

(l) *Possession of False or Altered Identification*. It shall be a violation of this Ordinance for any person to attempt to purchase an Alcoholic Beverage through the use of false or altered identification, which falsely purports to show the individual to be over the age of twenty-one (21) years.

Enforcement

4.05.026 Proof of Unlawful Sale—Intent

In any proceeding under this Ordinance, proof of one unlawful sale of Liquor shall suffice to establish *prima facie* the intent or purpose of unlawfully keeping Liquor for sale in violation of this Ordinance.

4.05.027 Civil Penalties

Any person adjudged to be in violation of this Ordinance shall be subject to a civil penalty of not more than Five Hundred Dollars (\$500.00) for each such violation. The Board may adopt by separate rule or regulation a schedule of fines for each type of violation, taking into account its seriousness and the threat it may pose to the general health and welfare of tribal members. Such schedule may also provide, in the case of repeated violations, for imposition of monetary penalties greater than the Five Hundred Dollar (\$500.00) limitation set forth above. The penalties provided for herein shall be in addition to any criminal penalties, which may hereafter be imposed by separate chapter or provision of the Skokomish Tribal Code.

4.05.028 Identification—Proof of Minimum Age

Where there may be a question of a person's right to purchase Liquor by reason of his age, such person shall be required to present any one of the following officially issued cards of identification which shows correct age and bears his signature and photograph:

- (a) Liquor control authority card of identification of any state; or
- (b) Driver's license of any state or an identification card issued by any State Department of Motor Vehicles; or
- (c) United States Active Duty Military identification; or
- (d) Passport; or
- (e) Point-No-Point or other treaty area identification cards.

4.05.029 Illegal Items Declared Contraband

Alcoholic Beverages which are possessed contrary to the terms of this section are declared to be contraband. Any tribal law enforcement officer who issues a citation under this section shall seize all contraband, which he or she

shall have the authority to seize consistent with the Skokomish Constitution and the applicable provisions of 25 U.S.C. 1302.

4.02.030 Preservation and Forfeiture

Any tribal law enforcement officer seizing contraband shall preserve the contraband by placing it in a secured area provided for storage of impounded property and shall promptly prepare an inventory in accordance with Civil Rule 3.01.065 of the Skokomish Tribal Court Rules. Upon entry of judgment, the person adjudged to be in violation of this Ordinance shall forfeit all right, title, and interest in the items seized, which shall be disposed of in accordance with Civil Rule 3.01.065(h) of the Skokomish Tribal Court Rules. Provided, however, that the items so forfeited shall not be sold to any person not entitled to possess them under applicable law.

4.05.0031 Abatement

(a) *Declaration of Common Nuisance*. Any room, house, building, boat, vessel, vehicle, structure, or other place where Liquor is sold, manufactured, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this Ordinance or of any other tribal law relating to the manufacture, importation, transportation, possession, distribution, and sale of Liquor, and all property kept in and used in maintaining such place, are hereby declared to be a common nuisance.

(b) *Institution of Action*. The Chairman of the Board shall institute and maintain an action in the Tribal Court in the name of the Tribe to abate and perpetually enjoin any nuisance declared under this title. The plaintiff shall not be required to give bond in the action, and restraining orders, temporary injunctions, and permanent injunctions may be granted in the cause as in other injunction proceedings, and upon final judgment against the defendant, the court may also order the room, house, building, boat, vessel, vehicle, structure, or place closed for a period of one (1) year or until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient surety to be approved by the Court in the sum of not less than One Thousand Dollars (\$1,000.00), payable to the Tribe and conditioned that Liquor will not be thereafter manufactured, kept, sold, bartered, exchanged, given away, furnished, or otherwise disposed of thereof in violation of the provisions of this Ordinance or other tribal Liquor laws. If any condition of the bond be violated, the whole amount may be

recovered as a penalty for the use of the Tribe. Any action taken under this section shall be in addition to any other penalties provided for in this Ordinance.

(c) *Prima Facie Evidence of Common Nuisance*. In all cases where any person has been adjudged to be in violation of this Ordinance or tribal laws relating to the manufacture, importation, transportation, possession, distribution, and sale of Liquor, an action may be brought in Tribal Court to abate as a nuisance any real estate or other property involved in the commission of the offense, and in any such action a certified copy of the record of such judgment shall be admissible in evidence as *prima facie* evidence that the room, house, vessel, boat, building, vehicle, structure, or place against which such action is brought is a public nuisance.

[FR Doc. E8-29025 Filed 12-5-08; 8:45 am]

BILLING CODE 4310-4J-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

The Confederated Tribes of the Grand Ronde Community of Oregon

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes an amendment to the Tribal Code (Code), Liquor Ordinance, for the Confederated Tribes of the Grand Ronde Community of Oregon first published in the **Federal Register** July 1, 1996. 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, sale and in the community.

DATES: *Effective Date:* This Ordinance is effective on December 8, 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 Confederated Tribes of the Grand Ronde Community of Oregon amended the liquor control section of its Tribal Code by Resolution No. 101-08 on June 18, 2008. The purpose of this amended code 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 Liquor Control Ordinance of the Code of the Confederated Tribes of the Grand Ronde Community of Oregon was duly adopted by the Tribal Council, on June 18, 2008.

Dated: November 24, 2008.

George T. Skibine,

Acting Deputy Assistant Secretary for Policy and Economic Development.

The Confederated Tribes of the Grand Ronde Community of Oregon Liquor Control Code reads as follows:

The Confederated Tribes of the Grand Ronde Community of Oregon

Liquor Ordinance

Tribal Code § 760

(a) *Authority and Purpose:*

(1) The authority for the Ordinance and its adoption by Tribal Council is found in the Tribal Constitution under Article III, Section 1, and in the Act of August 15, 1953, Public Law 83-277, 18 U.S.C. 1161.

(2) This Ordinance is for the purpose of regulating the sale, possession and use of alcoholic liquor on the Grand Ronde Reservation 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 as defined in Oregon Revised Statutes Chapter 471, and in Oregon Administrative Rules Chapter 845.

(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) "Grand Ronde Reservation" shall mean all lands held in trust by the United States for the Tribe or its members and all lands owned by the Tribe, wherever located.

(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 3 of this section.

(c) *Prohibited Activity:*

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

(2) It shall be unlawful for any business establishment or person on the Grand Ronde Reservation to possess, transport or keep with intent to sell, barter or trade to another, any liquor, except for those commercial liquor establishments on the Grand Ronde Reservation 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 celebration grounds, recreational areas, including ballparks, and public camping areas, the Tribal Headquarters area 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 the Grand Ronde Reservation, 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 law, including at a minimum:

(A) Liquor may only be served and handled in a manner no less strict than allowed under Oregon Revised Statutes Chapter 471.

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

(C) Liquor may be served in rooms where gambling is taking place if authorized by Tribal Council resolution.

(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 Oregon Liquor Control Commission.

(e) *Sale or Service of Liquor by Licensee's Minor Employees:*

(1) The holder of a license issued under this Ordinance or Oregon Revised Statutes Chapter 472 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 Oregon Liquor Control Commission 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 rules.

(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 the Reservation and in managing, protecting and developing the natural resources on the Reservation. 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) *Severability:*

(1) 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.

(i) *Consistency with State Law:*

(1) The Tribe will comply with Oregon Liquor Laws to the extent required by 18 U.S.C. 1161.

(j) *Effective Date:*

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

I certify this to be a true copy of the Confederated Tribes of the Grand Ronde Community of Oregon Liquor Ordinance.

Jack Giffen, Jr.
Tribal Council Secretary.

[FR Doc. E8-29023 Filed 12-5-08; 8:45 am]
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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-111-1610-DR-049D]

Notice of Availability of the Record of Decision for the Snake River Birds of Prey National Conservation Area Resource Management Plan, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD) for the Snake River Birds of Prey National Conservation Area (NCA) Resource Management Plan (RMP) located in Southwestern Idaho.

ADDRESSES: Copies of the ROD are available upon request from Boise District, Bureau of Land Management, 3948 Development Ave., Boise, Idaho 83705, phone 208-384-3300. Copies can also be downloaded in their entirety at <http://www.blm.gov/id/>.

FOR FURTHER INFORMATION CONTACT: John Sullivan, NCA Manager, BLM Four Rivers Field Office, 3948 Development Ave., Boise, Idaho 83705; phone 208-384-3300; e-mail John_Sullivan@blm.gov.

SUPPLEMENTARY INFORMATION: In accordance with the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1701 *et seq.*), the BLM prepared the NCA RMP to address management of approximately 484,000 acres of public land along 81 miles of the Snake River. The NCA was established on August 4, 1993, by Public Law 103-64 for the conservation, protection, and enhancement of the natural and environmental resources and values associated with the area, including raptor populations and habitats. The NCA RMP replaces portions of the 1983 Kuna Management Framework Plan (MFP), 1983 Bruneau MFP, 1987 Jarbidge RMP, 1988 Cascade RMP, and 1999 Owyhee RMP that affect

the NCA, and replaces the 1996 Snake River Birds of Prey NCA Management Plan.

The NCA RMP enhances the protection of remaining shrub communities through aggressive wildfire suppression; the restoration of up to 130,000 acres of shrub habitat; the completion of up to 100,000 acres of fuels management projects; the modification of Idaho Army National Guard training activities by limiting vehicle maneuver training to non-shrub communities, and providing 4,100 acres of additional maneuver training area; and the identification of area designations (i.e., livestock grazing, vehicle use, right-of-way avoidance, and utility corridors). The approved RMP is the same as Alternative D displayed in the Proposed RMP/Final EIS published in February 2008 with minor modifications and clarifications resulting from changes in the status of federally listed threatened and endangered species. In addition, the area known as Pasture 8B of the Battle Creek Allotment is no longer listed as closed to grazing, but may be grazed at BLM's discretion, under contract or as temporary non-renewable forage, for the purpose of meeting specific NCA resource management objectives, including weed reduction, hazardous fuels management, and ecological improvement. These minor modifications and clarifications did not result in substantial changes to the proposed action.

All protests received by the BLM regarding the RMP have been addressed. No inconsistencies with State or local plans, policies, or programs were identified during the Governor's consistency review of the proposed RMP.

Thomas H. Dyer,

Idaho State Director, Bureau of Land Management.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LNV912000-L12200000.PH0000; 09-0887; TAS: 14X1109]

Call for Nominations for the Sierra Front-Northwestern Great Basin Resource Advisory Council, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Call for Nominations for Resource Advisory Committee.