

addition to outlining broad management direction on conserving wildlife and habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. The Service will review and update each CCP at least every 15 years in accordance with the National Wildlife Refuge System Improvement Act of 1997 and the National Environmental Policy Act of 1969.

The transfer of 566 acres from the United States Military Academy at West Point (through the General Services Administration) to the Service created the Shawangunk Grasslands NWR in 1999. No land has been added since then. The refuge was established for its "particular value in carrying out the national migratory bird management program" (16 U.S.C. 667b), under the general legislative authority of the Transfer of Certain Real Property for Wildlife Conservation Purposes Act (16 U.S.C. 667b) and the Federal Property and Administrative Services Act (40 U.S.C. 471 *et seq.*; repealed by Public Law 107-217, August 21, 2002). Our Regional Director's memorandum to the General Services Administration, dated October 17, 1997, specifies the refuge's Regional importance for wintering raptors and breeding and migrating grasslands birds.

The 566-acre refuge lies in the Town of Shawangunk, Ulster County, New York, in the Hudson River/New York Bight watershed. We maintain 400 of those acres as open fields and grasslands, primarily by mowing, to benefit breeding, migratory and wintering grasslands-dependent birds. Asphalt or concrete runways and taxiways cover 30 acres of the refuge, formerly a military training airport. We do not actively manage the remaining 136 acres, which are classified as upland hardwood woodland with some shrub and transitioning to woodland.

We know of no federally listed species on the refuge. However, several rare or uncommon plants, and at least 141 species of birds, including 58 breeding species, have been documented. At least 20 of those are listed by the State of New York or are species of conservation concern for the Region. We conduct annual breeding bird surveys to document their presence and breeding status.

Bird watching is the most popular activity at this unstaffed refuge, which is administered by from the Wallkill River NWR headquarters in Sussex, New Jersey. The Shawangunk Grasslands NWR is open from sunrise to

sunset, 7 days a week. Wildlife observation, nature photography, and environmental education and interpretation are all permitted.

The draft CCP/EA analyzes three alternatives for managing the refuge over the next 15 years. Alternative A (the "No Action" Alternative) would continue our present management, and would not change the habitat management and visitor programs described above.

Alternative B (the Service-preferred alternative) would expand our current grasslands management program with more intensive, diverse tools and techniques, which would potentially include grazing, haying, prescribed burning, and applying herbicides to promote native grassland and discourage invasive plants, and would also restore the natural hydrology of the area, to the extent that it does not impede our grasslands management. We would remove the runways and taxiways from 30 acres and restore them to native grassland, except where we can incorporate them into a planned interpretive trail. Alternative B would also open a small, man-made pond to fishing, and open the refuge to a fall archery deer hunt.

Alternative C would allow all 400 acres of managed grasslands and open fields to revert to shrub land, and eventually to woodland, to benefit shrub- and forest-dependent birds of conservation concern for the Region. Re-establishing the natural hydrology of the area would become a higher priority, which would eliminate the opportunity for fishing in the pond. As in alternative B, we would also restore the 30 acres of runways and taxiways, create an interpretive trail, and open the refuge to a fall archery deer hunt.

The draft also identifies a 5,960-acre Shawangunk Grasslands Focus Area that includes the refuge and contiguous, ecologically important land. None of the alternatives proposes Service acquisition of additional land at this time. We will encourage conservation owners to protect grasslands in that area.

All of the alternatives would continue to promote our existing conservation partnerships, new partnerships, and valuable volunteer opportunities. They would also enhance our outreach in the locale, including information exchanges with private landowners in the focus area who are interested in managing grassland for wildlife.

Dated: September 21, 2005.

**Richard O. Bennett,**

*Acting Regional Director, U.S. Fish and Wildlife Service, Hadley, Massachusetts.*

[FR Doc. 05-23642 Filed 12-2-05; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Lac Vieux Desert Band of Lake Superior Chippewa Indians Liquor Control Ordinance

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the Lac Vieux Desert Band of Lake Superior Chippewa Indians' Liquor Control Ordinance. The Ordinance regulates and controls the possession, sale and consumption of liquor within the Lac Vieux Desert Band of Lake Superior Chippewa Indians' Reservation. The Reservation is located on trust land and this Ordinance allows for the possession and sale of alcoholic beverages within the exterior boundaries of the Lac Vieux Desert Band of Lake Superior Chippewa Indians' Reservation. This Ordinance will increase the ability of the tribal government to control the community's liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal services.

**DATES:** Effective Date: This Ordinance is effective on December 5, 2005.

**FOR FURTHER INFORMATION CONTACT:** De Springer, Regional Tribal Operations Officer, Bureau of Indian Affairs, Midwest Regional Office, Bishop Henry Whipple Federal Building, One Federal Drive, Room 550, Ft. Snelling, MN 55111, Telephone (612) 713-4400, Ext. 1125, Fax (612) 713-4401; or Ralph Gonzales, Office of Tribal Services, 1951 Constitution Avenue, NW., Mail Stop 320-SIB, Washington, DC 20240; Telephone (202) 513-7629.

**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 Lac Vieux Desert Band of Lake Superior Chippewa Indians' Tribal Council adopted its Liquor Ordinance

by Resolution No. 2004–005 on September 28, 2004. The purpose of this Ordinance is to govern the sale, possession and distribution of alcohol within the Lac Vieux Desert Band of Lake Superior Chippewa Indians' Reservation.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs. I certify that this Liquor Ordinance of the Lac Vieux Desert Band of Lake Superior Chippewa Indians was duly adopted by the Tribal Council on September 28, 2004.

Dated: November 23, 2005.

**William A. Sinclair,**

*Acting Principal Deputy Assistant Secretary—Indian Affairs.*

The Lac Vieux Desert Band of Lake Superior Chippewa Indians' Liquor Ordinance reads as follows:

**RESOLUTION #2004–005; Lac Vieux Desert Band of Lake Superior Chippewa Indians; Liquor Control Ordinance of the Lac Vieux Desert Band of Lake Superior Chippewa Indians**

*Whereas:* the Lac Vieux Desert Band of Lake Superior Chippewa Indians are a federally recognized tribe, and

*Whereas:* the Lac Vieux Desert Band of Lake Superior Chippewa Indians has a tribal council empowered to transact business and otherwise act on behalf of the band, and

*Whereas:* the Lac Vieux Desert Band of Lake Superior Chippewa Indians is committed to regulating the use of liquor on its reservation and otherwise protecting the health, safety and welfare of the Tribe and its members as well as the general public, and;

*Now therefore be it resolved:* That the Lac Vieux Desert Band of Lake Superior Chippewa Indians hereby adopts this resolution creating a Liquor Control Ordinance as follows:

**Section I: Title**

This Ordinance shall be known as the "Liquor Control Ordinance." This Ordinance repeals and replaces any other previous liquor ordinances adopted by the council.

**Section II: Authority**

This Ordinance is enacted pursuant to Article IV Section 1 of the Constitution and Bylaws of the Lac Vieux Desert Band of Lake Superior Chippewa Indians.

**Section III: Purpose**

This Ordinance regulates the consumption, delivery and/or sale of alcoholic beverages within the Indian country lands of the Lac Vieux Desert Band of Lake Superior Chippewa Indians, for the purpose of protecting the health, safety and welfare of the Tribe and its members as well as the general public.

**Section IV: Interpretation**

This Ordinance shall be deemed an exercise of the police and regulatory powers

of the Lac Vieux Desert Band of Lake Superior Chippewa Indians to promote tribal self-determination and to protect the public welfare, and all provisions of this ordinance shall be liberally construed for the accomplishment of these purposes.

**Section V: Definitions**

The following definitions apply in this Ordinance, unless the context otherwise requires:

A. Alcoholic beverage means any spirituous, vinous, malt or fermented liquor, liquors and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing one-half of one percent (½ of 1%) or more alcohol by volume, which are fit for use for beverage purposes.

B. Liquor means any alcoholic drink.

C. Person means a natural person, firm, association, corporation or other legal entity.

D. Tribe or Bands means the Lac Vieux Desert Band of Lake Superior Chippewa Indians.

E. Tribal Council means the governing body of the Lac Vieux Desert Band of Lake Superior Chippewa Indians, which body is also referred to as the Tribal Council in the Tribe's Constitution.

F. Secretary means the Secretary of the United States Department of the Interior.

G. Indian Country of the Tribe means, for purposes of this Ordinance, all lands within Gogebic County, Michigan which are now or hereafter owned by the Bands or held in trust for the Bands by the United States.

H. State means the State of Michigan.

I. Tribal representatives mean the Tribal Chairman, a tribal member, a program director or manager of a subsidiary or commercial enterprise of the Tribe.

J. Tribal license means an official action by the Tribal Council which authorizes the sale of alcoholic beverages for consumption either on the premises and/or away from the premises.

K. Premises means specified locations within the Indian Country of the Tribe, as described in a license issued by the Tribal Council.

**Section VI: General Provisions**

**A. Policy**

It is the policy of the Tribe that only the Tribe and its subsidiary enterprises, or tribal members or non-tribal members may engage in the sale of alcoholic beverages within the Indian Country of the Tribe. Therefore, no person other than the tribal government or its subsidiary enterprises or tribal members or non-tribal members as licensed under this ordinance may deliver for profit, sell or trade for profit any alcoholic beverages within the Indian Country of the Tribe.

**B. On-Premises Consumption**

No person shall sell, trade, transport, manufacture, use, or possess any alcoholic beverage, nor any other substance whatsoever capable of producing alcoholic intoxication, intended for consumption on the premises, nor aid nor abet any Indian or non-Indian person in any of the foregoing, except in compliance with the terms and conditions of this Ordinance as well as applicable federal

Indian liquor laws, and applicable provisions of the laws of the State of Michigan and regulations administered by its Liquor Control Commission.

**C. Off-Premises Consumption**

No person shall sell, trade, transport, manufacture, use, or possess any alcoholic beverage, nor any other substance whatsoever capable of producing alcoholic intoxication, intended for consumption away from the premises, nor aid nor abet any Indian or non-Indian person in any of the foregoing, except in compliance with the terms of this ordinance, applicable federal Indian liquor laws, and applicable provisions of the laws of the State of Michigan and regulations administered by its Liquor Control Commission.

**D. Application of State Law**

Unless otherwise contradicted by this Ordinance or other Tribal law, laws of the State and regulations of its Liquor Control Commission shall pertain to sale, trade, manufacture, use or possession of alcoholic beverages within the Indian Country of the Tribe. Provided that in no event shall any laws of the Tribe pertaining to liquor regulation be construed to be less stringent than the laws and regulations of the State. Nothing in this section or Ordinance is intended to allow the State to exercise any jurisdiction over the Tribe, its members, or any persons or transactions within the Indian Country of the Tribe that the State would not otherwise have. Nothing in this section or ordinance is intended to in any way waive or limit the sovereign immunity of the Tribe.

**E. Condition of Tribal License**

Any tribal enterprise having a license for the sale of alcoholic beverages issued by the Tribal Council shall be required to comply, as a condition of retaining such license, with any applicable tribal laws and ordinances and shall further observe the laws of the State regarding times of sale and minimum ages of persons to whom sales may be made.

**Section VII: Tribal Licenses for the Sale of Alcoholic Beverages**

A. Upon application submitted in writing by tribal representatives, the Tribal Council may issue a license authorizing (1) sale of alcoholic beverages (or specific types thereof) solely for consumption on the premises, and/or (2) sale of alcoholic beverages (or specific types thereof) intended for consumption away from the premises.

B. All applications for such licenses must be submitted to the Tribal Council in writing, setting forth the purpose for the license together with the description of the premises upon which such sale is proposed to take place.

C. The Tribal Council shall have the power and authority to determine, in its sole discretion, the number and type of licenses for the sale of alcoholic beverages that may from time-to-time be issued pursuant to this ordinance and to place any restrictions on said license it deems appropriate under the circumstances.

D. Fees. The Tribal Council may set reasonable fees for the issuance of licenses under this Ordinance.

E. Duration of License. Unless sooner canceled, every license issued by the Tribal Council shall expire at midnight on the 31st day of December. Applications for renewal must be submitted to the Tribal Council on or before November 15 of the preceding year. The Tribal Council will act on all renewal applications on or before December 15.

#### Section VIII: Violations

A. Any Indian person found to be in violation of the provisions of this Ordinance shall be deemed guilty of a criminal offense and may be prosecuted in Tribal Court in an action brought by the Tribal Prosecutor. Any such criminal proceeding against an Indian person shall comply with all due process and equal protection requirements of the Indian Civil Rights Act, which shall include at a minimum adequate notice, a full and fair hearing, and the right to call and cross examine witnesses. Upon conviction, the Tribal Court may impose a sentence of a fine not greater than \$1,000.00 and/or a jail term not exceeding sixty (60) days.

B. Nothing in this ordinance shall be construed to require or authorize the criminal trial and punishment by the Tribal Court of any non-Indian except to the extent allowed under Federal law. In general, when any provision of this Ordinance is violated by a non-Indian, he or she shall be referred to state and/or Federal authorities for prosecution under applicable law. However, violations of this Statute by a non-Indian shall also be deemed a civil offense against the Tribe and a civil action against non-Indian violators may proceed in Tribal Court to the extent allowed under Federal law. In such civil action brought in Tribal Court by the Tribal Prosecutor, the Tribal Court may impose a fine not greater than \$1,000.00 and/or exclusion from the Tribe's reservation, as authorized in Article IV, Section 1(k) of the Tribe's Constitution. Any such civil proceeding against a non-Indian shall comply with all due process and equal protection requirements of the Indian Civil Rights Act, which shall include at a minimum adequate notice, a full and fair hearing, and the right to call and cross examine witnesses.

C. Revocation of License. The Tribal Council may, for alleged violation of this Ordinance, temporarily suspend a license for an alleged violation of this Ordinance until such time as an action is commenced in Tribal Court. The Chairperson of the Tribal Council or the Tribal Prosecutor may, for alleged violation of this Ordinance, institute and maintain an action in the Tribal Court in the name of the Tribe to revoke or permanently suspend a license issued under this Ordinance. Such proceeding against the holder of the license in question shall comply with all due process and equal protection requirements of the Indian Civil Rights Act, which shall include at a minimum adequate notice, a full and fair hearing, and the right to call and cross examine witnesses. Upon final judgment issued against the defendant, the Tribal Court may order the forfeiture of any license issued pursuant to this Ordinance, and all rights of the licensee to keep or sell alcoholic beverages under this Ordinance shall be suspended or terminated as the case may be.

Pending final judgment the Tribal Court may issue orders for preliminary injunction if the plaintiff can demonstrate a likelihood of success and irreparable injury to the Tribe or its members if such orders are not issued.

#### Section IX: Effective Date

This ordinance shall be effective as a matter of tribal law as of the date of the adoption by the Tribal Council and effective as a matter of Federal law on such date as the Assistant Secretary—Indian Affairs certifies and publishes the same in the **Federal Register**.

#### Section X: Savings Clause

In the event that any phrase, provision, part, paragraph, subsection or section of this Ordinance is found by a court of competent jurisdiction to violate the Constitution, laws or ordinances of the Lac Vieux Desert Desert Band of Lake Superior Chippewa Indians or applicable Federal law, such phrase, provision, paragraph, subsection or section shall be considered to stand alone and to be deleted from this Ordinance, the entirety of the balance of the Ordinance to remain in full and binding force and effect.

#### Certification

We do hereby certify that this resolution was duly presented and voted upon with a vote of 5 in favor, 1 opposed, and 0 abstaining, at a regular meeting held on this 28th day of September 2004.

/s/

*James Williams, Jr., Chairman*

/s/

*Michelle Hazen, Secretary*

[FR Doc. E5-6818 Filed 12-2-05; 8:45 am]

BILLING CODE 4310-4J-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[WO-310-1310-PB-24 1A; OMB Control Number 1004-0162]

#### Information Collection Submitted to the Office of Management and Budget Under the Paperwork Reduction Act

The Bureau of Land Management (BLM) has submitted the proposed collection of information listed below to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). On July 6, 2004, the BLM published a notice in the **Federal Register** (69 FR 40646) requesting comments on this proposed collection. The comment period ended on September 7, 2004. The BLM received no comments. You may obtain copies of the proposed collection of information by contacting the BLM Information Collection Clearance Officer at the telephone number listed below.

The OMB is required to respond to this request within 60 days but may respond after 30 days. For maximum

consideration your comments and suggestions on the requirement should be made within 30 days directly to the Office of Management and Budget, Interior Department Desk Officer (1004-0162), at OMB-OIRA via facsimile to (202) 395-6566 or e-mail to [OIRA\\_DOCKET@omb.eop.gov](mailto:OIRA_DOCKET@omb.eop.gov). Please provide a copy of your comments to the Bureau Information Collection Clearance Officer (WO-630), Bureau of Land Management, Eastern States Office, 7450 Boston Blvd., Springfield, Virginia 22153.

*Nature of Comments:* We specifically request your comments on the following:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;
2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions uses;
3. The quality, utility and clarity of the information to be collected; and
4. How to minimize the burden of collecting the information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

*Title:* Oil and Gas Geophysical Exploration Operations (43 CFR 3150).

*OMB Control Number:* 1004-0162.

*Bureau Form Number:* BLM 3150-4/FS 2800-16; BLM 3150-5/FS 2800-16a; certain nonform information (Alaska only).

*Abstract:* The Bureau of Land Management and the FS use the information to determine that geophysical exploration operation activities are conducted in a manner consistent with the regulations, land use plans, and environmental assessments in compliance with the provisions of the National Environmental Policy Act of 1969 as amended.

*Frequency:* On occasion.

*Description of Respondents:* Oil and gas exploration and drilling companies.

*Estimated Completion Time:* BLM 3150-4/FS 2800-16, 1 hour; BLM Form 3150-5/FS 2800-16a, 20 minutes; and certain nonform information (Alaska only) 1 hour.

*Annual Responses:* 1,253.

*Application Fee per Response:* \$25 filing/renewal fee (only if off-lease in Alaska).

*Annual Burden Hours:* 836.

*Bureau Clearance Officer:* Ian Senio, (202) 452-5033.