

**Federal Register** (66 FR 32635), that an application had been filed with the Fish and Wildlife Service by Aquamarine Fukushima, Iwaki, Japan, for a permit (PRT-020575) to take from the wild and export to Japan one male and two female northern sea otters (*Enhydra lutris lutris*) for public display purposes. On August 14, 2001, a notice was published in the **Federal Register** (66 FR 42677), re-opening this application for public comment.

Notice is hereby given that on July 26, 2002, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service denied the requested permit.

On June 15, 2001, a notice was published in the **Federal Register** (66 FR 32635), that an application had been filed with the Fish and Wildlife Service by Ibaraki Prefectural Oarai Aquarium, Ibaraki, Japan, for a permit (PRT-043001) to take from the wild and export to Japan one male and four female northern sea otters (*Enhydra lutris lutris*) for public display purposes. On August 14, 2001, a notice was published in the **Federal Register** (66 FR 42677), re-opening this application for public comment.

Notice is hereby given that on July 26, 2002, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service denied the requested permit.

Dated: August 2, 2002.

**Monica Farris,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

[FR Doc. 02-23516 Filed 9-16-02; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Issuance of Permit for Marine Mammals

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of issuance of permit for marine mammals.

**SUMMARY:** The following permit was issued.

**ADDRESSES:** Documents and other information submitted for this application is available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax (703) 358-2281.

**FOR FURTHER INFORMATION CONTACT:** Division of Management Authority, telephone 703/358-2104.

**SUPPLEMENTARY INFORMATION:** On June 28, 2002, a notice was published in the **Federal Register** (67 FR 43676), that an application had been filed with the Fish and Wildlife Service by Barbara L. Sackman for a permit (PRT-057753) to import one polar bear taken from the Viscount Melville Sound population, Canada, for personal use.

Notice is hereby given that on August 28, 2002, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service issued the requested permit subject to certain conditions set forth therein.

Dated: August 29, 2002.

**Monica Farris,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

[FR Doc. 02-23518 Filed 9-16-02; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Issuance of Permit for Marine Mammals

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of issuance of permit for marine mammals.

**SUMMARY:** The following permits were issued.

**ADDRESSES:** Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax (703) 358-2281.

**FOR FURTHER INFORMATION CONTACT:** Division of Management Authority, telephone 703/358-2104.

**SUPPLEMENTARY INFORMATION:** On May 30, 2002, a notice was published in the **Federal Register** (67 FR 37855), that an application had been filed with the Fish and Wildlife Service by William C. Myer for a permit (PRT-056909) to import one polar bear (*Ursus maritimus*) taken from the Viscount Melville Sound population, Canada, for personal use.

Notice is hereby given that on August 26, 2002, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and

Wildlife Service issued the requested permit subject to certain conditions set forth therein.

On June 28, 2002, a notice was published in the **Federal Register** (67 FR 43677), that an application had been filed with the Fish and Wildlife Service by Thomas Gate for a permit (PRT-058129) to import one polar bear (*Ursus maritimus*) taken from the Lancaster Sound population, Canada, for personal use.

Notice is hereby given that on August 27, 2002, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service issued the requested permit subject to certain conditions set forth therein.

On July 5, 2002, a notice was published in the **Federal Register** (67 FR 44873), that an application had been filed with the Fish and Wildlife Service by Bonnie L. Prochnow for a permit (PRT-058491) to import one polar bear (*Ursus maritimus*) taken from the Lancaster Sound population, Canada, for personal use.

Notice is hereby given that on August 26, 2002, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service issued the requested permit subject to certain conditions set forth therein.

Dated: September 6, 2002.

**Michael Moore,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

[FR Doc. 02-23519 Filed 9-16-02; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Issuance of Permit for Marine Mammals

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of issuance of permit for marine mammals.

**SUMMARY:** The following permit was issued.

**ADDRESSES:** Documents and other information submitted for this application is available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax (703) 358-2281.

**FOR FURTHER INFORMATION CONTACT:**

Division of Management Authority, telephone 703/358-2104.

**SUPPLEMENTARY INFORMATION:** On June 25, 2002, a notice was published in the **Federal Register** (67 FR 42792), that an application had been filed with the Fish and Wildlife Service by Robert E. Cogar, for a permit (PRT-057467) to import one polar bear taken from the Northern Beaufort Sea population, Canada, for personal use.

Notice is hereby given that on August 16, 2002, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service issued the requested permit subject to certain conditions set forth therein.

Dated: August 23, 2002.

**Anna Barry,**

*Permit Biologist, Branch of Permits, Division of Management Authority.*

[FR Doc. 02-23521 Filed 9-16-02; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****Final Determination To Decline To Acknowledge the Muwekma Ohlone Tribe**

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

**ACTION:** Notice of final determination.

**SUMMARY:** Pursuant to 25 CFR 83.10(m), notice is hereby given that the Assistant Secretary—Indian Affairs declines to acknowledge the Muwekma Ohlone Tribe petitioner, 1358 Ridder Park Drive, San Jose, California 95131, as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group does not meet all seven criteria set forth in 25 CFR 83.7, as modified by 25 CFR 83.8.

**DATES:** This final determination is effective December 16, 2002, pursuant to 25 CFR 83.10(l)(4), unless a request for reconsideration is filed pursuant to 25 CFR 83.11.

**FOR FURTHER INFORMATION CONTACT:** R. Lee Fleming, Chief, Branch of Acknowledgment and Research, (202) 208-3592.

**SUPPLEMENTARY INFORMATION:** This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs (Assistant Secretary) 209 DM 8.

A notice of the proposed finding to decline to acknowledge the Ohlone/

Costanoan Muwekma Tribe (now renamed Muwekma Ohlone Tribe) was published in the **Federal Register** on August 3, 2001 (66 FR 40712). An order of the United States District Court for the District of Columbia, dated January 16, 2001, set the close of the period for comment on the proposed finding as October 29, 2001; however, following two extensions granted by the Court in response to the petitioner's motions, the end date for the comment period was set as January 27, 2002, and the end of the period for the petitioner to respond to third-party comments was set as March 28, 2002. The Muwekma Ohlone Tribe petitioner submitted comments on the proposed finding, but did not submit a response to the public comments. The Court granted the Department's request for a 30-day extension to the August 8, 2002, due date for the issuance of a final determination to September 9, 2002. This final determination is made following a review of the petitioner's comments and the public comments on the proposed finding, and is based on all of the evidence in the record.

The Muwekma petitioner has been evaluated under modified requirements provided in section 83.8 of the regulations on the basis of a determination that it had unambiguous Federal acknowledgment as the Verona Band between 1914 and 1927.

*Criterion 83.7(a):* The petitioner has not demonstrated that it meets the requirements of criterion 83.7(a) as modified by section 83.8(d)(1) with evidence since 1927 of substantially continuous external identifications of the petitioning group as a continuation of a historical "Verona Band" or Pleasanton rancheria. Therefore, as provided in section 83.8(d)(5), this final determination evaluated whether the petitioner has demonstrated that it meets the unmodified requirements of section 83.7(a) from 1927 to the present. The review of the available evidence concludes that the evidence demonstrates that the petitioning group was identified as an Indian entity in the years between 1965 and 1971, and again from 1982 to the present. Because the petitioning group was not identified as an Indian entity for a period of almost four decades after 1927, and for only a 6-year period during the 55 years between 1927 and 1982, it has not been identified as an Indian entity on a "substantially continuous" basis since 1927. Therefore, the petitioner does not meet the requirements of criterion 83.7(a) as modified by sections 83.8(d)(1) or 83.8(d)(5).

*Criterion 83.7(b):* The petitioner has not demonstrated that it meets the requirements of criterion 83.7(b) as

modified by section 83.8(d)(2) which requires the petitioner to demonstrate that it comprises a distinct community "at present," but need not demonstrate its existence as a community historically. In response to the proposed finding, the petitioner submitted documents pertaining to godparenting, funerals, and the petitioner's activities from 1982 to 1991. It also submitted oral interviews taken by an academic researcher in 1984 and 1986 and by the petitioner's researcher, chairman, and staff since the issuance of the proposed finding. The oral histories, combined with documentary evidence both in the record and newly submitted, demonstrated: some informal social relationships and interactions of the petitioner's ancestors from 1910-1950; actual practices of godparenting, fostering, and adoption before 1950; the informal group involved in preserving an historic Ohlone Cemetery from 1963-1971; an application process organized by individual extended families in 1967-1971 to apply under the 1928 claims act; and previously unknown efforts in 1967-1984 to establish an Ohlone membership organization.

While this new evidence helped demonstrate limited aspects of community which marginally existed as late as 1950 for the petitioner's members and even later for smaller segments, the petitioner did not submit documents or oral histories dealing with the present day, which is the only requirement under criterion (b) for previously acknowledged groups such as this one. The oral histories did not deal with events after 1971, and the newly submitted documents were generally very similar to the documents that had been submitted for the proposed finding and tended to support those previous findings under criterion 83.7(b). Thus, the petitioner does not meet criterion 83.7(b) "at present" and therefore does not meet criterion 83.7(b) as modified by 83.8(d)(2) or 83.8(d)(5).

*Criterion 83.7(c):* The petitioner has not demonstrated that it meets requirements of criterion 83.7(c) as modified by section 83.8(d)(3) because there is insufficient evidence of identifications of leaders or a governing body of the petitioning group by "authoritative, knowledgeable external sources" on a "substantially continuous" basis since 1927. Thus, as provided in section 83.8(d)(5), this final determination has evaluated whether or not the petitioner has demonstrated that it meets the unmodified requirements of criterion 83.7(c) from 1927 until the present. The petitioner does not meet criterion 83.7(c) at any time based on meeting criterion 83.7(b) with sufficient