

now required as part of the applicant's Comprehensive Project Description as part of the scientific justification for banding and marking. An applicant's skills and qualifications for additional biological sampling are now required as part of their banding resume.

(11) Removed section. Description of what an applicant hopes to accomplish by banding birds. We replaced this section with a yes/no option if the applicant has included a Comprehensive Project Description as part of their application package. The Comprehensive Project Description should include all the necessary details for the BBL to properly evaluate a proposal as a scientifically justifiable banding or marking project.

(11) (NEW) Banding Resume. We added a yes/no option if the applicant has included a banding resume as part of their application package and that it should include previous bird banding and marking experiences for the BBL to properly evaluate an applicant's skills and formal training for capturing and banding or marking of birds.

(12) References. We modified the References section to simply state that three letters of recommendation must be received by the BBL before any application is considered and that a minimum of two references should be from a bird bander that has worked directly with the applicant and can confirm their experience and abilities. Applicants no longer need to provide names, emails, addresses as that information is redundant to the information provided by their references who submit letters of recommendation.

(13) (NEW) Freedom of Information Act (FOIA). This section was added to the permit application to protect applicants that are not covered by the Privacy Act and allow for the identification of any information that should be considered privileged and confidential business information to the USGS to meet its responsibility under FOIA. This section is informational and does not require any additional input or effort from the applicant.

Copies of the draft forms are available to the public by submitting a request to the Service Information Collection Clearance Officer using one of the methods identified in **ADDRESSES**.

In the 60-day notice (91 FR 17811), the USGS included estimated respondents, responses, completion and burden time as revisions were only proposed for the permit application. No changes were proposed for the permit renewal form or the bird banding recovery report. However, all forms under information collection control #1028-0082 expire on February 28,

2027, and for transparency, we have now included the estimated respondents, responses, and completion and burden time for all three forms under information collection control #1028-0082. The permit renewal form and the bird banding recovery report continue to remain unchanged.

Title of Collection: Bird Banding and Marking Permit Application.

OMB Control Number: 1028-0082.

Form Number: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: General public.

Total Estimated Number of Annual Respondents: 101,429.

—Permit Application: 80.

—Permit Renewal Form: 463.

—Bird Banding Recovery Report: 100,886.

Total Estimated Number of Annual Responses: 101,692.

—Permit Application: 80.

—Permit Renewal Form: 463.

—Bird Banding Recovery Report: 101,149.

Estimated Completion Time per Response: minimum of 3 minutes and up to 30 minutes depending on form used.

—Permit Application: up to 30 minutes.

—Permit Renewal Form: 3 minutes.

—Bird Banding Recovery Report: 3 minutes.

Total Estimated Number of Annual Burden Hours: 5,121.

—Permit Application: 80 responses/40 hours.

—Permit Renewal: 463 responses/23 hours.

—Recovery Report: 101,149 responses/5,058 hours.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Non-hour Burden Cost: We have not identified any "non-hour cost" burdens associated with this collection of information.

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.*).

Antonio Celis-Murillo,

Program Manager, USGS Bird Banding Laboratory.

[FR Doc. 2026-17213 Filed 8-21-26; 8:45 am]

BILLING CODE 4338-11-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[267A2100DD/AAKP300000/
A0A501010.000000]

Tonto Apache Tribe of Arizona Liquor Control Code

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Tonto Apache Tribe of Arizona Liquor Control Code, which repeals and replaces the previous liquor code published on January 14, 1986.

DATES: This code shall become effective August 24, 2026.

FOR FURTHER INFORMATION CONTACT:

Karrie-Ann Quartz, Acting Tribal Government Officer, Western Regional Office, Bureau of Indian Affairs, 2600 N. Central Avenue, 4th Floor Mailroom, Phoenix, AZ 85004, Telephone: (480) 744-4992 or Oliver Whaley, Director, Office of Regulatory Affairs, (202) 738-6065.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Pub. 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.

On October 19, 2023, the Tonto Apache Tribe adopted this Liquor Code by Resolution No. 23-34, which regulates and controls the possession, sale, manufacture, and distribution of alcohol in conformity with the laws of the State of Arizona to the extent required by applicable federal law, including 18 U.S.C. 1161. Enactment of this Code will help improve the economic viability for the Tribe, provide a source of revenue to strengthen Tribal government, which may be used to provide basic governmental functions for its members.

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 Tonto Apache Tribe of Arizona duly adopted the Tonto Apache Tribe Liquor Control Code by Resolution No. 23-34 dated October 19, 2023.

The Tonto Apache Tribe of Arizona Liquor Control Code shall read as follows:

Tonto Apache Tribe Liquor Control Code

A law to authorize and regulate liquor transactions within the jurisdiction of the Tonto Apache Tribe.

Part 1 General Provisions

Section #1—Authority: Enacted by the Tribal Council of the Tonto Apache Tribe (“Tribal Council”) on October 19th, 2023 by Resolution #23–34. This Code is enacted pursuant to federal statutes and other laws, including the Act of August 15, 1953, 67 Stat. 586, codified at 18 U.S.C. 1161, and in conformity with applicable laws of the State of Arizona (“State”).

Section #2—Purpose: The Tribal Council, as the governing body of the Tonto Apache Tribe (“Tribe”) hereby enacts this Code to authorize and regulate Liquor Transactions within the Tribal Lands.

Section #3—Policy: The authorization and regulation of Liquor Transactions is necessary to encourage economic development, improve the Tribe’s economic situation, and generate revenue for the Tribe, which may be used to provide basic governmental functions for its members.

Section #4—Sovereign Immunity: Unless otherwise specified in this Code, all inherent sovereign rights of the Tribe are hereby expressly reserved, including sovereign immunity from suit in any state, federal or tribal court.

Section #5—Jurisdiction: This Code shall apply to all members of the Tribe, any person engaged in Liquor Transactions within the Tribal Lands, and all employees of a person conducting Liquor Transactions within the jurisdiction of the Tribe.

Section #6—General Prohibition: It shall be a violation of the laws of the Tribe for any person or entity, other than a Manufacturer, Retailer, or Wholesaler, to sell, store, transport, or conduct any Liquor Transactions except in compliance with the terms, conditions, limitations, and restrictions specified in this Code.

Section #7—Tribal Control of Liquor: The Tribe has the sole and exclusive right to authorize a Manufacturer of Liquor, including a Distiller, Brewer, Winery, cidery and bottling, within or importation of alcoholic beverages into the Tribal Lands for Sale or for the purpose of conducting transactions therewith, and no person or organization may engage in such activities within or import any such alcoholic beverages into the Tribal Lands unless authorized by the Tribe to do so.

Section #8—Applicability of State Law: Except as may be otherwise

authorized by agreement between the Tribe and the State, the Tribe shall require compliance with the State’s laws regarding the Sale of Liquor to the extent required by applicable federal law, including 18 U.S.C. Section 1161.

Section #9—Power to License and Tax: The power to establish licenses and levy taxes under the provisions of this Code is vested exclusively with the Tribe.

Section #10—Severability: If any section of this Code is invalidated by a court of competent jurisdiction, the remaining sections shall not be affected thereby.

Section #11—Definitions:
“*Alcohol*” means the product of distillation of any fermented liquid, whether rectified or diluted, whatever the origin, and includes synthetic ethyl alcohol and Alcohol processed or sold in a gaseous form but excludes denatured alcohol or wood alcohol.

“*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 includes, but is not limited to, Beer, ale, malt liquor, stout, lager beer, porter, near beer, flavored malt beverage, and hard cider.

“*Commission*” means the Tonto Apache Liquor Control Commission.

“*Brewer*” means a Manufacturer engaged in the business of producing Beer.

“*Consume*” means knowingly and intentionally drinking or otherwise ingesting.

“*Distiller*” means a Manufacturer engaged in the business of distilling Spirits.

“*Distribute*” means to acquire, purchase, store, introduce, import, export, sell, offer for Sale, deliver, transport, give away, offer to give away, or otherwise possess Liquor for resale or further processing, or otherwise introduce, import, export, sell, resell, offer for Sale or resale, deliver or transport.

“*Key Participant*” means high level employees of a licensee such as executives and management or any person who has at least a 10% ownership interest in the licensee’s business

“*Liquor*” means Alcohol, Beer, Spirits, Wine, all other fermented, spirituous, vinous, or malt liquors, or combinations thereof and mixed liquor, a part of which is fermented, spirituous, vinous, malt liquor, or otherwise intoxicating and includes every liquid, solid, semi-solid, or other substance, patented or containing Alcohol, Beer, Spirits, or Wine and all preparations or

mixtures of liquor capable of human consumption.

“*Liquor Transactions*” means the conduct of a Manufacturer, Retailer, or Wholesaler as authorized by this Code,

“*Manufacturer*” means any person engaged in the manufacture or other preparation of Liquor in any form whatsoever, including Brewers, Distillers, and Wineries, but does not include the mixing or other preparation of drinks for consumption on the premises where sold, sampled, or given away.

“*Onsite Consumption*” means the Sale of Liquor for consumption upon the premises where sold and includes the mixing or other preparation of drinks for serving for consumption on the premises where sold.

“*Regulator*” means the Tribal official serving on the Commission who is responsible for carrying out the requirements of this Code.

“*Retailer*” means any Sale made for any purpose other than for resale or further processing.

“*Sale*” means the transfer of ownership of title to, or possession of goods for money, other goods, services, or other valuable consideration, including bartering, trading, exchanging, renting, leasing, conditional sales, and any sale where possession of goods is given to the buyer, but title is retained by the seller as security for the payment of the purchase price.

“*Spirits*” means any beverage which contains Alcohol obtained by distillation, whether mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous Liquors and such Liquors when rectified, blended, or otherwise mixed with Alcohol or other substances.

“*Tribal Lands*” means all lands held in trust by the United States for the benefit of the Tribe; and all lands of the Tribe defined as Indian country by 18 U.S.C. 1151, including dependent Indian communities.

“*Wholesaler*” means any person who Distributes or is engaged in the distribution of Liquor.

“*Wine*” means any alcoholic beverage obtained by fermentation of fruits, vegetables, or other agricultural products containing sugar, including such beverages when fortified by the addition of Alcohol or Spirits.

“*Winery*” means a Manufacturer engaged in the business of producing Wine.

Section #12—Effective Date: This Code shall become effective upon the date that the Secretary of the Department of the Interior certifies the

Code and publishes it in the **Federal Register**.

Part 2 Tonto Apache Liquor Control Commission

Section #1—Establishment:

1.1 Governmental Subdivision. The Tribal Council hereby establishes the Tonto Apache Liquor Control Commission ("Commission") as a governmental subdivision of the Tribe, charged with implementation of this Code and regulation over Liquor Transactions.

1.2 Place of Business. The Commission shall maintain its headquarters and principal place of business within Tribal offices.

1.3 Duration. The Commission shall have perpetual existence in its own name, unless dissolved by the Tribal Council.

1.4 Arm of the Tribe. In carrying out its purposes under this Code, the Commission shall function as a governmental instrumentality and as an arm of the Tribe. Notwithstanding any authority delegated to the Commission under this Code, the Tribe reserves to itself the right to bring suit against any person or entity in its own right, on behalf of the Tribe or on behalf of the Commission, whenever the Tribe deems it necessary to protect the rights and interests of the Tribe or the Commission.

1.5 Sovereign Immunity of the Commission. As a governmental subdivision of the Tribe, all inherent sovereign rights of the Tribe are hereby expressly extended to the Commission and reserved, including sovereign immunity from suit in any state, federal or tribal court.

1.6 Commission Membership. The Commission is comprised of one Regulator and employees who assist the Regulator.

1.7 Appointment. The Regulator must be appointed by the Tribal Council and confirmed at any Tribal Council meeting.

1.8 Term. The Tribal Council may appoint any Regulator to serve up to three (3) years. The Regulator may be reappointed without limitation.

1.9 Compensation. The Regulator will be compensated at a rate set by the Tribal Council. To ensure the Commission is not improperly influenced, the Regulator's compensation shall not be based on a percentage of revenue derived from the activities authorized and regulated under this Code.

1.10 Qualifications. To be eligible to serve on the Commission, any person appointed as a Commissioner shall:

(a) be at least twenty-one (21) years of age and show proof of High School Diploma or equivalent; and

(b) not be eligible for appointment as a Regulator if:

i. the person's prior activities, criminal record if any, credit history or reputation, habits, or associations:

1. poses a threat to the public interest;

2. threatens the effective regulation and control of the activities authorized and regulated under this Code or the public's confidence in said regulation; or

3. enhances the dangers of unsuitable, unfair or illegal practices, methods, or activities in the conduct authorized and regulated by this Code.

ii. been convicted of or entered a plea of no contest to any felony in the five (5) years prior to appointment unless pardoned and fully restored of his or her civil rights by the proper authorities prior to appointment; or

iii. who has, or whose spouse, significant other, parent, child or sibling has, an ownership, partnership, or other direct monetary or ownership interest in the activities authorized and regulated under the Code.

Section #2—Powers:

2.1 Regulations. The Commission may recommend regulations, subject to Tribal Council approval:

(a) to establish procedures designed to detect irregularities or fraud;

(b) to design a regulatory system to oversee Liquor Transactions;

(c) to collaborate and cooperate with such other agencies of the Tribe, other tribes, the United States, and state governments as necessary to implement and enforce this Code;

(d) to establish procedures governing the conduct of inspections, investigations, hearings and enforcement actions; or

(e) promulgate any other regulations to ensure compliance with this Code.

2.2 Investigations. The Commission may inspect the premises where Liquor Transactions are taking place. In undertaking such investigations, the Commission may:

(a) request assistance from federal or local law enforcement, legal counsel and/or other third parties, including applicable federal and state agencies, as necessary;

(b) during normal business hours, may reasonably enter upon premises to examine accounts, books, papers and documents;

(c) make any request or inquiry for information or documents of any person engaged in Liquor Transactions;

(d) require the presence of any person and require testimony under oath concerning the subject matter of any

inquiry of the Commission, and to make a permanent record of the proceeding; or

(e) conduct any investigation to determine compliance with this Code.

Section #3—Duties:

3.1 Annual Budget. The Commission shall prepare an annual operating budget and present it to the Tribal Council no less than thirty (30) days prior to the commencement of each operating year.

3.2 Licensing. The Commission shall:

(a) require a license for each business or entity engaged as a Manufacturer, Wholesaler, or Retailer, or engaged in Onsite Consumption as authorized by this Code;

(b) establish business applications, which at a minimum shall include:

i. the names of all Key Participants;

ii. list of all licenses related to Liquor Transactions for which applicant has ever applied to the Commission or any other tribal, state, federal or local government, and indication of whether such licenses were issued;

iii. disclosure of any Liquor Transaction related licenses that have been denied or revoked;

iv. sworn statement that applicant agrees a license is a revocable privilege and not a right;

v. sworn statement that applicant acknowledges the license may not be sold, assigned or transferred;

vi. sworn statement that applicant's Key Participants shall seek and maintain a license with the Commission;

vii. sworn statement that applicant will submit to the jurisdiction of the Tribe; and

viii. an application fee as set by the Commission.

(c) conduct a due diligence investigation of the applicant to sufficiently allow the Commission to make an eligibility determination on whether a license should be issued, which shall be completed within sixty (60) days of receipt of the application or automatically be deemed a denial;

(d) approve applications if Commission determines the following criteria is met:

i. applicant complied with all Commission requirements; and

ii. the Liquor Transactions applicant intends to conduct are authorized by this Code.

(e) deny applications if Commission determines the applicant has not complied with all requirements of the laws of the Tribe, applicable State liquor laws, or applicable federal laws and:

i. immediately suspend any temporary license previously issued;

ii. provide written notice of ineligibility to receive a license; and
 iii. provide the applicant with the option to request a hearing on the denial, which shall follow the procedures at Part 7, Section 2.2.

(f) for applicant's that are determined eligible for a license under this Section, issue a license that at a minimum shall include:

- i. licensee name;
- ii. license classification (*i.e.*, Manufacturer, Wholesaler, Retailer);
- iii. location of licensed facility; iv. Tribe's logo;
- iv. issue date; and
- v. license number.

(g). maintain records of all license applicants and licensees, including applications, background investigation reports, and eligibility determination reports for no less than five (5) years.

3.3 Key Participant Licensing. The Commission shall:

(a) require a license for all Key Participants of any licensee;

(b) establish applications for Key Participants which at a minimum shall include:

- i. full name, other names used (oral or written), social security number, birth date, place of birth, and citizenship;
- ii. currently, and for the previous five (5) years, business and employment positions held, ownership interests in those business, business and residential addresses, and driver's licenses (number, date of issuance and expiration);

iii. current business and residential telephone numbers, and all cell phone numbers, personal and business;

iv. a description of any existing and previous business relationships dealing with Liquor Transactions generally, including ownership interest in those businesses;

v. the name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to Liquor Transactions, whether or not such license or permit was granted;

vi. for each criminal charge, felony or misdemeanor: whether or not there is a conviction, if such criminal charge is within the last five (5) years of the date of application, a description of the criminal charge, the name and address of the court involved, and the date of disposition, if any; and

vii. any other information the Commission deems relevant.

(c) conduct background investigations for each Key Participant applicant to sufficiently allow the Commission to make an eligibility determination on whether a license should be issued,

which background investigation shall be completed within sixty (60) days of receipt of the application or shall automatically be deemed a denial, and at a minimum should include an inquiry of:

- i. criminal history through background checks;
- ii. civil history; and
- iii. personal credit check.

(d) create and maintain an investigative report for each background investigation of a Key Participant applicant, which at a minimum shall include:

- i. steps taken to investigate or verify the contents of the applications; and
- ii. results and conclusions.

(e) make a determination of suitability on whether to issue a license. The Commission shall not issue a license if the applicant's prior activities, criminal record if any, credit history or reputation, habits, or associations:

- i. poses a threat to the public interest;
- ii. threatens the effective regulation and control of the activities authorized and regulated under this Code or the public's confidence in said regulation;
- iii. enhances the dangers of unsuitable, unfair or illegal practices, methods, or activities in the conduct authorized and regulated by this Code;
- iv. has been convicted of or plead guilty to a felony or any criminal offense related to Liquor in any jurisdiction other than driving while intoxicated or under the influence of Liquor; or
- v. has had a liquor license revoked in any jurisdiction in the previous two (2) years.

(f) if the applicant is not eligible for a license, the Commission shall:

- i. immediately suspend any temporary license previously issued;
- ii. provide written notice of ineligibility to receive a license; and
- iii. provide the applicant with the option to request a hearing on the denial, which shall follow the procedures at Part 7, Section 2.2.

(g) for applicant's that are determined eligible for a license under this Section, issue a Key Participant license that at a minimum shall include:

- i. Key Participant name;
- ii. Tribe's logo;
- iii. issue date; and
- iv. license number;

(h) maintain records of all applicants and licensees, including applications, background investigation reports, and eligibility determination reports for no less than five (5) years.

3.4 Meetings. The Regulator shall hold meetings with the Commission to ensure timely discharge of their duties under the Code.

3.5 Reports to Tribal Council. The Commission shall meet with the Tribal

Council quarterly. The Regulator shall file a quarterly report with the Tribal Council reporting on monthly activities of the Commission's oversight of persons licensed and regulated under the Code.

3.6 Enforcement. The Commission shall have jurisdiction over any violations of this Code or violations of State liquor laws and may suspend or revoke licenses, and impose fines over any person, in accordance with the procedures at Part 7 of this Code, ensuring that principles of due process are adhered to in all enforcement actions and are consistent with applicable federal and state laws.

3.7 Records. The Commission shall create and maintain accurate and complete records which contain information and documents necessary for the proper and efficient operation of the Commission, including, but not limited to:

(a) all licenses issued and any fees received for the same;

(b) all fees and penalties imposed, due, and collected; and

(c) every official action taken by the Commission.

Section #4—Prohibited Acts: The Commission may not:

(a) waive sovereign immunity of the Commission or the Tribe without receiving written approval from the Tribal Council; or

(b) make business decisions for a licensed entity under this Code.

Part 3 Manufacturer License

Section #1—License Required: A person may not engage as a Brewer, Distiller, bottler, or otherwise act as a Manufacturer of Liquor unless they have received a license from the Commission.

Section #2—Term: The Manufacturer license is valid for a term of one (1) year.

Section #3—Covered Liquor Transactions: A Manufacturer license allows, without the requirement of any other license: the manufacture, distilling, brewing, bottling, and storage of Liquor on Tribal Lands; the purchase of Liquor for purposes of bottling and wholesale distribution; and the wholesale distribution of Liquor brewed, distilled, bottled, or otherwise manufactured on Tribal Lands.

Section #4—Exemptions: Manufacturer license holders engaged in wholesale Liquor Transactions are exempt from obtaining a Wholesaler license under Part 4 of this Code, but shall comply with all applicable obligations of a Wholesaler licensee. Although, a holder of a Manufacturer license who engages in Wholesale is not required to obtain a Wholesale license,

such conduct must be disclosed on the application and renewal application.

Part 4 Wholesaler License

Section #1—License Required: A person may not Distribute Liquor from a location on Tribal Lands or store Liquor on Tribal Lands for the purposes or intent of distributing such Liquor, unless said person has received a Wholesaler license from the Commission.

Section #2—Term: The Wholesaler license is valid for a term of three (3) years.

Section #3—Covered Liquor Transactions: A Wholesaler license allows, without the requirement of any other license, the distribution of Liquor on or from the location on Tribal Lands designated in the Wholesaler license.

Part 5 Retailer License

Section #1—License Required: A person may not engage in retail Sale of Liquor from a location on Tribal Lands unless said person has received a Retailer license from the Commission.

Section #2—Term: The Retailer license is valid for a term of one (1) year.

Section #3—Covered Liquor Transactions: A Retailer license allows, without the requirement of any other license: the purchase of Liquor from a Wholesaler for retail Sale; the Sale at retail and offering for Sale at retail on the premises of the Retailer specified in the Retailer license for use of consumption but not for resale in any form; and if the Retailer license permits On Premises, the Consumption of Liquor, including sampling on the premises of the Retailer by customers of the Retailer.

Part 6 Licensee Obligations

Section #1—Licensee Duties: All licensees shall:

(a) at all times comply with this Code, rules and regulations promulgated pursuant to this Code, and all other applicable Tribal laws, State liquor laws, and applicable federal laws;

(b) provide the Commission written notice of a material change, including but not limited to, company name, address, management, bankruptcy, reorganization, complaints or felony convictions against Key Participant licensees, not later than ten (10) days after the change occurs;

(c) establish sanitation, security, and other related policies that comply with the Code, Tribal and federal laws, and transmit current copies to the Commission when revised;

(d) post license in all physical locations where the business is transacted;

(e) preserve records of the purchase and Sale of Liquor, including books of account, invoices, and bills for a period of two (2) years;

(f) provide the Commission access to investigate books, accounts and records;

(g) submit monthly reports with details as required by the Commission;

(h) submit annual reports to the Commission which at a minimum shall include:

i. name, address and contact information for licensee and Key Participants;

ii. description of Liquor Transactions conducted;

iii. sworn statement licensee has complied with Tribal laws, applicable State liquor laws, and federal laws; and

iv. the name and signature of agent who will accept service of process on behalf of the licensee;

(i) conduct internal audits to ensure compliance with Tribal laws, applicable State liquor laws and federal laws, and submit the results to the Commission.

Section #2—Prohibited Acts:

Licensees may not:

(a) allow loitering by intoxicated persons, rowdiness, undue noise, or any other disturbance offensive to the public areas near the location of the licensee;

(b) engage in Liquor Transactions in violation of this Code, State liquor laws, or applicable federal laws; or

(c) fail to pay taxes required under the laws of the Tribe.

Part 7 Enforcement and Hearings

Section #1—Code Enforcement: Except as provided otherwise in this Code, the Commission shall have jurisdiction over all persons violating the Code within the jurisdiction of the Tribe.

Section #2—License Denial, Suspension or Revocation:

2.1 Grounds for Denial, Suspension, or Revocation. The Commission shall deny an applicant or suspend or revoke a license if the Commission finds any person:

(a) failed to pay license application fee to Commission;

(b) made a material misstatement or omission on the application or any document submitted to the Commission;

(c) withheld or provided incomplete or insufficient pertinent information;

(d) refused to comply with any lawful order, inquiry, directive of the Commission, or the Tribal Council;

(e) violated this Code or the rules and regulations of the Commission;

(f) aided another or conspired to violate this Code or the rules and

regulations of the Commission; engaged in Liquor Transactions not authorized by this Code;

(g) knowingly falsified books or records;

(h) failed to keep sufficient books or records for the Commission to determine compliance with Tribal laws, applicable State liquor laws, and federal law;

(i) has had an order entered against them by an administrative agency of any jurisdiction and the order is based on conduct involving fraud, deceit or misrepresentation;

(j) has had a financial order entered against them in a civil action based on conduct involving fraud, deceit or misrepresentation;

(k) attempted to bribe or offer something of value to any person, Tribal Council member, or the Regulator or member of the Commission in attempt to receive favorable treatment under the Code, or applicable Tribal or federal law;

(l) poses a threat to the public interest or the effective regulation of Liquor Transactions;

(m) creates or enhances the danger of unsuitable, unfair, or illegal practices and methods and activities related to Liquor Transactions;

(n) was a former licensee pursuant to this Code whose license was suspended and not reinstated, or revoked;

(o) was not eligible for licensure for any of the reasons identified at Part 2, Section 3.2(e) and Part 2, Section 3.3(e).

2.2 Procedure for Denial. When issuing a denial of a license application, the Commission shall:

(a) provide written notice of the ineligibility to receive a license, which shall state the reasons for the denial; and

(b) provide the applicant with the option to request a hearing on the decision, which shall follow the procedures at Part 7, Section 2.6.

2.3 Procedure for Suspension or Revocation. Upon reasonable basis for belief that a licensee has violated the Code, the Commission shall either undertake an investigation of the person under Part 7, Section 2.4, or immediately issue a notice of violation under Part 7, Section 2.5.

2.4 Investigation. The Commission may investigate and examine the operation and premises of any person within its jurisdiction in accordance with Part 2, Section 2.2:

(a) upon complaint;

(b) upon its own initiative when there is a reasonable basis for belief there has been a violation of the Code; or

(c) whenever necessary to perform its duties and exercise its powers under the Code.

2.5 Notice of Violation. The Commission may serve any notice of violation to a licensee or Key Participant explaining the basis and the aggrieved party's right to request a hearing, which request shall be in writing and made within ten (10) days of receipt of the notice.

2.6 Hearings; Notice; Due Process; Arbiter; Appeals:

(a) within ten (10) days after receiving a request for a hearing, the Commission shall schedule a hearing and issue a notice identifying the issues to be resolved, and the date, time and location of the hearing, which shall be set no sooner than five (5) days after receipt of the request for a hearing but no later than sixty (60) days after receipt of request for a hearing;

(b) at the hearing, the affected parties shall be provided the opportunity to present oral or written testimony and other evidence to dispute the violation;

(c) the Commission may promulgate rules governing the hearing procedures;

(d) the Regulator will preside over the hearing;

(e) the Commission shall issue a written decision within thirty (30) days after the hearing; and

(f) affected parties may appeal the Commission's decision by filing a written appeal to the Tribal Council within twenty (20) days of receiving the Commission's final written decision, which shall be placed on the Tribal Council's agenda at its earliest convenience but no later than sixty (60) days after the notice of appeal is filed, which decision of the Tribal Council on appeal shall be final and is not subject to further appeal.

Section #3—Cease and Desist Orders for Unlicensed Persons: For any person violating the Code, a person who does not hold a valid license, or there is reasonable cause that any applicable law is being violated, the Commission shall issue a cease-and-desist order. Any Person who does not comply with the cease-and-desist order will be subject to further enforcement action under Part 7, Section 4.

Section #4—Civil Penalties:

4.1 Fines for Civil Violations. Any person who fails to comply with a final order of the Commission or Tribal Council under Part 7, Section 2, or a cease-and-desist order issued pursuant to Part 7, Section 3, may be required to pay a fine assessed by the Commission pursuant to regulations.

4.2 Civil Action for Penalties. In enforcing fines and violations under this Section, the Commission may request

the Tribal Council to seek recourse in the Tonto Apache Tribal Court.

William Henry Kirkland III,

Assistant Secretary-Indian Affairs.

[FR Doc. 2026–17235 Filed 8–21–26; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[A2407–014–004–065516, #O2509–014–004–125222; LLHQ21000]

National Environmental Policy Act Implementing Procedures: Timber Salvage Harvest Categorical Exclusion

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: This notice announces a revision to the Department of the Interior (Department)'s National Environmental Policy Act (NEPA) implementing procedures by adding a new categorical exclusion (CE) for timber salvage harvest in the *Department's Handbook of NEPA Implementing Procedures, Appendix 2: Bureau Categorical Exclusions*

DATES: The CE is effective August 24, 2026.

ADDRESSES: The new CE will be found at the web address for the Department's Handbook of NEPA Implementing Procedures: <https://www.doi.gov/document-library/handbook/516-dm-1-handbook-national-environmental-policy-act-implementing>. The Substantiation Report for the CE is available at the Bureau of Land Management (BLM)'s ePlanning site: <https://eplanning.blm.gov/Project-Home/?id=228df480-512f-f111-8341-001dd8029ed0>.

FOR FURTHER INFORMATION CONTACT: Stacie McIntosh, Deputy Assistant Director, Directorate of Resources and Planning at (907) 378–3815, or s05mcint@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Background

The Department published the proposed CE for timber salvage harvest on April 6, 2026, for a 30-day public

comment period. Refer to the **Federal Register** notice 91 FR 17302 proposing the CE for more information regarding the background and rationale for establishment of the CE. This notice notifies the public of the Department's establishment of the timber salvage harvest CE and includes the Department's responses to comments from the public on the proposed CE. The Department has not made any changes to the proposed CE text.

The Department is establishing the CE to support approval of actions to harvest dead or dying trees impacted by biotic or abiotic disturbances, commonly referred to as "salvage harvest" to accelerate reestablishment of native resilient forest tree species, reduce wildfire fuel loads, and help recover economic value from timber to contribute to rural economies.

NEPA, 42 U.S.C. 4321 *et seq.*, requires Federal agencies to consider the environmental effects of their proposed actions in their decision-making processes. To comply with NEPA, agencies determine the appropriate level of review of any proposed major Federal action—an Environmental Impact Statement (EIS), Environmental Assessment (EA), or a CE. *See* 42 U.S.C. 4336(b); 43 CFR part 46; 516 Departmental Manual 1, "U.S. Department of the Interior Handbook of National Environmental Policy Act Implementing Procedures," section 1.2 (2026) (516 DM 1). Where it is reasonably foreseeable that significant environmental effects are likely, the agency must prepare an EIS and document its decision. *See* 42 U.S.C. 4336 (b)(1); 516 DM 1 section 1.2(a)(5)(ii). Where appropriate, an agency may prepare an EA, and if that EA supports the agency reaching a finding of no significant impact (FONSI) for the proposed action, the agency need not prepare an EIS. *See generally*, 42 U.S.C. 4336(b)(2); 516 DM 1 section 1.6; section 1.2(a)(4).

Under NEPA, agencies may establish CEs—categories of actions that the agency has determined normally do not significantly affect the quality of the human environment—in their agency NEPA implementing procedures (42 U.S.C. 4336e(1)). An agency may also adopt a CE listed in another agency's NEPA procedures consistent with section 109 of NEPA (42 U.S.C. 4336c).

Under the Department's NEPA procedures, if a bureau determines that a CE covers a proposed action, it then evaluates the proposed action for the presence of extraordinary circumstances, which are factors or circumstances that indicate a normally categorically excluded action may have