

**Authority**

The authority for this notice is the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

Dated: May 1, 1998.

**Jamie Rappaport Clark,**

*Director, U.S. Fish and Wildlife Service.*

[FR Doc. 98-12284 Filed 5-7-98; 8:45 am]

BILLING CODE 4310-55-P

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****Proposed Policy on the Export of Live American Alligators and Announcement of Public Meeting**

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

**ACTION:** Notice of proposed policy.

**SUMMARY:** After review and analysis of comments received and for the reasons detailed in this notice, the Service proposes to adopt a policy against the issuance of permits for the export of live American alligators for commercial breeding or resale purposes. The American alligator is protected under the Endangered Species Act of 1973 (ESA) as threatened due to similarity of appearance and under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as Appendix II. The Service may issue an export permit upon finding that all applicable permit issuance requirements have been met. Exports of animals listed on Appendix II of CITES may occur only if the Scientific Authority has advised the Management Authority that such exports will not be detrimental to the survival of the species and the Management Authority is satisfied the animals were not obtained in violation of laws for their protection. Based on documentation presented for consideration by the CITES Parties in 1983, the Service has determined that the American alligator is listed on Appendix II for reasons of similarity in appearance under Article II.2(b) of CITES as well as the potential threat to the species survival under CITES Article II.2(a).

This notice announces a proposed policy by the Service on the export of live American alligators. Based on the information received in response to the June 24, 1997, notice, the Service is unable to find that the export of live American alligators either for commercial breeding or resale purposes is not detrimental as required under CITES or that such exports comply with Executive Order 11987—*Exotic*

*Organisms*. Applications for permits to export live American alligators for purposes such as scientific research or zoological exhibition would be evaluated on a case-by-case basis.

**DATES:** The Service will consider all information and comments received by June 8, 1998 in making its final decision on this proposal. A public meeting will be held at the Delta Resort Orlando, 5715 Major Boulevard, Orlando, Florida 32819-7988, on May 5, 1998, from 1:30 pm to 3:30 pm.

**ADDRESSES:** Please send comments or other correspondence concerning this document to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, room 700, Arlington, VA 22203. Materials received will be available for public inspection by appointment from 8 a.m. to 4 p.m., Monday through Friday, at the Office of Management Authority.

**FOR FURTHER INFORMATION CONTACT:** Ms. Teiko Saito, Chief, Office of Management Authority, telephone 703-358-2095, fax 703-358-2298.

**SUPPLEMENTARY INFORMATION:** The Fish and Wildlife Service (Service) published a notice on June 24, 1997 (62 FR 34074), requesting submission to the Service of any information available on the impacts of exports of live American alligators. Generally, in order to export species of wildlife protected under the ESA and/or CITES, an export permit must be issued. The Service is the agency responsible for reviewing applications for export of wildlife. Each permit application must be carefully evaluated to ensure compliance with all applicable regulations and executive orders. The American alligator is protected under the Endangered Species Act of 1973 (ESA) as threatened due to similarity of appearance and under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as Appendix II. A permit for export of American alligators can only be issued if the Service can determine:

1. That the export will not be detrimental to the survival of the species (50 CFR 23.15(d)(1));
2. That the animals to be exported were not obtained in violation of laws for their protection (50 CFR 23.15(d)(2));
3. That the authorization requested does not potentially threaten a wildlife population (50 CFR 13.21(b)(4)); and
4. That the requirements of Executive Order 11987, *Exotic Organisms*, are met. (This Executive Order, in part, requires "Executive agencies shall, to the extent permitted by law, restrict the use of Federal funds, programs, or authorities used to export native species for the

purpose of introducing such species into ecosystems outside the United States where they do not naturally occur." In this instance, introduction is defined to include "the release, escape, or establishment of an exotic species into a natural ecosystem.")

5. That live specimens are prepared for shipping and shipped in compliance with the International Air Transport Association (IATA) Live Animal Regulations (for air transport) or CITES guidelines for transport (for other transport).

The Service received requests from the Florida Game and Freshwater Fish Commission and the Louisiana Department of Wildlife and Fisheries that we review the criteria for issuance of permits for export of live American alligators for commercial breeding or resale purposes and to restrict issuance of such permits until a review could be completed. In response to these concerns, the Service published the June 24, 1997, **Federal Register** notice requesting submission of any information available to assist us in evaluating such impacts.

In addition, the problems associated with the introduction of exotic species have become increasingly apparent worldwide. The problems have been discussed in a number of international fora such as the meeting of the CITES Conference of the Parties in 1997 in Zimbabwe, the World Conservation Congress in 1996, and the Conference on Alien Species in Norway in 1996. In the United States, approximately 122 species of exotic (non-indigenous) species of fish and wildlife have already established free-living populations and are causing great harm. The import of potentially harmful exotic species is currently being reviewed by the Service in the context of the Lacey Act prohibitions on import of injurious species. In relation to export of native species, E.O. 11987 restricts the use of Federal funds, programs, or authorities (i.e., the issuance of CITES export permits) to export native species outside the United States. The American alligator is one of the few native species that requires a CITES export permit and for which we have received applications for export of large numbers of live specimens. Given the documented introduction of other crocodilians outside their range, in evaluating an application for export of live American alligators the Service must take into consideration the ecological damage that could result from introduction of alligators, either planned or unplanned, into ecosystems outside their natural range in the United States.

Commercial enterprises for the breeding or resale of American alligators outside their natural range provide the most serious conservation concerns regarding the threat of planned or accidental introductions of exotic species. The introduction of Morelet's crocodile (*Crocodylus moreletti*) into American crocodile (*C. acutus*) habitat in western Mexico is attributed to escapes from breeding facilities, and the introduction of caiman (*Caiman crocodylus*) into southern Florida is attributed to caimans imported for the pet trade that either were released or escaped. Properly designed scientific research projects and facilities designed to exhibit specimens to the public generally present a lower level of concern in relation to accidental introduction of species since there are limited numbers of specimens involved and plans for disposition of specimens are generally a part of the overall design of the project or facility.

#### Analysis of Comments

In response to the June 24, 1997, **Federal Register** notice, 11 comments were received. Comments were received from the States of Louisiana and Florida (the two States which contain the majority of the habitat for wild American alligators and which supply hatchlings and eggs to alligator farmers located throughout the Southeastern United States), the IUCN Crocodile Specialist Group, the Humane Society of the United States, three individual alligator farmers, and four associations dealing with alligator farming. Ten of the eleven commenters strongly opposed the export of live American alligators. One commenter supported such exports.

**Comment:** Nine commenters voiced strong concerns in the area of enforcement. Areas of concern included: Reduced regulatory control, past illegal trade in crocodilians outside the United States, the undermining of effective legal management programs, lack of assurances that other countries would provide comparable control mechanisms on farm inspections and enforcement to prevent illegal trade, inadequate re-export controls over alligators (either as products or live), the type of CITES tags that would be used for alligators originating in the United States yet harvested in another country, and confusion or compromise of current well regulated channels of international control and trade regulation. One commenter stated that there were a number of examples where demand for captive breeding stock has generated demand for illegally acquired specimens from the range countries. Four

commenters also pointed out that the limited range of the American alligator has been an important factor in the effectiveness of enforcement efforts to ensure that laws enacted to protect the alligator are complied with.

**Response:** The Service recognizes the concerns of the commenters in the area of enforcement. The States have put a great deal of time, effort, and planning into their conservation management programs to protect the American alligator. At one time there was extensive poaching and illegal trade in American alligators which has diminished drastically thanks to the work of the States and the cooperation of the industry. The States and the Service have worked together closely to develop guidelines for the export of alligator skins to ensure that the skins have been acquired legally. Each skin must be tagged with a CITES export tag in accordance with State regulations, and that tag must be on the skin at the time of export. The Service uses the data provided by the States from their conservation management programs to make the no detriment and legal acquisition findings required under CITES for the export of American alligator skins. Therefore, CITES export permits for export of tagged alligator skins continue to be issued. The CITES Parties have long recognized the importance of monitoring trade in crocodilian skins worldwide and first adopted a resolution concerning the universal tagging of crocodilians in 1992 (Res. Conf. 8.14). This resolution was revised in 1994 (Res. Conf. 9.22) and has been very effective in enabling Parties to closely monitor and control trade in crocodilian skins. The U.S. alligator tagging program complies with this resolution. However, the focus of the resolution is on trade in skins, which constitutes the majority of the international commercial trade in crocodilians. At the time the resolution was first adopted, there was very little international commercial trade in live crocodilians. The export of live animals is not covered by the resolution and raises different concerns and responsibilities than the export of parts and products.

**Comment:** Two commenters were concerned over the types of CITES tags that would be placed on American alligators harvested outside the United States. One commenter thought CITES tags should be denied for animals already out of the country. The other thought CITES tags should not be issued for species out of their natural ranges.

**Response:** The Service is also concerned with the question of CITES tags for American alligators that are not

harvested in the United States. Each American alligator harvested in the United States is tagged with a permanently locking CITES export tag bearing a legend showing the US-CITES logo, State of origin, species, year of take, and a unique serial number. Tags must be placed on each skin in accordance with State requirements. Any tags that break prior to export must be replaced prior to actual export. Under CITES Resolution Conf. 9.22, all crocodilian skins must be tagged, and the tags must remain on the skin until it has been processed and cut. CITES tags for crocodilians should indicate the country of origin of the specimen and are placed on the skin at or near the time of harvest. The country of origin is considered to be "the country where the animal was taken from the wild or the country of natal origin of the animal" (50 CFR 10.11). Therefore, specimens that originated in the United States, exported to another country, and harvested in that country would require tags to show the country of origin as the United States. The Service also has concerns about CITES tags for U.S.-origin alligators being issued by other countries who may or may not monitor the species as closely as the United States. Within their range, crocodilians that are harvested based on sustainable use ranching programs have a high conservation value. Crocodilians commercially bred in countries outside their range have, at best, a low conservation value since their production is not reliant on conservation of habitat needed to maintain wild populations. In the case where a captive breeding facility for American alligators is established outside the United States, the CITES tags for offspring of the founding stock would show the species as American alligator and the country of origin as the country where the facility is located. The one instance where we are aware of this already happening is in Israel. We have requested information from the CITES Management Authority of Israel regarding the CITES tags used for American alligators originating from the Hammat Gader facility which breeds American alligators, but have not yet received a reply.

**Comment:** One commenter pointed out that the American alligator export program is an example of successful management which has been based on a close working relationship between the States and the Federal Government. In addition, the effectiveness of monitoring and enforcing the management program is due to the limited natural range of the American

alligator. Exports of live specimens could jeopardize the current management programs which could, in turn, impact wild populations.

*Response:* The Service agrees that the American alligator represents a conservation management success story. The American alligator has gone from being listed as endangered under the ESA to being threatened due to its similarity in appearance to endangered crocodilians and a model for sustainable use management. The cooperation and coordination between the State and Federal Governments have been vital, particularly in the area of enforcement. Live American alligators exported to another country would no longer benefit from the protection provided by this close relationship. The advice issued by the Office of Scientific Authority on November 4, 1997, concerning the export of live alligators from the United States that "if alligator breeding facilities in other countries become competitively more successful (as might occur if production costs are lower) than alligator farms in the United States, prime alligator habitats will be vulnerable to other uses incompatible with the survival of the species. The fundamental premise of crocodilian ranching programs is the built-in incentive for habitat preservation by industries whose success is dependent upon perpetuation of natural habitats. It is this fact that has made crocodilian ranching around the world such a successful conservation approach within the CITES community of nations."

*Comment:* One commenter was concerned that "illegally-taken young domestic alligators could be smuggled and easily commingled with legally-obtained alligators or alligators produced on foreign farms." Regarding this possibility, another commenter stated that there are a number of examples where evidence indicated that "demand for captive breeding stock has generated demand for illegally acquired specimens from the range states." One such report concerned the attempted illegal import of New Guinea crocodiles (*Crocodylus noveaguineae*) into Thailand.

*Response:* This possibility is of concern to the Service.

*Comment:* Four commenters specifically raised concerns over the loss of control if live American alligators are exported. The concerns included that the United States would have no ability to monitor re-export of specimens after initial export and that re-export controls would be less stringent than those of range countries which would further reduce effective

international control over the management and trade in American alligators.

*Response:* The Service agrees. An export permit is issued based on the information provided by the applicant as to the purpose and destination of the shipment. Once the alligators are exported, the Service has no control over the re-export of the specimens to a different destination. The issuance of a re-export certificate is based only on whether the specimens were legally imported under CITES, not on whether the re-export would be detrimental to the survival of the species. Thus, even if the Service were able to make the determinations needed to issue an export permit to ship live American alligators to a country where introduction of exotic crocodilians is not considered a potential threat, it is impossible to know whether the animals will be subsequently shipped to a country or area within a country where introduction would be a real threat and where the Service might not have been able to find no detriment.

*Comment:* Eight of the commenters expressed concerns relative to accidental or deliberate introduction of alligators into areas outside their natural range. Even where there is no intention to release the animals and with the most secure facility, accidental release due to human error or natural disasters such as hurricanes remains a real possibility. The American alligator is the most temperate of the crocodilian species and is able to cope with frequent freezing temperatures. They are also generalists and opportunists in their feeding habits and able to adapt their diet to a wide variety of prey species. Given their reproductive potential, alligators are capable of rapidly expanding their populations. In areas already occupied by crocodilian species, the introduction of alligators could prove damaging, not only due to competition, but also by the introduction of exotic diseases. Such introductions would also impact prey species. Examples of documented introductions of crocodilians outside their natural range include: Spectacled caiman populations in southern Florida; Morelet's crocodile into the range of the American crocodile in western Mexico; and the common caiman on the Isle of Pines in Cuba which has had an impact on recovery of the endangered Cuban crocodile. One commenter stated that: "The few examples we do have indicate that when introduced into a suitable habitat crocodilians can rapidly achieve dense populations which are virtually impossible to eradicate."

*Response:* The Service agrees that this is a serious concern. Substantial

information was provided to document the effects of species, especially crocodilian species, introduced into areas outside their natural range. The impacts are not only on other crocodilian species and prey species, but also on the ecosystem as a whole.

*Comment:* Six commenters had concerns that allowing the export of live American alligators would have a detrimental impact on the success of alligator management programs in the United States. These programs serve as an economic incentive to preserve the wetland habitats required for alligator conservation and that lack of economic incentives would adversely impact alligators as well as their habitat. The conservation benefits of alligator management programs are inextricably tied to economics. The concern in regard to conservation is where economic impacts negatively affect conservation programs. In this regard, there is concern that the establishment of breeding groups of alligators outside their natural range will result in a substantial loss of incentives for the conservation of alligator habitat. One commenter felt that range states have the strongest incentives for managing their own resources and that such management had conservation benefits and that use of natural resources by non-range states has no conservation benefit.

*Response:* The Service agrees that the alligator management programs in the United States have been very effective and that economic incentives are a factor in that success.

*Comment:* One commenter felt that his applications for export of live American alligators should not be regulated as a commercial shipment since the alligators were to be transported to a foreign facility only for their further care and maintenance. The commenter noted that he would be maintaining his full ownership rights in the specimens. In addition he felt that as long as State laws were complied with and an FWS import/export license was purchased each year, there should be no further restrictions on exports.

*Response:* The Federal Government has the jurisdiction, authority, and responsibility to ensure that exports of wildlife comply with Federal statutes, regulations, and international agreements as well as appropriate State law, and may place conditions on the export of such wildlife consistent with Federal law. An import/export license is required of all businesses importing and/or exporting wildlife, regardless of whether the proposed export involves a commercial activity. In addition to the license requirement, exporters planning

to export wildlife protected under the ESA and/or CITES must obtain a Federal export permit prior to export. The issuance of such permits is a Federal authority and responsibility. Most trade in American alligators has been in the skins, not in live animals. Permits continue to be issued for exports of properly tagged American alligator skins, and live animals may be sold within the United States in accordance with State law. The State has primary jurisdiction over the management and use of wildlife as long as it is within that State.

*Comment:* One commenter stated that since export permits for live American alligators had been issued in the past, the Service should continue to issue them.

*Response:* The Service is required to use the best scientific information available in making the required determinations for issuing export permits. When new or additional information is brought to our attention, the Service has an obligation to review that information and use it, as appropriate, in making future decisions on permit issuance. Because several entities contacted the Service concerning the impacts of live American alligator exports, it became our responsibility to seek out and evaluate all information available that would assist us in making the determinations required prior to permit issuance. If the information indicates persuasively that there are concerns that previously had not been considered, those concerns must be addressed.

*Comment:* One commenter felt that export of live American alligators should be allowed if the destination was not within the habitat of other crocodilians.

*Response:* The Service does not agree. Although the initial destination may not be within crocodilian habitat, as outlined previously, there is no assurance that the initial destination is the final destination. Additionally, although information was provided to the Service stating that one facility planning to receive American alligators was not within the habitat of other crocodilians, subsequent information has indicated that the facility is within the range of two endangered crocodilians, one of which was introduced into the area after escaping from a crocodilian farm.

*Comment:* One commenter stated that since a June 24, 1996, **Federal Register** final rule allowed the import of live Nile crocodiles into the United States, there should be no restrictions on the export of live American alligators.

*Response:* The Service disagrees. Since publication of the final rule on Nile crocodile imports, the Service has received a great deal of information concerning problems associated with the introduction of exotic species into this country as well as other countries. Therefore, the question of allowing the import of live, non-native crocodilians into the United States is being reviewed separately in the context of the Lacey Act prohibitions on import of injurious species. This is a related, but separate, issue that is currently under review.

*Comment:* One commenter stated that Florida farmed or ranched alligators are no longer considered wildlife under Florida rules and are "considered as domestic livestock and personal property for use." As a result, there should be no additional requirements for commercial use of the alligators and that any additional requirements are a condemnation of a property right.

*Response:* Under Federal regulations, wildlife is defined as "any wild animal, whether alive or dead \* \* \* whether or not bred, hatched, or born in captivity, and including any part, product, egg, or offspring thereof." (50 CFR 10.12) Farmed or ranched alligators are still considered wildlife and subject to all applicable Federal laws and requirements (including CITES export permits). A ranching program such as those developed by the States of Florida and Louisiana relies on the availability of natural habitat where wild alligators can reproduce naturally. A certain number of the eggs and/or hatchlings are taken from the wild based on a formula to ensure sustainability of the harvest. The hatchlings are raised on a "farm" until the alligators are of a suitable size to harvest for their skins. The fact that these animals were raised under controlled conditions does not alter the fact that they are wildlife both under Federal law and in accordance with CITES. Alligator farmers may trade their property (live alligators, skins, or products) freely within the United States in accordance with State laws. International trade in such property is subject to Federal requirements, however, and such export restrictions that are applied for the conservation of domestic alligators and foreign crocodilians do not in any way affect the possession or use of such property in the United States. The proposed policy, if adopted, would not effect a taking of property without due process of law. Furthermore, the Service continues to issue CITES permits for the export of American alligator skins and products based on our ability to make the determinations required by CITES.

*Comment:* One commenter stated that "It is a documented fact that alligators are notoriously poor breeders in captivity" and that previous live American alligator exports have not resulted in commercial farming operations in any other countries.

*Response:* The Service disagrees. A permit to export 120 live American alligators to Israel was issued in 1981. It was issued with assurances from the Israeli CITES Management Authority that the alligators would not be commercialized and would be for exhibition only. In 1986, due to successful breeding the Israeli facility became overcrowded and 200 alligators were shipped to Florida. In October 1987, the requirement that the alligators not be commercialized was rescinded by the U.S. Federal Wildlife Permit Office. The Israeli facility stated in a letter to the Service that they did not expect their exports of skins to be more than approximately 200 skins per year. However, according to statistics obtained from the World Conservation Monitoring Centre, from 1989 to 1995 a total of 4,963 American alligator skins were exported from Israel (an average of 709 skins per year).

*Comment:* One commenter requested a public meeting.

*Response:* A public meeting will be held at the Delta Resort in Orlando, Florida, on Tuesday, May 5, 1998, from 1:30 p.m. to 3:30 p.m.

#### **Required Determinations**

This notice contains no information collection requirements beyond those already approved by the Office of Management and Budget under 44 U.S.C. 3506 and assigned Clearance Number 1018-0093 with an expiration date of February 28, 2001. The Service has determined that an environmental assessment is not necessary for this policy as it is a permit function categorically excluded under Part 516 of the Departmental Manual, Chapter 2. The policy reflects the Service's permit decisions based on existing requirements for no detriment findings and introduction of exotic species.

#### **Proposed Policy**

*Purpose:* The Service has been entrusted with certain responsibilities under the ESA and CITES regarding export of protected species and under Executive Order 11987 in regard to export of exotic species. The American alligator (*Alligator mississippiensis*) is one of the few native species included in CITES Appendix II for which we have received applications for export of live specimens for commercial breeding or resale purposes. Prior to issuance of

any CITES export permit, the Service must be able to determine that the specimens to be exported were legally acquired, that the export would not be detrimental to the species, and that live specimens will be prepared and shipped in a humane manner. To ensure that the Service carries out these responsibilities in a consistent manner, the Service will consider the issuance of permits for the export of live American alligators (*Alligator mississippiensis*) in the following context:

1. Applications for export permits for scientific research should include:

a. Formal research protocol with timetable;

b. Qualifications of the scientific personnel conducting the proposed research;

c. Description of the facilities where the specimens will be housed and precautions that will be taken to prevent escape; and

d. Plans for disposition of the alligators and any progeny upon completion of the research project.

2. Applications for export permits for zoological display should include:

a. A description of the receiving facility including the housing planned or in existence for the requested alligators and measures to be taken to prevent escape; and

b. Plans for disposition of the alligators and any progeny should the facility close or become overcrowded.

3. Applications for export permits for captive breeding or resale will not be accepted.

If adopted, this proposed policy would remain in place until further notice. If substantial new biological information is received, the basis for these findings would be reviewed.

Dated: May 1, 1998.

**Jamie Rappaport Clark,**

*Director.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Salt River Pima-Maricopa Indian Community Alcoholic Beverage 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 amendment of the Salt River Pima-Maricopa Indian Community Alcoholic Beverage Control Ordinance, Resolution No. SR-1797-98, was duly adopted and certified by the Salt River Pima-Maricopa Indian Community Council on February 18, 1998. This Ordinance amends an earlier ordinance published in Volume 38 of the **Federal Register** at page 3416. This Ordinance provides for the regulation of the sale, possession and consumption of liquor within the Salt River Pima-Maricopa Indian Community, under the jurisdiction of the Salt River Pima-Maricopa Indian Community and is in conformity with the laws of the State of Arizona.

**DATES:** This Ordinance is effective May 8, 1998.

#### 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 Salt River Pima-Maricopa Indian Community is to read as follows:

#### Salt River Pima-Maricopa Indian Community Alcoholic Beverage Control Ordinance

##### 1. Preamble

(a) *Title.* This Ordinance shall be known as the Salt River Pima-Maricopa Indian Community Alcoholic Beverage Control Ordinance.

(b) *Authority.* This Ordinance is enacted pursuant to the Act of August 15, 1953. (Pub. L. 83-277, 67 Stat. 588, 18 U.S.C. § 1161) and Article VII of the Salt River Pima-Maricopa Indian Community Constitution.

(c) *Purpose.* The purpose of this Ordinance is to regulate and control the possession, consumption, and sale of liquor on the Salt River Pima-Maricopa Indian Community. The enactment of an ordinance governing liquor possession and sale on the reservation will increase the ability of the Community government to control reservation liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of the Community government and the delivery of Community government services.

(d) *Application of 18 U.S.C. § 1161.*

All acts and transactions under this Ordinance shall be in conformity with this Ordinance and in conformity with the laws of the State of Arizona as that term is used in 18 U.S.C. § 1161.

(e) *Effective Date.* This Ordinance shall be effective upon the date of its publication in the **Federal Register**.

##### 2. Definitions

In this ordinance unless the context otherwise requires:

(a) *Alcoholic Beverages* means beer, wine or other spirituous liquor.

(b) *Community* means the Salt River Pima-Maricopa Indian Community.

(c) *License* means a license issued pursuant to the provisions of this ordinance.

(d) *Licensed Premises* or *Premises* means a place from which a licensee is authorized to sell alcoholic beverages under the provisions of this ordinance.

(e) *Licensee* means a person who has been authorized to sell alcoholic beverages for consumption at a particular premise by the Salt River Pima-Maricopa Indian Community.

(f) *Person* means a natural person or a corporation duly chartered by a jurisdiction within the United States.

(g) *Private Residence* means a place where an individual or a family maintains a habitation.

(h) *Public Place* means any place not a private residence and not licensed for the possession of alcoholic beverages.

(i) *Sell, Sold, Buy* shall include furnish, dispose of, give, receive or acquire.

##### 3. Unlawful Acts

(a) It shall be unlawful for any person to deal with alcoholic beverages in any manner not allowed by this Ordinance or the regulations adopted under this Ordinance.

(b) It shall be unlawful for a licensee or other person to give, sell or cause to be sold or otherwise distribute alcoholic beverages to a person under the age of 21 years.

(c) It shall be unlawful to employ a person under the age of 21 years in any capacity connected with the handling of alcoholic beverages.

(d) It shall be unlawful for a person under the age of 21 years to buy, possess, or consume alcoholic beverages.

(e) It shall be unlawful for a licensee or an employee of a licensee to consume alcoholic beverages on or about the licensed premises during such periods such person is working at the licensed premises.

(f) It shall be unlawful for a licensee or any other person to sell alcoholic beverages to an intoxicated or disorderly person, or for a licensee or employee of a licensee to allow or permit an intoxicated or disorderly person to remain on the premises.

(g) It shall be unlawful for a licensee to sell alcoholic beverages in any