

limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicants

Catherine Skye and Kenneth Eckart plan to construct a single family residence on approximately 0.5 acres of a 10.0-acre property out of the Sarah Cottle Survey, Abstract No. A21, off Cottletown Road, Bastrop County, Texas. This action will eliminate 0.5 acres or less of Houston toad habitat and result in indirect impacts within the lot. The Applicants propose to compensate for this incidental take of the Houston toad by providing \$3,000.00 to the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat, as identified by the Service.

Bryan Arroyo,

Assistant Regional Director, Ecological Services, Albuquerque, New Mexico.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan for Issuance of an Endangered Species Act Section 10(a)(1)(B) Permit for the Incidental Take of Golden-Cheeked Warbler (*Dendroica chrysoparia*) During the Construction and Operation of Residential Development on Portions of the Approximately 50.08-acre CT 620 Residential Property, Austin, Travis County, TX

SUMMARY: CT 620 Partnership, Ltd. (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a) of the Endangered Species Act (Act). The Applicant has been assigned permit number TE-036095-0. The requested permit, which is for a period of 30 years, would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*). The proposed take would occur as a result of the construction of five residences on 50.08 acres on Hughes Park Road near RR 620, Austin, Travis County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A

determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made before 60 days from the date of publication of this notice. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application should be received by February 26, 2001.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Sybil Vosler, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0063).

Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application(s) and EA/HCPs should be submitted to the Field Supervisor, Ecological Field Office, Austin, Texas at the above address. Please refer to permit number TE-036095-0 when submitting comments.

FOR FURTHER INFORMATION CONTACT:

Sybil Vosler at the above Austin Ecological Service Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the "taking" of endangered species such as the golden-cheeked warbler. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant

CT 620 Partnership, Ltd. plans to construct five residences on portions of 50.08 acres on Hughes Park Road near RR 620, Austin, Travis County, Texas. This action will indirectly impact the habitat of the golden-cheeked warbler. The development will eliminate approximately 16 acres of golden-cheeked warbler habitat which may result in the take of one to two golden-cheeked warbler territories. The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by providing \$304,000 to the Balcones Canyonlands Preserve for the purchase and preservation of golden-cheeked warbler habitat; minimization of on site habitat destruction; education and encouragement of the homeowners in

the use of xeriscaping, clearing only between August 1 to March 1 when the warblers are not present; and prohibition of deer and bird feeders that encourage the growth of populations of species that parasitize, predate or out compete the golden-cheeked warbler or destroy its habitat. Alternatives to this action are not preferred because not developing the subject property with federally listed species present was not economically feasible and alteration of the project design would increase the impacts.

Bryan Arroyo

Regional Director, Region 2, Albuquerque, New Mexico.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Application for Approval

The following applicant has applied for approval to conduct certain activities with birds that are protected in accordance with the Wild Bird Conservation Act of 1992. This notice is provided pursuant to Section 112(4) of the Wild Bird Conservation Act of 1992, 50 CFR 15.26(c).

Applicant: Mr. Jeffrey M. Bridges, Fort Collins, Colorado. The applicant wishes to establish a cooperative breeding program for East African cut-throat finch (*Amadina fasciata alexanderi*) and South African cut-throat finch (*Amadina fasciata meridionalis*). The applicant wishes to be an active participant in this program along with one other individual. The Zebra Finch Society of the USA has assumed the responsibility for oversight of this program.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington,

Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: December 19, 2000.

Andrea Gaski,

Chief, Branch of CITES Operations, Division of Management Authority.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Otoe-Missouria Tribe of Oklahoma Liquor Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Otoe-Missouria Tribe of Oklahoma Liquor Ordinance. The Ordinance regulates the control of, the possession of, and the sale of liquor on the Otoe-Missouria Tribe trust lands, and is in conformity with the laws of the State of Oklahoma, where applicable and necessary. Although the Ordinance was adopted on April 13, 2000, it does not become effective until published in the **Federal Register** because the failure to comply with the ordinance may result in criminal charges.

DATES: This Ordinance is effective on December 26, 2000.

FOR FURTHER INFORMATION CONTACT: Kaye Armstrong, Office of Tribal Services, 1849 C Street, NW, MS 4631-MIB, Washington, DC 20240-4001; telephone (202) 208-4400.

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 transaction in Indian country. The Otoe-Missouria Tribe of Oklahoma Liquor Ordinance, Resolution No. OMTC #43-FY-00, was duly adopted by the Otoe-Missouria Tribal Council on April 13, 2000. The Otoe-Missouria Tribe, in furtherance of its economic and social goals, has taken positive steps to regulate retail sales of alcohol and use revenues to combat alcohol abuse and its debilitating effects among individuals and family members with the Otoe-Missouria Tribe of Oklahoma.

This notice is being published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 9.

I certify that by Resolution No. OMTC #43-FY-00, the Otoe-Missouria Tribe of Oklahoma Liquor Ordinance, was duly adopted by the Otoe-Missouria Tribal Council on April 13, 2000.

Dated: December 12, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

The Otoe-Missouria Tribal Council Liquor Ordinance, Resolution No. OMTC #43-FY-00, reads as follows:

Liquor Control Ordinance of the Otoe-Missouria Tribe of Oklahoma

Introduction

Title. This Ordinance shall be known as the "Otoe-Missouria Tribe of Oklahoma Liquor Ordinance."

Authority. This ordinance is enacted pursuant to the Act of August 15, 1953, 67 Stat. 586, codified at 18 U.S.C. 1161, by the authority of the Otoe-Missouria Tribal Council under the Constitution and Bylaws of the Otoe-Missouria Tribe of Oklahoma.

Purpose. The purpose of this ordinance is to regulate and control the possession and sale of liquor within the Indian Country Otoe-Missouria Tribe of Oklahoma. The enactment of a tribal ordinance governing liquor possession and sale on the Otoe-Missouria Tribe of Oklahoma Indian Country will increase the ability of the tribal government to control the sale, distribution and possession of liquor and will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal government services.

Effective date.

This ordinance shall be effective on certification by the Secretary of the Interior and its publication in the **Federal Register**.

Article I. Declaration of Public Policy and Purpose

(1) The introduction, possession, and sale of liquor in the Otoe-Missouria Tribe of Oklahoma are a matter of special concern to the Otoe-Missouria Tribe.

(2) Federal law forbids the introduction, possession and sale of liquor in Indian Country (18 U.S.C. 1154 and other statutes), except when same is in conformity both with the laws of the State and the Tribe (18 U.S.C. 1161). As such, compliance with this ordinance shall be in addition to, and not a substitute for, compliance with the laws of the State of Oklahoma.

(3) The Otoe-Missouria Tribal Council finds that a complete ban on liquor within the Otoe-Missouria Tribe of Oklahoma Indian Country is ineffective and unrealistic. However, it recognizes

that a need still exists for strict regulation and control over liquor transactions within the Otoe-Missouria Tribe of Oklahoma Indian Country because of the many potential problems associated with the unregulated or inadequately regulated sale, possession, distribution, and consumption of liquor. The Otoe-Missouria Tribal Council finds that exclusive tribal control and regulation of liquor is necessary to achieve maximum economic benefit to the Tribe, to protect the health and welfare of tribal members, and to address specific concerns relating to alcohol use on the Otoe-Missouria Tribe of Oklahoma Indian Country.

(4) It is in the best interests of the Tribe to enact a tribal ordinance governing liquor sales on the Otoe-Missouria Tribe of Oklahoma Indian Country, which provides for purchase, distribution, and sale of liquor only on tribal lands within the exterior boundaries of the Otoe-Missouria Tribe of Oklahoma Indian Country. Further, the Tribe has determined that said purchase, distribution, and sale shall take place only at a tribally-owned gaming facility complex.

Article II. Definitions

(1) As used in the title, the following words shall have the following meaning unless the context clearly requires otherwise:

(a) *Alcohol* means that substance known as ethyl alcohol, hydrated oxide of ethyl, alcohol, hydrated oxide of ethyl, ethanol, or spirits of wine, from whatever source or by whatever source or by whatever process produced.

(b) *Alcoholic Beverage* is synonymous with the term liquor as defined in Article II(f) of this Chapter.

(c) *Bar* means any establishment with special space and accommodations for the sale of liquor by the glass and for consumption on the premises as herein defined.

(d) *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 containing the percent of alcohol by volume subject to regulation as an intoxicating beverage in the state where the beverage is located.

(e) *Otoe-Missouria Tribal Council* means the governing body of the Otoe-Missouria Tribe of Oklahoma.

(f) *Liquor* includes all fermented, spirituous, vinous, malt liquor, or combinations thereof, and mixed liquor a part of which is fermented, and every liquid or solid or semisolid or other substance, patented or not, containing distilled or rectified spirits, potable