DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

North Fork Rancheria of Mono Indians of California Liquor Control Statute

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the liquor control statute of the North Fork Rancheria of Mono Indians of California. The liquor control statute regulates and controls the possession, sale, manufacture, and distribution of alcohol in conformity with the laws of the State of California for the purpose of generating new Tribal revenues.

DATES: This code shall become effective December 14, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Harley Long, Tribal Government Officer, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825, Telephone: (916) 978–6000, Fax: (916) 978–6099; 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.


This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the North Fork Rancheria of Mono Indians of California Tribal Council duly adopted by Resolution the North Fork Rancheria of Mono Indians of California Liquor Control Statute by Resolution No. 14–32 dated July 07, 2014.

Dated: December 3, 2015.

Kevin K. Washburn, Assistant Secretary—Indian Affairs.

ARTICLE ONE INTRODUCTION

Section 1. Authority

This Statute is enacted pursuant to the Act of August 15, 1953 (Pub. L. 83–277, 67 Stat. 586, 18 U.S.C. 1161) and by powers vested in the Tribal Council of the North Fork Rancheria (“Tribal Council”) to develop, adopt and enforce statutes as authorized under Article VI, Section 1 of the Constitution of the North Fork Rancheria, adopted May 18, 1996.

Section 2. Purpose

The purpose of this Statute is to regulate and control the possession, sale, manufacture and distribution of liquor within Tribal Trust Lands, in order to permit alcohol sales by tribally owned and operated enterprises and private lessees, and at tribally approved special events. Enactment of a liquor control statute will help provide a source of revenue for the continued operation of the tribal government, the delivery of governmental services, and the economic viability of tribal enterprises.

Section 3. Short Title

This Statute shall be known and cited as the “Liquor Control Statute.”

Section 4. Jurisdiction

This Statute shall apply to all lands now or in the future under the governmental authority of the Tribe, including Tribal Trust Lands.
general welfare of the citizens of the Tribe, and is prohibited.

ARTICLE TWO DEFINITIONS

Section 1. Definitions

As used in this Statute, the terms below are defined as follows:

(a) Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, in any form, and regardless of source or the process used for its production.

(b) Alcoholic beverage means all alcohol, spirits, liquor, wine, beer and any liquid or solid containing alcohol, spirits, liquor, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and that is fit for human consumption, either alone or of any other substance(s).

(c) Compact means the Tribal-State compact between the State and the Tribe that governs the conduct of class III gaming activities on that portion of the Tribal Trust Lands recognized as “Indian lands” pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. 2701, et seq.

(d) License means, unless otherwise stated, a license issued by the Tribe in accordance with this Statute.

(e) Liquor means any alcoholic beverage, as defined under this Section.

(f) Person means any individual or entity, whether Indian or non-Indian, receiver, assignee, trustee in bankruptcy, trust, estate, firm, corporation, partnership, joint corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise, and any other Indian tribe, band or group. The term shall also include the businesses of the Tribe.

(g) Sale and sell means the transfer for consideration of any kind, including by exchange or barter.

(h) State means the State of California.

(i) Tribal Trust Lands means and includes all lands held by the United States in trust for the Tribe now or in the future.

ARTICLE THREE LIQUOR SALES, POSSESSION, & MANUFACTURE

Section 1. Possession of Alcohol

The introduction and possession of alcoholic beverages shall be lawful within Tribal Trust Lands; provided that such introduction or possession is in conformity with the laws of the State.

Section 2. Retail Sales of Alcohol

The sale of alcoholic beverages shall be lawful within Tribal Trust Lands; provided that such sales are in conformity with the laws of the State and are made pursuant to a license issued by the Tribe.

Section 3. Manufacture of Alcohol

The manufacture of beer and wine shall be lawful within Tribal Trust Lands, provided that such manufacture is in conformity with the laws of the State and pursuant to a license issued by the Tribe.

Section 4. Age Limits

The legal age for possession or consumption of alcohol within Tribal Trust Lands shall be the same as that of the State, which is currently 21 years. No person under the age of 21 years shall purchase, possess or consume any alcoholic beverage. If there is any conflict between State law and the terms of the Compact regarding the age limits for alcohol possession or consumption, the age limits in the Compact shall govern for purposes of this Statute.

ARTICLE FOUR LICENSING

Section 1. Licensing

The Tribal Council shall have the power to establish procedures and standards for tribal licensing of liquor sales within Tribal Trust Lands, including the setting of a license fee schedule, and shall have the power to publish and enforce such standards; provided that no tribal license shall issue except upon showing of satisfactory proof that the applicant is duly licensed by the State. The fact that an applicant for a tribal license possesses a license issued by the State shall not provide the applicant with an entitlement to a tribal license. The Tribal Council may in its discretion set standards which are more, but in no case less, stringent than those of the State.

ARTICLE FIVE ENFORCEMENT

Section 1. Enforcement

The Tribal Council shall have the power to develop, enact, promulgate, and enforce regulations as necessary for the enforcement of this Statute and to protect the public health, welfare, and safety of the Tribe, provided that all such regulations shall conform to and not be in conflict with any applicable tribal, Federal, or State law. Regulations enacted pursuant to this Statute may include provisions for suspension or revocation of tribal liquor licenses, reasonable search and seizure provisions, and civil and criminal penalties for violations of this Statute to the full extent permitted by Federal law and consistent with due process.

Tribal law enforcement personnel and security personnel duly authorized by the Tribal Council shall have the authority to enforce this Statute by confiscating any liquor sold, possessed, distributed, manufactured, or introduced within Tribal Trust Lands in violation of this Statute or of any regulations duly adopted pursuant to this Statute.

The Tribal Council shall have the exclusive jurisdiction to hold hearings on violations of this Statute and any procedures or regulations adopted pursuant to this Statute; to promulgate appropriate procedures governing such hearings; to determine and enforce penalties or damages for violations of this Statute; and to delegate to a subordinate hearing officer or panel the authority to take any or all of the foregoing actions on its behalf.

ARTICLE SIX TAXES

Section 1. Taxation

Nothing contained in this Statute is intended to, nor does in any way, limit or restrict the Tribe’s ability to impose any tax upon the sale or consumption of alcohol. The Tribe retains the right to impose such taxes by appropriate statute to the full extent permitted by Federal law.

ARTICLE SEVEN MISCELLANEOUS PROVISIONS

Section 1. Sovereign Immunity Preserved

Nothing contained in this Statute is intended to, nor does in any way, limit, alter, restrict, or waive the sovereign immunity of the Tribe or any of its agencies, agents or officials from unconsented suit or action of any kind.

Section 2. Conformance with Applicable Laws

All acts and transactions under this Statute shall be in conformity with the Compact and laws of the State to the extent required by 18 U.S.C. 1161 and with all Federal laws regarding alcohol in Indian Country.

Section 3. Effective Date

This Statute shall be effective as of the date on which the Secretary of the Interior certifies this Statute and publishes the same in the Federal Register.

Section 4. Repeal of Prior Acts

All prior enactments of the Tribal Council, including tribal resolutions, policies, regulations, or statutes pertaining to the subject matter set forth in this Statute are hereby rescinded.
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
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Notice of Public Meeting, Pecos District Resource Advisory Council Meeting, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act, Bureau of Land Management’s (BLM) Pecos District Resource Advisory Council (RAC) will meet as indicated below.

DATES: The RAC will meet on January 21, 2016, at the Roswell Field Office, 2909 West 2nd Street, Roswell, New Mexico, 88201, from 9 a.m.–12:30 p.m. The public may send written comments to the RAC at the BLM Pecos District, 2909 West 2nd Street, Roswell, New Mexico, 88201.

FOR FURTHER INFORMATION CONTACT: Howard Parman, Pecos District Office, Bureau of Land Management, 2909 West 2nd Street, Roswell, New Mexico 88201, 575–627–0212. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8229 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 16-member Pecos District RAC advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in the BLM’s Pecos District. Planned agenda items include: Election of a new chairman; report on the status of the Carlsbad plan revision; a discussion of the presentations made at the previous meeting by both BLM staff and cave interests regarding the BLM’s management of cave in regards to containing the spread of White Nose Syndrome; a report on the status of the activity plan for the Lesser Prairie-Chicken Area of Environmental Concern (ACEC); and a report from the ACEC Grazing Subcommittee, including the research being conducted at the ACEC.

All RAC meetings are open to the public. There will be a half-hour public comment period at 9:30 a.m. for any interested members of the public who wish to address the RAC. Depending on the number of persons wishing to speak and time available, the time for individual comments may be limited.

Andrew Archuleta,
Acting Deputy State Director, Lands and Resources.