

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****Endangered and Threatened Species Permit Applications**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications.

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit Number: TE 011301.

Applicant: WDH Ecological Services, Benton, Kentucky (William D. Hendricks, P.I.).

The applicant requests a permit to take (capture and release, radio-telemetry) the following endangered bat species: Ozark big-eared bat (*Corynorhinus* (=Plecotus) *townsendii ingens*), Virginia big-eared bat (*Corynorhinus* (=Plecotus) *townsendii virginianus*), Gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), Mexican long-nosed bat (*Leptonycteris nivalis*), and Sanborn's long nosed bat (*Leptonycteris curasoae* (=sanborni) *yerbabuena*). Applicant requests authority to conduct activities in the states of Arkansas, Alabama, California, Illinois, Indiana, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Tennessee, Texas, Virginia, and West Virginia. Activities are proposed for the enhancement of survival of the species in the wild.

Permit Number: TE 842849.

Applicant: Davey Resource Group, Kent, Ohio (Michael Johnson, P.I.).

Applicant requests an amendment to permit number TE 842849 to expand scope of authorized activities. Permit currently authorizes take (capture and release, radio-telemetry) of Indiana bat (*Myotis sodalis*) in Ohio; applicant requests additional Ohio sites and Greenup County, Kentucky, site be added as authorized locations for permitted activities. Activities are proposed for the enhancement of survival of the species in the wild.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who

submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056. Telephone: (612/713-5343); FAX: (612/713-5292).

Dated: May 3, 1999.

T.J. Miller,

Acting Program Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.

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DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Elk Valley Rancheria Liquor Licensing 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, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983). I certify that the Elk Valley Rancheria Liquor Licensing Ordinance was duly adopted and certified by Resolution No. 97-16 of the Elk Valley Tribal Council on July 9, 1997. The Ordinance provides for the regulation of the sale, possession and consumption of liquor in the area of the Susanville Indian Rancheria, under the jurisdiction of the Susanville Indian Rancheria, and is in conformity with the laws of the State of California.

DATES: This ordinance is effective as of May 10, 1999.

FOR FURTHER INFORMATION CONTACT: Jim James, Office of Tribal Services, Division of Tribal Government Services, 1849 C Street, NW, MS 4631 MIB, Washington, DC 20240-4401; telephone (202) 208-4400.

SUPPLEMENTARY INFORMATION: The Elk Valley Rancheria Liquor Licensing Ordinance is to read as follows:

Elk Valley Rancheria Liquor Licensing Ordinance

An Ordinance of the Tribal Council of the Elk Valley Rancheria Regulating the sale, distribution and control of alcoholic beverages on the Elk Valley Rancheria.

Chapter 1. General Provisions

Section 1.1 Declaration of findings. The Tribal Council of the Elk Valley Rancheria hereby finds as follows:

A. Under the Constitution of the Tribe, Article V, Section 1(1), the Tribal Council is charged with the duty of protecting the safety and welfare of the Elk Valley Rancheria.

B. The Introduction, possession and sale of alcoholic beverages on the Elk Valley Rancheria is a matter of special concern to the tribe.

C. Federal law leaves to Tribes the decision regarding when and to what extent alcoholic beverage transactions shall be permitted on Indian reservations.

D. Present day circumstances make a complete ban on alcoholic beverages within the Elk Valley Rancheria ineffective and unrealistic. At the same time, a need still exists for strict Tribal regulation and control over alcoholic beverage distribution.

E. The enactment of an Ordinance governing alcoholic beverage sales on the Elk Valley Rancheria and providing for the purchase and sale of alcoholic beverages through Tribally licensed outlets will increase the ability of the Tribal government to control the distribution, sale, and possession of liquor on the Elk Valley Rancheria, and at the same time will provide an important and urgently needed source of revenue for the continued operation of the Tribal government and delivery of Tribal governmental services.

Section 1.2 Declaration of Policy. Under the inherent sovereignty of the Tribe, the Elk Valley Rancheria Liquor Licensing Ordinance shall be deemed an exercise of the Tribe's power, for the protection of the welfare, health, peace, morals, and safety of the people of the Tribe, and all its provisions shall be liberally construed for the accomplishment of that purpose, and it is declared to be public policy that the sale and possession of alcoholic beverages affects the public interest of the people, and should be regulated to the extent of prohibiting all sale and possession of acholic beverages, except as provided in this Ordinance. In order to provide for Tribal control over liquor sales and possession within the Reservation, and to provide a source of revenue for the continued operation of the Tribal government and the delivery of Tribal governmental services, the Tribal Council promulgates this Ordinance.

Section 1.3 Repeal of Prior Liquor Ordinances. To the extent not previously repealed, either expressly or by implication, any prior Liquor