

611. *Possession of Liquor Contrary to This Liquor Ordinance.* Alcoholic Beverages which are possessed contrary to the terms of this Liquor Ordinance are declared to be contraband. Any Tribal agent, employee, or officer who is authorized by the Tribal Business Council 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 the appropriate California law code. Upon being found in violation of this Liquor Ordinance by the Tribal Business Council, the party shall forfeit all right, title and interest in the items seized which shall become the property of the Tribe.

#### 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. 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 Trust Agent of the Tribe.

703. *Taxes Due.* All taxes from 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 taxpayer shall submit an accounting for the quarter of all income from the sale or distribution of Alcoholic 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 Tribal Business Council, such a

review or audit is necessary to verify the accuracy of reports.

#### Profits

801. *Disposition of Proceeds.* The gross proceeds collected by the Tribal Business Council from all licensing provided under this Liquor Ordinance, or the imposition of civil penalties for violating this Ordinance, or 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 Trust Account of the Tribe.

#### Severability and Miscellaneous

901. *Severability.* If any provision or application of this Liquor Ordinance is determined upon review by a court of competent jurisdiction to be invalid, such adjudication shall not be held to render ineffectual the remaining portions of this Ordinance or to render such provisions inapplicable to other persons or circumstances.

902. *Prior Enactments.* Any and all prior ordinances, resolutions or enactments of the Tribal Business Council which are inconsistent with the provisions of this Liquor Ordinance are hereby rescinded.

903. *Conformance with Tribal, State and Federal Law.* This Ordinance conforms with all Rancheria tribal law and governing documents such as the Constitution and By-Laws. All provisions and transactions under this Ordinance shall be in conformity with California State law regarding alcohol to the extent required by 19 U.S.C. 1161 and with all federal laws regarding alcohol in Indian country.

904. *Enforcement.* All actions brought by the Tribal Business Council to enforce the provisions of this Ordinance shall be filed in the Tribal Court of the Susanville Indian Rancheria. In the absence of a tribal court, said actions shall be filed in Federal court in the Eastern District of California and be appealable in the federal court system. If the federal court should determine that it lacks jurisdiction over said

action, it shall be filed in the California state court in Lassen County with the subject matter jurisdiction and venue over the action. The first court system to have jurisdiction over an enforcement action, analyzing first, tribal court; second, Federal court; and third, state courts shall have exclusive jurisdiction over such actions.

905. *Effective Date.* This Liquor Ordinance shall be effective after the Secretary of the Interior certifies the Ordinance and publishes it in the **Federal Register**.

#### Amendment

1001. *Amendment or Repeal.* This Ordinance may be amended or repealed by a majority vote of the Tribal Business Council or by the General Council at a properly held meeting. Amendments of this Ordinance need not be published in the **Federal Register** to become effective.

#### Sovereign Immunity.

1101. Nothing contained in this Liquor Ordinance is intended to nor does in anyway limit, alter, restrict, or waive the Tribe's sovereign immunity from unconsented suit or action.

Dated: August 18, 1997.

**Ada E. Deer,**

*Assistant Secretary—Indian Affairs.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Operation and Maintenance Rate Adjustment: Crow Irrigation Project, Montana

**ACTION:** Notice of proposed Irrigation Operation and Maintenance (O&M) Rate Adjustment.

**SUMMARY:** The Bureau of Indian Affairs proposes to change the assessment rates for operating and maintaining the Crow Irrigation Project for 1998, 1999, 2000, 2001, and subsequent years from the current rate of \$11.60 per acre. The following table illustrates the impact of the rate adjustment:

#### CROW IRRIGATION PROJECT

[Irrigation rate per assessable acre]

Year	Present 1997	Proposed 1998	Proposed 1999	Proposed 2000	Proposed 2001
Rate .....	\$11.60	\$14.50	\$15.00	\$15.50	\$16.00

**FOR FURTHER INFORMATION CONTACT:** Area Director, Bureau of Indian Affairs, Billings Area Office, 316 North 26th Street, Billings, Montana 59101-1362, telephone (406) 247-7998.

**DATES:** Interested parties may submit comments on the proposed rate adjustment. Comments must be submitted on or before September 24, 1997.

**ADDRESSES:** All comments concerning the proposed rate increase must be in writing and addressed to: Director, Office of Trust Responsibilities, Attn.: Irrigation and Power, MS#4513-MIB, Code 210, 1849 "C" Street, NW, Washington, DC 20240, Telephone (202) 208-5480.

**SUPPLEMENTARY INFORMATION:** The authority to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583, 25 U.S.C. 385). The Secretary has delegated this authority to the Assistant Secretary-Indian Affairs pursuant to part 209 Departmental Manual, Chapter 8.1A and Memorandum dated January 25, 1994, from Chief of Staff, Department of the Interior, to Assistant Secretaries, and Heads of Bureaus and Offices.

This notice is given in accordance with § 171.1(e) of part 171, Subchapter H, Chapter 1, of Title 25 of the Code of Federal Regulations, which provides for the fixing and announcing the rates for annual operation and maintenance assessments and related information of the Crow Irrigation Project for Calendar Year 1998 and subsequent years.

The assessment rates are based on a prepared estimate of the cost of normal

operation and maintenance of the irrigation project. Normal operation and maintenance means the expenses we incur to provide direct support or benefit to the project's activities for administration, operation, maintenance, and rehabilitation. We must include at least:

(a) Personnel salary and benefits for the project engineer/manager and our employees under his management/control;

(b) Materials and supplies;

(c) Major and minor vehicle and equipment repairs;

(d) Equipment, including transportation, fuel, oil, grease, lease and replacement;

(e) Capitalization expenses;

(f) Acquisition expenses; and

(g) Other expenses we determine necessary to properly perform the activities and functions characteristic of an irrigation project.

#### Payments

The irrigation operation and maintenance assessments become due based on locally established payment requirements. No water shall be delivered to any of these lands until all irrigation charges have been paid.

#### Interest and Penalty Fees

Interest, penalty, and administrative fees will be assessed, where required by law, on all delinquent operation and maintenance assessment charges as prescribed in the Code of Federal Regulations, Title 4, Part 102, Federal Claims Collection Standards; and 42 BIAM Supplement 3, part 3.8 Debt Collection Procedures. Beginning 30

days after the due date interest will be assessed at the rate of the current value of funds to the U.S. Treasury. An administrative fee of \$12.50 will be assessed each time an effort is made to collect a delinquent debt; a penalty charge of 6 percent per year will be charged on delinquent debts over 90 days old and will accrue from the date the debt became delinquent. No water shall be delivered to any farm unit until all irrigation charges have been paid. After 180 days a delinquent debt will be forwarded to the United States Treasury for further action in accordance with Debt Collection Improvement Act of 1996 (Pub. L. 104-134).

Dated: August 13, 1997.

**Ada E. Deer,**

*Assistant Secretary, Indian Affairs.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Operation and Maintenance Rate Adjustment: Fort Hall Irrigation Project, Idaho

**ACTION:** Notice of Proposed Operation and Maintenance (O&M) Rate Adjustment.

**SUMMARY:** The Bureau of Indian Affairs proposes to change the assessment rates for operating and maintaining the Fort Hall Irrigation Project, Michaud Unit, for 1998, 1999, and subsequent years. The following table illustrates the impact of the rate adjustment.

FORT HALL IRRIGATION PROJECT  
[Michaud unit irrigation rate per assessable acre]

Rate category	Present rate	Proposed 1998 rate	Proposed 1999 rate
Basic Rate .....	\$25.50	\$26.50	\$27.50
Pressure Rate .....	37.50	38.50	39.50

**FOR FURTHER INFORMATION CONTACT:** Area Director, Bureau of Indian Affairs, Portland Area Office, 911 NE 11th Avenue, Portland, Oregon 97232-4169, telephone (503) 231-6702.

**DATES:** Comments must be submitted on or before September 24, 1997.

**ADDRESSES:** Written comments on rate adjustments should be sent to Assistant Secretary-Indian Affairs, Attn: Branch of Irrigation and Power, MS-4513-MIB, Code 210, 1849 C Street, NW, Washington, DC 20240.

**SUPPLEMENTARY INFORMATION:** The authority to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 15, 1914 (38 Stat. 583, 25 U.S.C. 385). The Secretary has delegated this authority to the Assistant Secretary-Indian Affairs pursuant to part 209, Departmental Manual, Chapter 8.1A and Memorandum dated January 25, 1994, from Chief of Staff, Department of the Interior, to Assistant Secretaries, and Heads of Bureaus and Offices.

This notice is given in accordance with § 171.1(e) of part 171, Subchapter

H, Chapter I, of Title 25 of the Code of Federal Regulations, which provides for the fixing and announcing the rates for annual operation and maintenance assessments and related information for BIA operated and owned irrigation projects.

The purpose of this notice is to announce a proposed increase in the Michaud Unit, Fort Hall Irrigation Project, assessment rates proportionate with actual operation and maintenance costs. The change in the assessment rate is based on the electrical energy cost increase imposed by the Bureau of