

Southern Beaufort Sea polar bear population, Canada, for personal use.

Notice is hereby given that on December 26, 2002, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), and the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*), the Fish and Wildlife Service issued the requested permit subject to certain conditions set forth therein.

Dated: January 10, 2003.

Michael S. Moore,

Senior Permit Biologist, Branch of Permits,
Division of Management Authority.

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BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Jicarilla Apache Liquor Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Jicarilla Apache Liquor Control Ordinance. It repeals and replaces all previous tribal enactments pertaining to the regulation of liquor on the Jicarilla Apache Reservation. The Ordinance regulates the control, possession and sale of liquor on the Jicarilla Apache Tribe trust lands, to be in conformity with the laws of the State of New Mexico, where applicable and necessary. Although the Ordinance was adopted on September 10, 2001, it does not become effective until published in the **Federal Register**, because the failure to comply with the ordinance may result in criminal charges.

EFFECTIVE DATE: This Ordinance is effective on February 11, 2003.

FOR FURTHER INFORMATION CONTACT: Iris Drew, Office of Tribal Services, Branch of Tribal Relations, 1951 Constitution Avenue, NW, MS 320-SIB, Washington, DC 20245; Telephone (202)513-7628.

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. 71 (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 Jicarilla Apache Tribe Liquor Control Ordinance, Resolution No. 2001-O-481-09, was duly adopted by the Jicarilla Apache Tribal Council,

governing body of the Jicarilla Reservation, on September 10, 2001.

The Jicarilla Apache Tribe, in furtherance of its economic and social goals, has taken positive steps to regulate retail sales of alcohol and use revenue to combat alcohol abuse and its debilitating effects among individuals and family members within the Jicarilla Apache Reservation.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistance Secretary—Indian Affairs by 209 Departmental Manual 8.1.

I certify that by Resolution No. 2001-O-481-09, the Jicarilla Apache Liquor Control Ordinance was duly adopted by the Jicarilla Apache Tribal Council, governing body of the Jicarilla Apache Indian Reservation, on September 10, 2001.

Dated: January 31, 2003.

Aurene M. Martin,

Assistant Secretary—Indian Affairs.

The Jicarilla Apache Liquor Control Ordinance, Resolution No. 2001-O-481-09, reads as follows:

Title 18, Chapter 4. Liquor Licensing

§ 1. Definitions.

As used in this Chapter the following definitions shall apply:

(a) *Commission*. The Jicarilla Apache Alcohol and Gaming Commission.

(b) *Intoxication or Intoxicated*. A state in which a person's mental or physical functions are noticeably impaired as a result of the use of alcohol or drugs.

(c) *Licensed Premises*. The area within a Liquor Establishment in which the Licensee is authorized to sell Liquor.

(d) *Licensee*. Any person who owns a valid, current Tribal Liquor License or his or her valid agent or designee.

(e) *Liquor*. Distilled or rectified spirits, potable alcohol, brandy, whisky, rum, gin, vodka, aromatic bitters, or any similar alcoholic beverage, including blended and fermented beverages, dilutions or mixtures of one or more of the foregoing, containing more than one-half of one percent alcohol, but excluding medicinal bitters. Liquor also includes beer, or any other alcoholic beverage created by the fermentation of any infusion or decoction of barley, malt and hops or other cereals in water, and includes porter, beer, ale, and wine, which means alcoholic beverages obtained by the fermentation of natural sugar contained in fruit or other agricultural products, with or without the addition of sugar or other products, which do not contain less than one-half of one percent alcohol by volume.

(f) *Liquor Establishment*. A location licensed by the Jicarilla Apache Alcohol

and Gaming Commission to serve or sell liquor, including the grounds and parking lot of such location.

(g) *Liquor Offenses Section*. Title 7, Chapter 2, Section 12 of the Jicarilla Apache Tribal Code.

(h) *Minor*. Any person under the age of twenty-one (21) years.

(i) *Package*. Any unbroken, unopened container or receptacle used for holding liquor.

(j) *Public Place*. Includes streets, plazas, highways, roads, stores, shopping centers and other businesses, government and other public buildings, schools, churches, public meeting halls, buses and bus depots, on the Reservation which are open to and generally used by the public, and the grounds thereof; it also includes parks and playgrounds and other open spaces on the Reservation which are open to and generally used by the public.

(k) *Purchase*. Includes the exchange, barter, traffic, or receipt, with or without consideration, by any means whatsoever, of liquor.

(l) *Sale*. Includes the exchange, barter, traffic, or donation with or without consideration, in addition to the selling, supplying, or distributing, by any means whatsoever, of liquor.

(m) *Tribal Entity*. Any entity owned by the Jicarilla Apache Tribe or Nation.

(n) *Tribal Lands*. All land within the exterior boundaries of the Jicarilla Apache Reservation, all lands held in trust by the United States for the Jicarilla Apache Tribe and all lands held by the Jicarilla Apache Tribe or Nation subject to a restriction against alienation imposed by the United States.

(o) *Tribal Liquor License*. A license granted by the Jicarilla Apache Alcohol and Gaming Commission in accordance with the provisions of this Chapter to distribute liquor at a liquor establishment.

(p) *Tribal Subdivision*. Any political subdivision or department of the Jicarilla Apache Tribe or Nation.

§ 2. Applicability.

This Chapter shall apply to all persons engaging or seeking to engage in the purchase or sale of liquor on tribal lands; provided, however, that nothing in this Chapter shall apply to:

(a) Liquor used for scientific research or for manufacturing products other than liquor;

(b) Liquor used for medical purposes under the direction of a physician or a hospital, or a mental health, health care, or dental clinic;

(c) Liquor contained in preparations not fit for human consumption such as cleaning compounds; and

(d) Liquor for sacramental use under a religion recognized as valid by the