to the American Indian subreservation areas of 1980. One difference is that the 1980 subreservation areas sometimes included territory located beyond the reservation and/or off-reservation trust land boundaries, whereas the tribal subdivisions for Census 2000 must not extend beyond the boundaries of reservations or off-reservation trust lands.

### B. Statistical Entity Criteria for Census 2000

The Census Bureau will recognize and publish data for the area identified by a tribe or tribes, or by a state liaison (for state-recognized tribes) solely for census statistical purposes.

1. With the exception of the OTSAs, formerly TJSAs, census block boundary criteria apply to all AIANAs that are statistical entities for Census 2000. The Census Bureau will publish data for and recognize the area identified by a tribe or tribes solely for census statistical purposes.

Because they are statistical entities, the boundaries of ANVSAs, SDAISAs, and TDSAs will be census block boundaries. Census block boundaries should follow visible, perennial natural and cultural features such as roads, rivers, canals, railroads, and above-

ground high-tension power lines. Other features acceptable as census block boundaries are the boundaries of:

- Counties and statistically equivalent entities.
- County subdivisions.
- Incorporated places.
- Federally recognized American Indian reservations and/or off-reservation trust lands.
- State-recognized American Indian reservations.
- Military reservations.
- National parks.

When these features are not available for selection, the Census Bureau, at its discretion, may approve other nonstandard visible features, such as ridge lines, pipelines, intermittent streams, fence lines, and so forth. Additionally, the Census Bureau may accept, on a case-by-case basis, the boundaries of selected nonstandard and potentially nonvisible features, such as the boundaries of local and state parks and forests, cemeteries, other special land-use properties, and the straight-line extensions of visible features or other lines-of-sight.

2. The Census Bureau will use the following criteria for AIANAs that are statistical entities for Census 2000.

### a. Alaska Native Village Statistical Areas (ANVSAs)

An ANVSA represents the concentrated settlement of an ANV established as part of the Alaska Native Claims Settlement Act of 1972. ANVs usually have no definite legal boundaries and often include many square miles of land used by Alaska Natives for hunting and fishing. ANVSAs are delineated or reviewed by officials of the ANV or the ANRC in which the ANV is located for the purpose of presenting census data. An ANVSA may not overlap the boundary of another ANVSA or an American Indian reservation or TDSA.

### b. State Designated American Indian Statistical Areas (SDAISAs)

The purpose of SDAISAs, a new geographic statistical area established for Census 2000, is to differentiate between state-recognized tribes without a land base and tribes recognized by the federal government without a land base. (In 1990, all such tribes were identified as TDSAs.) There are no minimum population size requirements, but a SDAISA should encompass compact and contiguous areas in which a concentration of persons who identify with the tribe reside and in which there is identifiable tribal activity. Examples of the latter include: tribal headquarters buildings or meeting areas, cultural or

religious areas of significance, tribal service centers, or tribally owned commercial areas. The SDAISA is not intended to identify all lands once claimed by a particular tribe. A SDAISA may not be located in more than one state, and it may not include area within a reservation, off-reservation trust land, ANVSA, TDSA, or OTSA. A state liaison identified by the Governor will delineate SDAISAs.

**c. Tribal Designated Statistical Areas (TDSAs)**

The purpose of TDSAs is to provide data for tribes recognized by the federal government outside the State of Oklahoma that do not have a land base. To be considered for a TDSA, a tribe must be recognized by the federal government. There are no minimum population size requirements, but a TDSA should encompass compact and contiguous areas in which a concentration of persons who identify with the tribe reside and in which there is identifiable tribal activity. Examples of the latter include: tribal headquarters buildings or meeting areas, cultural or religious areas of significance, tribal service centers, or tribally owned commercial areas. The TDSA is not intended to identify all lands once claimed by a particular tribe. A TDSA may be located in more than one state, but it may not cross the boundaries of any reservation, off-reservation trust land, ANVSA, SDAISA, or OTSA.

**d. Oklahoma Tribal Statistical Areas (OTSAs), Formerly Tribal Jurisdiction Statistical Areas (TJSAs)**

The purpose of OTSAs is to provide data for tribes recognized by the federal government in the State of Oklahoma that do not currently have an existing reservation. The OTSA program was designed to give the tribal governments in the State of Oklahoma an opportunity to delineate an identifiable land area as tribal lands. There are no minimum population size requirements, but an OTSA should encompass a compact and contiguous area in which a concentration of persons who identify with the tribe reside and in which there is identifiable tribal activity. This area will be recognized as an OTSA. Because most tribes in Oklahoma had or resided upon former reservations, and continue to do so to this day, the boundaries of the OTSAs generally reflect the boundaries of those former reservations.

In addition to changing the name because of confusion created by use of the word "jurisdiction," the Census Bureau has made one other change to this program for Census 2000: an OTSA must contain territory within Oklahoma,

but it may extend into a state bordering Oklahoma. An OTSA may not cross: the boundaries of any reservation; off-reservation trust land belonging to the Osage Tribe, which is based in Oklahoma, or any tribe not based in Oklahoma; or any SDAISA or TDSA. The boundaries of an OTSA, since many reflect former legal reservation boundaries, are not required to conform to a visible feature or other acceptable feature required of other statistical tribal entities.

In determining its definition for Census 2000, the Census Bureau is clarifying that an OTSA can include trust lands; however, a tribe must choose to identify only one type of geographic area for use in the reporting of census data. Therefore, a tribe that resides upon a land area in Oklahoma (or in the immediately surrounding states) can identify that area as an OTSA or can submit to the Census Bureau the boundaries for their tribal and individual trust lands; a tribe cannot identify both an OTSA and trust lands. Specified trust lands will not be shown as included within an OTSA but will be separately identified the same as for tribes in other states that do not have a reservation but only trust lands.

Most of the 1990 TJSAs (now designated OTSAs) share a common boundary to the north, south, east, and west with neighboring TJSAs. For Census 2000, if a tribal government wishes to adjust a boundary that is shared by more than one OTSA there must be agreement for the adjustment from all tribal governments affected by the change. This is also true for those OTSAs occupied by more than one tribe. All boundary/occupancy adjustments must be acceptable to all the tribal governments involved before the Census Bureau will make revisions. If for any reason an acceptable resolution cannot be reached by the tribes, the Census Bureau will designate the area under dispute as an Oklahoma tribal statistical "joint use area," implying an area of shared occupation and/or tribal activity, and will hold to the boundaries submitted during the 1990 census.

**3. Designation of Names for American Indian and Alaska Native area (AIANA) Statistical Entities for Census 2000**

The Census Bureau will identify the American Indian and Alaska Native statistical areas with a name generally following the suggestion of the tribe(s) proposing the statistical area. Where a tribe(s) cannot agree on a name for the statistical entity, the Census Bureau will designate a name that has been historically used, or commonly known

for the area encompassed by the AIANA statistical area; or if such cannot be determined, the Census Bureau will establish a name comprised of the name(s) of the tribe(s) with a substantial number of individuals who identify with the tribe(s) in the area, in the order of population size from the preceding census for the area.

**4. Changes in the Statistical Entity Criteria for Census 2000**

Most provisions of the AIANA criteria for statistical entities remain unchanged from those used in conjunction with the 1990 census, with the few exceptions summarized below.

- The TDSAs for Census 2000 will apply only to federally recognized tribes. State-recognized tribes without a land base, including those that were TDSAs in 1990, will be identified as SDAISAs, a new geographic entity.
- Alaska Native tribes and/or villages not established as Alaska Native villages under the Alaska Native Claims Settlement Act of 1972 may be delineated as TDSAs provided that they are recognized by the federal government and do not have a land base.
- For Census 2000, a TDSA may cross a state boundary. In 1990, TDSAs had to respect state boundaries.
- The OTSAs, formerly TJSAs, for Census 2000 may cross the boundaries of Oklahoma and include territory in a neighboring state. In 1990, they had not been allowed to extend beyond Oklahoma. In addition, boundaries for OTSAs do not have to meet the visible feature requirements for census block boundaries.
- The Census Bureau has clarified how AIANA statistical entities will be named.

Dated: October 8, 1999.

**Kenneth Prewitt,**

*Director, Bureau of the Census.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-427-098]

**Continuation of Antidumping Duty Order: Anhydrous Sodium Metasilicate from France**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of continuation of antidumping duty order: Anhydrous Sodium Metasilicate from France.