

drug and alcohol prevention and treatment programs within the Indian Country of the Kickapoo Tribe of Oklahoma.

#### *Section 402. Audits and Inspections*

(a) All of the books and other business records of the outlet shall be available for inspection and audit by the Commission, or its authorized representative, during normal business hours and at all other reasonable times, as may be requested by the Commission.

(b) Bond for Excise Tax. The excise tax together with reports on forms to be supplied by the Commission shall be remitted to the Commission on a monthly basis unless otherwise specified in writing by the Commission. The Operator shall furnish a satisfactory bond to the Commission in an amount to be specified by the Commission guaranteeing his or her payment of excise taxes.

#### **Chapter Five—Liability, Insurance, and Sovereign Immunity**

##### *Section 501. Liability for Bills*

The Kickapoo Tribe of Oklahoma and the Commission shall have no legal responsibility for any unpaid bills owed by a liquor and/or beer outlet to a wholesaler supplier or any other person.

##### *Section 502. Tribal Liability and Credit*

(a) Unless explicitly authorized by Tribal statute or regulation, Operators are forbidden to represent or give the impression to any supplier or person with whom he or she does business that he or she is an official representative of the Tribe or the Commission authorized to pledge tribal credit or financial responsibility for any of the expenses of his or her business operation. The Operator shall hold the Tribe harmless from all claims and liability of whatever nature. The Commission shall revoke an Operator's outlet license(s) if said outlet(s) is not operated in a businesslike manner or if it does not remain financially solvent or does not pay its operating expenses and bills before they become delinquent.

(b) Insurance. The Operator shall maintain at his or her own expense adequate insurance covering liability, fire, theft, vandalism, and other insurable risks. The Commission may establish as a condition of any license, the required insurance limits and any additional coverage deemed advisable, proof of which shall be filed with the Commission.

##### *Section 503. Sovereign Immunity Preserved*

Nothing in this statute shall be construed as a waiver or limitation of

the sovereign immunity of the Kickapoo Tribe of Oklahoma, or its agencies, nor their officers or employees. To the fullest extent possible the Kickapoo Tribe of Oklahoma expressly retains its Tribal sovereign immunity for the purposes of enactment of this Ordinance.

#### **Chapter Six—Violations and Penalties**

##### *Section 601. Violations and Penalties*

(a) Any person who violates this Ordinance or elicits, encourages, directs or causes to be violated this Ordinance, or laws in support of this Ordinance, or regulations of the Commission shall be guilty of an offense and subject to fine. Failure to have a current, valid or proper license shall not constitute a defense to an alleged violation of the licensing laws and/or regulations. The judicial system of the Kickapoo Tribe of Oklahoma shall have exclusive jurisdiction over such proceeding(s).

(1) Any person convicted of committing any violation of this Ordinance shall be subject to punishment of up to one (1) year imprisonment and/or a fine not to exceed Five Thousand Dollars (\$5,000.00).

(2) Additionally, any person upon committing any violation of any provision of this Ordinance may be subject to civil action for trespass, and upon having been determined by the judicial system of the Kickapoo Tribe of Oklahoma to have committed the violation, shall be found to have trespassed upon lands of the Kickapoo Tribe of Oklahoma, and shall be assessed such damages as the judicial system of the Kickapoo Tribe of Oklahoma deems appropriate in the circumstances.

(3) Any person suspected of having violated any provision of this Ordinance shall, in addition to any other penalty imposed hereunder, be required to surrender any liquor and/or beer in person's possession to the officer making the complaint. The surrendered beverages, if previously unopened, shall only be returned upon a finding of the Tribal judicial system, after trial, or proper judicial proceeding, that the individual committed no violation of this Ordinance.

(4) Any Operator who violates the provisions set forth herein shall forfeit all of the remaining stock in the outlet(s). The Commission shall be empowered to seize forfeited products.

(5) Any stock, goods, or other items subject to this Ordinance that have not been registered, licensed, or taxes paid shall be contraband and subject to immediate confiscation by the

Commission or its employees or agents, PROVIDED, that within fifteen (15) days of the seizure the Commission shall cause to be filed an action against such property alleging the reason for the seizure or confiscation, and upon proof, the Kickapoo Tribe of Oklahoma judicial system shall order the property forfeited and vested with the Kickapoo Tribe of Oklahoma.

#### **Chapter Seven—Miscellaneous Provisions**

##### *Section 701. Severability*

If any provision of this Ordinance in its application to any person or circumstance is held invalid, the remainder of this Ordinance and its application to other persons or circumstances is not affected.

##### *Section 702. Repealer*

Upon enactment by the Kickapoo Council any and all previous Liquor and Beer Ordinance(s) of the Kickapoo Tribe of Oklahoma are hereby repealed and this Ordinance as enacted shall have the full force and effect as Tribal law.

##### *Section 703. Effective Date*

This Ordinance shall become effective upon publication of the Secretary of the Interior's certification notice in the **Federal Register**.

[FR Doc. 05-322 Filed 1-6-05; 8:45 am]

BILLING CODE 4310-4J-P

## **DEPARTMENT OF THE INTERIOR**

### **Bureau of Land Management**

[WY-920-1320-EL, WYW160394]

#### **Notice of Intent To Prepare an Environmental Impact Statement, Pit 14 Lease by Application, Sweetwater County, WY**

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

**ACTION:** Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS), to initiate scoping for a coal lease application received from Black Butte Coal Company for Federal coal in the decertified Green River/Hamms Fork Coal Production Region, Wyoming. The EIS may result in amendment of the Green River Resource Management Plan. If analysis shows that a plan amendment is necessary, the Green River Resource Management Plan may be amended.

**SUMMARY:** The Bureau of Land Management (BLM) received a competitive coal lease application from Black Butte Coal Company (BBCC) for a maintenance tract adjacent to its

existing Black Butte Mine in Sweetwater County, Wyoming. A maintenance tract is a parcel of land containing coal reserves nominated for leasing that may be used to extend an existing mine. This tract, assigned case number WYW160394, is called the Pit 14 Tract and was applied for as a lease by application (LBA) under the provisions of 43 Code of Federal Regulations 3425.

Consistent with regulations pertaining to National Environmental Policy Act (NEPA), the BLM must prepare an environmental document prior to allowing the coal lease to be sold. Under the provisions of Section 102(2)(c) of NEPA, the BLM announces its intentions to prepare an EIS and to solicit public comments regarding issues and resource information.

Consistent with regulations found at 43 CFR 3425, this NOI also serves to notify the public that a coal lease is under consideration.

**DATES:** The scoping period for the Pit 14 LBA will begin with publication of this notice in the **Federal Register**. The BLM can best utilize public input if comments and resource information are submitted within 30 days of publication of this notice in the **Federal Register**.

On January 26, 2005, an open house will be held between 4 p.m. and 5:30 p.m., and a scoping meeting at 7 p.m., at the Rock Springs Field Office, 280 Highway 191 North, Rock Springs, Wyoming.

**ADDRESSES:** Please submit written comments to the Rock Springs Field Office, Attn: Teri Deakins, 280 Highway 191 North, Rock Springs, Wyoming 82901. Fax comments to 307-352-0328, or e-mail them to [teri\\_deakins@blm.gov](mailto:teri_deakins@blm.gov). Please indicate Pit 14 LBA in the subject line.

**FOR FURTHER INFORMATION CONTACT:** Teri Deakins, Project Manager, may be reached at 307-352-0211. For information specific to coal or coal operations, Jeff Clawson may be contacted at 307-352-0323.

**SUPPLEMENTARY INFORMATION:** On March 24, 2004, BBCC filed a coal lease application for a maintenance tract containing approximately 20 million tons of in-place Federal coal within a tract of approximately 1,399.48 acres. This tract, case number WYW160394, is called the Pit 14 Tract and affects the following lands in Sweetwater County:

**T. 17 N., R. 101 W., 6th P.M., Wyoming**

Sec. 2: Lots 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 4: Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;

Sec. 10: NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;

**T. 18 N., R. 101 W., 6th P.M., Wyoming**

Sec. 34: E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ .

Containing 1,399.48 acres more or less.

The Pit 14 Tract is located within "checkerboard," or mixed Federal and private surface ownership. The Pit 14 project area is 33% Federal surface and mineral estate. As part of the coal leasing process, BLM will evaluate the tract configuration and may decide to add or subtract Federal coal to avoid bypassing coal, to facilitate maximum economic recovery, or to increase competition.

The Black Butte Coal Mine is adjacent to the LBA area and BBCC proposes to mine the tract as a maintenance tract for the Black Butte Mine. BBCC has an approved mining and reclamation plan from the Wyoming Department of Environmental Quality (WDEQ), Land Quality Division. The mine also has an approved air quality permit from the WDEQ, Air Quality Division to mine up to 7 million tons of coal per year. BBCC is currently mining from existing Federal, private, and state leases at a rate of 3 to 4 million tons per year.

The Office of Surface Mining Reclamation and Enforcement (OSMRE) will be a cooperating agency during preparation of the EIS. If the Pit 14 LBA Tract is leased to the applicant, the new lease must be incorporated into the existing mining plan for the adjacent mine. Before the Federal coal can be mined, the Secretary of the Interior must approve the revised mining plan. The OSMRE is the Federal agency that would be responsible for recommending approval, approval with conditions, or disapproval of the revised mining plan to the Secretary should the tract be leased.

Through BLM's initial scoping of BBCC's proposal, at least one key issue has been identified: The potential conflict between coal mining and oil and gas development within the lease tract. Other issues tentatively identified include air quality; biological issues, including potential impacts to big game crucial winter range and sage-grouse nesting habitat; vegetation, including plant species that BLM has identified as sensitive; nearby on-going shallow gas exploration and development projects; socio-economic impacts; cumulative impacts; and water quality.

If you have specific issues or other concerns that BLM should consider during the NEPA process, please identify them in writing. You may send comments to the BLM by mail, facsimile, or electronic mail. Comments may also be hand-delivered to the Rock Springs Field Office or submitted at the public meeting. To receive full consideration, please submit comments on or before February 4, 2005. All comments, including the names and street addresses of respondents, will be

available for public review at the address listed above during regular business hours (7:45 a.m.–4:30 p.m.), Monday through Friday, except holidays.

Your response is important and will be considered in the environmental analysis process. If you do respond, we will keep you informed of the availability of environmental documents that address impacts that occur from this proposal. Please note that comments and information submitted regarding this project including names, e-mail addresses, and street addresses of the respondents will be available for public review and disclosure at the above address. Individual respondents may request confidentiality. If you wish to withhold your name, e-mail address, or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by the law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

**Alan Rabinoff,**

*Acting State Director.*

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**BILLING CODE 4310-22-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM110-1430-ET; NNM 94904]

#### Public Land Order No. 7622; Partial Revocation of Public Land Order No. 7291; New Mexico

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

**ACTION:** Public land order.

**SUMMARY:** This order partially revokes Public Land Order No. 7291 insofar as it affects 514.15 acres of public lands and 428.30 acres of federally reserved mineral interest underlying private surface estate withdrawn to protect an area having potential for the development of humate.

**EFFECTIVE DATE:** February 7, 2005.

**FOR FURTHER INFORMATION CONTACT:** Debby Lucero, BLM Albuquerque Field Office, 435 Montano NE, Albuquerque, New Mexico 87107, (505) 761-8700.

**SUPPLEMENTAL INFORMATION:** The partial revocation is needed to reinstate a