

**Article VIII—Nuisance and Abatement.***Section 3–8–700. Nuisance*

Any room, house, building, vehicle, structure or other place where Alcohol Beverages are sold, manufactured, bartered, exchanged, given away, furnished, or otherwise possessed or disposed of in violation of this Ordinance, or of any other Tribal law related to the transportation, possession, distribution or sale of Alcohol Beverages, and including all property kept therein, or thereon, and use in, or in connection with the violation is hereby declared to be a nuisance upon any second or subsequent violation of the same.

*Section 3–8–710. Action To Abate Nuisance*

Upon a finding that any such place or activity is a nuisance under the provision of this Ordinance, the Tribe or the Tax Commission may bring a civil action in the Tribal Court to abate and to perpetually enjoin any such activity declared to be a nuisance. Such injunctive relief may include a closure of any business or other use of the property for up to one (1) year from the date of the order, or until the owner, lessee or tenant shall give bond of no less than Twenty-Five Thousand dollars (\$25,000) payable to the Tribe and conditioned that no further violation of this Ordinance or other Tribal Alcohol Beverage law and by payment of all fines, costs and assessments against him/her. If any condition of the bond is violated, the bond may be recovered and proceeds delivered to the Tax Commission 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.

**Article IX—Revenue and Reporting***Section 3–8–720. Use and Appropriation of Revenue Received*

All revenue received by the Tax Commission under this Ordinance, from whatever sources, shall be expended first for the administrative costs incurred in the administration and enforcement of this Ordinance. Any excess funds shall be subject to and available to appropriation by the Tribe for essential governmental, and social services, related to drug and alcohol education, counseling and treatment.

*Section 3–8–730. Audit*

Tax Commission handling of revenue received under this ordinance is subject to review and audit as a part of the annual financial audit of the Tax Commission.

*Section 3–8–740. Reports*

The Tax Commission shall submit to the Business Committee a quarterly report and an accounting of all revenue received and expended pursuant to this Ordinance.

**Article X—Miscellaneous***Section 3–8–750. Severability*

If any provision or application of this Ordinance is found invalid and or unenforceable, such determination shall not be held to render ineffectual any of the remaining provisions or applications of this Ordinance not specifically identified thereby, or to render such provision to be inapplicable to other persons or circumstances.

*Section 3–8–760. Construction*

Nothing in this ordinance shall be construed to diminish or impair in any way the rights or sovereign powers of the Fort Sill Apache Tribe.

*Section 3–8–770. Effective Date*

This Ordinance shall be effective upon certification by the Secretary of the Interior, publication in the **Federal Register** and recorded in the office of the Clerk of the Tribal Court.

*Section 3–8–780. Prior Law Repealed*

Any and all prior enactments of the Fort Sill Apache Tribe that are inconsistent with the provisions of this Ordinance are hereby rescinded.

*Section 3–8–770. Amendment*

The Fort Sill Apache Tribe through its General Council, pursuant to its Constitution delegates to the Fort Sill Apache Tribe Business Committee the authority to amend the provisions of the foregoing Alcohol Control Ordinance.

Approved by the Business Committee of the Fort Sill Apache Tribe of Oklahoma this 21st day of August 2007, by a vote of 4 For 0 Against 0 Abstained.

Chairman \_\_\_\_\_

Secretary Treasurer \_\_\_\_\_

[FR Doc. E9–6853 Filed 3–26–09; 8:45 am]

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**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

**[LLNV010000.L1990000.EX0000; 09–08807; TAS: 14X1109]**

**Notice of Availability of Final Supplemental Environmental Impact Statement for the Betze Pit Expansion Project, Eureka and Elko Counties, NV**

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

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.* and 43 CFR 3809), the Bureau of Land Management (BLM), Elko District Office has prepared a Final Supplemental Environmental Impact Statement (SEIS) for Barrick Goldstrike Mine's proposed Betze Pit Expansion Project.

**DATES:** The BLM will issue a Record of Decision (ROD) on the proposed project after a minimum of 30 days following the Environmental Protection Agency's publication of a Notice of Availability of this Final SEIS in the **Federal Register**.

**ADDRESSES:** Copies of the SEIS (compact disk or hard copy) are available at the BLM Elko District Office, 3900 E. Idaho, Elko, Nevada during regular business hours of 7:30 a.m. to 4:30 p.m., Monday through Friday, except holidays. The SEIS is also available on-line at [http://www.blm.gov/nv/st/en/fo/elko\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/elko_field_office.html), Elko District Office.

**FOR FURTHER INFORMATION CONTACT:** Kirk Laird, (775) 753–0200.

**SUPPLEMENTARY INFORMATION:** The Betze Pit Expansion Project is an amendment to the mine plan for the Betze Project, an ongoing open pit gold mine on the Carlin Trend in Eureka and Elko counties. The proposed mine plan amendment includes expanding the existing open pit and constructing a new waste rock facility and a new tailings facility. Current mining operations at the Betze Project are expected to end in 2011, with processing operations ending in 2020. The proposed Betze Pit Expansion Project would extend mining for 4 years and processing for an additional 5 years. Alternatives developed and analyzed in the SEIS include expanding the existing Bazza Waste Rock Facility (instead of constructing the proposed Clydesdale Waste Rock Facility) and the No Action alternatives. Alternatives considered but eliminated from detailed analysis include mining by underground methods rather than open pit, modifying the proposed Clydesdale Waste Rock Facility or constructing an offsite waste rock facility to reduce impacts to deer migration corridors, and a reduced tailings facility alternative. Mitigation measures, including reclamation scheduling to maintain a deer migration corridor, and designed landscape reclamation of the proposed Clydesdale Waste Rock Facility, were adopted by the proponent during the process, becoming part of the proposed action.

The Draft SEIS was released for public review on August 22, 2008, for a 45-day

comment period, and a public comment meeting was held in Elko, Nevada on September 10, 2008. The Final SEIS is published in an abbreviated format, and includes comments on the Draft SEIS and BLM's responses along with resultant changes in the document.

The documents will be available at [http://www.blm.gov/nv/st/en/fo/elko\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/elko_field_office.html), Elko District Office for at least 30-days, after which BLM will issue a Record of Decision on the proposed mine expansion.

(Authority: 43 CFR 3809)

**Kenneth E. Miller,**

*District Manager, Elko.*

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## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

[Docket No. MMS-2008-MRM-0029]

#### Agency Information Collection Activities: Proposed Collection, Comment Request

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice of an extension of a currently approved information collection (OMB Control Number 1010-0103).

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to the Office of Management and Budget (OMB) an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under 30 CFR parts 202, 206, and 207. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

**DATES:** Submit written comments on or before *April 27, 2009*.

**ADDRESSES:** Submit written comments by either FAX (202) 395-7245 or e-mail (*OIRA\_Docket@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010-0103).

Please submit copies of your comments to MMS by one of the following methods:

- Electronically go to <http://www.regulations.gov>. In the "Comment or Submission" column, enter "MMS-2008-MRM-0029" to view supporting and related materials for this ICR. Click on "Send a comment or submission"

link to submit public comments. Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "User Tips" link. All comments submitted will be posted to the docket.

- Mail comments to Hyla Hurst, Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 302B2, Denver, Colorado 80225. Please reference ICR 1010-0103 in your comments.

- Hand-carry comments or use an overnight courier service. Our courier address is Building 85, Room A-614, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225. Please reference ICR 1010-0103 in your comments.

**FOR FURTHER INFORMATION CONTACT:** Hyla Hurst, telephone (303) 231-3495, or e-mail [Hyla.Hurst@mms.gov](mailto:Hyla.Hurst@mms.gov). You may also contact Hyla Hurst to obtain copies, at no cost, of (1) the ICR, (2) any associated forms, and (3) the regulations that require the subject collection of information.

#### SUPPLEMENTARY INFORMATION:

*Title:* 30 CFR parts 202, 206, and 207, Indian Oil and Gas Valuation.

*OMB Control Number:* 1010-0103.  
*Bureau Form Number:* Forms MMS-4109, MMS-4110, MMS-4295, MMS-4410, and MMS-4411.

*Abstract:* The Secretary of the U.S. Department of the Interior is responsible for mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). The Secretary is required by various laws to manage mineral resource production on Federal and Indian lands and the OCS, collect the royalties and other mineral revenues due, and distribute the funds in accordance with those laws. Applicable laws pertaining to mineral leases on Federal and Indian lands are posted on our Web site at [http://www.mrm.mms.gov/Laws\\_R\\_D/PublicLawsAMR.htm](http://www.mrm.mms.gov/Laws_R_D/PublicLawsAMR.htm).

The Secretary also has a trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. The MMS performs the minerals revenue management functions and assists the Secretary in carrying out the Department's trust responsibility for Indian lands.

When a company or an individual enters into a lease to explore, develop, produce, and dispose of minerals from Federal or Indian lands, that company or individual agrees to pay the lessor a share in an amount or value of

production from the leased lands. The lessee is required to report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling of such minerals. We collect this information to ensure that royalties are accurately valued and appropriately paid.

Information collections covered in this ICR are found at 30 CFR part 202, subparts C and J, which pertain to royalties; part 206, subparts B and E, which govern the valuation of oil and gas produced from leases on Indian lands; and part 207, which pertains to recordkeeping. Indian tribes and individual Indian mineral owners receive all royalties generated from their lands. Determining product valuation is essential to ensure that Indian tribes and individual Indian mineral owners receive payment on the full value of the minerals removed from their lands. Failure to collect the data described in this information collection could result in the undervaluation of leased minerals on Indian lands. All data reported is subject to subsequent audit and adjustment.

#### Indian Oil

Regulations at 30 CFR part 206, subpart B, govern the valuation for royalty purposes of all oil produced from Indian oil and gas leases (tribal and allotted), except leases on the Osage Indian Reservation, and must be consistent with mineral leasing laws, other applicable laws, and lease terms. Generally, the regulations provide that lessees determine the value of oil based upon the higher of (1) the gross proceeds under an arm's-length contract; or (2) major portion analysis.

These oil valuation methods are eligible for applicable transportation allowances. From information collected on Form MMS-4110, Oil Transportation Allowance Report, (1) MMS verifies transportation allowances to determine if the lessee reported and paid the proper royalty amount; and (2) MMS and tribal personnel evaluate whether the transportation allowances reported and claimed by lessees are within regulatory allowance limitations and are calculated in accordance with applicable regulations.

#### Indian Gas

Regulations at 30 CFR part 206, subpart E, govern the valuation for royalty purposes of natural gas produced from Indian oil and gas leases (tribal and allotted). The regulations