

with the terms of its license and applicable law. In reaching its decision, the Community Council may consider such evidence, together with all other evidence it deems relevant. Following a hearing, if in the judgment of the Community Council the licensee has not complied with the terms of its license and applicable law, the Community Council shall suspend or revoke its license; and if in the judgment of the Community Council the terms of the license and applicable law have been complied with, the proceedings shall be dismissed. Decisions of the Community Council to suspend or revoke a license, or to dismiss suspension or revocation proceedings, shall be in writing, and shall be subject to review only under the provisions of Section 9 of this Ordinance.

Subd. 6. Suspension or Revocation Sole Community Sanction. Suspension or revocation of a license shall be the sole sanction which the Community Council shall impose for a licensee's noncompliance with this Ordinance. No civil or criminal penalties shall be imposed by the Community Council upon a licensee under this Ordinance.

#### *Section 9. Review of Community Council Decisions*

Any person or organization which has applied for a license or a renewal of a license and to which a license has been denied under Section 5 of this Ordinance, and any licensee whose license has been suspended or revoked by the Community Council after a hearing under Section 8 of this Ordinance, may seek review of the decision of the Community Council by filing a civil action in the Community Court within thirty days after the decision is rendered. Such actions shall be heard under the provisions of the Judicial Code of the Community, and the Community herewith waives its sovereign immunity from unconsented suit as to such actions. The jurisdiction of the Community Court to review decisions of the Community Council under this Ordinance shall be exclusive of all other courts.

Subd. 1. Standard of Review. The Community Court shall reverse the decision of the Community Council only if clear and convincing evidence supports the conclusion that the Community Council abused its discretion, or denied the licensee due process or equal protection of the laws in contravention of the Indian Civil Rights Act of 1988, 25 U.S.C. § 1302.

Subd. 2. Effect of Decision Pending Appeal. The decision of the Community Council denying, suspending, or revoking a license shall be effective

pending appeal from the decision, unless the Community Court decides, following an evidentiary hearing, that it is highly likely that the appellant will succeed on the merits of the appeal and issues an order accordingly.

Dated: November 19, 1997.

**Kevin Gover,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 97-31747 Filed 12-3-97; 8:45 am]

BILLING CODE 4310-02-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Pueblo of Isleta Liquor 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 Resolution No. 97-045, enacting the Liquor Ordinance of the Pueblo of Isleta was duly adopted by the Pueblo of Isleta on July 17, 1997. The Ordinance provides for the regulation of the activities of the regulation, manufacture, distribution, possession, sale, and consumption of liquor on the Pueblo of Isleta lands under the jurisdiction of the Pueblo of Isleta, the provisions for criminal jurisdiction to be exercised in accordance with applicable Federal case law, statutes, and regulations.

**DATES:** This Ordinance is effective as of December 4, 1997.

**FOR FURTHER INFORMATION CONTACT:** Bettie Rushing, Division of Tribal Government Services, 1849 C Street, NW., MS 4641-MIB, Washington, DC 20240-4001; telephone (202) 208-4400.

**SUPPLEMENTARY INFORMATION:** The Liquor Ordinance of the Pueblo of Isleta is to read as follows:

#### **Pueblo of Isleta Liquor Ordinance**

##### *Section 1*

##### Introduction

A. *Title.* The title of this ordinance shall be the Liquor Ordinance of the Pueblo of Isleta.

B. *Authority.* This ordinance is being passed and enacted in accordance with the inherent governmental powers of the Pueblo of Isleta, and specifically under Article V, Section 2(e) of the Pueblo of Isleta Constitution. This Ordinance is in conformance with the laws of New Mexico, as required in 18 U.S.C. 1161.

C. *Purpose.* The purpose of this ordinance is to regulate the sale of intoxicating liquor within the exterior boundaries of the Pueblo of Isleta.

##### *Section 2*

##### Definitions

"Governor" means the Governor of the Pueblo of Isleta or his designee.

"Individuals employed by the Pueblo" means persons who are tribal employees.

"Intoxicating beverage" includes the four varieties of liquor commonly referred to as alcohol, spirits, wine, and beer, and all fermented, spiritous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spiritous, vinous, or malt liquor, or otherwise intoxicating, and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine, or beer.

"Licensed establishment" means a physical area of Pueblo of Isleta tribal land designated by the Pueblo of Isleta Tribal Council as a licensed establishment for the purpose of selling intoxicating beverages. Designation by the Tribal Council must show the perimeters of the land and building of the establishment. A map and general description will be required.

"Minor" means any person under the age of twenty-one (21) years.

"Permittee" means a person employed by the Pueblo of Isleta and authorized by the Pueblo of Isleta Tribal Council to sell and serve intoxicating beverages, the permit for such designation having been issued pursuant to Section 6 of this Ordinance.

"Pueblo" means the Pueblo of Isleta, a federally-recognized tribe of Indians, located within the exterior boundaries of the State of New Mexico.

##### *Section 3*

##### General

The sale of intoxicating beverages shall be lawful within the exterior boundaries of the Pueblo of Isleta and all other lands of the Pueblo over which the Pueblo has jurisdiction if such sale is made in conformance with New Mexico state law, if applicable, and authorized by this Ordinance.

##### *Section 4*

##### Location of Sales

All sales of intoxicating beverages must be made at establishments which are wholly owned and operated by the Pueblo and which are duly licensed to engage in such sales by the Pueblo. No licensed establishment shall be located

closer than 500 feet from any church, school, or military installation. A licensed establishment will be specifically designated so as to permit sales either by the package or by the drink.

#### Section 5

##### Sales Allowed

Only individuals employed by the Pueblo and specifically authorized by the Pueblo of Isleta Tribal Council may engage in the sale of intoxicating beverages within the exterior boundaries of the Pueblo of Isleta and in accordance with this Ordinance.

#### Section 6

##### Permits

Only individuals employed by the Pueblo of Isleta and specifically authorized by the Pueblo of Isleta Tribal Council may sell and serve intoxicating beverages:

##### A. Permit Procedure.

1. Only persons authorized by the Pueblo of Isleta Tribal Council may be duly granted a permit to sell intoxicating beverages.

2. A person applying for a permit must furnish to the Governor and Tribal Council a completed application for a "Liquor Permit." Such application must contain, among other things, the following information:

(a) An exhaustive listing of all jobs, businesses, and other employment for the immediately preceding ten years;

(b) A listing of all residences for the immediately preceding ten years, including street address, city, and state, and dates of residence at each different location;

(c) A list of every liquor license or permit, by number and state, in which the applicant has directly or indirectly owned or had any interest;

(d) Detail with respect to past criminal activity, including conviction for any felony, conviction for any misdemeanors, and conviction for a violation of any federal or state liquor control act in any calendar year, except that traffic offenses need not be listed;

(e) Detail as to whether the applicant ever applied for a liquor license or permit from any governmental entity and was denied and the reasons for any denial.

3. The applicant shall provide two complete sets of fingerprints on a form designated; the costs associated with supplying the complete sets and the investigation thereafter will be borne exclusively by the applicant.

4. The applicant must give his consent that the fingerprints may be processed by local and national law

enforcement agencies and all other available agencies. If the search, by virtue of the fingerprint submission, reveals any adverse information which was not shown by the applicant on the application, the applicant will be given an opportunity to explain the circumstance of such omission or challenge the authenticity of the revealed information.

B. *Granting, Denial, Termination or Revocation of Permit.* The granting, denial, termination, or revocation of a permit to an applicant will be within the discretion of the Pueblo of Isleta Tribal Council. The Governor, after reviewing the application and making appropriate inquiry, will make a recommendation to the Tribal Council. The following classes of persons shall be prohibited from being granted a permit to sell or serve intoxicating beverages:

1. Any person convicted of a felony;
2. A minor.

Upon termination of employment with the Pueblo, an individual's authorization shall be revoked as of said employee's termination date.

Revocation of a permit will occur only following an opportunity to be heard.

C. *Licensed Establishments.* Sales of intoxicating beverages will occur only at establishments wholly owned and operated by the Pueblo and duly licensed by the Pueblo. The license for an establishment must show the perimeters of the land and building of the establishment. A map and general description will be required. A parcel of land not containing a building, so long as the perimeters thereof are defined, may be a Licensed Establishment, including but not limited to areas within a golf course.

##### D. Prohibited Sales and Practices.

No permittee shall:

1. Sell, serve, or dispense intoxicating beverages to any person who is obviously intoxicated;

2. Award intoxicating beverages as prizes;

3. Sell intoxicating beverages at a drive-up or walk-up window;

4. Sell intoxicating beverages to a minor who has not attained the age of twenty-one (21);

5. Knowingly sell intoxicating beverages to an adult purchasing such liquor on behalf of a minor or an intoxicated person.

6. Allow a person to bring intoxicating beverages onto the premises of a Licensed Establishment for the purposes of consuming them himself, or providing them to other individuals.

#### Section 7

##### Penalties

##### A. Criminal Penalties.

1. A permittee who is found guilty of violating any portion of this Ordinance shall have his/her permit immediately revoked and such individual shall be subject to a fine not to exceed \$500.00 for each violation.

2. Any person who is found guilty of purchasing intoxicating beverages on behalf of a minor or an intoxicated person shall be subject to a fine of \$500.00 for each violation or one (1) month in jail.

3. Any minor attempting to purchase intoxicating beverages or found in possession of intoxicating beverages shall be fined not more than \$500.00 for each violation.

4. Any person who is found guilty of having made any false statement or concealed any material facts in his application for the permit granted him pursuant to the provisions of this Ordinance shall be immediately discharged from employment and fined not more than \$500.00 for each violation.

##### B. Civil Penalties.

1. Any permittee violating any provision of this Ordinance or regulations promulgated hereunder may be subject to immediate revocation of his permit as well as immediate termination of his employment.

2. Any person possessing intoxicating beverages in violation of this Ordinance will be subject to having those beverages summarily confiscated by an authorized person. Confiscation will not preclude other civil and criminal penalties.

#### Section 8

##### Rules and Regulations

The Tribal Council may adopt and enforce rules and regulations to implement this Ordinance. The rules and regulations will be in conformance with New Mexico state law, if applicable, and with this Ordinance.

#### Section 9

##### Citations; Enforcement

Citations for violations of a provision of this Ordinance or rules or regulations promulgated hereunder may be issued by an officer of the Pueblo of Isleta police department or any person authorized by the Governor.

#### Section 10

##### Repeal

This Ordinance repeals the prior Liquor Ordinance of the Pueblo of Isleta, enacted in 1969. This repeal shall be effective on December 4, 1997.

**Section 11****Severability**

In the event any provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, all other provisions shall not be affected and shall remain in full force and effect.

**Section 12****Sovereign Immunity**

The sovereign immunity of the Pueblo of Isleta shall not be waived by this Ordinance.

Dated: November 19, 1997.

**Kevin Gover,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 97-31746 Filed 12-3-97; 8:45 am]

BILLING CODE 4310-02-P

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[NV-020-1990-01]

**Florida Canyon Mine Expansion and Comprehensive Reclamation Plan, Environmental Impact Statement Record of Decision and Plan of Operations Approval**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability, Record of Decision and Plan of Operations Approval for Florida Canyon Mining Company's Mine Expansion and Comprehensive Reclamation Plan Project.

**DATES:** The Record of Decision and Plan of Operations Approval will be distributed and made available to the public on December 2, 1997. Anyone wishing to appeal the Record of Decisions has 30 days following the date of publication of this notice in the **Federal Register**. The appeal must be postmarked no later than January 5, 1998.

**ADDRESSES:** A copy of the Record of Decision can be obtained from: Bureau of Land Management, Winnemucca Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445.

**FOR FURTHER INFORMATION CONTACT:** Ken Loda, Project NEPA Coordinator, at the above Winnemucca Field Office address, phone (702) 623-1500, or email <kloda@nv.blm.gov>.

**SUPPLEMENTARY INFORMATION:** The Record of Decision consists of the action proposed in the Plan of Operation and analyzed in the Draft and Final Environmental Impact Statements. The agency Preferred Alternative includes

all components of the Proposed Action. The Agency Preferred Alternative is also the environmentally preferred alternative incorporating mitigation and monitoring measures. The Proposed Action consists of expanding mining and ore processing activities at the Florida Canyon Mine, and a reclamation plan encompassing the entire operation.

Dated: November 26, 1997.

**Ron Wenker,**

*Winnemucca District Manager.*

[FR Doc. 97-31750 Filed 12-3-97; 8:45 am]

BILLING CODE 4310-HC-M

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[CO-030-08-1010-00-1784]

**Southwest Resource Advisory Council Meeting**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice; Resource Advisory Council Meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act (5 USC), notice is hereby given that the Southwest Resource Advisory Council (Southwest RAC) will meet on Thursday, January 8, 1998, at Ridgway State Park south of Montrose, Colorado.

**DATES:** The meeting will be held on Thursday, January 8, 1998.

**ADDRESSES:** For additional information, contact Roger Alexander, Bureau of Land Management, Montrose District Office, 2465 South Townsend Avenue, Montrose, Colorado 81401; telephone 970-240-5335; TDD 970-240-5366; e-mail r2alexan@co.blm.gov

**SUPPLEMENTARY INFORMATION:** The January 8, 1998, meeting will begin at 9:00 a.m. at Ridgway State Park Headquarters, (Dutch Charlie entrance) on US Highway 550 approximately 21 miles south of Montrose, Colorado. The agenda will include updates on the Gunnison Basin travel management planning effort, Lake Fork Project and Squirrel Exchange, and discussions on recreation guidelines and ethics, and road closures/proliferation. Time will be provided for public comments.

All Resource Advisory Council meetings are open to the public. Interested persons may make oral statements to the Council, or written statements may be submitted for the Council's consideration. If necessary, a per-person time limit may be established by the Montrose District Manager.

Summary minutes for Council meetings are maintained in the Montrose District Office and on the World Wide Web at [http://www.co.blm.gov/mdo/mdo\\_sw\\_rac.htm](http://www.co.blm.gov/mdo/mdo_sw_rac.htm) and are available for public inspection and reproduction within thirty (30) days following each meeting.

Dated: November 24, 1997.

**Jamie E. Connell,**

*Associate District Manager.*

[FR Doc. 97-31751 Filed 12-3-97; 8:45 am]

BILLING CODE 4310-JB-P

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

**National Endowment for the Arts; Fellowships Panel**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Fellowships Panel, National Heritage Fellowships Section, to the National Council on the Arts will be held on December 15-17, 1997. The panel will meet from 9:00 a.m. to 10:30 p.m. on December 15, from 9:00 a.m. to 6:30 p.m. on December 16, and from 9:00 a.m. to 3:30 p.m. on December 17 in Room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on nominations for National Heritage Fellowship awards under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by nominees. In accordance with the determination of the Chairman of March 31, 1997, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506, 202/682-5532, TYY/TDD 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms.