

listed since 1973. The information collected provides data on tag retention and sturgeon movement along the east coast. The data are also used to address some of the management and research needs identified by amendment 1 to the ASMFC's Atlantic Sturgeon Fishery Management Plan.

Data collected across these tagging programs are similar in nature, including:

- Tag number;
- Date of capture;
- Waterbody of capture;
- Capture method;
- Fish length, weight, and fate (whether released or killed); and
- Fisher type (*i.e.*, commercial, recreational, etc.).

In addition, if the tag reporter desires more information on their tagged fish or wants the modest reward that comes with reporting a tag, we ask their address so that we can mail them the information.

Title of Collection: Horseshoe Crab and Cooperative Fish Tagging Programs.

OMB Control Number: 1018-0127.

Form Number: FWS Forms 3-2310, 3-2311, and 3-2493 through 3-2496.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public:

Respondents include Federal and State agencies, universities, and biomedical companies who conduct tagging, and members of the general public who provide recapture information.

Total Estimated Number of Annual Respondents: 2,006.

Total Estimated Number of Annual Responses: 3,628.

Estimated Completion Time per Response: Varies from 5 minutes to 95 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 2,239.

Respondent's Obligation: Voluntary.

Frequency of Collection: Respondents will provide information on occasion, upon tagging or upon encounter with a tagged crab or fish.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: January 6, 2021.

Madonna Baucum,
Information Collection Clearance Officer, U.S.
Fish and Wildlife Service.

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BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-R6-ES-2019-0010;
FF06E00000 212 FXES11140600000]

Incidental Take Permit Application; Habitat Conservation Plan and Categorical Exclusion for the Threatened Grizzly Bear; Flathead, Glacier, Lincoln, and Toole Counties, Montana

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Notice of availability of
documents; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of documents related to an application for an incidental take permit (ITP) under the Endangered Species Act. BNSF Railway (BNSF) has applied for an ITP, which, if granted, would authorize take of the federally threatened grizzly bear that is likely to occur incidental to railroad operations and maintenance. The documents available for review and comment are the applicant's habitat conservation plan, which is part of the ITP application, and our draft environmental action statement and low-effect screening form, which support a categorical exclusion under the National Environmental Policy Act. We invite comments from the public and Federal, Tribal, State, and local governments.

DATES: We will accept comments received or postmarked on or before February 11, 2021. Comments submitted online at [Regulations.gov](https://www.regulations.gov) (see **ADDRESSES**) must be received by 11:59 p.m. Eastern Time on the closing date.

ADDRESSES: *Obtaining Documents:* The documents this notice announces, as well as any comments and other materials that we receive, will be available for public inspection online in Docket No. FWS-R6-ES-2019-0010 at <http://www.regulations.gov>.

Submitting Comments: You may submit comments by one of the following methods:

- *Online:* <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-R6-ES-2019-0010.

- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS-R6-ES-2019-0010; U.S. Fish and Wildlife Service Headquarters, MS: PERMA; 5275 Leesburg Pike; Falls Church, VA 22041-3803.

We request that you send comments by only the methods described above.

FOR FURTHER INFORMATION CONTACT: Ben Conard, by phone at 406-758-6882, by email at Ben_Conard@fws.gov, or via the Federal Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), have received an application from BNSF Railway (BNSF) for a 7-year incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The application addresses the potential for take of the federally threatened grizzly bear (*Ursus arctos horribilis*) that is likely to occur incidental to ongoing operations and maintenance of approximately 206 miles of railroad.

The documents available for review and comment are the applicant's habitat conservation plan (HCP), which is part of the ITP application, and our draft environmental action statement and low-effect screening form. These documents helped inform our conclusion that the activities proposed by the permit application will have a low effect on the species and the human environment. Accordingly, the HCP qualifies for a categorical exclusion under the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*).

Applicant's Habitat Conservation Plan

BNSF has submitted a low-effect HCP in support of an application for an ITP to address take of the species that is likely to occur as the result of BNSF's ongoing operations and management of approximately 206 miles of railway between Trego, Montana, and Shelby, Montana. The requested permit duration is for 7 years from permit issuance. The railway is within grizzly bear habitat in the Northern Continental Divide Ecosystem grizzly bear recovery zone. The biological goals and objectives are to reduce attractants and deter grizzly bears from entering high-risk areas of railway and to contribute to the recovery of the grizzly bear population by offsetting incidental take by reducing other sources of human-caused mortality. The proposed conservation program includes implementing measures to reduce attractants, providing financial support to Montana Fish, Wildlife, and Parks and the Blackfeet Indian Nation for reducing human/grizzly bear conflicts through increased personnel, equipment, and education.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal

identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6 and 43 CFR 46.305).

Stephen Small,

Assistant Regional Director, Ecological Services, Mountain-Prairie Region.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AACC003300/
A0H901010.999900.253G]

Chippewa Cree Indians of the Rocky Boy's Reservation; Amendment to Liquor Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes an amendment to the Liquor Ordinance of the Chippewa Cree Indians of the Rocky Boy's Indian Reservation of Montana (Chippewa Cree Tribe). The Chippewa Cree Tribe and the State of Montana have agreed to enter into a Montana Alcoholic Beverages Tax Agreement. The purposes of the Agreement are to minimize legal controversy and possible litigation over the taxation of alcoholic beverages within the exterior boundaries of the Rocky Boy's Reservation to mitigate the effects of dual taxation on the sale of alcoholic beverages by both the Tribe and the State, and to provide an effective means by which revenues generated by the state and tribal taxes on the sale of alcoholic beverages may be shared and distributed. In order to accomplish these purposes, the State and the Tribe agree that the same level of taxation will be

imposed on the sale of alcoholic beverages both within and outside the boundaries of the Reservation. The Agreement requires the Tribe to adopt and keep in force an ordinance imposing taxes equal to Montana liquor excise and license taxes and beer, wine, and hard cider taxes sold within the exterior boundaries of the Rocky Boy's Indian Reservation.

DATES: This ordinance shall take effective on February 11, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Jo-Ellen Cree, Tribal Operations Officer, Rocky Mountain Regional Office, Bureau of Indian Affairs, 2021 Fourth Avenue North, Billings, Montana 59101, Telephone: (406) 247-7964 or (406) 247-7988, Fax: (406) 247-7566; or Ms. Laurel Iron Cloud, Chief, Division of Tribal Government Services, Office of Indian Services, Bureau of Indian Affairs, 1849 C Street NW, MS-4513-MIB, Washington, DC 20240, Telephone: (202) 513-7641.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83-277, 67 Stat. 5886, 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 certifies and publishes in the **Federal Register** notice of adopted liquor control ordinances for the purpose of regulating liquor transactions in Indian country. The Chippewa Cree Tribe adopted Tribal Resolution No. 52-20 on May 7, 2020, and adopted Ordinance No. 01-20, Governing the Taxation of Alcoholic Beverages Sold on within the Rocky Boy's Indian Reservation. This amendment to the liquor control ordinance is incorporated and codified by Ordinance No. 01-20 within Title XVII, Chapter 7, of the Chippewa Cree Tribal Law and Order Code and codified within Chapter 6 of the Chippewa Cree Law and Order Code Alcoholic Beverage Control Ordinance.

This notice is published in accordance with the delegated authority by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the Chippewa Cree Business Committee duly adopted the amendment to the Chippewa Cree Tribe Liquor Control Ordinance by Tribal Resolution No. 52-20 on May 7, 2020.

The Chippewa Cree Tribe of the Rocky Boy's Indian Reservation Liquor Ordinance, Chapter 6 reads as follows:

“Taxation of Alcoholic Beverages, Ordinance No. 01-20, Liquor Excise and Licenses, Beer, Wine, and Hard Cider”

Sec. 101. Declaration of Policy

1. This Ordinance is enacted pursuant to the inherent governing power of the Chippewa Cree Tribe and under authority recognized by federal law in accordance with provisions of the Constitution and Bylaws of the Tribe. All persons, business, lands, transactions, and activities either relocated on or occurring within the exterior boundaries of the Rocky Boy's Indian Reservation shall be subject to provisions of this Ordinance.

2. This Ordinance is enacted for the protection of the health and safety, and to promote the general welfare of the people residing within the exterior boundaries of the Rocky Boy's Indian Reservation. All its provisions shall be liberally construed for the accomplishment of that purpose.

3. The Chippewa Cree Business Committee believes that enactment of this Ordinance governing alcoholic beverages through taxation within the exterior boundaries of the Rocky Boy's Indian Reservation will help provide revenue for the continued operation of Tribal government.

4. This Ordinance shall impose taxes equal to the Montana liquor excise and license taxes and beer, wine, and hard cider taxes sold within the exterior boundaries of the Rocky Boy's Indian Reservation, pursuant to its power under Article VI, Section 1 (j) of the Constitution of the Chippewa Cree Tribe.

5. The overall purpose of this Ordinance is to aid in the collection of taxes and ensure that alcoholic beverages are not subject to both the State and the tribal tax. The provisions of this Ordinance must be broadly construed to accomplish this purpose.

Sec. 102. Definitions

As used in this Chapter, unless otherwise noted, the following definitions apply:

1. “Alcohol” means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.

2. “Alcoholic beverage” means a compound produced and sold for human consumption as a drink that contains more than 0.5% of alcohol by volume.

3. “Agreement” means the Chippewa Cree—Montana Alcoholic Beverage Tax Agreement.

4. “Beer” means: