

such other law enforcement officials as may be authorized by law at all times during regular business hours, and after hours as deemed necessary and prudent by such officials.

4. No alcoholic beverages shall be sold, served, disposed of, delivered or consumed on the licensed premises except in conformity with the hours and days prescribed by the Community Council and by the laws of the State of California to the extent applicable.

5. 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.

Article X—Tribally-Owned Establishments

The Tribe's Community Council may issue, by resolution, an appropriate license to a tribally-owned establishment upon such determination as is necessary to assure compliance with applicable laws.

Article XI—Sovereign Immunity.

Nothing contained in this Ordinance is intended to, nor does it in any way limit, alter, restrict, or waive the sovereign immunity of the Tribe or any of its agencies from unconsented suit or other such action of any kind.

Article XII—Severability, Prior Enactments, Amendment, Compliance with Law, & Effective Date.

1. If any provision or application of this ordinance is determined by an agency or court of competent jurisdiction to be invalid or unenforceable, the remaining portions of this Ordinance shall remain and be unaffected thereby.

2. All prior tribal laws, ordinances, or resolutions which are or may be determined to be inconsistent with the provisions of this Ordinance are hereby repealed to the extent inconsistent with this Ordinance.

3. This Ordinance may be amended by majority vote of the Community Council at any time at a duly noticed meeting. Any such amendment shall become effective upon publication by the Secretary of the Interior in the **Federal Register**, unless applicable law does not require such publication for the amendment to become effective.

4. All provisions of this Ordinance shall comply with 18 U.S.C. 1161.

5. This Ordinance shall be effective on such date as the Secretary of the Interior certifies this Ordinance and publishes the same in the **Federal Register**.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-040-1430-EU-040F]

Notice of Realty Action: Competitive/Modified Competitive Sale of Public Lands

AGENCY: Bureau of Land Management.

ACTION: Competitive/Modified Competitive Sale of Public Lands in Lincoln County, Nevada.

SUMMARY: The below listed public land in Lincoln County, Nevada has been designated for disposal under Public Law 106-298, the Lincoln County Land Act of 2000. It will be sold competitive/modified competitive in accordance with Section 203 and Section 209 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713, 1719, and 1740) (FLPMA) at not less than fair market value (FMV).

DATES: On or before September 17, 2001, interested parties may submit comments to the Assistant Field Manager, Ely Field Office.

ADDRESSES: Written comments should be addressed to: Bureau of Land Management, Jeffrey A. Weeks, Assistant Field Manager, HC 33 Box 33500, Ely, Nevada 89301-9408.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the sale, including the reservations, sale procedures and conditions, planning and environmental documents, are available at the Ely Field Office of the Bureau of Land Management, at 702 North Industrial Way, Ely, Nevada 89301, or by calling Kevin Finn at (775) 289-1849. In addition, information may be obtained by calling the General Services Office in San Francisco at (415) 522-3428 or by e-mail to karen.hoover@gsa.gov. Some, but not all information, will be available on the Internet at <http://www.nv.blm.gov>.

SUPPLEMENTARY INFORMATION: The following described parcels of land situated in Lincoln County, Nevada are being offered as a competitive/modified competitive sale.

Mount Diablo Meridian, Nevada

PARCEL 1 N-74934 located at:
T. 12 S., R. 71 E., sec. 33, lots 1,3,
T. 12 S., R. 71 E., sec. 34, lot 8.

Containing 112.22 acres more or less.

PARCEL 2 N-74587 located at:
T. 12 S., R. 71 E., sec. 33, lots 2, 4, 5,
T. 12 S., R. 71 E., sec. 34, lot 9.

Containing 14.59 acres more or less.

The above legal descriptions are subject to minor adjustments upon final approval of the official plats of survey,

which will also provide a new legal description for these land parcels. If the land is sold, conveyance of the locatable mineral interests being offered have no known mineral value. Acceptance of a sale offer will constitute an application for conveyance of those mineral interests. The applicant will be required to pay a \$50.00 non-refundable filing fee in conjunction with the final payment for processing of the conveyance of the locatable mineral interests. The terms and conditions applicable to the sale are as follows:

1. All leaseable and saleable mineral deposits are reserved on land sold; permittees, licenses, and licensees, and lessees, retain the right to prospect for, mine, and remove the minerals owned by the United States under applicable law and any regulations that the Secretary of the Interior may prescribe, including all necessary access and exit rights.

2. A right-of-way is reserved for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

3. All land parcels are subject to all valid and existing rights. Encumbrances of record are available for review during business hours, 7:30 to 4:30 p.m., Monday through Friday, at the Bureau of Land Management, Ely Field Office, 702 North Industrial Way, Ely, Nevada.

4. The parcels are subject to reservations for roads, public utilities and flood control purposes, both existing and proposed, in accordance with the local governing entities' Transportation Plans.

5. The high bidder will be required to sign a Development Agreement and Reconveyance Agreement within 30 days of the oral auction. The Development Agreement is to assure organized and planned development, and to assure a Master Plan submission to Lincoln County by the high bidder within 6 months of the auction. The Reconveyance Agreement is for the purpose of assuring compliance with the need for roads, school sites, and other public facilities. The Reconveyance Agreement will require at least 23% of the total acreage within the parcel to be transferred to Lincoln County for public purposes.

6. All purchasers/patentees, by accepting a patent, agree to indemnify, defend, and hold harmless the United States from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgements of any kind or nature arising from the past, present, and future acts or omissions of the patentee or their employees, agents, contractors, or lessees, or any third party, arising out of, or in connection

with, the patentee's use, occupancy, or operations of the patented real property. The indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee and their employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violation of federal, state, and local laws and regulations that are now, or may in the future become, applicable to the real property; (2) Judgements, claims or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) or threatened releases of solid or hazardous waste(s) and/or hazardous substance(s), as defined by federal or state environmental laws; off, on, into or under land, property and other interests of the United States; (5) Other activities by which solids or hazardous substances or wastes, as defined by federal and state environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action, or other actions related in any manner to said solid or hazardous substances or wastes; or (6) Natural resources damages as defined by federal and state law. This covenant shall be construed as running with the patented real property and may be enforced by the United States in a court of competent jurisdiction.

The appraisal report for the parcels will be available for public review at the BLM's Ely Field office on or before August 10, 2001. Bids at the oral auction must be for not less than appraised fair market value (FMV).

The parcels will be offered for competitive/modified competitive sale by oral auction beginning at 10:00 a.m. PDT, September 18, 2001, at the Mesquite City Hall, 10 East Mesquite Blvd., Mesquite, Nevada. Registration for oral bidding will begin at 8:00 a.m. the day of sale and will continue throughout the auction. All bidders are required to register.

The highest qualifying bid for parcel 1 (N-74934) will be declared the high bid. The apparent high bidder must submit the required bid deposit immediately following the close of the sale in the form of cash, personal check, bank draft, cashiers check, money order, or any combination thereof, made payable to the Bureau of Land Management, for not less than 20 percent of the amount bid.

The remainder of the full bid price must be paid within 180 calendar days

of the date of sale. Failure to pay the full price within the 180 days will disqualify the apparent high bidder and cause the bid deposit to be forfeited to the BLM.

Parcel number 2 (N-74587) will be offered for sale under Modified Competitive procedures at no less than estimated fair market value (FMV) or at the cost per acre established by the oral auction of parcel 1 (N-74934), whichever is greater. Parcel number 2 (N-74587) will be sold under these procedures in order to resolve a trespass. The party in trespass may purchase the trespass parcel based upon the above procedure. If the trespass party purchases parcel 2 under the above procedures, the full sale price will be immediately due the day of sale. Federal law requires that bidders must be U.S. citizens 18 years of age or older, a corporation subject to the laws of any State or of the United States; a State, State instrumentality, or political subdivision authorized to hold property; or an entity, including but not limited to associations or partnerships, capable of holding property or interests therein under the law of the State of Nevada. Certification of qualification, including citizenship or corporation or partnership, must accompany the bid deposit. In order to determine the fair market value of the subject public lands through appraisal, certain assumptions have been made on the attributes and limitations of the lands and potential effects of local regulations and policies on potential future land uses. Through publication of this notice, the Bureau of Land Management gives notice that these assumptions may not be endorsed or approved by units of local government. Furthermore, no warranty of any kind shall be given or implied by the United States as to the potential uses of the lands offered for sale; conveyance of the subject lands will not be on a contingency basis. It is the buyers' responsibility to be aware of all applicable local government policies and regulations that would affect the subject lands. It is also the buyer's responsibility to be aware of existing and potential uses for nearby properties. When conveyed out of federal ownership, the lands will be subject to any applicable reviews and approvals by the respective unit of local government for proposed future uses, and any such reviews and approvals would be the responsibility of the buyer. Any land lacking access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer. For a period of 45 days from the date of

publication of this notice in the **Federal Register**, the general public and interested parties may submit comments to Jeffrey A. Weeks, Assistant Field Manager, Ely Field Office, HC 33 Box 33500, Ely, Nevada 89301-9408. Any adverse comments will be reviewed by the Nevada State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the realty action will become the final determination of the Department of the Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, communication of the sale would be fully consistent with FLPMA or other applicable laws or is determined not in the public interest. Any comments received during this process, as well as the commentator's name and address, will be available to the public in the administrative record and/or pursuant to the Freedom of Information Act request. You may indicate for the record that you do not wish your name and/or address made available to the public. Any determination by the Bureau of Land Management to release or withhold the names and/or addresses of those who comment will be made on a case-by-case basis. A commentator's request to have their name and/or address withheld from public release will be honored to the extent permissible by law.

Lands will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register**.

Dated: July 9, 2001.

Jeffrey A. Weeks,

Assistant Field Manager, Nonrenewable Resources.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ 070-00-1610-DG-241E-082A]

Notice of Intent To Prepare a Resource Management Plan for the BLM Lake Havasu Field Office

AGENCY: United States Department of the Interior, Bureau of Land Management, Lake Havasu Field Office, Lake Havasu City, Arizona.

ACTION: Notice of Intent to prepare a Resource Management Plan, with an Environmental Impact Statement, for portions of Mohave, La Paz, Yavapai, and Maricopa Counties, Arizona; and