

usually bordered in part by broadleaf deciduous trees.

Water howellia is currently known from a total of six geographic areas—one in Idaho (Latah County); three in Washington (one each in Spokane, Clark, and Pierce Counties); one in Montana (Lake and Missoula Counties); and one in California (Mendocino County). Water howellia was believed extirpated from California but was rediscovered in 1996.

Water howellia was listed as a threatened species on July 14, 1994 (59 FR 35860), under the authority of the Act. Water howellia is globally rare (occupying less than 200 acres of habitat rangewide), has extremely narrow ecological adaptations, and electrophoretic tests indicate that it lacks detectable genetic variation within and among occurrences. For these reasons, it is particularly vulnerable to habitat alteration and loss. Water howellia was listed because of current and potential threats to the species and its habitat from competition from invasive plant species, timber harvesting, and intensive livestock use of ponds.

The goal of this recovery plan is to provide an adequate level of conservation for the species and its habitat so that there will be self-sustaining populations distributed throughout its extant range and to guide recovery actions to facilitate delisting of the species. Recovery efforts will focus on development and implementation of habitat management plans for occurrences on public lands; promotion of voluntary protection on private lands; conducting biological and habitat management research; monitoring and surveys of known occurrences and potential habitat; dissemination of educational information; promotion of state-level legal protection; and evaluation of the appropriateness and feasibility of reintroducing water howellia into portions of its historic range.

#### Public Comments Solicited

The Service solicits written comments on the recovery plan described above. All comments received by the date specified in the **DATES** section above will be considered prior to approval of the recovery plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: September 17, 1996.

Terry T. Terrell,  
Deputy Regional Director, Denver, Colorado.  
[FR Doc. 96-24397 Filed 9-22-96; 8:45 am]

BILLING CODE 4310-55-M

#### Notice of Extension of Comment Period. Assessment Plan: Lower Fox River/Green Bay Natural Resource Damage Assessment

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

**ACTION:** Extension of comment period.

**SUMMARY:** Notice is given that the public comment period for the document titled "Assessment Plan: Lower Fox River/Green Bay NRDA" (The Plan") is extended for 60 days. Initial notice of availability was published on August 23, 1996 with a deadline for submittal of comments of September 23, 1996. This notice extends the comment period until 60 days from the date of publication in the Federal Register.

The U.S. Department of the Interior, The Menominee Indian Tribe of Wisconsin, and the Oneida Tribe of Indians of Wisconsin ("trustees") are trustees for natural resources considered in this assessment, pursuant to subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR 300.600 and 300.610, and Executive Order 12580.

The trustees are following the guidance of the Natural Resource Damage Assessment Regulations found at 43 CFR Part 11. The public review of the Plan announced by this Notice is provided for in 43 CFR 11.32(c).

Interested members of the public are invited to review and comment on the Plan. Copies of the Plan can be requested from the address listed below. All written comments will be considered by the trustees and included in the Report of Assessment, at the conclusion of the assessment process.

**DATES:** Written comments on the Plan must be submitted on or before November 25, 1996.

**ADDRESSES:** Requests for copies of the Plan may be made to: Frank Horvath, U.S. Fish and Wildlife Service, Region 3 (ATTN: ES/EC-NRDA), B.H.W. Whipple Federal Building, 1 Federal Drive, Ft. Snelling, MN 55111.

Comments on the Plan should be sent to the U.S. Fish and Wildlife Service at the address listed above. The U.S. Fish and Wildlife Service will provide copies of all comments to the other trustees.

**SUPPLEMENTARY INFORMATION:** The trustees are undertaking an assessment of damages resulting from the suspected injury to natural resources of the Lower Fox River, Green Bay and Lake Michigan which have been exposed to hazardous substances released by area paper mills and other potential sources. It is suspected that this exposure has caused injury and resultant damages to

trustee resources. The injury and resultant damages will be assessed under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, and the Clean Water Act, as amended. The Plan addresses the trustees' overall assessment approach and utilizes existing data. Plan addenda may be prepared by the trustees to provide public notice of additional data collection activities.

William F. Hartwig,

Regional Director, Region 3, U.S. Fish and Wildlife Service.

[FR Doc. 96-24466 Filed 9-23-96; 8:45 am]

BILLING CODE 4310-55-M

#### Bureau of Indian Affairs

##### Cahuilla Band of Indians Liquor Control Ordinance

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

**ACTION:** Notice.

**SUMMARY:** This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify that the Cahuilla Band of Indians Liquor Control Ordinance was duly adopted and certified by the Cahuilla General Council of the Cahuilla Band of Indians on September 10, 1994, and August 31, 1996, Resolutions numbered 96-01 and 96-20. The Ordinance provides for the regulation of the sale, possession and consumption of liquor on the Cahuilla Indian Reservation and is in conformity with the laws of the State of California.

**DATES:** This Ordinance is effective as of September 24, 1996.

**FOR FURTHER INFORMATION CONTACT:** Bettie Rushing, Division of Tribal Government Services, 1849 C Street NW, MS 4603-MIB, Washington, D.C. 20240-4001; telephone (202) 208-3463.

**SUPPLEMENTARY INFORMATION:** The Cahuilla Band of Indians Liquor control Ordinance is to read as follows:

##### Cahuilla Band of Indians Liquor Control Ordinance

###### Section I—Introduction

101. Title. This ordinance shall be known as the "Liquor Ordinance of the Cahuilla Band of Indians."

102. Purpose. The purpose of this ordinance is to regulate and control the possession and sale of liquor on the Cahuilla Indian Reservation.

## Section II—Definitions

201. As used in this ordinance, the following words shall have the following meanings unless the context clearly requires otherwise.

202. "Alcohol" means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions of this substance.

203. "Alcoholic Beverage" is synonymous with the term "Liquor" as defined in Section 208 of this Section.

204. "Bar" means any establishment with special space and accommodations for sale by the glass and for consumption on the premises of beer, as herein defined.

205. "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain of cereal in pure water containing not more than four percent of alcohol by volume. For the purposes of this title, any such beverage, including ale, stout, and porter, containing more than four percent of alcohol by weight shall be referred to as "strong beer".

206. "Committee" means the Liquor Licensing Committee of the Cahuilla Band of Indians, whose members shall be selected by the Cahuilla General Council.

207. "General Council" means the General Council of the Cahuilla Band of Indians which is composed of the voting membership of the Tribe.

208. "Liquor" including the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented spirituous, vinous, or malt liquor or combination thereof, and mixed liquor, or otherwise intoxicating and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semisolid, solid, or other substances, which contain more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

209. "Liquor Store" means any store at which liquor is sold, and for the purposes of this ordinance, includes a store at which only a portion of which is devoted to the sale of liquor or beer.

210. "Malt Liquor" means beer, strong beer, ale, stout, and porter,

211. "Package" means any container or receptacle used for holding liquor.

212. "Public Place" includes state or county or tribal or federal highways or

roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, gaming facilities, entertainment centers, store garages, and filling stations which are open to and/or are generally used by the public and to which the public is permitted to have unrestricted access; public conveyances of all kinds of character; and all other places of like or similar nature to which the general public has right of access, and which are generally used by the public. For the purposes of this ordinance, "Public Place" shall also include any establishment other than a single family home which is designed for or may be used by more than just the owner of the establishment.

213. "Reservation" means the Cahuilla Indian Reservation, which is held in trust by the United States Government for the benefit of the Cahuilla Band of Indians.

214. "Sale" and "Sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor or wine by any person to any person.

215. "Spirits" means any beverage, which contains alcohol obtained by distillation, including wines exceeding seventeen percent of alcohol by weight.

216. "Tribe" means the Cahuilla Band of Indians.

217. "Reservation Land" means any land within the exterior boundaries of the Reservation which is held in trust by the United States for the Tribe.

218. "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits such as port, sherry, muscatel, and angelica, not exceeding seventeen percent of alcohol by weight.

## Section III—Powers of Enforcement

301. Powers. The Committee, in furtherance of the ordinance, shall have the following powers and duties:

a. To publish and enforce the rules and regulations governing the sale, manufacture, and distribution of alcoholic beverages on the Reservation;

b. To employ managers, accountants, security personnel, inspectors, and such other persons as shall be reasonably necessary to allow the Committee to perform its functions, subject to approval of the General Council. Such employees shall be tribal employees;

c. To issue licenses permitting the sale or manufacture or distribution of liquor on the Reservation;

d. To hold hearing on violations of this ordinance or for the issuance or revocation of licenses hereunder;

e. To bring suit in the appropriate court to enforce this ordinance as necessary;

f. To determine and seek damages for violation of this ordinance;

g. To make such reports as may be required by the General Council;

h. To collect taxes and fees levied or set by the Committee, and to keep accurate records, books and accounts; and

i. To exercise such other powers as are delegated by the General Council.

302. Limitation on Powers. In the exercise of its powers and duties under this ordinance, the Committee and its individual members shall not accept any gratuity, compensation or other thing of value from any liquor wholesaler, retailer, or distributor or from any licensee.

303. Inspection Rights. The premises on which liquor is sold or distributed shall be open for inspection by the Committee at all reasonable time for the purposes of ascertaining whether the rules and regulations of this ordinance are being complied with.

## Section IV—Sales of Liquor

401. Licenses Required. No sales of alcoholic beverages shall be made, except at a tribally-licensed or tribally-owned business operated on Reservation land within the exterior boundaries of the Cahuilla Indian Reservation.

402. Sales for Cash. All liquor sales within the Reservation boundaries shall be on a cash only basis and no credit shall be extended to any person, organization, or entity, except that this provision does not prevent the use of major credit cards.

403. Sale for Personal Consumption. All sales shall be for the personal use and consumption of the purchaser. Resale of any alcoholic beverage purchased within the exterior boundaries of the Reservation is prohibited. Any person who is not licensed pursuant to this ordinance who purchases an alcoholic beverage within the boundaries of the Reservation and sells it, whether in the original container or not, shall be guilty of a

violation of this ordinance and shall be subjected to paying damages to the Tribe as set forth herein.

#### Section V—Licensing

501. Applicable for Tribal Liquor License Requirements. No tribal license shall issue under this ordinance except upon a sworn application filed with the Committee containing a full and complete showing of the following:

a. Satisfactory proof that the applicant is or will be duly licensed by the State of California.

b. Satisfactory proof that the applicant is of good character and reputation among the people of the Reservation and that the applicant is financially responsible.

c. The description of the premises in which the intoxicating beverages are to be sold, proof that the applicant is the owner of such premises, or lessee of such premises, for at least the term of the license.

d. Agreement by the applicant to accept and abide by all conditions of the tribal license.

e. Payment of a license fee as prescribed by the Committee.

f. Satisfactory proof that neither the applicant nor the applicant's spouse has ever been convicted of a felony.

g. Satisfactory proof that notice of the application has been posted in a prominent, noticeable place on the premises where intoxicating beverages are to be sold for at least 30 days prior to consideration by the Committee and has been published at least twice in such local newspaper serving the community that may be affected by the license. The notice shall state the date, time, and place when the application shall be considered by the Committee pursuant to section 502 of this ordinance.

502. Hearing on Application for Tribal Liquor License. All applications for a tribal liquor license shall be considered by the Committee in open session at which the applicant, his/her attorney, and any person protesting the application shall have the right to be present, and to offer sworn oral or documentary evidence relevant to the application. After the hearing, the Committee, by secret ballot, shall determine whether to grant or deny the application based on:

1. Whether the requirements of section 501 have been met; and

2. Whether the Committee, in its discretion, determines that granting the license is in the best interest of the Tribe.

In the event that the applicant is a member of the General Council, or a member of the immediate family of a

General Council member, such member shall not vote on the application or participate in the hearings as a Committee member.

503. Temporary Permits. The Committee or their designee may grant a temporary permit for the sale of intoxicating beverages for a period not to exceed three (3) days to any person applying for the same in connection with a tribal or community activity, provided that the conditions prescribed in Section 504 of this ordinance shall be observed by the permittee. Each permit issued shall specify the types of intoxicating beverages to be sold. Further, a fee, as set by the Committee, will be assessed on temporary permits.

504. Conditions of the Tribal License. Any tribal license issued under this title shall be subject to such reasonable conditions as the Committee shall fix, including, but not limited to the following:

a. The license shall be for a term not to exceed 2 years.

b. The licensee shall at all times maintain an orderly, clean, and neat establishment, both inside and outside the licensed premises.

c. The licensed premises shall be subject to patrol by the tribal police department, and such other law enforcement officials as may be authorized under applicable law.

d. The licensed premises shall be open to inspection by duly authorized tribal officials at all times during the regular business hours.

e. Subject to the provisions of subsection "g" of this section, no intoxicating beverages shall be sold, served, disposed of, delivered, or given to any person, or consumed on the licensed premises except in conformity with the hours and days prescribed by the laws of the State of California, and in accordance with the hours fixed by the Committee, provided that the licensed premises shall not operate or open earlier or operate or close later than is permitted by the laws of the State of California.

f. No liquor shall be sold within 200 feet of a polling place on tribal election days, or when a referendum is held of the people of the tribe, and including special days of observation as designated by the Committee.

g. All acts and transactions under authority of the tribal liquor license shall be in conformity with the laws of the State of California, as required by federal law, and shall be in accordance with this ordinance and any tribal license issued pursuant to this ordinance.

h. No person under the age permitted under the laws of the State of California

shall be sold, served, delivered, given, or allowed to consume alcoholic beverages in the licensed establishment and/or area.

i. There shall be no discrimination in the operations under the tribal license by reason of race, color, or creed.

505. License Not a Property Right. Notwithstanding any other provision of this ordinance, a tribal liquor license is a mere permit for a fixed duration of time. A tribal liquor license shall not be deemed a property right or vested right of any kind, nor shall the granting of a tribal liquor license give rise to a presumption of legal entitlement to the granting of such license for a subsequent time period.

506. Assignment or Transfer. No tribal license issued under this ordinance shall be assigned or transferred without the written approval of the Committee expressed by formal resolution.

#### Section VI—Rules, Regulations, and Enforcement

601. Sales or Possession With Intent to Sell Without a Permit. Any person who shall sell or offer for sale or distribute or transport in any manner, any liquor in violation of this ordinance, or who shall operate or shall have liquor in his/her possession with intent to sell or distribute without a permit, shall be guilty of a violation of this ordinance.

602. Purchases From Other Than Licensed Facilities. Any person within the boundaries of the Reservation who buys liquor from any person other than at a properly licensed facility shall be guilty of a violation of this ordinance.

603. Sales to Persons Under the Influence of Liquor. Any person who sells liquor to a person apparently under the influence of liquor shall be guilty of a violation of this ordinance.

604. Consuming Liquor in Public Conveyance. Any person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant or employee or such person who shall knowingly permit any person to drink any liquor in any public conveyance shall be guilty of an offense. Any person who shall drink any liquor in a public conveyance shall be guilty of a violation of this ordinance.

605. Consumption or Possession of Liquor by Persons Under 21 Years of Age. No person under the age of 21 years shall consume, acquire or have in his/her possession any alcoholic beverage. No person shall permit any other person under the age of 21 to consume liquor on his/her premises or any premises under his/her control except in those situations set out in this section. Any person violating this section shall be guilty of a separate

violation of this ordinance for each and every drink so consumed.

606. Sales of Liquor to Persons Under 21 Years of Age. Any person who shall sell or provide liquor to any person under the age of 21 years shall be guilty of a violation of this ordinance for each sale or drink provided.

607. Transfer of Identification to Minor. Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain liquor shall be guilty of an offense; provided, that corroborative testimony of a witness other than the minor shall be a requirement of finding a violation of this ordinance.

608. Use of False or Altered Identification. Any person who attempts to purchase an alcoholic beverage through the use of false or altered identification which falsely purports to show the individual to be over the age of 21 years shall be guilty of violating this ordinance.

609. Violation of This Ordinance. Any person guilty of a violation of this ordinance shall be liable to pay the Tribe a penalty not to exceed \$500 per violation as civil damages to defray the Tribe's cost of enforcement of this ordinance. In addition to any penalties so imposed, any license issued hereunder may be suspended or canceled by the Committee for the violation of any of the provisions of this ordinance, or of the tribal license, upon hearing before the Committee after 10 days notice to the licensee. The decision of the Committee shall be final.

610. Acceptable Identification. Where there may be a question of a person's right to purchase liquor by reason of his/her age, such person shall be required to present any one of the following issued cards of identification which shows his/her correct age and bears his/her signature and photograph:

1. Driver's license of any state or identification card issued by any State Department of Motor Vehicles;
2. United States Active Duty Military;
3. Passport.

611. Possession of Liquor Contrary to This Ordinance. Alcoholic beverages which are possessed contrary to the terms of this ordinance are declared to be contraband. Any tribal agent, employee, or officer who is authorized by the Committee to enforce this section shall have the authority to, and shall seize, all contraband.

612. Disposition of Seized Contraband. Any officer seizing contraband shall preserve the contraband in accordance with applicable law. Upon being found in violation of the ordinance by the

Committee, the party shall forfeit all right, title and interest in the items seized which shall become the property of the Tribe.

#### Section VII—Taxes

701. Sales Tax. There is hereby levied and shall be collected a tax on each sale of alcoholic beverages on the Reservation in the amount of one percent (1%) of the amount actually collected, including payments by major credit cards. The tax imposed by this section shall apply to all retail sales of liquor on the Reservation and shall preempt any tax imposed on such liquor sales by the State of California.

702. Payment of Taxes to Tribe. All taxes from the sale of alcoholic beverages on the Reservation shall be paid over to the agent of the Tribe.

703. Taxes Due. All taxes for the sale of alcoholic beverages on the Reservation are due within thirty (30) days of the end of the calendar quarter for which the taxes are due.

704. Reports. Along with payment of the taxes imposed herein, the taxpayers shall submit an accounting for the quarter of all income from the sale or distribution of said beverages as well as for the taxes collected.

705. Audit. As a condition of obtaining a license, the licensee must agree to the review or audit of its books and records relating to the sale of alcoholic beverages on the Reservation. Said review or audit may be done annually by the Tribe through its agents or employees whenever, in the opinion of the Committee, such a review or audit is necessary to verify the accuracy of reports.

#### Section VIII—Profits

801. Disposition of Proceeds. The gross proceeds collected by the Committee from all licensing provided from the taxation of the sales of alcoholic beverages on the Reservation shall be distributed as follows:

- a. For the payment of all necessary personnel, administrative costs, and legal fees for the operation and its activities.
- b. The remainder shall be turned over to the account of the Tribe.

#### Section IX—Severability and Miscellaneous

901. Severability. If any provision or application of this ordinance is determined by review to be invalid, such adjudication shall not be held to render ineffectual the remaining portions of this title or to render such provisions inapplicable to other persons or circumstances.

902. Prior Enactments. All prior enactments of the Committee which are inconsistent with the provisions of this ordinance are hereby rescinded.

903. Conformance with California Laws. All acts and transactions under this ordinance shall be in conformity with the laws of the State of California as that term is used in 18 U.S.C. 1161.

904. Effective Date. This ordinance shall be effective on September 24, 1996.

#### Section X—Amendment

1001. This ordinance may only be amended or repealed by a majority vote of those actually voting in a mailed ballot vote to the General Council.

#### Section XI—Sovereign Immunity

1101. Nothing contained in this ordinance is intended to, nor does in any way, limit, alter, restrict, or waive the Tribe's sovereign immunity from unconsented suit.

Dated: September 18, 1996.

Ada E. Deer,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 96-24366 Filed 9-23-96; 8:45 am]

BILLING CODE 4310-02-P

#### Bureau of Land Management

[AK-962-1410-00-P]

#### Alaska; Notice for Publication AA-11049, Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(1), will be issued to Chugach Alaska Corporation for 15.51 acres. The lands involved are in the vicinity of Constantine Harbor, Alaska.

U.S. Survey No. 10229, Alaska

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Anchorage Daily News. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until October 24, 1996 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the