

**Rincon Alcohol Control Ordinance No. 99-01***Section 200.01. Title*

This ordinance shall be known as the Rincon Ordinance Regulating and Controlling the Manufacture, Introduction, Sale or Possession of Alcoholic Beverages within the boundaries of the Rincon Indian Reservation. The short title of this Ordinance shall be "Rincon Alcohol Control Ordinance."

*Section 200.02. Authority*

This Ordinance is enacted pursuant to federal law, specifically the Act of August 15, 1953, Public Law 83-277, 67 Stat. 588, 18 U.S.C. 1161, and the Articles of Association, Governing Procedures for Administering the Affairs of The Rincon, San Luiseno Band of Mission Indians, California.

*Section 200.03. Purpose*

The purpose of this Ordinance is to regulate and control the possession and sale of alcohol within the exterior boundaries of the Rincon Indian Reservation, and to permit alcohol sales by tribally owned, controlled or operated enterprises, and at tribally approved special events, for the purpose of the economic development of the Rincon Band. The enactment of a tribal ordinance governing alcohol possession and sales within the exterior boundaries of the Rincon Indian Reservation increases the ability of the Rincon Tribal Government to control reservation alcohol distribution and possession, and will provide an important source of revenue for the continued operation and strengthening of the tribal government and the economic viability of tribal government services. This Rincon Alcohol Control Ordinance is in conformity with the laws of the State of California as required by 18 U.S.C. 1161, and with all applicable federal laws.

*Section 200.04. Manufacture of Alcohol*

The manufacture of alcoholic beverages by business enterprises owned by or subject to the control of the Rincon Band shall be lawful within the exterior boundaries of the Rincon Indian Reservation; provided that such manufacture is in conformity with the laws of the State of California as required by federal law.

*Section 200.05. Possession of Alcohol*

The introduction or possession of alcoholic beverages shall be lawful within the exterior boundaries of the Rincon Indian Reservation; provided that such introduction or possession is

in conformity with the laws of the State of California as required by federal law.

*Section 200.06. Sales of Alcohol*

(a) The sale of alcoholic beverages by business enterprises owned or operated by, or subject to the control of, the Rincon Band shall be lawful within the exterior boundaries of the Rincon Indian Reservation; provided that such sale is in conformity with the laws of the State of California as required by federal law.

(b) The sale of alcoholic beverages by the drink at special events authorized by the Rincon Band shall be lawful within the exterior boundaries of the Rincon Indian Reservation; provided that such sales are in conformity with the laws of the State of California as required by federal law and with prior approval by Resolution of the Tribal Council of the Rincon Band.

*Section 200.07. Age Limits*

(a) The drinking age within the exterior boundaries of the Rincon Indian Reservation shall be the same as that of the State of California as required by federal law. No person under such age shall purchase, possess or consume any alcoholic beverage within the exterior boundaries of the Rincon Indian Reservation.

(b) The State of California sets the drinking age within California under California Business and Professions Code § 25658. California's drinking age is 21 at the time of the enactment of this Ordinance.

(c) At such time, if any, as California Business and Professions Code § 25658 is repealed or amended to raise or lower the drinking age within California, subsection (b) above shall automatically become null and void, and the Tribal Council shall be empowered to enact a new subsection to reference the appropriate provision of the state law, such amendment to become effective upon publication in the **Federal Register** by the Secretary of the Interior.

*Section 200.08. Civil Penalties*

The Rincon Band, through its Tribal Council and duly authorized security personnel, shall have the authority to enforce this Ordinance by confiscating any alcohol manufactured, introduced, sold or possessed in violation hereof. The Tribal Council shall be empowered to sell such confiscated alcohol for the benefit of the Rincon Band, and to develop and approve such regulations as may become necessary for enforcement of this Ordinance.

*Section 200.09. Severability*

If any provision of this Ordinance is determined by review to be invalid,

such adjudication shall not be held to render ineffectual the remaining portions of this Ordinance or to render such provisions inapplicable to other persons or circumstances.

*Section 200.10. Prior Enactments*

Any and all prior enactments of the Rincon Band which are inconsistent with the provisions of this Ordinance are hereby rescinded.

*Section 200.11. Conformance With California Laws*

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

*Section 200.12. Effective Date*

This Ordinance shall be effective on October 6, 2000.

*Section 200.13. Amendment*

This Ordinance may be amended only by a majority vote of the Rincon General Council.

*Section 200.14. Sovereign Immunity*

Nothing contained in this Ordinance is intended to, nor does, in any way, limit, alter, restrict, or waive the Tribe's sovereign immunity from unconsented suit or action.

[FR Doc. 00-25799 Filed 10-5-00; 8:45 am]

BILLING CODE 4310-02-P

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

[OR-084-6333-00; GPO-0006]

**Notice of Seasonal Closure of Public Lands; Baker County, OR**

**AGENCY:** Bureau of Land Management, Vale District, Baker Field Office, Oregon.

**ACTION:** A seasonal closure to motorized vehicle use and public entry on public lands administered by the Bureau of Land Management (BLM), Vale District, Baker Resource Area, Oregon.

**SUMMARY:** This closure is part of the Cooperative Management Agreement between the BLM and the Oregon Department of Fish and Wildlife, dated September 18, 1985. This closure meets specific objectives stated in the Agreement to control vehicular traffic on the land during the period each year between December 1st and May 1st.

The closed area is the Elk winter feeding stations on Elk and Salmon Creek, section 8, Township 9 South, Range 39 East of the Willamette Meridian. All entry will be restricted

during this seasonal closure to protect sensitive wildlife from disturbance by motor vehicles and public traffic. Wintering bald eagles also occupy the area during the closure dates.

Closure signs will be posed at main entry points to this area. Maps of the closure area and information may be obtained from the Baker Field Office, 3165 10th Street, Baker City, Oregon.

**DATES:** This closure will take effect October 6, 2000.

**FOR FURTHER INFORMATION CONTACT:** Penelope Dunn Woods, Bureau of Land Management, Baker Field Manager, 3165 10th Street, Baker City, OR 97814, Telephone (541) 523-1256.

### Discussion of the Rules

Under 43 CFR 8364.1, the Bureau of Land Management will enforce the following rule on public lands within the closed area. You must follow this rule: You must not enter the closed area between December 1st and May 1st.

#### Exemptions

Persons who are exempt from these rules include:

1. Any Federal, State, or local officer or employee in the scope of their duties, members of any organized rescue or fire-fighting force in performance of an official duty, and any person authorized in writing by the Bureau of Land Management.

2. Any person traveling on the Salmon Creek Road (road numbers 9180 and 9180010) west of the locked gate located in the southeast  $\frac{1}{4}$  of section 8, Township 9 South, Range 39 East.

3. Owners or lessees of private land accessible by the Salmon Creek Road.

#### Penalties

The authority for this closure is found under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) and 43 CFR 8360.0-7. Any person who violates this closure may be tried before a United States Magistrate and fined no more than \$1,000 or imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

#### Penelope Dunn Woods,

Field Manager, Baker Resource Area.

[FR Doc. 00-25713 Filed 10-5-00; 8:45 am]

**BILLING CODE 4310-33-M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[UT-030-00-1220-EN]

#### Notice of Availability of Draft Environmental Impact Statement for 3R Minerals Coal Bed Canyon Mine

**AGENCY:** Bureau of Land Management, Utah State Office, DOI.

**ACTION:** Notice of Availability of Draft Environmental Impact Statement.

**SUMMARY:** In accordance with section 102 of the National Environmental Policy Act of 1969, a draft environmental impact statement (DEIS) for 3R Minerals Coal Bed Canyon Mine proposal on lands within Grand Staircase-Escalante National Monument, has been prepared and is available for review and comment. This DEIS is prepared in response to the Notice of Intent to Revise Mining Operations filed by 3R Minerals in June 1999. It analyzes the anticipated impacts of 3R Minerals' proposed action and three alternatives to the proposal.

**ADDRESSES:** Copies of the DEIS may be obtained from the following Bureau of Land Management Locations: Grand Staircase-Escalante National Monument Headquarters, 180 West 300 North, Kanab, Utah 84741; Grand Staircase-Escalante National Monument Escalante Field Station, 755 West Main, Escalante, Utah; Utah State Office, 324 South State Street, Suite 301, Salt Lake City, Utah. Copies may be obtained by mail by contacting the Monument Headquarters at the above address or telephoning 435-644-4300.

**DATES:** Comments must be received by Grand Staircase-Escalante National Monument Headquarters, 180 West 300 North, Kanab, Utah 84741 by December 4, 2000. An open house will be held at the Conference Center at Ruby's Inn, located on Highway 63 near the entrance to Bryce Canyon National Park, on November 6, 2000 from 5:00 pm to 8:00 pm. The purpose of the open house is to clarify information in the DEIS. *IT IS NOT INTENDED TO BE A PUBLIC HEARING.*

**FOR FURTHER INFORMATION CONTACT:** Paul Chapman, Grand Staircase-Escalante National Monument Headquarters, 435-644-4309, or Kate Cannon, Monument Manager, Grand Staircase-Escalante National Monument Headquarters, 435-644-4330.

**SUPPLEMENTARY INFORMATION:** The DEIS analyzes four alternatives summarized as follows: Alternative A is the Proposed Action as submitted by 3R Minerals; Alternative B is the BLM

Preferred Alternative which is to approve 3R Minerals proposed action with certain conditions of approval; Alternative C is the No Action Alternative which would be denial of 3R Minerals' Notice of Intent to Revise Mining Operations in which case 3R Minerals would continue to mine in accordance with the approvals from the State of Utah; and Alternative D, the No Mining alternative where 3R Minerals could not mine. Since mining under the approvals granted by the State of Utah is a valid existing right, the BLM has no statutory authority to select Alternative D but the alternative is presented as baseline with which to compare the other alternatives. Mining activity is based on a mineral lease issued by the Utah State Institutional Trust Lands Administration when the site was still State land. Although the lease was issued after the Monument was established, it occurred on State lands which were not affected by the Presidential Proclamation. 3R Minerals was granted approval to mine by appropriate State agencies and has been conducting limited mining activity on the site. Ownership of the land was exchanged to the Federal Government via the Utah Schools and Lands Exchange Act of 1998. Language in that act preserved 3R Minerals' existing right to mine as approved by the State. Therefore, the decision to be made in this EIS is not whether mining should be allowed, but rather whether the Notice of Intent to Revise Mining Operations should be approved, approved with certain conditions, or denied.

Sally Wisely,

State Director.

[FR Doc. 00-25109 Filed 10-5-00; 8:45 am]

**BILLING CODE 4310-DQ-U**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ES-960-1910-BJ-4489] ES-50828, Group 30, Illinois

#### Notice of Filing of Plat of Survey; Illinois

The plat of the survey of the Lock and Dam No. 26 and the Locks and Dam No. 26 Replacement acquisition boundaries, in Township 5 North, Ranges 9 and 10 West of the 3rd Principal Meridian, Illinois, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on November 9, 2000.

The survey was requested by the U.S. Army Corps of Engineers.