

Commission through its agents or employees whenever in the discretion of the Tribal Gaming Commission or Kiowa Tax Commission such a review or audit is necessary or otherwise appropriate to verify the accuracy of reports.

(4) The Tribal Business Committee and the Kiowa Tax Commission shall have access to all written records required to be maintained by Licensees under this Ordinance.

(e) Disposition of Funds Collected by the Tribal Gaming Commission in respect of the Licensing and Sale of Liquor.

(1) The gross proceeds collected by the Tribal Gaming Commission from the issuance of Licenses for the sale of Liquor and from proceedings involving violations of this Ordinance shall be distributed to the Tribal Gaming Commission for the payment of all necessary personnel, administrative costs, and legal fees incurred in the enforcement of this Ordinance, including, but not limited to, reasonable reserves in aggregate amounts of up to the full amount of the annual budget of the Tribal Gaming Commission plus \$300,000, and any surplus over such amounts and reserves shall as received be promptly paid over to the Kiowa Tax Commission for use for the purposes of the Tribe.

(2) The Tribal Gaming Commission shall provide an annual report to the Tribal Business Committee setting forth an accounting of the funds received and expended under this Ordinance.

Article 11 Abatement

(a) Any Public Place where Liquor is sold, manufactured, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this Ordinance, and all property kept in and used in maintaining such place, is hereby declared to be a public nuisance.

(b) The Tribal Gaming Commission by its representative duly authorized by resolution by the Tribal Gaming Commission shall have standing, power and authority to institute and prosecute in an action in the Tribal Court or at the election of the Tribal Gaming Commission and subject to the jurisdictional rules that may apply, in the Federal District Court for the Western District of Oklahoma, a civil action to abate and enjoin any nuisance declared by the Tribal Gaming Commission under this Ordinance.

(1) Upon establishment that probable cause exists to find that a nuisance exists, the court may grant restraining orders, temporary injunctions, and permanent injunctions in the case as in

other injunction proceedings. Upon final judgment against the defendant, the court may also order the room, structure, or place closed for a period of one year or (if a lesser period is warranted) until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient sum but not less than ten thousand dollars \$10,000, payable to the Tribal Gaming Commission, (A) The bond must be, in form acceptable to the Tribal Gaming Commission, and (B) conditioned that Liquor will not be thereafter manufactured, kept, sold, bartered, exchanged, given away, furnished, or otherwise disposed of thereof in violation of the provision of this Ordinance, and that the defendant will pay all fines, costs and damages assessed against him/her for any violation of this Ordinance.

(2) The Commission will return the bond to the owners, lessee, tenant, or occupant one year after submission of such bond to the Tribal Gaming Commission if the Commission has determined that there have been no further violations of the Ordinance within such period by the defendant.

(3) If any conditions of the bond are violated, the whole amount may be forfeit and available for the use of Tribal Gaming Commission.

(4) In all cases where any Person has been found responsible for a violation of this Ordinance relating to manufacture, importation, transportation, possession, distribution, and sale of Liquor: (A) An action may be brought to abate as a public nuisance the use of any real estate or other property involved in the violation of this Ordinance; and (B) proof of violation of this Ordinance shall be prima facie evidence that the room, house, building, vehicle, structure, or place against which such action is brought is a public nuisance.

Article 12 Severability

If any provision or application of this Ordinance is determined by review to be invalid, such determination shall not be held to render ineffectual the remaining portions of this Ordinance or to render such provisions inapplicable to other Persons or circumstances. Any and all prior tribal laws, resolutions or statutes of the Kiowa Indian Tribe of Oklahoma which are inconsistent with the provisions of this Ordinance are hereby rescinded and repealed to the extent inconsistent with this Ordinance.

Article 13 Application of 18 U.S.C. 1161

Federal law requires that any authorization for the sale of Liquor must be in conformity with the laws of the State and approved by an ordinance

duly adopted by the tribe having jurisdiction over such area of Indian country. All acts and transactions under this Ordinance shall be in conformity with Federal law and the laws of the State of Oklahoma as applicable.

Article 14 Effective Date

This Ordinance shall be effective after the Secretary of the Interior certifies the Ordinance and on the date it is published in the **Federal Register**.

Article 15 Sovereign Immunity

Nothing contained in this Ordinance is intended to, nor does it in any way, limits, alters, restricts, or waives the sovereign immunity of the Tribe or its agencies and instrumentalities from unconsented suit or action of any kind.

Article 16 Duration

This Ordinance shall be perpetual until repealed or amended by the Kiowa Indian Tribe of Oklahoma.

Article 17 Limitations

Notwithstanding anything contained herein to the contrary, until this Ordinance is further amended as provided in Article 16, no sale of Liquor shall be permitted on Tribal Lands other than at a Gaming Facility.

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BILLING CODE 4310-4J-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-210-1220-MA]

Notice of Emergency Temporary Closure of Certain Public Lands, to Motorized Vehicles, in Owyhee County ID, Under Sailor Cap Emergency and Rehabilitation Plan

AGENCY: Bureau of Land Management, Interior.

SUMMARY: The Bureau of Land Management (BLM) Jarbidge Field Office, in order to protect natural resources and stabilization treatments conducted following the 2006 Sailor Cap Fire, is implementing an emergency temporary closure to all motorized vehicle traffic off established roads which are capable of being traveled by full size vehicles (e.g. all-terrain vehicles, pickups, motorcycles, sport utility vehicles, snowmobiles, etc.) within the fire perimeter and along fenced livestock allotments. The closure area follows the most logical boundaries according to transportation routes (please refer to supplementary information for description of closure area). The purpose of the closure is to

restrict off-road vehicle use while providing continued public access to and through the area. Vehicles traveling cross-country in a burned area may damage reemerging plants, increase erosion and spread noxious weeds. Motorized vehicles may continue to use established roads capable of being traveled by full size vehicles.

DATES: This closure is in effect for two years, and may be lifted sooner if the BLM determines that revegetation and stabilization efforts have reduced resource concerns.

FOR FURTHER INFORMATION CONTACT: Max Yingst, Outdoor Recreation Planner, Jarbidge Field Office, Bureau of Land Management, 2536 Kimberly Road, Twin Falls, ID 83301-7975, or call (208) 736-2362.

Closure Order: This closure order applies to approximately 64,708 acres of BLM lands and is considered an emergency situation to enhance protection of the resources involved. The Jarbidge Field Office will analyze the effects of the closure in the fall of 2007 and extend, modify, or rescind the order at that time.

This order affects public lands in Owyhee County, Idaho, thus described:

- T. 08S., R09 E, 24, 25, 33, 34, and 35, B.M.
- T. 09S., R09 E, all sections of BLM lands except 16 and 36, B.M.
- T. 09S., R10 E, sections 18, 19, 20, and sections 28 to 34 inclusive, B.M.
- T. 10S., R09 E, sections 1, 2, 11, 12, and 13, B.M.
- T. 10S., R10 E, sections 2 to 15, inclusive, sections 17 to 28, inclusive and sections 34 and 35, B.M.
- T. 10S., R11 E, sections 7, 18, 19, 20, and sections 28 to 33, inclusive B.M.
- T. 11S., R10 E, sections 1, 2, 3, 11, 12, 13, 24, and 25 B.M.
- T. 11S., R11 E, sections 5 to 8, inclusive, sections 17 to 20, inclusive, and sections 28, 29, and 30 B.M.

A total of approximately 64,708 acres.

The closure does not apply to authorized vehicles, rescue vehicles, BLM operation and maintenance vehicles, resource management activities or use by fire and law enforcement vehicles. In addition, access to private property by property owners may be authorized by the BLM Field Manager. Nothing in this closure is intended to affect legal hunting as consistent with Idaho Department of Fish and Game regulations.

Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a) and 43 CFR 8360-7), if you violate this closure on public land within the boundaries established, you 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 by Title 18 U.S.C. 3571.

Conditions for Ending Closure: Soil stabilization and revegetation treatments will be considered successful if and when the following occur:

1. Slopes and soils show signs of stabilization and have not experienced slope failure through at least one winter season.

2. Re-growth of vegetation has sufficiently obscured cultural sites exposed by the fire.

3. Seeding treatments on burned areas have successfully established.

ADDRESSES: A map of the closed area, along with more detailed information, may be obtained from the Jarbidge Field Office at 2536 Kimberly Road, Twin Falls, ID, 83301. This emergency closure notice is issued under the authority of 43 CFR 8364.1.

Richard Vander Voet,

Jarbidge Field Office Manager, Bureau of Land Management.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-420-2824-DD-FM04]

Notice of Availability of a Final Environmental Impact Statement for the Eastside Township Fuels and Vegetation Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, the Bureau of Land Management (BLM) hereby gives notice that the Final Environmental Impact Statement (EIS) for the proposed Eastside Township Fuels and Vegetation Project is available for public review. The BLM is the lead Federal agency for preparation of the EIS in compliance with the requirements of the NEPA and the Nez Perce National Forest is a Cooperating Agency.

DATES: The document will be available for 30 days following publication of a Notice of Availability (NOA) of this document, in the **Federal Register**, by the Environmental Protection Agency (EPA).

ADDRESSES: The Final EIS is available online at the BLM Web site: <http://www.id.blm.gov/offices/cottonwood/index.htm> (available March 15, 2007). Copies of the document can also be viewed at or obtained by contacting the BLM Cottonwood Field Office, 1 Butte Drive, Cottonwood, ID 83522; or e-mail to robbin_boyce@blm.gov.

FOR FURTHER INFORMATION CONTACT: Robbin Boyce at (208) 962-3245 or e-mail: robbin_boyce@blm.gov.

SUPPLEMENTARY INFORMATION: The Eastside Township Fuels and Vegetation Project (Eastside) is located in north central Idaho, near the southern portion of the Idaho Panhandle in Idaho County. The project area, which encompasses approximately 3,300 acres, borders the small, isolated town of Elk City and includes the surrounding wildland urban interface (WUI) areas. Actual BLM-administered lands to be treated total approximately 1,300 acres.

This landscape level project was developed to address increasing fuel loads resulting from combined effects of long-term fire suppression and an ongoing mountain pine beetle epidemic in the Elk City area. The purpose of this project is to manage the fuels and vegetation conditions in the Elk City WUI area. The project objectives are to:

- Reduce the risk of high intensity wildland fire to life, property and natural resources and the likelihood of severe local fire effects by removing dead, dying, and downed trees that would otherwise result in high fuel loading;
- Manage forest stands to create conditions that will contribute to sustaining long-lived fire tolerant tree species by regenerating to western larch and Douglas-fir, and by retaining most Douglas-fir, western larch, and ponderosa pine;
- Create an upward trend in fish habitat condition; and
- Contribute to the economic and social well being of area users and local residents.

Existing and potential fuel loads would be reduced through a combination of vegetation manipulation and fuels treatments while supporting a long term upward trend in fish habitat condition. Treatments include removing dead and dying trees and selectively harvesting other trees in both lodgepole pine and mixed conifer stands. Fuel treatments include thinning, piling and burning, prescribed burning, and biomass utilization.

The Final EIS analyzes four alternatives based on issues identified during the scoping process. Alternatives include a no action alternative and the