

decision shall be filed with the Clerk of the Salt River Pima-Maricopa Indian Community Court and distributed within two (2) days after such filing to the applicant, any other person who files a notice of appearance with the Alcohol Beverage Hearing Officer before the hearing is adjourned, and the Secretary of the Salt River Pima-Maricopa Indian Community.

(3) A decision of the Alcohol Beverage Hearing Officer under Section 5(f)(1) and (2) and 5(g) may be appealed to the Salt River Pima-Maricopa Indian Community Court by the applicant, the Community, or any Community member who has filed a notice of appearance.

(4) Appeals shall be taken from any decision of the Alcohol Beverage Hearing Officer in the following manner:

(i) *Notice of appeal.* Written notice of appeal shall be given within ten (10) days after the day the written and executed decision is filed with the Clerk of the Salt River Pima-Maricopa Indian Community Court. The notice of appeal shall state all the grounds for appeal relied on by the appellant. The notice of appeal shall not be amended once it is filed. The appellee may file a short written response to the grounds for appeal within ten (10) days after the notice of appeal is filed. The notice of appeal and response shall be mailed to the opposing party on the day it is filed. If the appellant is the applicant for the license, the appellee shall in all cases be the Alcohol Beverage Hearing Officer. If the appellant is a person who filed a notice of appearance or the Community, the appellee shall in all cases be the applicant. In the event there is more than one Notice of Appeal filed, the appeals shall be consolidated by the Clerk and only one response shall be filed to the consolidated appeals.

(ii) *Costs.* There shall be posted with the Clerk of the Salt River Pima-Maricopa Indian Community Court a cash fee of \$25.00 to cover court costs.

(iii) *Grounds for appeal.* The court shall determine the appeal upon the findings of fact and decision entered in the case by the Alcohol Beverage Hearing Officer.

(iv) *Findings of fact.* The findings of fact shall be presumed to be without reversible error. The presumption may be overcome by a sworn written statement presented to the court at the time of the filing of the notice of appeal which establishes on the basis of the statement, any one or more of the following grounds:

(A) That a witness ready and willing to testify at the time of the hearing on behalf of the appellant was not allowed by the Alcohol Beverage Hearing Officer

to take the witness stand and testify, and such testimony would have materially altered the decision of the Alcohol Beverage Hearing Officer.

(B) That the Alcohol Beverage Hearing Officer refused to admit documentary or other physical evidence, and such evidence would have materially altered the decision of the Alcohol Beverage Hearing Officer.

(C) That after the hearing the appellant discovered material evidence which, with reasonable diligence, could not have been discovered and produced at the hearing, and such evidence would have materially altered the decision of the Alcohol Beverage Hearing Officer. In the event the court finds the presumption is overcome pursuant to this subsection, the court shall remand the case back to the Alcohol Beverage Hearing Officer for the limited purpose of hearing only the excluded or new evidence and any evidence presented in rebuttal to such evidence. The hearing will be held within ten (10) days after the order of the court has been filed and served upon the appellants and appellee. At the conclusion of such remand hearing, the Alcohol Beverage Hearing Officer shall, within ten (10) days of the hearing, make and enter such amended findings of fact and decision as the Alcohol Beverage Hearing Officer determines that the evidence adduced at the remand hearing requires. If the Alcohol Beverage Hearing Officer determines that the prior findings of fact requires no amendment, the Alcohol Beverage Hearing Officer will issue a decision reaffirming its prior findings of fact and decision. The findings of fact and decision will be transmitted to the court and such findings of fact and decision will not be subject to a separate appeal.

(v) *Decision.* The court shall determine whether the decision is supported by the findings of fact and the law. Any party to the case may request an opportunity to appear before the court prior to its decision to give the court such party's view of the case. The other party or parties shall be given adequate notice of the hearing and an opportunity to present such party's or parties' view of the case. Such views shall be presented orally by the parties or their advocates and shall only deal with the grounds relied on by the appellant as set out in the notice of appeal. The hearing shall be limited to one hour and the time will be equally divided between the appellant and the appellee. If the court finds that the decision is incorrect, it shall issue a new decision correctly stating the decision. Such decision shall be final and not subject to rehearing, review or appeal.

(5) *Records of application, permit and proceedings.* A complete record of all applications, actions taken thereon, and any licenses issued shall be maintained by the Community and shall be open for public inspection at the Office of Alcohol Beverage Control.

(g) Licenses shall be issued for a period of one year and are renewable on application to the Office of Alcohol Beverage Control which will renew on payment of renewal application fee and annual license fee.

(h) Licenses issued under this ordinance are non-transferable without the prior approval of the Alcohol Beverage Hearing Officer after the application process has been completed.

(i) The Office of Alcohol Beverage Control, the Department of Public Safety or the Community Manager may cite a licensee to appear before the Alcohol Beverage Hearing Officer for a revocation hearing upon allegations of violations under Section 2 hereof.

(j) Any license issued pursuant to this ordinance may be revoked or suspended after a hearing before the Alcohol Beverage Hearing Officer upon a finding that the licensee is operating the premises in violation of this ordinance or the regulations adopted pursuant to it, or the laws of the Community or that the license would not have been originally issued had the facts in evidence at the time of any revocation hearing been known at the time of the application for a license.

6. Scope of Ordinance

Except for Article I and III of Chapter 14 of the Code of Ordinances of the Salt River Pima-Maricopa Indian Community, this Ordinance constitutes the entire law of the Community in regard to the sale and/or distribution of alcoholic beverages within the Community.

7. Repeal of Ordinance

Article II of Chapter 14 of the Code of Ordinances of the Community is repealed.

Dated: April 28, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98-12278 Filed 5-7-98; 8:45 am]

BILLING CODE 4310-02-J

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved amendment to Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988, Pub. L. 100-497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Fifth Renewal of Agreement between the Northern Cheyenne Tribe and the State of Montana regarding Class III gaming on the Northern Cheyenne Reservation which was executed on February 17, 1998.

DATES: This action is effective May 8, 1998.

FOR FURTHER INFORMATION CONTACT: Nancy J. Pierskalla, Acting Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219-4068.

Dated: April 30, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98-12261 Filed 5-7-98; 8:45 am]

BILLING CODE 4310-02-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved amendment to Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988, Pub. L. 100-497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved Amendment II to the Amended Gaming Compact Between the Sisseton-Wahpeton Sioux Tribe and the State of South Dakota, which was executed on January 13, 1998.

DATES: This action is effective May 8, 1998.

FOR FURTHER INFORMATION CONTACT: Nancy J. Pierskalla, Acting Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219-4068.

Dated: April 30, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98-12260 Filed 5-7-98; 8:45 am]

BILLING CODE 4310-02-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-962-1410-00-P; F-19155-4]

Notice for Publication; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Section 14(e) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(e), will be issued to Doyon, Limited for approximately 120 acres. The lands involved are in the vicinity of Birch Creek, Alaska, within T. 19 N., R. 7 E. and T. 17 N., R. 11 E., Fairbanks Meridian, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until June 8, 1998, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Elizabeth Sherwood,

Land Law Examiner, ANCSA Team, Branch of 962 Adjudication.

[FR Doc. 98-12237 Filed 5-7-98; 8:45 am]

BILLING CODE 4310-JA-U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-050-1150-00:G8-0170]

Prineville District; Cave Closure; Oregon

May 1, 1998.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice is hereby given that Stout Cave, Deschutes County, Oregon, is closed yearlong to all visitor use for a three-year period ending on May 1, 2001.

Effective immediately, Stout Cave, in Deschutes County, Oregon, is closed to *all* visitor use (caving, sport climbing, etc.) for a three-year period ending on May 1, 2001. The term "cave" applies to any naturally occurring void, cavity, recess, or system of interconnected passages which occurs beneath the surface of the earth and to any natural pit, sinkhole, or other feature which is an extension of the entrance. The term "sinkhole" applies to the area below the rim and extending to the cave's entrance. The purpose of this closure is to protect roosting western big-eared bats from human disturbance. This Special Status species is extremely sensitive to human disturbance. Also, this closure is necessary in order to determine the specific type and location of bat use in the absence of human disturbance. Current levels of human disturbance prevent further evaluation of bat use. Without this information, impacts to biota from current and proposed human uses at the cave cannot be analyzed. BLM cave management policy directs that protective measures, including cave closures, be implemented where known or potential adverse impacts to sensitive animals is present. Closure needs will be re-evaluated at the end of the three-year closure period. Exemptions to this closure will apply to administrative personnel for monitoring purposes; other exemptions to this restriction may be made on a case-by-case basis by the authorized officer. Exemptions could include approved research, essential search and rescue, and other emergency actions or administrative operations for the protection of cave resources. The authority for this closure is 43 CFR 8364.1: Closure and restriction orders.

A more specific location of public lands under this closure order is not provided in order to protect sensitive cave resources. Cave locations are exempt from the Freedom of Information Act under the Federal Cave Resources Protection Act of 1988.