

agreements, and the draft Environmental Impact Report/Statement (60 FR 12246, 60 FR 25734, 60 FR 32990, 61 FR 45983, 61 FR 54675, 62 FR 14938). No further environmental documentation is necessary for the County Subarea Plan because it has not changed significantly since finalization of the Environmental Impact Report/Statement.

Five project alternatives were analyzed in the final Environmental Impact Report/Statement: (1) proposed project alternative (approve and implement the MSCP Plan that would establish a preserve within the Multi-Habitat Planning Area; (2) no project/no action alternative; (3) coastal sage scrub alternative; (4) biologically preferred alternative; and (5) public lands alternative. Each alternative was evaluated for its potential to result in significant adverse environmental impacts and the adequacy or inadequacy of the proposed measures to avoid, minimize, and substantially reduce and mitigate such negative effects.

The preferred alternative analyzed by the Service was approval of the MSCP Plan and issuance of incidental take permits with the mitigating, minimizing, and monitoring measures outlined in the proposed project alternative. The underlying goal of the preferred alternative is to implement ecosystem-based conservation measures aimed at the protection of multiple vegetation types on a regional scale, while accommodating compatible development. The MSCP plan is expected to result in the implementation of a comprehensive preserve strategy for coastal sage scrub and related vegetation types in the planning area, that is expected to provide long-term benefits to the 85 covered species and their habitats.

The Service will evaluate the permit application from the County of San Diego, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the Act. A final decision on permit issuance will be made no sooner than 30 days from the date of this notice.

Authority

This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended, and Service regulations for implementing the National Environmental Policy Act (40 CFR 1506.6). All comments received will become part of the public record and may be released.

Dated: November 6, 1997.

John H. Doebl,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 97-29967 Filed 11-13-97; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Tribal Liquor Ordinance for the Kaibab Band of Paiute Indians of the Kaibab Indian Reservation of Arizona

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 Ordinance No. 15, Tribal Liquor Ordinance for the Kaibab Band of Paiute Indians of the Kaibab Indian Reservation of Arizona, was duly adopted and certified by the Kaibab Paiute Tribal Council on October 5, 1996. The Ordinance provides for the regulation of the sale, possession and consumption of liquor in the area of the Kaibab Indian Reservation, under the jurisdiction of the Kaibab Band of Paiute Indians, and is in conformity with the laws of the State of Arizona.

DATES: This Ordinance is effective November 14, 1997.

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 Tribal Liquor Ordinance for the Kaibab Band of Paiute Indians is to read as follows:

Tribal Liquor Ordinance for the Kaibab Band of Paiute Indians of the Kaibab Indian Reservation of Arizona

Section 1-10-010: Legislative Control

Federal law currently prohibits the introduction of liquor into Indian country and expressly delegates to tribes the decision regarding when and to what extent liquor transactions shall be permitted on their reservations. The Kaibab Band of Paiute Indians (herein, the "Tribe") has decided to open certain lands described below within its jurisdiction to the possession, consumption and sale of liquor by enacting this Ordinance, which is adopted pursuant to the Act of August 15, 1953 (Pub. L. 83-277, 67 Stat. 588,

18 U.S.C. § 1161) and shall serve as the "Liquor Ordinance" referenced herein. The lands which are open to the sale, possession, and consumption of alcoholic beverages shall be only commercial establishments in which the Tribe owns a controlling interest and which are located on the Reservation; provided that any Tribal convenience store shall only be open to sale and possession, but not consumption, of alcoholic beverages.

Section 1-10-020: Control Desired

This Ordinance shall govern all liquor sales and distribution on the reservation, will increase the ability of the Tribe to control reservation liquor distribution and possession, and will provide an additional source of revenue for tribal operations.

Section 1-10-030: Goals of Regulation

Tribal regulation of the sale, possession, and consumption of liquor on the reservation is necessary to protect the health, security, and general welfare of the Tribe, and to address tribal concerns relating to alcohol use on the reservation. In order to further these goals and to provide an additional source of governmental revenue, the Tribe has adopted this Ordinance, which shall be liberally construed to fulfill the purposes for which it has been adopted. This Ordinance is authorized by the Preamble and Article VI, Section I (a), (b), (c), (d), (e), (h), (j), and (k) and Section 2 (e) of the Constitution and By-laws of the Tribe which provide, among other things, that the Tribal Council shall have the power "to promulgate ordinances and resolutions to promote and protect the peace, health, education, safety and welfare of the band, its members and all other persons within its jurisdiction."

Section 1-20-010: Definitions of Words

As used in This Ordinance, the following words shall have the following meanings unless the context clearly requires otherwise:

(a) "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 and mixtures of this substance.

(b) "Alcoholic Beverage" is synonymous with the term "liquor" as defined at Section 1-20-010(d) hereof.

(c) "Beer" means any beverage obtained by the fermentation or infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in

water and which contains not more than four percent of alcohol by volume.

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

(e) "Malt Liquor" means beer, strong beer, ale, stout, and porter.

(f) "Package" means any container or receptacle used for holding liquor.

(g) "Reservation" means all lands of the Tribe described or referenced in the Tribe's Constitution, including, but not limited to, any lands which may in the future come within the jurisdiction of the Tribe by any lawful means.

(h) "Sale" and "Sell" mean 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 liquor" or "liquor" or "wine" by any person to any person.

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

(j) "Strong Beer" means any beverage obtained by the alcoholic fermentation or infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in water, including ale, stout, and porter, containing more than four percent of alcohol by weight.

(k) "This Ordinance" means this liquor code, which shall serve the Tribe as the liquor ordinance referenced at 18 U.S.C. § 1161.

(l) "Tribe" means, and "Tribal" refers to, the Kaibab Band of Paiute Indians, a federally recognized Tribe of Native American Indians, listed at 53 F.R. 52829-02 as the "Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona."

(m) "Tribal Council" shall mean the duly elected Tribal Council of the Tribe which is the governing body of the Tribe.

(n) "Tribal Court" means the Tribal Courts of the Tribe as established

pursuant to the Constitution and ordinances of the Tribe.

(o) "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 1-30-010: Authorization

The Tribe, its members and other persons, including, but not limited to, corporations, partnerships, associations and natural persons, are hereby authorized to introduce, sell, purchase, distribute, warehouse, possess and consume alcoholic beverages within certain areas of the Reservation as described in Section 1-10-010, in accordance with the laws of the State of Arizona (including Arizona liquor licensing provisions); provided, however, that any person or entity, other than the Tribe, which sells alcoholic beverages within the reservation must first obtain a tribal liquor license from the Tribal Council and such sales shall be subject to taxes and license fees as may be established by duly enacted resolution of the Tribal Council.

Section 1-30-020: Distribution of Taxes and Fees

All taxes and license fees related to the sale or introduction of alcoholic beverages on the reservation shall be remitted to the Tribal Council through the Tribal Comptroller, who shall keep accurate records of all such receipts, and shall be subject to distribution by the Tribal Council in accordance with its usual appropriation procedures for governmental and social services.

Section 1-30-030: Tribal Liquor License Elements

Tribal liquor licenses shall authorize the holder thereof to sell alcoholic beverages at wholesale or at retail in cans, bottles or any other package within a defined area; provided, however, that a tribal liquor license shall be valid only if the holder thereof is in compliance with the laws of any other jurisdiction which may have any authority with regard to liquor sales and regulation on the reservation.

Tribal liquor licenses shall set forth the location and description of the building and premises for which each license is issued and shall define the area where the holder of each tribal

liquor license may sell alcoholic beverages for a period of one year.

Section 1-40-010: General

Notwithstanding any other provision of this Ordinance, no penalty may be imposed pursuant or related to this Ordinance in contravention or in excess of any limitation imposed by the Indian Civil Rights Act of 1968, 82 Stat. 77, 25 U.S.C. § 1301 *et seq.* ("ICRA") or other applicable Federal law.

Section 1-40-020: Illegal Transportation, Still, or Sale Without Permit

Any person who, within the reservation and without a valid tribal liquor license, sells or offers for sale or transport in any manner any liquor within the boundaries of the reservation in violation of this Ordinance, or who operates or has in his possession any spirit distillation device or any substance meant or specifically concocted to be distilled into liquor (not including devices or mash related to the home manufacture of beer, strong beer, or wine solely for the purpose of personal consumption and not for sale), shall be guilty of an Offense punishable upon conviction in the Tribal Court.

Section 1-40-030: Illegal Purchase of Liquor

Any person who buys liquor within the boundaries of the reservation other than from an individual or entity properly licensed pursuant to this Ordinance shall be guilty of an Offense punishable upon conviction in the Tribal Court.

Section 1-40-040: Furnishing Liquor to Minors

Except in the case of liquor given or administered to a person by his physician or dentist for medicinal purposes, no person under the age of 21 years shall consume, acquire or have in his possession any alcoholic beverages except when such beverages are used in connection with religious services. No person shall permit any other person under the age of 21 to consume liquor on his premises or on any premises under his control except in those situations set out in this section. Any person violating this section shall be guilty of an Offense punishable upon conviction in the Tribal Court.

Section 1-40-050: Sales of Liquor to a Minor

Any person who shall sell any liquor to any person under the age of 21 years shall be guilty of an Offense punishable upon conviction in the Tribal Court and shall be further subject to forfeit any

license issued pursuant to this Ordinance; provided, however, that the forfeiture of any license issued pursuant to this Ordinance may occur only after notice and a hearing according to the procedures set forth in Section 1-50-020 of this Ordinance.

Section 1-40-060: Unlawful Transfer of Identification

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 punishable upon conviction in the Tribal Court. Corroborative testimony of a witness other than the minor shall be a requirement of conviction under this section.

Section 1-40-070: Possession 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 an Offense punishable upon conviction in the Tribal Court.

Section 1-40-080: General Penalties

Any person guilty of a violation of this Ordinance for which no penalty has been specifically provided shall be liable upon conviction for the maximum penalty prescribed in the Tribal Law and Order Code.

Section 1-40-090: Identification; Proof of Minimum Age

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 officially issued cards of identification which shows his/her correct age and bears his/her signature and photograph:

- (a) Liquor control authority card of identification of any state;
- (b) Driver's license of any state or "Identocard" issued by any state Department of Motor Vehicles;
- (c) United States Active Duty Military Identification;
- (d) Passport; or
- (e) Identification or Enrollment Card issued by the Tribe or any other federally-recognized tribe.

Section 1-40-100: Illegal Items Declared Contraband

Alcohol beverages which are possessed contrary to the terms of this Ordinance are hereby declared to be contraband. Any officer who shall make an arrest under this section shall seize all contraband which he shall have the

authority to seize consistent with the Tribe's Constitution, the Tribal Law and Order Code, the ICRA and any other applicable Federal law.

Section 1-40-110: Non-Indian Violations

Nothing in this Ordinance shall be construed to require or authorize the criminal trial and punishment by the Tribal Court of any non-Indian except to the extent allowed under Federal law. In general, when any provision of this Ordinance is violated by a non-Indian, he or she shall be referred to state and/or Federal authorities for prosecution under applicable law. It is the expressed intent of the Tribe that any non-Indian referred to state and/or Federal authorities pursuant to this section be prosecuted to the furthest extent of applicable law.

Section 1-50-010: Declaration of Nuisance

Any room, house, building, boat, vessel, vehicle, structure, or other place where liquor is sold, manufactured, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this Ordinance and all property kept in and used in maintaining such place, including tribal liquor licenses related to any such property, are hereby declared to be a common nuisance.

Section 1-50-020: Institution Action

The Chairperson of the Tribal Council or the head of the tribal law enforcement department may institute and maintain an action in the Tribal Court in the name of the Tribe to abate and perpetually enjoin any nuisance declared under article Section 1-50-010 of this Ordinance or any other violation of this Ordinance. The plaintiff shall be required to file grounds in the action, and restraining orders, temporary injunctions, and permanent injunctions may be granted in the case as in other injunction proceedings. Upon final judgment against the defendant, the Tribal Court may order the forfeiture of any license issued pursuant to this Ordinance and that the offending room, house, building, boat, vessel, vehicle, structure, or place be closed for a period of one year or until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient sum of not less than \$1,000.00 payable to the Tribe, which bond shall be conditioned on the agreement of such person that liquor will not be thereafter manufactured, kept, sold, bartered, exchanged, given away, furnished, or otherwise disposed of therein in violation of the provisions of this Ordinance and that such person

will pay all fines, costs and damages assessed against him/her for any violation of this Ordinance. If any conditions of the bond are violated, the whole amount may be recovered as a penalty for the use of the Tribe. Any action taken under this section shall be in addition to any criminal penalties provided for under this Ordinance or any other applicable provision of the Tribal Law and Order Code.

Section 1-50-030: Abatement of Nuisance

In all cases where any person has been convicted of a violation of this Ordinance, an action may be brought in Tribal Court to abate as a nuisance any real estate or other property involved in the commission of the offense, and in any such action a certified copy of the record of such conviction shall be admissible in evidence and prima facie evidence that the room, house, vessel, boat, building, vehicle, structure, or place against which such action is brought is a public nuisance.

Section 1-60-01-0: Severability

If any application or provision, or any portion of any provisions, of this Ordinance is determined by review of any court of competent jurisdiction to be invalid such adjudication shall not render ineffectual the remaining portions of this Ordinance or render such provisions automatically inapplicable to other persons or circumstances.

Section 1-60-020: Effective Date

This Ordinance shall be effective as a matter of tribal law on October 15, 1996, upon approval by a majority of eligible voters attending the annual General Membership Meeting on October 5, 1996, and effective as a matter of Federal law on November 14, 1997.

Section 1-60-030: Inconsistent Enactments Rescinded

Any and all prior enactments of the Tribal Council which are inconsistent with the provisions of this Ordinance are hereby rescinded to the extent of such inconsistency.

Section 1-60-040: Application of 18 U.S.C. § 1161

All acts and transactions under this Ordinance shall be in conformity with the laws of the State of Arizona to the extent required under 18 U.S.C. § 1161.

Section 1-60-050: Jurisdiction and Sovereign Immunity

Nothing in this Ordinance shall be construed to limit the jurisdiction of the Tribe, the Tribal Court, or Tribal law

enforcement personnel and nothing herein shall limit or constitute a waiver of the sovereign immunity of the Tribe or its officers, instrumentalities and agents or authorize any form of a prospective waiver of such sovereign immunity. Nothing in this Ordinance shall be construed as an admission that any body politic, other than the Tribe, has jurisdiction over any matter arising from or related to the Reservation, except to the extent such jurisdiction is confirmed by Federal law.

Dated: October 29, 1997.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 97-29934 Filed 11-13-97; 8:45 am]

BILLING CODE 4310-02-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proclaiming Certain Lands as Reservation for the Redwood Valley Rancheria of Pomo Indians of California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Reservation Proclamation.

SUMMARY: The Assistant Secretary—Indian Affairs proclaimed certain lands in Mendocino County, California, as an addition to the reservation of the Redwood Valley Rancheria of Pomo Indians of California on November 3, 1997. This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

FOR FURTHER INFORMATION CONTACT: Larry E. Scrivner, Bureau of Indian Affairs, Chief, Division of Real Estate Services, MS-4510/MIB/Code 220, 1849 C Street, N.W., Washington, D.C. 20240, telephone (202) 208-7737.

SUPPLEMENTARY INFORMATION: By proclamation issued pursuant to the Act of June 18, 1934, (48 Stat. 986; 25 U.S.C. § 467), the land described in a Grant Deed, numbered 5369, recorded in Book 1502, pages 479, 480 and 481, of the official records of Mendocino County, California, were proclaimed to be an Indian Reservation for the exclusive use of Indians entitled by enrollment or tribal membership to reside at such reservation.

Dated: November 3, 1997.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 97-29912 Filed 11-13-97; 8:45 am]

BILLING CODE 4310-02-P

DEPARTMENT OF INTERIOR

Bureau of Land Management

[OR-080-082-6230-00; GP8-0024]

Emergency Closure Restriction on Public Lands, Salem District, Oregon

ACTION: Emergency closure restriction on public lands notice, Salem District, Oregon.

SUMMARY: Notice is hereby given that public lands in Clackamas County, Oregon, are temporarily closed to all public use, including vehicle operation, camping, and shooting, from October 16, 1997, until further notice. This order is issued under the authority of 43 CFR 8364.1 and closes additional roads and public lands to public access and use. Notice is hereby given that the following areas are closed to motor vehicle access and use:

1. Approximately 5 acres incorporating two open areas, one east and one west of the Pine Creek; Bridge on the Molalla River, near the intersection of Pine Creek Road and the Molalla Forest; Road in Section 30, T. 6 S., R. 3 E., Will. Mer., Oreg.;

EXEMPTIONS: The following persons, operating within the scope of their official duties, are exempt from the provisions of this closure order: BLM employees; state, local, and federal law enforcement and fire protection personnel; holders of BLM road use permits or contracts that include areas within the closure including their employees and subcontractors. Access by additional parties may be allowed but must be approved in advance by the Authorized Officer.

PENALTIES: Any person who fails to comply with the provisions of this closure order may be subject to the penalties provided in 43 CFR 8360.0-7, which include a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months, as well as penalties provided under Oregon State Law.

EFFECTIVE DATE: This emergency closure shall remain in effect until revised, revoked, or amended.

FOR FURTHER INFORMATION CONTACT: Richard Prather, Area Manager, Cascades Resource Area, 1717 Fabry Road SE, Salem, OR 97306, (503) 375-5646.

SUPPLEMENTARY INFORMATION: The purpose of these closures is to protect water quality, soil, vegetation, and sensitive cultural, paleontological, and

riparian resources from excessive damage and provide for visitor safety.

Scott S. Abdon,

Acting Area Manager, Cascades Resource Area.

[FR Doc. 97-29941 Filed 11-13-97; 8:45 am]

BILLING CODE 4310-33-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-957-1910-00-4573]

Idaho: Filing of Plats of Survey; Idaho

The plat, in two sheets, of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m. November 3, 1997.

The plat representing the dependent resurvey of portions of the west and north boundaries, subdivisional lines, and subdivision of sections 8 and 18, T.5 S., R.36 E., Boise Meridian, Idaho, Group 945, was accepted November 3, 1997.

This survey was executed to meet certain administrative needs of the Bureau of Indian Affairs, Fort Hall Agency.

All inquiries concerning the survey of the above described land must be sent to the Chief, Cadastral Survey, Idaho State Office, Bureau of Land Management, 1387 South Vinnell Way, Boise, Idaho 83709-1657.

Dated: November 3, 1997.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 97-29920 Filed 11-13-97; 8:45 am]

BILLING CODE 4310-GG-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-957-1430-00]

Idaho: Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m. November 4, 1997.

The plat representing the dependent resurvey of portions of the subdivisional lines, of the subdivision of section 31, and of Mineral Survey No. 2486, and the corrective dependent resurvey of Mineral Survey No. 2486, Hope lode, T. 2 N., R. 18 E, Boise Meridian, Idaho, Group 461, was accepted November 4, 1997.

This survey was executed to meet certain administrative needs of the