

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs**

[267A2100DD/AAKC001030/  
AOA501010.000000]

**Indian Gaming; Approval by Operation of Law of the Tribal-State Compact Amendment Between the Catawba Nation and the State of North Carolina**

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

**ACTION:** Notice.

**SUMMARY:** This notice publishes the approval by operation of law of the Agreement to Amend Tribal-State Compact between the Catawba Indian Nation and the State of North Carolina governing the operation and regulation of class III gaming activities.

**DATES:** The amendment takes effect on December 15, 2025.

**FOR FURTHER INFORMATION CONTACT:** Mr. Troy M. Woodward, Acting Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, *IndianGaming@bia.gov*; (202) 219–4066.

**SUPPLEMENTARY INFORMATION:** Under section 11 of the Indian Gaming Regulatory Act (IGRA), Public Law 100–497, 25 U.S.C. 2701 *et seq.*, the Secretary of the Interior (Secretary) shall publish in the **Federal Register** notice of approved tribal-state compacts for the purpose of engaging in class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary. The Amendment removes a restriction in the Compact which requires the Catawba Indian Nation to use a particular gaming testing company for the testing of gaming machines as defined in the Compact. The Secretary took no action on the Agreement to Amend Tribal-State Compact between the Catawba Indian Nation and the State of North Carolina governing the operation and regulation of class III gaming activities. Therefore, the amendment is considered to have been approved, but only to the extent it is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

**William Henry Kirkland, III,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 2025–22803 Filed 12–12–25; 8:45 am]

**BILLING CODE** 4337–15–P

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs**

[267A2100DD/AAKC001030/  
AOA501010.000000]

**Indian Gaming; Approval by Operation of Law of the Addendum to Tribal-State Compact for Control of Class III Blackjack on the Lower Sioux Community Reservation in the State of Minnesota for Class III Card Games**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the approval by operation of law of the Addendum to Tribal-State Compact for Control of Class III Blackjack on the Lower Sioux Community Reservation in the State of Minnesota for Class III Card Games (Amendment) governing the operation and regulation of class III gaming activities.

**DATES:** The amendment takes effect on December 15, 2025.

**FOR FURTHER INFORMATION CONTACT:** Mr. Troy Woodward, Acting Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, *IndianGaming@bia.gov*; (202) 219–4066.

**SUPPLEMENTARY INFORMATION:** The Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2701 *et seq.*, (IGRA) provides the Secretary of the Interior (Secretary) with 45 days to review and approve or disapprove the Tribal-State compact governing the conduct of class III gaming activity on the Tribe's Indian lands. *See* 25 U.S.C. 2710(d)(8). If the Secretary does not approve or disapprove a Tribal-State compact within the 45 days, IGRA provides the Tribal-State compact is considered to have been approved by the Secretary, but only to the extent the compact is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(D). The IGRA also requires the Secretary to publish in the **Federal Register** notice of the approved Tribal-State compacts for the purpose of engaging in class III gaming activities on Indian lands. *See* 25 U.S.C. 2710(d)(8)(D). As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary.

This Amendment permits the Tribe to operate class III card games on the Tribe's Indian lands. The Secretary took no action on the Amendment within the 45-day statutory review period. Therefore, the Amendment is considered to have been approved, but

only to the extent it is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

**William Henry Kirkland, III,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 2025–22802 Filed 12–12–25; 8:45 am]

**BILLING CODE** 4337–15–P

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs**

[267A2100DD/AAKC001030/  
AOA501010.999900]

**HEARTH Act Approval of Dry Creek Rancheria Band of Pomo Indians, California, Amended and Restated Leasing Ordinance**

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

**ACTION:** Notice.

**SUMMARY:** The Assistant Secretary—Indian Affairs approved the Dry Creek Rancheria Band of Pomo Indians, California, Amended and Restated Leasing Ordinance under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into business leases without further Secretary of the Interior approval.

**DATES:** The Assistant Secretary—Indian Affairs issued the approval on October 31, 2025.

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

**SUPPLEMENTARY INFORMATION:****I. Summary of the HEARTH Act**

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into leases of Tribal trust lands, for various uses, for a primary term of 25 years and, in some cases, up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious, or educational purposes for a primary term of up to 75 years without the approval of the Secretary.

Participating Tribes develop leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases.

The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department, we) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for Dry Creek Rancheria Band of Pomo Indians, California.

## II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal Government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal Government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation v. Thurston County*, 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe v. Jones*, 411 U.S. 145 (1973)). Similarly, section 5108 preempts State taxation of rent payments by a lessee for leased trust lands, because “tax on the payment of rent is indistinguishable from an impermissible tax on the land.” *See Seminole Tribe of Florida v. Stranburg*, 799 F.3d 1324, 1331, n.8 (11th Cir. 2015).

In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe v. Bracker*, 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted

against a backdrop of “traditional notions of Indian self-government,” requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72,447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to “allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities.” 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes “flexibility to adapt lease terms to suit [their] business and cultural needs” and to “enable [Tribes] to approve leases quickly and efficiently.” H. Rep. 112–427 at 6 (2012).

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination and would threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan v. Bay Mills Indian Community*, 572 U.S. 782, 810 (2014) (Sotomayor, J., concurring) (determining that “[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding”). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 810–11 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to the Bureau of Indian Affairs's (BIA's) surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal Government

remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to 25 CFR part 162.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or 25 CFR part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by Dry Creek Rancheria Band of Pomo Indians, California.

**William Henry Kirkland, III,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 2025–22804 Filed 12–12–25; 8:45 am]

**BILLING CODE 4337–15–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[#A2407–014–004–065516; #O2509–014–004–125222]

### Public Land Order No. 7967; National Defense Operating Area Withdrawal, San Diego and Imperial Counties, CA

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

**ACTION:** Public Land Order (PLO).

**SUMMARY:** This Order withdraws, subject to valid existing rights, approximately 760.42 acres of Federal lands from settlement, sale, location, and entry under the general land laws, including the United States mining laws, mineral leasing laws, and geothermal leasing laws, for a period of 3 years for use by the Department of the Navy for border security purposes. This withdrawal also transfers administrative jurisdiction of the lands to the Department of the Navy. **DATES:** This PLO takes effect on December 9, 2025.

**FOR FURTHER INFORMATION CONTACT:** Joseph Stout, BLM California State Director, California, telephone: 916–978–4600, email: [josephstout@blm.gov](mailto:josephstout@blm.gov).