offer by CIRI and/or a Village Corporation. The CIRI right of first refusal shall have precedence over the rights of preferred operators.

(3) The right of first refusal described in this section may not be sold, transferred, devised or assigned, directly or indirectly.

(f) Most directly affected Native Corporation determination. (1) Prior to the issuance of a solicitation document for any future visitor service in a refuge, the Refuge Manager shall provide an opportunity for any Native Corporation interested in providing such new visitor services within a refuge to submit an application to the Refuge Manager including, but not limited to, the following information:

(i) The name, address, and phone number of the Native Corporation; the date of incorporation; its articles of incorporation and structure; and the name of the applicable refuge area;

(ii) The location of the Native Corporation's population center or centers; and

(iii) The socio-economic impacts and their effects as a result of the expansion or establishment of the refuge area.

(2) Upon receipt of all applications from interested Native Corporations, the Refuge Manager will determine the "most directly affected" Native Corporation based on the following criteria:

(i) The number of acres of surface land within and adjoining the refuge that the Native Corporation owns, or which has been selected under the Alaska Native Claims Settlement Act, unless such selection is determined to be invalid or is relinquished;

(ii) The distance and accessibility from the Native Corporation's population center and/or business address to the applicable refuge; and

(iii) The socio-economic impacts and their effects as a result of the expansion or establishment of the refuge.

(3) In the event that more than one Native Corporation is determined to be equally affected, each such Native Corporation shall be considered as a preferred operator under this section. Preferred operators may form joint ventures with other preferred operators in applying for a visitor service authorization under this section.

(4) The Refuge Manager's "most directly affected" Native Corporation determination or, when requested, the Regional Director's appeal decision, for a refuge is final for all applicable solicitations for new visitor services.

(g) Appeal procedures. Any person who considers that they have been improperly denied rights with respect to providing visitor services under this

section may appeal the denial to the Regional Director. Such an appeal must be submitted in writing within thirty (30) days of receipt of the denial from which an appeal is sought. Appeals must set forth the facts and circumstances which the appellant considers as supporting the appeal. The appellant may request an informal meeting to discuss the appeal with the Regional Director. After consideration of the materials submitted by the appellant, the Service record of the matter, and any meeting as requested by the appellant, the Regional Director shall affirm, reverse, or modify the denial appealed from and shall set forth in writing the basis of the decision. A copy of the decision shall be forwarded to the appellant and shall constitute the final administrative decision in the matter. No person shall be considered to have exhausted administrative remedies with respect to a denial of rights to provide visitor services under this section until a final administrative decision has been made pursuant to this section.

Dated: March 18, 1995.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

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