

Department, and such other law enforcement officials as may be authorized under federal or Tribal law.

(d) The licensed premises shall be open to inspection by duly authorized Tribal officials at all times during the regular business hours.

(e) Subject to the provisions of subsection "f" of this section, no intoxicating beverages shall be sold, served, disposed of, delivered, or given to any person, or consumed on the licensed premises except in conformity with the hours and days prescribed by the laws of the State of Michigan, and in accordance with the hours fixed by the Tribal Council, provided that the licensed premises shall not operate or open earlier or operate or close later than is permitted by the laws of the State of Michigan.

(f) No liquor shall be sold within 200 feet of a polling place on Tribal election days, or when a referendum is held of the people of the Tribe, or on special days of observance as designated by the Tribal Council.

(g) Any spirits resold for consumption at a Class III gaming establishment shall be purchased from the Michigan Liquor Control Commission, and beer and wine from distributors licensed by the Michigan Liquor Control Commission.

(h) All acts and transactions under authority of the Tribal liquor license shall be in conformity with the laws of the State of Michigan, and shall be in accordance with this Ordinance and any Tribal license issued pursuant to this Ordinance.

(i) No person under the age permitted under the law of the State of Michigan shall be sold, served, delivered, given or allowed to consume alcoholic beverages in the licensed establishment and/or area.

(j) Alcoholic beverages shall not be given away in any facility licensed under this Ordinance.

(k) No person licensed under this Ordinance shall sell, deliver, give away, or cause to be sold, delivered, or given away any alcoholic beverage to any intoxicated person, or any person who appears to be intoxicated.

#### *Section 107. License Not a Property Right*

Notwithstanding any other provision of this Ordinance, a Tribal liquor license is a mere permit for a fixed duration of time. A Tribal liquor license shall not be deemed a property right or vested right of any kind, and the granting of a Tribal liquor license shall not give rise to a presumption or legal entitlement to the granting of such license for a subsequent time period.

#### *Section 108. Assignment or Transfer*

No Tribal license issued under this Ordinance shall be assigned or transferred without the written approval of the Tribal Council expressed by formal resolution.

#### *Section 109. Cancellation and Suspension*

Any license issued hereunder may be suspended or canceled by the Tribal Council for the breach of any of the provisions of this Ordinance, or of the Tribal license, upon hearing before the Tribal Council after 10 days notice to the licensee. The decision of the Tribal Council shall be final.

#### *Section 110. Incorporation of Michigan Laws by Reference*

(a) In accordance with 18 U.S.C. 1161, the Tribe hereby adopts and applies as tribal law those Michigan laws, as amended, relating to the sale and regulation of alcoholic beverages encompassing the following areas: sale to a minor; sale to a visibly intoxicated individual; sale of adulterated or misbranded liquor; hours of operation; and similar substantive provisions. The tribal laws that are defined by reference to the substantive areas of Michigan laws referred to in this section shall apply in the same manner and to the same extent as such laws apply elsewhere in Michigan to off-Reservation transactions unless otherwise agreed by the Tribe and State.

(b) Whenever such Michigan laws are incorporated by reference, amendments to those laws shall also be deemed to be incorporated upon their effective date in the State of Michigan, without further action by the Tribal Council.

(c) Nothing in this Ordinance shall be construed as a consent by the Tribe to the jurisdiction of the State of Michigan or any of its courts or subordinate political subdivisions or municipalities within the Reservation over any activity arising under or related to the subject of this Ordinance, nor shall anything in this Ordinance constitute an express or implied waiver of the sovereign immunity of the Tribe.

#### *Section 111. General Penalties*

Any person adjudged to be in violation of this Ordinance, including any lawful regulation under this Ordinance, shall be subject to a civil fine of not more than five hundred dollars (\$500.00) for each such violation. The Tribal Council may adopt by resolution a separate schedule for fines for each type of violation, taking into account the seriousness and threat the violation may pose to the general health and welfare. Such schedule may

also provide, in the case of repeated violations, for imposition of monetary penalties greater than the five hundred dollar (\$500.00) limitation set forth above. The penalties provided for in this section shall be in addition to any criminal penalties that may be imposed under applicable law.

#### *Section 112. Initiation of Action*

Any violation of this Ordinance shall constitute a public nuisance. The Tribe may initiate and maintain an action in Tribal Court to abate and permanently enjoin any nuisance declared under this Ordinance. Any action taken under this section shall be in addition to any other penalties provided for in this Ordinance or elsewhere under Tribal or federal law. The Tribe shall not be required to give bond in an action under this section.

#### *Section 113. Regulations*

The Tribal Council is authorized to adopt such regulations as may be necessary to implement the provisions of this Ordinance.

#### **NOTICE OF APPLICATION FOR RETAIL ALCOHOLIC BEVERAGES LICENSE [or other purpose]**

The Tribal Council hereby gives notice that on the \_\_\_ day of \_\_\_, \_\_\_, [name of applicant] filed an application for a Tribe retail beverages license [or to transfer, or renew a license as the case may be] for [identify location of premises where beverages are to be sold]. Residents of \_\_\_ county [counties], or any person who has extended credit to the transferor, may protest against the issuance [or transfer or renewal] of the license. Protests may be mailed to the Tribe, Administration Building, \_\_\_, Michigan, \_\_\_, on or before the \_\_\_ day of \_\_\_, \_\_\_.

Dated \_\_\_ Signed \_\_\_\_\_

[FR Doc. E9-8449 Filed 4-13-09; 8:45 am]

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#### **DEPARTMENT OF THE INTERIOR**

##### **Fish and Wildlife Service**

**[FWS-R9-IA-2009-N0078; 96300-1671-0000-P5]**

##### **Receipt of Applications for Permit**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of applications for permit.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with

endangered species and/or marine mammals. Both the Endangered Species Act and the Marine Mammal Protection Act require that we invite public comment on these permit applications.

**DATES:** Written data, comments or requests must be received by May 14, 2009.

**ADDRESSES:** Documents and other information submitted with these applications 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 within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 212, Arlington, Virginia 22203; fax 703/358-2281.

**FOR FURTHER INFORMATION CONTACT:** Division of Management Authority, telephone 703/358-2104.

**SUPPLEMENTARY INFORMATION:**

**Endangered Species**

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

*Applicant:* Richard E. McFalls, Alabaster, AL, PRT-209358.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

**Marine Mammals**

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing marine mammals (50 CFR part 18). Written data, comments, or requests for copies of the complete applications or requests for a public hearing on these applications should be submitted to the Director (address above). Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a

hearing is at the discretion of the Director.

*Applicant:* U.S. Geological Survey, Alaska Science Center, Anchorage, AK, PRT-690038.

The applicant requests an amendment to the permit to take polar bears (*Ursus maritimus*) by using internal temperature data-loggers, collecting muscle biopsies, and using glue-on or ear tag radio transmitters for the purpose of scientific research. This notification covers activities to be conducted by the applicant over the remainder of the 5-year permit.

Concurrent with the publication of this notice in the **Federal Register**, the Division of Management Authority is forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Dated: April 3, 2009.

**Lisa J. Lierheimer,**

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

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS-R2-ES-2008-N0224; 21450-1112-0000-F2]**

**Regional Habitat Conservation Plan, Williamson County, TX**

**AGENCY:** Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice of availability of record of decision.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), make available a record of decision (ROD) under the National Environmental Policy Act of 1969 (NEPA). This ROD documents our decision to select an alternative including implementation of the Williamson County Regional Habitat Conservation Plan (RHCP). Our selected action (Alternative B, described below and in the ROD) entails the issuance of a 30-year incidental take permit (ITP) to Williamson County, Texas (the County), to incidentally take golden-cheeked warbler (*Dendroica chrysoparia*), black-capped vireo (*Vireo atricapilla*), Bone Cave harvestman (*Texella reyesi*), and Coffin Cave mold beetle (*Batrissodes texanus*). The RHCP will mitigate for take by purchasing mitigation credits in an existing conservation bank and by acquiring and managing replacement habitats and additional conservation measures as specifically described in the RHCP.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bill Seawell, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758; (512) 490-0057.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of a ROD, which we developed in compliance with the agency decision-making requirements of the National Environmental Policy Act (NEPA) of 1969, as amended. The ROD documents our decision to select the alternative including implementation of the Williamson County Regional Habitat Conservation Plan (RHCP). We have described in detail all alternatives, and evaluated and analyzed them, in our August 2008 final environmental impact statement (FEIS) and also in our regional habitat conservation plan (RHCP). The ROD is designed to: (1) State our decision, present the rationale for its selection, and discuss its implementation; (2) identify the alternatives we considered in reaching the decision; and (3) state whether we have adopted all means to avoid or minimize environmental harm from implementation of the selected alternative in accordance with NEPA.

Based on our review of the alternatives and their environmental consequences described in our FEIS, we have decided to implement Alternative B, the Proposed RHCP (the proposed action). The selected action entails the issuance of a Section 10(a)(1)(B) incidental take permit (ITP) to Williamson County, Texas (the County), to incidentally take golden-cheeked warbler (*Dendroica chrysoparia*), black-capped vireo (*Vireo atricapilla*), Bone Cave harvestman (*Texella reyesi*), and Coffin Cave mold beetle (*Batrissodes texanus*). We refer to all four species collectively as "the covered species." The RHCP will mitigate for take of these species by purchasing mitigation credits in an existing conservation bank and by acquiring and managing, in perpetuity, replacement habitats and additional conservation measures as described specifically in the RHCP. While the County will hold the Permit, the entity that will manage the Permit will be the Williamson County Conservation Foundation (Foundation).

The term of the permit is 30 years (2008-2038). The Foundation will implement mitigation and minimization measures according to the schedule in the RHCP. By year 4 of the RHCP, the Foundation will acquire 1,000 acres of mitigation credits for golden-cheeked warbler (GCWA) in an existing conservation bank. In addition, the County will purchase GCWA habitat