

gas exploration and development; emergency response; livestock grazing; recreational and educational activities; and scientific research. In addition, all existing activities on developed lands would be authorized as permitted activities within the HCP permit area. However, the aforementioned permitted activities would not be authorized within the credit area. Under the HCP, the effects on covered species from the permitted activities are expected to be minimized and mitigated through participation in a conservation program. This conservation program would focus on providing long-term protection of covered species by protecting biological communities in the HCP area.

Components of this conservation program are now under consideration by the Service and Kern County. These components would likely include: Avoidance and minimization measures, monitoring, adaptive management, and mitigation measures consisting of preservation, restoration, and enhancement of habitat.

#### Environmental Impact Statement/Report

The EIR/EIS will consider the proposed action (i.e., the issuance of a section 10a(1)(B) permit under the Act), no action (no project/no section 10 permit), and a reasonable range of alternatives. A detailed description of the proposed action and alternatives will be included in the EIR/EIS. The alternatives to be considered for analysis in the EIR/EIS may include: Modified lists of covered species, land coverage areas, and intensity of development. The EIR/EIS will also identify potentially significant impacts on biological resources, land use, air quality, water quality, water resources, economics, and other environmental resource issues that could occur directly or indirectly with implementation of the proposed action and alternatives. Different strategies for avoiding, minimizing, and mitigating the impacts of incidental take may also be considered.

Environmental review of the EIR/EIS will be conducted in accordance with the requirements of NEPA (42 U.S.C. 4321, *et seq.*), its implementing regulations (40 CFR parts 1500–1508), other applicable regulations, and Service procedures for compliance with those regulations. This notice is being furnished in accordance with 40 CFR Section 1501.7 and 1508.22 to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives to be addressed in the EIR/EIS. The primary purpose of the scoping process is to identify

important issues raised by the public related to the proposed action. Written comments from interested parties are invited to ensure that the full range of issues related to the permit application is identified. Comments will only be accepted in written form. You may submit written comments by mail, facsimile transmission, or in person (see **ADDRESSES**). All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

Our practice is to make comments, including names, home addresses, home phone numbers, and e-mail addresses of respondents, available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

Dated: November 19, 2007.

#### Ken McDermond,

Deputy Manager, California/Nevada Operations Office, Sacramento, California.

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**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Liquor Ordinance of the Karuk Tribe of California

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the Liquor Ordinance of the Karuk Tribe of California. The Ordinance regulates and controls the possession, sale and consumption of liquor within the Karuk tribal lands. The land is located on trust land and this ordinance allows for the possession and sale of alcoholic beverages within the Karuk Tribe of California tribal lands. This ordinance

will increase the ability of the tribal government to control the distribution and possession of liquor within their reservation and at the same time will provide funds for the continued operation and strengthening of the Karuk tribal government and the delivery of tribal government services.

**DATES:** *Effective Date:* This Act is effective as of November 26, 2007.

**FOR FURTHER INFORMATION CONTACT:** Fred Doka, Tribal Government Services Officer, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, CA 95825; Telephone (916) 978-6067; or Elizabeth Colliflower, Office of Tribal Services, 1849 C Street, NW., Mail Stop 4513-MIB, Washington, DC 20240; Telephone (202) 513-7627; Fax (202) 208-5113.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Act of August 15, 1953; Public Law 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. The Karuk Tribal Council adopted this Ordinance pursuant to provisions of the Karuk Constitution on February 14, 2007.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the Karuk Tribal Council duly adopted this Ordinance on February 14, 2007.

Dated: November 16, 2007.

#### Carl J. Artman,

Assistant Secretary—Indian Affairs.

The Liquor Ordinance of the Karuk Tribe of California reads as follows:

### LIQUOR ORDINANCE

#### Of the Karuk Tribe of California

##### (a) LEGISLATIVE FINDINGS, AUTHORITY AND PURPOSE:

The Tribal Council of the Karuk Tribe of California hereby finds as follows:

(1) The importation, distribution, manufacture and sale of alcoholic liquor for commercial purposes on Karuk Tribal lands is a matter of special concern to the Tribe.

(2) Federal law as embodied in 18 U.S.C. 1161 provides that certain sections of the United States Code, commonly referred to as Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country, provided such act or transaction is in conformity with both the laws of the state in which such act

or transaction occurs, and with an act duly adopted by the Tribe having jurisdiction over such areas of Indian country. The authority for the Ordinance and its adoption by Tribal Council is found in the Tribal Constitution under Article V.

(3) This Ordinance is for the purpose of regulating the sale, possession and use of alcoholic liquor on Karuk Tribe of California Tribal lands and other lands subject to Tribal jurisdiction.

**(b) DEFINITIONS:**

To the extent that definitions are consistent with tribal or federal law, terms used herein shall have the same meaning.

(1) **“Alcoholic liquor”** shall mean any alcoholic beverage containing more than one-half of one percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol and capable of being consumed by a human being.

(2) **“Tribal Lands”** shall mean all lands held in trust by the United States for the Karuk Tribe or its members.

(3) Whenever the words **“sell”** or **“to sell”** refer to anything forbidden by this Chapter and related to alcoholic liquor, they include:

(A) To solicit or receive an order.

(B) To keep or expose for sale.

(C) To deliver for value or in any way other than purely gratuitously.

(D) To peddle.

(E) To keep with intent to sell.

(F) To traffic in.

(G) For any consideration, promise or obtained directly or indirectly under any pretext or by any means or procure or allow to be procured for any other person.

(4) The word **“sale”** includes every act of selling as defined in subsection 2 of this section.

**(c) PROHIBITED ACTIVITY:**

(1) It shall be unlawful for any person to sell, trade or manufacture any alcoholic liquor on Tribal Lands except as provided for in this Ordinance.

(2) It shall be unlawful for any business establishment or person on Tribal Lands to possess, transport or keep with intent to sell, barter or trade to another, any liquor, except for those commercial liquor establishments on Tribal Lands licensed by the Tribe, provided, however, that a person may transport liquor from a licensed establishment consistent with the terms of the license.

(3) It shall be unlawful for any person to consume alcoholic liquor on a public highway.

(4) It shall be unlawful for any person to publicly consume any alcoholic liquor at any community function, or at or near any place of business, Indian

ceremonial grounds, recreational areas, including ballparks, and public camping areas, the Tribal Administration Office and any other area where minors gather for meetings or recreation, except within a tribally licensed establishment where alcohol is sold.

(5) It shall be unlawful for any person under the age of 21 years to buy, attempt to buy or to misrepresent their age in attempting to buy, alcoholic liquor. It shall be unlawful for any person under the age of 21 years to transport, possess or consume any alcoholic liquor on Tribal Lands, or to be under the influence of alcohol or to be at an established commercial liquor establishment, except as authorized under Section (e) of this Ordinance. No person shall sell or furnish alcoholic liquor to any minor.

(6) Alcoholic liquor may not be given as a prize, premium or consideration for a lottery, contest, game of chance or skill, or competition of any kind.

**(d) PROCEDURE FOR LICENSE:**

(1) Any request for a license under this Ordinance must be presented to the Tribal Council at least 30 days prior to the requested effective date. Tribal Council shall set license conditions at least as strict as those required by federal and applicable state law, including at a minimum:

(A) Liquor may only be served and handled in a manner no less strict than regulated by the California Department of Alcoholic Beverage Control (“ABC”);

(B) The license shall be for a term not to exceed one (1) year;

(C) The licensee shall at all times maintain an orderly, clean, and neat establishment, both inside and outside the licensed premises;

(D) The licensed premises shall be subject to patrol by Tribal law enforcement personnel and such other law enforcement officials as may be authorized under federal, California, or Tribal law;

(E) The licensed premises shall be open to inspection by duly authorized Tribal officials at all times during the regular business hours;

(F) No Liquor or intoxicating beverages shall be sold, served, disposed of, delivered, or given to any person, or consumed on the licensed premises except in conformity with the hours and days prescribed by the laws of the State of California, and in accordance with the hours fixed by the Tribal Council, provided that the licensed premises shall not operate or open earlier, or operate or close later, than is permitted by the laws of the State of California;

(G) No liquor shall be sold within 200 feet of a polling place on Tribal election

days, or when a referendum is held of the people of the Tribe, and including special days of observation as designated by the Tribal Council;

(H) All acts and transactions under authority of the Tribal liquor license shall be in conformity with the laws of the State of California, with this Liquor Ordinance, and with any Tribal liquor license issued pursuant to this Liquor Ordinance;

(I) There shall be no discrimination in the operations under the Tribal license by reason of race, color, or creed;

(J) Sales Taxes shall be imposed and collected on alcoholic beverages in a manner not inconsistent with relevant State and Tribal laws;

(K) Liquor may only be served by staff of the licensee; and

(L) Liquor may only be served in rooms where gambling is not taking place.

(2) Council action on a license request must be taken at a regular or special meeting. Unless the request is for a special event license, the Council shall give at least 14 days’ notice of the meeting at which the request will be considered. Notice shall be posted at the Tribal Council offices and at the establishment requesting the license, and will be sent by Certified Mail to the California Department of Alcoholic Beverage Control.

**(e) SALE OR SERVICE OF LIQUOR BY LICENSEE’S MINOR EMPLOYEES:**

(1) The holder of a license issued under this Ordinance may employ persons 18, 19 and 20 years of age who may take orders for, serve and sell alcoholic liquor in any part of the licensed premises when that activity is incidental to the serving of food except in those areas classified by the ABC as being prohibited to the use of minors. However, no person who is 18, 19 or 20 years of age shall be permitted to mix, pour or draw alcoholic liquor except when pouring is done as a service to the patron at the patron’s table or drawing is done in a portion of the premises not prohibited to minors.

(2) Except as stated in this section, it shall be unlawful to hire any person to work in connection with the sale and service of alcoholic beverages in a tribally licensed liquor establishment if such person is under the age of 21 years.

**(f) WARNING SIGNS REQUIRED:**

(1) Any person in possession of a valid retail liquor license, who sells liquor by the drink for consumption on the premises or sells for consumption off the premises, shall post a sign informing the public of the effects and risks of alcohol consumption during pregnancy.

(2) The sign shall:

(A) Contain the message: "Pregnancy and alcohol do not mix. Drinking alcoholic beverages, including wine coolers and beer, during pregnancy can cause birth defects."

(B) Be either:

(i) A large sign, no smaller than eight and one-half inches by 11 inches in size with lettering no smaller than five-eighths of an inch in height; or

(ii) A reduced sign, five by seven inches in size with lettering of the same proportion as the large sign described in paragraph (a) of this subsection.

(C) Contain a graphic depiction of the message to assist nonreaders in understanding the message. The depiction of a pregnant female shall be universal and shall not reflect a specific race or culture.

(D) Be in English unless a significant number of the patrons of the retail premises use a language other than English as a primary language. In such cases, the sign shall be worded both in English and the primary language or languages of the patrons.

(E) Be displayed on the premises of all licensed retail liquor premises as either a large sign at the point of entry, or a reduced sized sign at points of sale.

(3) The person described in subsection (1) of this section shall also post signs of any size at places where alcoholic beverages are displayed.

(g) **CIVIL PENALTY:**

(1) Any person who violates the provisions of this Ordinance is deemed to have consented to the jurisdiction of the Tribal Court and may be subject to a civil penalty in Tribal Court for a civil infraction. Such civil penalty shall not exceed the sum of \$1,000 for each such infraction, provided, however, that the penalty shall not exceed \$5,000 if it involves minors.

(2) The procedures governing the adjudication in Tribal Court of such civil infractions shall be those set out in the Tribal Court Ordinance.

(3) The Tribal Council hereby specifically finds that such civil penalties are reasonably necessary and are related to the expense of governmental administration necessary in maintaining law and order and public safety on Tribal Lands and in managing, protecting and developing the natural resources in the aboriginal territory. It is the legislative intent of the Tribal Council that all violations of this Chapter, whether committed by Tribal members, non-member Indians, or non-Indians, be considered civil in nature rather than criminal.

(h) **LICENSE NOT A PROPERTY RIGHT:**

Notwithstanding any other provision of this Liquor Ordinance, a Tribal liquor

license is a mere permit for a fixed duration of time. A Tribal liquor license shall not be deemed a property right or vested right of any kind, nor shall the granting of a Tribal liquor license give rise to a presumption of legal entitlement to a license/permit in a subsequent time period.

(i) **ASSIGNMENT OR TRANSFER:**

No Tribal license issued under this Liquor Ordinance shall be assigned or transferred without the prior written approval of the Tribal Council expressed by formal resolution.

(j) **SEVERABILITY:**

If a court of competent jurisdiction finds any provision of this Ordinance to be invalid or illegal under applicable Federal or Tribal law, such provision shall be severed from this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

(k) **CONSISTENCY WITH STATE LAW:**

The Karuk Tribe of California agrees to perform in the same manner as any other California business entity for the purpose of liquor licensing and regulations, including but not limited to licensing, compliance with the regulations of the ABC, maintenance of liquor liability insurance. This provision is not intended to waive KTOC's sovereign immunity status or submit KTOC to any jurisdiction inconsistent with such status.

(l) **EFFECTIVE DATE:**

This Ordinance shall be effective upon publication in the Federal Register after approval by the Secretary of the Interior or his designee.

(m) **CERTIFICATION:**

I, the Chairman, hereby certify the foregoing Ordinance which was approved at a meeting on the 14th day of February, 2007, was duly adopted by a vote of 5 AYES, 0 NOES, 0 ABSTAIN, and said Ordinance has not been rescinded or amended in any way. The Tribal Council is comprised of 9 members of which 5 voted.

/s/Arch Super

Arch Super, Chairman

/s/Florraine Super, Secretary

Florraine Super, Secretary

[FR Doc. E7-22929 Filed 11-23-07; 8:45 am]

BILLING CODE 4310-4J-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[(NM-920-1310-08); (NMNM 98795)]

#### Notice of Proposed Reinstatement of Terminated Oil and Gas Lease NMNM 98795

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

**ACTION:** Notice of reinstatement of terminated oil and gas lease.

**SUMMARY:** Under the Class II provisions of title IV, Public Law 97-451, the Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease NMNM 98795 from the lessee, Nadel and Gussman Permain, LLC, for lands in Eddy County, New Mexico. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

**FOR FURTHER INFORMATION CONTACT:** Lourdes B. Ortiz, BLM, New Mexico State Office, at (505) 438-7586.

**SUPPLEMENTARY INFORMATION:** No valid lease has been issued that affect the lands. The lessee agrees to new lease terms for rentals and royalties of \$10.00 per acre of fraction thereof, per year, and 16 $\frac{2}{3}$  percent, respectively. The lessee paid the required \$500.00 administrative fee for the reinstatement of the lease and \$166.00 cost for publishing this Notice in the **Federal Register**. The lessee met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188). We are proposing to reinstate lease NMNM 98795, effective the date of termination, June 1, 2007, under the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: November 19, 2007.

**Lourdes B. Ortiz,**  
Land Law Examiner.

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BILLING CODE 4310-FB-M