

conservation strategy, all suitable murrelet habitat, including marginal habitat, would be retained until the completion of the long-range conservation strategy. These same alternatives apply to the OESF as well.

The riparian strategies for both action alternatives were developed to protect anadromous fish and riparian-obligate species by establishing riparian management zones, wetland protection areas, and provisions to address other issues including steep and unstable slopes, rain-on-snow event areas, and road system management. Under the HCP, riparian management zones will be established along all Type 1 through Type 4 Waters. Type 5 Waters will be protected in areas having a high risk of mass wasting. These buffers will contain a no-harvest portion as well as areas where management activity will be allowed. Additional wind buffers will be placed on Type 1 through Type 3 Waters on the windward side of the stream where there is a potential for windthrow. Under the enhanced conservation alternative, riparian management buffers will be applied to all Type 1 through Type 5 Waters, and wind buffers will be applied to both sides of Type 1 through Type 3 Waters.

For the OESF, the riparian strategy is the same for both action alternatives, which includes interior and exterior core buffers. The interior core buffers are designed to minimize mass-wasting potential, and protect riparian processes and function. The exterior core buffers are designed to protect the integrity of the interior core from damaging winds and will be applied to both sides of Type 1 through 4 Waters, as well as Type 5 Waters as appropriate.

The DNR also seeks to obtain an unlisted species agreement for species that may occur on DNR-managed lands on the west side of the Cascade Crest. Specifically, the proposed unlisted species agreement identifies a process by which species that use the habitat types in the West Side and OESF planning units could be added to the Incidental Take Permit if they are listed as threatened or endangered species in the future and no extraordinary circumstances exist. Each action alternative contains provisions to protect the habitat types that occur on DNR-managed lands. For example, in addition to the conservation provided by the owl, murrelet, and riparian strategies, additional provisions are included to protect special habitat types such as caves, talus fields, and large, structurally unique trees and snags.

Dated: March 26, 1996.

Thomas J. Dwyer,
Deputy Regional Director, Region 1, Fish and
Wildlife Service.

[FR Doc. 96-8117 Filed 4-4-96; 8:45 am]

BILLING CODE 4310-55-P

Bureau of Indian Affairs

Wyandotte Tribe of Oklahoma Liquor Ordinance

AGENCY: Bureau of Indian Affairs,
Interior.

ACTION: Notice.

SUMMARY: This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. § 1161. I certify that Resolution No. 941011A, the Wyandotte Tribe of Oklahoma Liquor Control Ordinance was duly adopted by the Wyandotte Tribe of Oklahoma on October 11, 1994. The Ordinance provides for the regulation distribution, possession, sale and consumption of liquor on lands held in trust belonging to the Wyandotte Tribe of Oklahoma.

DATES: This Ordinance is effective as of April 5, 1996.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Judicial Services, Division of Tribal Government Services, 1849 C Street, N.W., MS 2611-MIB, Washington, D.C. 20240-4001; telephone (202) 208-4400.

SUPPLEMENTARY INFORMATION: The Wyandotte Tribe of Oklahoma Liquor Ordinance is to read as follows:

Liquor Control Ordinance of the
Wyandotte Tribe of Oklahoma

Chapter I—Introduction

101. Title. This ordinance shall be known as the "Wyandotte Liquor Ordinance."

102. Authority. This ordinance is enacted pursuant to the Act of August 15, 1953, 67 stat. 586, codified at 18 U.S.C. § 1161, and by the authority of the Wyandotte Tribal Business Committee.

103. Purpose. The purpose of this ordinance is to regulate and control the possession and sale of liquor on the Wyandotte Trust Land. The enactment of a tribal ordinance governing liquor possession and sale on the Wyandotte Trust Land will increase the ability of the tribal government to control the sale, distribution and possession of liquor on Wyandotte trust lands and will provide an important source of revenue for the

continued operation and strengthening of the tribal government and the delivery of tribal government services.

104. Effective date. This ordinance shall be effective on certification by the Secretary of the Interior and its publication in the Federal Register.

Article I. Declaration of Public Policy and Purpose

(a) The introduction, possession, and sale of liquor on the Wyandotte Trust Land is a matter of special concern to the Wyandotte Tribe of Oklahoma.

(b) Federal Law currently prohibits the introduction of liquor into Indian Country (18 U.S.C. § 1154), except as provided therein and expressly delegates to the tribes the decision regarding when and to what extent liquor transactions shall be permitted. (18 U.S.C. 1161).

(c) The Wyandotte Tribal Council finds that a complete ban on liquor within the Wyandotte Trust Land is ineffective and unrealistic. However, it recognizes that a need still exists for strict regulation and control over liquor transactions within the Wyandotte Trust Land, because of the many potential problems associated with the unregulated or inadequately regulated sale, possession, distribution, and consumption of liquor. The Wyandotte Tribal Council finds that exclusive tribal control and regulation of liquor is necessary to achieve maximum economic benefit to the Tribe, to protect the health and welfare of tribal members, and to address specific concerns relating to alcohol use on the Wyandotte Trust Land.

(d) It is in the best interests of the Tribe to enact a tribal ordinance governing liquor sales on the tribal lands and which provides for exclusive purchase, distribution, and sale of liquor only on tribal lands within the exterior boundaries of the Wyandotte Trust Land. Further, the Tribe has determined that said purchase, distribution, and sale shall take place only at tribally-owned enterprises and/or tribally licensed establishments operating on land leased from or otherwise owned by the Tribe.

Article II. Definitions

As used in the title, the following words shall have the following meanings unless the context clearly requires otherwise:

(a) "Alcohol" means that substance known as ethyl alcohol, hydrated oxide of ethyl, ethanol, or spirits of wine, from whatever source or by whatever process produced.

(b) "Alcoholic Beverage" is synonymous with the term "liquor" as defined in Article II(f) of this Chapter.

(c) "Bar" means any establishment with special space and accommodations for the sale of liquor by the glass and for consumption on the premises as herein defined.

(d) "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water and containing the percent of alcohol by volume subject to regulation as an intoxicating beverage in the state where the beverage is located.

(e) "Business Committee" means the Wyandotte Tribal Business Committee.

(f) "Liquor" includes all fermented, spirituous, vinous, or malt liquor or combinations thereof, and mixed liquor, a part of which is fermented, and every liquid or solid or semisolid or other substance, patented or not, containing distilled or rectified spirits, potable alcohol, beer, wine, brandy, whiskey, rum, gin aromatic bitters, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semisolid, solid, or other substances, which contains more than one half of one percent of alcohol.

(g) "Liquor Store" means any store at which liquor is sold and, for the purpose of this ordinance, including stores only a portion of which are devoted to sale of liquor or beer.

(h) "Malt Liquor" means beer, strong beer, ale, stout and porter.

(i) "Package" means any container or receptacle used for holding liquor.

(j) "Public Place" includes state or county or tribal or federal highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, gaming facilities, entertainment centers, stores, garages, and filling stations which are open to and/or are generally used by the public and to which the public is permitted to have unrestricted access; public conveyances of all kinds and character; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public. For the purpose of this ordinance, "Public Place" shall also include any establishment other than a single family home which is designed for or may be used by more than just the owner of the establishment.

(k) "Sale" and "Sell" include exchange, barter and traffic; and also

include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor or of wine by any person to any person.

(l) "Spirits" means any beverage, which contains alcohol obtained by distillation, including wines exceeding seventeen percent of alcohol by weight.

(m) "Wine" means any alcoholic beverage obtained by fermentation of the natural contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not other ingredients are added, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding seventeen percent of alcohol by weight.

(n) "Wyandotte Tribal Council" means the general council of the Wyandotte Tribe of Oklahoma which is composed of the voting membership of the Tribe.

(o) "Wyandotte Trust Land" means those lands which are held in trust by the United States for the Wyandotte Tribe and not for any individual Indian.

Article III. Powers of Enforcement

Section 1. The Business Committee. In furtherance of this ordinance, the Business Committee shall have the following powers and duties:

(a) To publish and enforce rules and regulations adopted by the Business Committee governing the sale, manufacture, distribution, and possession of alcoholic beverages on the Wyandotte Trust Land;

(b) To employ managers, accountants, security personnel, inspectors and such other persons as shall be reasonably necessary to allow the Business Committee to perform its functions. Such employees shall be tribal employees;

(c) To issue licenses permitting the sale or manufacture or distribution of liquor on the Wyandotte Trust Land;

(d) To hold hearings on violations of this ordinance or for the issuance or revocation of licenses hereunder;

(e) To bring suit in the appropriate court to enforce this ordinance as necessary;

(f) To determine and seek damages for violation of the ordinance;

(g) To make such reports as may be required by the Wyandotte Tribal Council; and

(h) To collect taxes and fees levied or set by the Business Committee and to

keep accurate records, books and accounts.

Section 2. Limitation on Powers. In the exercise of its powers and duties under this ordinance, the Business Committee and its individual members shall not:

(a) Accept any gratuity, compensation or other thing of value from any liquor wholesaler, retailer, or distributor or from any licensee;

(b) Waive the immunity of the Wyandotte Tribe from suit without the express consent of the Business Committee;

Section 3. Inspection Rights. The premises on which liquor is sold or distributed shall be open for inspection by the Business Committee at all reasonable times for the purposes of ascertaining whether the rules and regulations of the Business Committee and this ordinance are being complied with.

Article IV. Sales of Liquor

Section 1. License Required. Sales of liquor and alcoholic beverages within the exterior boundaries of Wyandotte Trust Land may only be made at businesses which hold a Wyandotte Liquor License.

Section 2. Sales for Cash. All liquor sales within the Wyandotte Trust Land boundaries shall be on a cash only basis and no credit shall be extended to any person, organization, or entity, except that the provision does not prevent the payment for purchases with the use of credit cards such as Visa, MasterCard, American Express, etc.

Section 3. Sale for Personal Consumption. All sales shall be for the personal use and consumption of the purchaser. Resale of any alcoholic beverage purchased within the exterior boundaries of the Wyandotte Trust Land is prohibited. Any person who is not licensed pursuant to this ordinance who purchases an alcoholic beverage within the boundaries of the Wyandotte Trust Land and sells it, whether in the original container or not, shall be guilty of a violation of this ordinance and shall be subjected to paying damages to the Wyandotte Tribe as set forth herein.

Article V. Licensing

Section 1. Procedure. In order to control the proliferation of establishments on the Wyandotte Trust Land which sell or serve liquor by the bottle or by the drink, all persons or entities which desire to sell liquor within the exterior boundaries of the Wyandotte Trust Land must apply to the Wyandotte Tribe for a license to sell or serve liquor.

Section 2. Application. Any person or entity applying for a license to sell or serve liquor on the Wyandotte Trust Land must fill in the application provided for this purpose by the Wyandotte Tribe and pay such application fee as may be set from time to time by the Business Committee for this purpose. Said application must be filled out completely in order to be considered.

Section 3. Issuance of License. The Business Committee may issue a license if it believes that such issuance is in the best interests of the Wyandotte Tribe and its members.

Section 4. Period of License. Each license may be issued for a period not to exceed two (2) years from the date of issuance.

Section 5. Renewal of License. A licensee may renew its license if the licensee has complied in full with this ordinance provided however, that the Business Committee may refuse to renew a license if it finds that doing so would not be in the best interests of the health and safety of the Wyandotte Tribe.

Section 6. Revocation of License. The Business Committee may revoke a license for reasonable cause upon notice and hearing at which the licensee is given an opportunity to respond to any charges against it and to demonstrate why the license should not be suspended or revoked.

Section 7. Transferability of Licenses. Licenses issued by the Business Committee shall not be transferable and may only be utilized by the person or entity in whose name it was issued.

Article VI. Taxes

Section 1. Sales Tax. There is hereby levied and shall be collected a tax on each retail sale of liquor or alcoholic beverage on the Wyandotte Trust Land in the amount of one percent (1%) of the retail sales price. All taxes from the sale of liquor and alcoholic beverages on the Wyandotte Trust Land shall be paid over to the General Treasury of the Wyandotte Tribe.

Section 2. Taxes Due. All taxes for the sale of liquor and alcoholic beverages on the Wyandotte Trust Land are due on the 15th day of the month following the end of the calendar quarter for which the taxes are due.

Section 3. Delinquent Taxes. Past due taxes shall accrue interest at 2% per month.

Section 4. Reports. Along with payment of the taxes imposed herein, the taxpayer shall submit a quarterly accounting of all income from the sale or distribution of liquor, as well as for the taxes collected.

Section 5. Audit. As a condition of obtaining a license, the licensee must agree to the review or audit of its book and records relating to the sale of liquor and alcoholic beverages on the Wyandotte Trust Land. Said review or audit may be done periodically by the Tribe through its agents or employees whenever, in the opinion of the Business Committee, such a review or audit is necessary to verify the accuracy of reports.

Article VII. Rules, Regulations and Enforcement

Section 1. In any proceeding under this ordinance, conviction of one unlawful sale or distribution of liquor shall establish prima facie intent of unlawfully keeping liquor for sale, selling liquor or distributing liquor in violation of this ordinance.

Section 2. Any person who shall sell or offer for sale or distribute or transport in any manner, liquor in violation of this ordinance, or who shall operate or shall have liquor for sale in his possession without a license, shall be guilty of a violation of this ordinance subjecting him or her to civil damages assessed by the Business Committee.

Section 3. Any person within the boundaries of the Wyandotte Trust Land who buys liquor from any person other than a properly licensed facility shall be guilty of a violation of this ordinance.

Section 4. Any person who keeps or possesses liquor upon his person or in any place or on premises conducted or maintained by his principal or agent with the intent to sell or distribute it contrary to the provisions of this title, shall be guilty of a violation of this ordinance.

Section 5. Any person who knowingly sells liquor to a person under the influence of liquor shall be guilty of a violation of this ordinance.

Section 6. Any person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant, or employee of such person, who shall knowingly permit any person to drink liquor in any public conveyance shall be guilty of an offense. Any person who shall drink liquor in a public conveyance shall be guilty of a violation of this ordinance.

Section 7. No person under the age of 21 years shall consume, acquire or have in his possession any liquor or alcoholic beverage. No person shall permit any other person under the age of 21 to consume liquor on his premises or any premises under his control except in those situations set out in this section. Any person violating this section shall be guilty of a separate violation of this

ordinance for each and every drink so consumed.

Section 8. Any person who shall sell or provide any liquor to any person under the age of 21 years shall be guilty of a violation of this ordinance for each such sale or drink provided.

Section 9. Any person who transfers in any manner an identification of age to a person under the age of 21 years for the purpose of permitting such person to obtain liquor shall be guilty of an offense; provided, that corroborative testimony of a witness other than the underage person shall be a requirement of finding a violation of this ordinance.

Section 10. Any person who attempts 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 21 years shall be guilty of violating this ordinance.

Section 11. Any person guilty of a violation of this ordinance shall be liable to pay the Wyandotte Tribe the amount of \$500 per violation as civil damages to defray the Tribe's cost of enforcement of this ordinance.

Section 12. When requested by the provider of liquor, any person shall be required to present official documentation of the bearer's age, signature and photograph. Official documentation includes one of the following:

- (1) Driver's license or identification card issued by any state department of motor vehicles;
- (2) United States Active Duty Military;
- (3) passport.

Section 13. Liquor which is possessed, including for sale, contrary to the terms of this ordinance are declared to be contraband. Any tribal agent, employee or officer who is authorized by the Business Committee to enforce this section shall seize all contraband and preserve it in accordance with the provisions established for the preservation of impounded property.

Section 14. Upon being found in violation of the ordinance, the party shall forfeit all right, title and interest in the items seized which shall become the property of the Wyandotte Tribe of Oklahoma.

Article VIII. Abatement

Section 1. Any room, house, building, 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, is hereby declared to be a nuisance.

Section 2. The Chairman of the Business Committee or, if the Chairman fails or refuses to do so, by a majority vote, the Business Committee shall institute and maintain an action in the name of the Tribe to abate and perpetually enjoin any nuisance declared under this article. In addition to all other remedies at tribal law, the Court may also order the room, house, building, 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 sum of not less than \$25,000 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 of any other applicable tribal law and that he will pay all fines, costs and damages assessed against him for any violation of this ordinance or other tribal liquor laws. If any conditions of the bond be violated, the bond may be recovered for the use of the Tribe.

Section 3. In all cases where any person has been found in violation of this ordinance relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, an action may be brought to abate as a nuisance any real estate or other property involved in the violation of the ordinance and 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 IX. Revenue

Revenue provided for under this ordinance, from whatever source, shall be expended for administrative costs incurred in the enforcement of this ordinance. Excess funds shall be subject to appropriation by the Business Committee for essential governmental and social services.

Article X. Severability and Effective Date

Section 1. 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.

Section 2. This ordinance shall be effective on such date as the Secretary of the Interior certifies this ordinance and publishes the same in the Federal Register.

Section 3. Any and all prior enactments of the Business Committee which are inconsistent with the provisions of this ordinance are hereby rescinded.

Article XI. Amendment

This ordinance may only be amended by a vote of the Business Committee.

Dated: March 27, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96-8344 Filed 4-4-96; 8:45 am]

BILLING CODE 4310-02-P

Bureau of Land Management

[WY-040-06-1610-00]

Green River Resource Area, NY; Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: The Bureau of Land Management (BLM) Green River Resource Area, Rock Springs District, Wyoming, announces the availability of the Final Environmental Impact Statement (FEIS) for the Green River Resource Management Plan (RMP), for public review and comment.

SUMMARY: The FEIS for the Green River RMP describes and analyzes four alternative resource management plans, including the proposed RMP, for managing the BLM-administered public lands and federal mineral estate in the Green River Resource Area.

The Draft EIS (DEIS) for the Green River RMP was made available for public review and comment in November of 1992. Comments received on the DEIS were considered in preparing the proposed RMP and the FEIS. When completed, the Green River RMP will provide the management direction for future land and resource management actions on about 3.6 million acres of public land surface and 3.7 million acres of federal mineral estate in portions of Sweetwater, Fremont, Lincoln, Uinta and Sublette counties in southwest Wyoming.

The FEIS focuses on the Proposed Green River RMP and has been prepared in a summary format. The proposed RMP alternative has been presented in a detailed narrative and, along with the other alternatives considered in the DEIS, has also been presented in a summary table format to allow

comparison among all the alternatives. It is not necessary, therefore, to have the DEIS to conduct a complete review of the FEIS.

The proposed Green River RMP is a comprehensive land use and resource management plan. It is a refinement of the preferred alternative presented in the RMP DEIS. Comments from the public, review by BLM staff, and new information developed since the distribution of the DEIS have prompted making some changes to the preferred alternative in the course of developing the proposed RMP. However, the environmental effects of the proposed RMP are not substantially different from those of the preferred alternative.

There are seven designated Areas of Critical Environmental Concern (ACEC) within the Green River Resource Area (Cedar Canyon ACEC, Greater Sand Dunes ACEC, Natural Corrals ACEC, Oregon Buttes ACEC, Red Creek ACEC, and White Mountain Petroglyphs ACEC). The proposed Green River RMP recommends that these existing ACEC designations be retained and that two of them be expanded in size. The potential for additional ACEC designations was explored in the EIS and the proposed RMP recommends designation of three new ACECs.

The results of conducting the coal planning/screening process, including application of the coal unsuitability criteria, for the potential Federal coal development area are documented in the FEIS. Approximately 12,600 acres of Federal coal lands were determined to be unsuitable for further consideration for Federal coal leasing, 10,410 acres were determined unacceptable for further consideration for coal leasing, and 30,490 acres were determined acceptable for further leasing consideration by subsurface mining methods only. The remainder of the potential Federal coal development area (about 422,000 acres) was determined to be acceptable for further coal leasing consideration, subject to continued field investigations, studies and evaluations to assure that coal mining can occur without having a significant long-term effect on other resources in the area.

All parts of the proposed RMP may be protested by parties who participated in the planning process and who have an interest which is or may be adversely affected by the adoption of the plan. A protest may only deal with those issues which were raised for the record during the planning process and may be filed by only the party or parties who raised those issues.

DATES: Protests on the proposed Green River RMP must be postmarked no later