

The applicant initiated native habitat restoration activities within the Preserve in 1999 and proposes to reintroduce PVB once suitable habitat for the species is established. Following reintroduction of PVB, the applicant will continue to maintain native plant cover and eliminate invasive species on up to 28.5 acres within the Preserve. Restoration and management activities may include irrigation system installation and repair, mechanical weed removal, application of herbicides, planting, seeding, mechanical weeding, and removal of organic debris as necessary to enhance habitat for PVB.

The applicant proposes to minimize the effects to PVB associated with the proposed restoration activities by restricting certain activities during the flight season (February 15 to June 15), and avoiding disturbance to host plants and surrounding soil. The applicant will also conduct surveys for PVB for the first five years following reintroduction and a minimum of every three years thereafter to track peak abundance and patterns of occupancy within the Preserve. Restoration activities have the potential to result in take of a small number of PVB pupae if host plants and surrounding soil are incidentally disturbed. Surveys for PVB during the flight season have the potential to take a small number of adults if they are flushed from the site and not able to successfully reproduce. The project will result in an increase in the quality and quantity of habitat for PVB within the Preserve; therefore, no additional mitigation is proposed.

The Proposed Action consists of the issuance of an incidental take permit and implementation of the proposed HCP, which includes measures to minimize impacts of the project on PVB. One alternative to the taking of the listed species under the Proposed Action is considered in the proposed HCP. Under the No Action Alternative, no permit would be issued, and reintroduction of PVB to the Preserve would not occur. Management and restoration efforts would continue in the Preserve; however, the threat of extinction of PVB in the wild would remain high.

The Service has made a preliminary determination that approval of the proposed HCP qualifies as a categorical exclusion under NEPA, as provided by the Department of the Interior Manual (516 DM8) and as a "low-effect" plan as defined by the Habitat Conservation Planning Handbook (November 1996). Determination of Low-effect Habitat Conservation Plans is based on the following three criteria: (1) Implementation of the proposed HCP

would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) Implementation of the proposed HCP would result in minor or negligible effects on other environmental values or resources; and (3) Impacts of the proposed HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to environmental values or resources which would be considered significant.

Based upon this preliminary determination, we do not intend to prepare further NEPA documentation. We will consider public comments in making the final determination on whether to prepare such additional documentation.

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.

This notice is provided pursuant to section 10(c) of the Act. We will evaluate the permit application, the proposed HCP, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If the requirements are met, we will issue a permit to Palos Verdes Peninsula Land Conservancy for the incidental take of the Palos Verdes blue butterfly from restoration and management of the Linden H. Chandler Preserve in the City of Rolling Hills Estates, Los Angeles County, California.

Dated: August 7, 2008.

Jim A. Bartel,

Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California.

[FR Doc. E8-18685 Filed 8-12-08; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Metlakatla Indian Community Alcohol Possession Code

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes an amendment to the Law and Order Code

(Code), Alcohol Possession, for the Metlakatla Indian Community of the Annette Island Reserve. The amendment regulates and controls the possession and consumption of liquor within the tribal lands. The tribal lands are located in Indian Country and this amended Code allows for possession of alcoholic beverages within their boundaries. This Code will increase the ability of the tribal government to control liquor possession and consumption by the community's members.

DATES: *Effective Date:* This Code is effective on August 13, 2008.

FOR FURTHER INFORMATION CONTACT:

Betty Scissons, Tribal Government Services Officer, Northwest Regional Office, 911 NE 11th Ave., 8th Floor, Portland, OR 97232, Telephone: (503) 231-6723, Fax (503) 231-2189; or Elizabeth Colliflower, Office of Indian Services, 1849 C Street, NW., Mail Stop 4513-MIB, Washington, DC 20240, Telephone: (202) 513-7640.

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 Metlakatla Indian Community, Council, Annette Islands Reserve, amended the Alcohol Possession section of its Law and Order Code by Resolution No. 07-49 on November 13, 2007. The purpose of this Ordinance is to govern the possession of alcohol within tribal lands of the Tribe.

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 this Alcohol Possession Code of the Metlakatla Indian Community was duly adopted by the Council, Annette Island Reserve on November 13, 2007.

Dated: July 31, 2008.

George Skibine,

Acting Deputy Assistant Secretary for Policy and Economic Development.

The Metlakatla Indian Community Alcohol Possession Code reads as follows:

**PROVISIONS RELATED TO THE
LEGALIZATION OF ALCOHOL
POSSESSION WITHIN THE ANNETTE
ISLANDS RESERVE**

**TITLE ONE, CHAPTER 1, CRIMINAL
VIOLATIONS.**

**SECTION ONE.1.49 DISTRIBUTION
OF TOBACCO AND INTOXICANTS TO
CHILDREN.**

A. Any person who shall provide any tobacco product to any child under the age of eighteen (18) years shall be guilty of an offense and, upon conviction thereof, shall be sentenced to labor for a period of not more than six (6) months or to pay a fine not to exceed the constitutional limit, or both, with costs.

B. Any person who shall provide any alcoholic beverage, narcotic or other intoxicant to any person under the age of twenty-one (21) years shall be guilty of an offense and, upon conviction thereof, shall be sentenced to labor for a period of not more than six (6) months or to pay a fine not to exceed the constitutional limit, or both, with costs. A person shall also be liable for this offense if he or she exercises control over property and allows any person under the age of twenty-one (21) years to consume alcohol on the property or to remain on the property if they have consumed alcohol.

**SECTION ONE.1.55 LIQUOR
POSSESSION FOR SALE.**

**A. Sale of Alcoholic Beverages
Prohibited.**

Any person who shall, within the Annette Islands Reserve, sell, barter or transport, possess, or manufacture any alcoholic beverage for purposes of sale or distribution thereof for profit, shall be guilty of an offense.

**B. Application to Non-Member
Natives.**

1. First Conviction: Upon first conviction thereof, a non-member Native may be sentenced to labor for a period of not more than thirty (30) days and shall pay a fine of not less than one thousand dollars (\$1000) and not more than five thousand dollars (\$5000). Upon a conviction hereunder, a person shall appear before the Council for a public reprimand.

2. Second Conviction: Upon a second conviction thereof, a person may be sentenced to labor for a period of not to exceed ninety (90) days and shall pay a fine of five thousand dollars (\$5000) and shall be made subject to a proceeding under Title Four, Chapter 3 to revoke all existing visitor, residence and employment permits in the person's possession.

3. First Conviction, Special Circumstances: Upon a first conviction

involving a violation of Section One.1.49, a person may be sentenced to labor for a period of not to exceed ninety (90) days and shall pay a fine of five thousand dollars (\$5000) and shall be made subject to a proceeding under Title Four, Chapter 3 to revoke all existing visitor, residence and employment permits in the person's possession.

C. Application to Members.

1. First Conviction: Upon first conviction thereof, a member may be sentenced to labor for a period of not more than thirty (30) days and shall pay a fine of not less than one thousand dollars (\$1000) and not more than five thousand dollars (\$5000). The Magistrate shall notify the defendant of the possibility of loss of membership privileges pursuant to the rules established by the Community Council if the defendant is convicted a subsequent time. Upon a conviction hereunder, a person shall appear before the Council for a public reprimand.

2. Second Conviction: Upon a second conviction thereof, a member may be sentenced to labor for a period of not to exceed ninety (90) days and shall pay a fine of five thousand dollars (\$5000) and shall be required to relinquish all rights and privileges of citizenship of the Metlakatla Indian Community under Title Four, Chapter 2 for a period of six (6) months. No hearing or Special Council meeting shall be necessary under Title Four, Chapter 2.

3. First Conviction, Special Circumstances: Upon a first conviction involving a violation of Section One.1.49, a member may be sentenced to labor for a period of not to exceed ninety (90) days and shall pay a fine of five thousand dollars (\$5000) and shall be required to relinquish all rights and privileges of citizenship of the Metlakatla Indian Community under Title Four, Chapter 2 for a period of six (6) months. No hearing or Special Council meeting shall be necessary under Title Four, Chapter 2.

**SECTION ONE.1.56 LIQUOR
VIOLATION.**

Any person who shall, within the Annette Islands Reserve sell, barter, transport, possess, consume, or have consumed, or manufacture any alcoholic beverage shall be guilty of an offense and, upon conviction thereof, shall be sentenced to labor for a period of not more than six (6) months or to pay a fine not to exceed the constitutional limit, or both, with costs.

**SECTION ONE.1.56 PUBLIC
INTOXICATION.**

A. A person commits the crime of public intoxication if he or she appears in a public place under the influence of alcohol, narcotics, or other drug to the degree that he or she endangers himself or herself or another person or property, or by boisterous and offensive conduct affects the enjoyment of another person in his or her vicinity.

B. Public intoxication is a violation and, upon conviction thereof, shall be punishable by a sentence of labor for a period of not more than six (6) months or to pay a fine not to exceed the constitutional limit, or both, with costs. Individuals arrested for public intoxication may be held in jail for a period after which they are no longer considered a harm to themselves and others (e.g., the time necessary for them to "sober up"), provided such time shall not exceed twelve (12) hours.

**SECTION ONE.1.56(A)
CONSUMPTION OF ALCOHOL IN
PUBLIC PLACES.**

A. A person commits the crime of consumption of alcohol in public places if he or she drinks or consumes any alcoholic liquor in or upon any street, alley, public grounds, or other public places. Public places shall be defined as those developed public areas designated by the Council, including areas within the municipal limits and developed beaches, including Smuggler's Cove, Sand Dollar, Graveyard, and Pioneer.

B. Consumption of alcohol in public places is an offense and, upon conviction thereof, shall be punishable by a sentence of labor for a period of not more than six (6) months or a fine not to exceed the constitutional limit, or both, with costs.

**SECTION ONE.1.56(B) MINOR IN
POSSESSION OF ALCOHOL.**

A. A minor commits the crime of minor in possession of alcohol when he or she is in possession of alcohol, which can be proven by facts showing the minor had physical possession, constructive possession, or possession by consumption (breath) of alcohol.

B. Minor in possession of alcohol is a violation and subject to the provisions of Title 3, Chapter 4 (Juvenile Offender Procedure).

**SECTION ONE.1.56(C)
MISREPRESENTATION OF AGE BY A
MINOR.**

A. A minor commits the crime of misrepresentation of age by a minor when he or she is purposely not truthful about his or her age to prevent being in violation of law.

B. Misrepresentation of age by a minor is a violation and subject to the provisions of Title Three, Chapter 4 (Juvenile Offender Procedure).

**TITLE FOUR, CHAPTER 6,
GOVERNING CONTRABAND.**

**SECTION FOUR.6.2 DECLARATION
OF CONTRABAND.**

The following things and substances are hereby declared to be contraband and their manufacture, possession, sale, or use within the Annette Islands Reserve is hereby declared to be illegal:

A. Electronic decoder for radio messages.

B. Electronic radar detector.

C. Any other electronic device used to detect or interfere with any electromagnetic signal generated by the Metlakatla Police Department in its law enforcement activities or by any other governmental or law enforcement agency authorized to operate on the Annette Islands Reserve.

D. Marijuana or any other dangerous drug or narcotic the use or possession of which violates the Law & Order Code of the Metlakatla Indian Community or any Federal law relating to controlled substances, unless such use or possession is legal under the laws of the State of Alaska and is solely for medical purposes.

E. Any device, substance, airplane, boat, including fishing vessels, motor vehicle, or thing of any kind whatsoever used in connection with violating the Law & Order Code of the Metlakatla Indian Community, including all ordinances or any resolutions and orders of the Metlakatla Indian Community Council or the Magistrate's Court of the Metlakatla Indian Community.

F. The species of dog known as a Pit Bull or Pit Bull Terrier or other vicious animal.

G. Firearms of destructive devices possessed in violation of Section Four.5.2.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

**Pueblo of Isleta Liquor Sales
Ordinance**

AGENCY: Bureau of Indian Affairs,
Interior

ACTION: Notice.

SUMMARY: This notice publishes the Amended and Restated Pueblo of Isleta Liquor Sales Ordinance. The amended

Ordinance regulates and controls the possession, sale and consumption of liquor within the Pueblo of Isleta lands. The Pueblo of Isleta is located on trust land and this amended Ordinance allows for the possession and sale of alcoholic beverages within the exterior boundaries of the Pueblo of Isleta. This amended 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 an important source of revenue and strengthening of the tribal government and the delivery of tribal services.

DATES: Effective Date: This Ordinance is effective as of September 12, 2008.

FOR FURTHER INFORMATION CONTACT: Iris A. Drew, Division of Tribal Government, Office of Indian Services, 1001 Indian School Road, Albuquerque, New Mexico 87104; Telephone (505) 563-3530; Fax (505) 563-3060; or Elizabeth Colliflower, Office of Indian 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 Tribal Council of the Pueblo of Isleta adopted this amended Liquor Sales Ordinance on October 4, 2007. The purpose of this amended Ordinance is to govern the sale, possession and distribution of alcohol within the lands held by the Pueblo of Isleta. This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I approve this ordinance and certify that this Amended and Restated Liquor Sales Ordinance of the Pueblo of Isleta was duly adopted by the Tribal Council on October 4, 2007.

Dated: July 31, 2008.

George T. Skibine,

*Acting Deputy Assistant Secretary for Policy
and Economic Development.*

The Pueblo of Isleta's Amended and restated Liquor Sales Ordinance reads as follows:

PUEBLO OF ISLETA

LIQUOR SALES ORDINANCE

(Current as of October 4, 2007)

Be it ordained and enacted by the Pueblo of Isleta as follows:

Section 1. Introduction.

A. Title. The title of this ordinance shall be the Liquor Sales Ordinance of the Pueblo of Isleta.

B. Authority. This ordinance is being passed and enacted in accordance with the inherent governmental powers of the Pueblo of Isleta, a federally recognized tribe of Indians, and specifically under Article V, Section 2(e) of the Pueblo of Isleta Constitution, and in conformance with the laws of the State of New Mexico, as required by 18 U.S.C. Section 1161.

C. Purpose. The purpose of this ordinance is to regulate the sale of Intoxicating Beverages (as herein defined) within the exterior boundaries of the Pueblo of Isleta.

Section 2. Definitions.

“Enterprise” means a Person engaged in, or desiring to engage in, the business of selling Intoxicating Beverages.

“Governor” means the Governor of the Pueblo of Isleta or his designee.

“Intoxicated Person” means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or drugs.

“Intoxicating Beverage” includes the four varieties of liquor commonly referred to as alcohol, spirits, wine, and beer, and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous, or malt liquor, or otherwise intoxicating, and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine, or beer, excluding any prescription or over-the-counter medicine, any product not fit for human consumption and wine used for sacramental purposes.

“License” means a license or authorization by the Tribal Council for an Enterprise to sell Intoxicating Beverages at a designated location.

“Licensed Establishment” means (1) a physical area of Pueblo of Isleta tribal land, excluding lands which have been assigned to an individual tribal member, or (2) a certain space or area within a building on Pueblo of Isleta tribal lands (which have not been assigned to an individual tribal member), designated by the Pueblo of Isleta Tribal Council as a place where Intoxicating Beverages can be sold. A Licensed Establishment may be a designated area, such as golf course or an amphitheater.

“Licensee” means an Enterprise which holds a Pueblo of Isleta Liquor License and is authorized by the Tribal Council to sell and serve Intoxicating Beverages in a Licensed Establishment.

“Minor” means any person under the age of twenty-one (21) years.