

is not demonstrated that the actions of the leaders, who were either self-appointed or appointed by close family members, reflected the concerns of a significant number of the group's members. To demonstrate political influence or authority, the petitioner must demonstrate more than a minimal level of involvement from most members of the group. Therefore, the petitioner has not provided sufficient evidence to demonstrate political influence or authority for the period from 1972 to the present. Accordingly, the petitioner has not met the requirements of criterion 83.7(c) from 1637 to the present.

The State has recognized a Golden Hill entity from colonial times to the present. Within the general parameters of Connecticut's laws regarding State-recognized tribes, the specifics of its tribal dealings differed from group to group. The historical Golden Hill had a State reservation from colonial times to 1802. The State established the group's present 1/4 acre reservation, located in Trumbull, not the original reservation land area of Bridgeport, in 1933. From the early 1800's to the 1970's, however, the State did not identify or deal with specific leaders of the group.

While State recognition and the existence of a State reservation can provide additional evidence to be weighed in combination with other specific evidence, State recognition in itself is not sufficient evidence to meet criteria 83.7(b) and (c). The particular relationship of the State to the GHP group, in combination with existing direct evidence for community and political process is so limited, that is not sufficient evidence to demonstrate that these two criteria are met.

The petitioner meets the requirements of criterion 83.7(d) because it has submitted a governing document, including a description of its membership criteria.

The petitioner does not meet criterion 83.7(e)(1) because the petitioner has not submitted evidence acceptable to the Secretary that its membership consists of individuals who descend from a historical Indian tribe or tribes that combined. There is no evidence in the record that the petitioner's claimed ancestors, William Sherman, Levi Allen and Delia Merrick, descended from a historical Indian tribe or tribes that amalgamated and functioned as a single entity. The evidence does not show that William Sherman descended from any person identified on the 1823 Census of the historical Golden Hill, or from either Ruby Mansfield or from Nancy Sharpe *alias* Pease, who were identified in historical State records in 1841, 1846,

and 1849 as Golden Hill Indians and whom the petitioner claims were the ancestors of William Sherman.

There is no documentation in the record to verify that William Sherman or any of his children married Golden Hill, Pequannock, Paugussett, Turkey Hill, or other Indians; therefore, that portion of the membership claiming descent from William Sherman does not demonstrate Indian ancestry through any other possible Indian ancestors. Neither is there documentation in the record to verify that names recently added to the GHP membership list, who claim descent from Levi Allen and Delia Merrick, have Indian ancestry linked to any of these tribes.

The petitioner does not meet criterion 83.7(e)(2). The October 1, 1999, membership list of 214 names was used for this report. However, it was not separately certified by the governing body, and did not include each member's full name (and maiden name), date of birth, and residential address, as required by the regulations. Although the GHP group submitted several membership lists, none are sufficient to meet the criterion. The petitioner may correct this deficiency by resubmitting a properly completed membership list that is certified by the entire governing body of the group. None of the persons listed on petitioner's most recent membership list (October 1, 1999) have demonstrated descent from members of the historical tribe(s) listed in petitioner's membership criteria.

The petitioner meets criterion 83.7(f) because its members are not enrolled in other Federally recognized tribes, and criterion 83.7(g) because the group or its members have not been the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

The evidence available for this proposed finding demonstrates that the GHP group does not meet all seven criteria required for Federal acknowledgment. In accordance with the regulations, failure to meet any one of the seven criteria requires a determination that the group does not exist as an Indian tribe within the meaning of Federal law (83.6(c), 83.10(m)).

A copy of this proposed finding, which summarizes the evidence, reasoning, and analyses that are the basis for decision, is available upon written request (83.10(h)).

During the 180-day comment period (83.10(i)), the AS-IA shall provide technical advice concerning the proposed finding and shall make available to the petitioner in a timely fashion any records used for the

proposed finding not already held by the petitioner, to the extent allowable by Federal law (83.10(j)(1)). In addition, the AS-IA shall, if requested by the petitioner or any interested party, hold a formal meeting for the purpose of inquiring into the reasoning, analyses, and factual bases for the proposed finding. The proceedings of this meeting shall be on the record. The meeting record shall be available to any participating party and become part of the record considered by the AS-IA in reaching a final determination (83.10(j)(2)).

If third party comments are received during the comment period, the petitioner shall have a minimum of 60 days to respond to these comments. This period may be extended at the AS-IA's discretion if warranted by the extent and nature of the comments (83.10(k)).

At the end of the comment and response periods, the AS-IA shall consult with the petitioner and interested parties to determine an equitable time frame for consideration of written arguments and evidence submitted during the comment and response periods, and notify the petitioner and interested parties of the date such consideration begins (83.10(l)). The AS-IA has the discretion to request additional information from the petitioner or commenting parties, and to conduct additional research (83.10(l)(1)). After consideration of the written arguments and evidence submitted during the comment period and the petitioner's response to the comments, the AS-IA shall make a final determination regarding the petitioner's status. A summary of the final determination will be published in the **Federal Register** (83.10(l)(2)).

Dated: January 21, 2003.

Aurene M. Martin,

Acting Assistant Secretary—Indian Affairs.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Ho-Chunk Nation Alcohol Beverage Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Ho-Chunk Nation Alcohol Beverage Control Ordinance. The Ordinance regulates the control, possession, and sale of liquor on the Ho-Chunk Nation trust lands, to

be in conformity with the laws of the State of Wisconsin, where applicable and necessary. Although the Ordinance was adopted on August 6, 2002, 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 January 29, 2003.

FOR FURTHER INFORMATION CONTACT: Iris Drew, Office of Tribal Services, 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. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of the adopted liquor ordinances for the purpose of regulating liquor transaction in Indian country. The Ho-Chunk Nation Alcohol Beverage Control Ordinance, Resolution No. 8-6-02 F, was duly adopted by the Ho-Chunk Nation Legislature on August 6, 2002. The Ho-Chunk Nation, 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 effect among individuals and family members within the Ho-Chunk Nation.

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

I certify that by Resolution No. 8-6-02 F, the Ho-Chunk Nation Alcohol Beverage Control Ordinance was duly adopted by the Ho-Chunk Nation Legislature on August 6, 2002.

Dated: January 17, 2003.

Aurene M. Martin,

Assistant Secretary—Indian Affairs.

The Ho-Chunk Nation Alcohol Beverage Control Ordinance, Resolution No. 8-6-02 F, reads as follows:

Ho-Chunk Nation Code (HCC)

Title 5—Business and Finance Code

Section 4—Alcohol Beverage Control Ordinance Enacted by Legislature: August 6, 2002

This Ordinance supersedes the Liquor Control Ordinance enacted by the Wisconsin Winnebago Business Committee Resolution 6/25/93D.

1. Authority.

a. Article V, Section 2(a) of the Constitution grants the Legislature the

power to make laws, including codes, ordinances, resolutions, and statutes.

b. Article V, Section 2(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct and imposing penalties upon all persons within the jurisdiction of the Nation.

c. Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation.

d. Article V, Section 2(t) of the Constitution grants the Legislature the power to enact laws governing law enforcement on lands within the jurisdiction of the Nation.

2. *Purpose.* This Ordinance provides for the uniform regulation of the sale of intoxicating liquor, wine, and beer within the Ho-Chunk Nation on lands under the jurisdiction of the Nation.

3. Policy.

a. The sale, possession, and consumption of alcohol beverages on the Nation's lands will be strictly regulated in accordance with the provisions of this Ordinance and applicable sections of Chapter 125, *Wisconsin Statutes*.

b. No person under the age of 21 years shall purchase or have in his or her possession alcoholic beverages on Ho-Chunk land.

4. *Definitions.* Terms used in this Ordinance have the following meaning:

a. *Beer.* A fermented malt beverage made by alcohol fermentation of barley malt and hops containing 0.5% or more of alcohol by volume.

b. *Department.* The Ho-Chunk Nation Department of Business.

c. *Intoxicating Beverage.* Any intoxicating liquor, wine, or beer.

d. *Intoxicating Liquor.* All ardent, spirituous, distilled or vinous liquors, which are beverages and contain 0.5% or more of alcohol by volume.

e. *Wine.* Products and beverages obtained from the normal fermentation of the juice or must of grapes, other fruits, or other agricultural products, if such product or beverage contains 0.5% or more of alcohol by volume.

3. Application for License.

a. An application for a license to sell intoxicating beverages shall be submitted to the Nation's Department of Business. The application shall contain the following information:

(1) The name(s) of the individual and organization applying for the license;

(2) the address and telephone numbers of the applicant(s);

(3) the location, to include building and/or address, where the applicant will sell the intoxication beverages; and

(4) a copy of the local municipality (town, village, or city) license to sell intoxicating beverages.

b. The Department may reject any application for a license under this Ordinance if applicant has previously committed acts that would be in violation of this Ordinance or if an applicant has had a license revoked.

c. *Application Fee.* A non-refundable initial application fee will be established by the Department of Business and must be submitted with the initial application for license.

4. Issuance of License.

a. The Department of Business shall issue a license for the sale of intoxicating beverages if, on the basis of the information provided in the application or on additional information relevant by the Department, such issuance is in the interest of the Nation.

b. Licenses shall contain the following requirements.

(1) Each license shall require its holder to conform to the laws of the State of Wisconsin that relate to the sale or possession of intoxicating beverages.

(2) License Fee.

(a) The initial license fee shall be established and charged by the Department of Business.

(b) The annual license renewal fee shall be established and charged by the Department of Business.

(3) No license shall be effective for a term of more than one (1) year from the date of issuance. Each annual renewal shall be subject to the same requirements that apply to the initial issuance of a license.

(4) Each license shall explicitly state that its continued validity is dependent upon the compliance of its holder with all the provisions of this Ordinance and of the laws of the State of Wisconsin that relate to the sale and/or possession of intoxicating beverages.

5. *Suspension or Revocation of License.* The Department shall have the authority to suspend or revoke any license issued under this Ordinance.

a. Upon finding or receiving information that a holder of a license has violated the terms of the license or applicable law, the Department shall provide the license holder written notice that the Department intends to suspend or revoke the holder's license. The notice shall specify the grounds for the proposed suspension or revocation. Such notice shall be sent by certified mail, return receipt requested.

b. *Hearing.* A license holder upon receipt of the notice to suspend or revoke may, within seven (7) calendar days of receipt, submit a written request for a hearing to the Executive Director of the Department of Business.

(1) The President shall convene a Commission consisting of the Executive Director of Business and two (2) other non-interested Executive Directors to hear the license holder's case for not suspending or revoking his or her license. Such hearing will be held within thirty (30) days of receipt by the Department of Business of the request for a hearing.

(2) The license holder shall be permitted to present evidence to the Commission with respect to her or his compliance with this Ordinance and other applicable law.

(3) The Commission shall make a decision considering such evidence it deems relevant. The decision to suspend/revoke the license or dismiss the complaint shall be issued within three (3) days following the hearing.

(4) A decision to either suspend or revoke the holder's license shall take effect immediately at the close of the business day of the decision.

(5) The decision by the Commission shall be final.

6. *Approval.* This Ordinance shall be effective upon certification by the Assistant Secretary—Indian Affairs, Department of the Interior, and publication in the **Federal Register**.

[FR Doc. 03-2083 Filed 1-28-03; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-100-03-1310-DB]

Notice of Intent to Conduct Scoping and Prepare an Environmental Impact Statement for the South Piney Natural Gas Development Project, Sublette County, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent (NOI) to conduct public scoping and prepare an Environmental Impact Statement (EIS) for the South Piney Natural Gas Development Project, Sublette County, Wyoming.

SUMMARY: Infinity Oil and Gas of Wyoming, Inc. (Infinity) and Williams Production RMT Company (Williams, and hereinafter referred to collectively as "the Companies") have submitted to the Bureau of Land Management (BLM) a proposal to develop Federal natural gas resources. The South Piney Natural Gas Development Project is located in the area known as South Piney, which is located in Sublette County, Wyoming. Under the provisions of section 102(2)(C) of the National Environmental

Policy Act (NEPA) and pertinent Federal regulations, the BLM announces its intentions to prepare an EIS, and solicit public comments regarding issues and resource information pertaining to this proposed project.

DATES: This notice initiates the public scoping process. The BLM can best use public input if comments and resource information are submitted within 60 days of the publication of this notice. In addition, a scoping notice will be distributed by mail on, or about, the date that this notice is published in the **Federal Register**. Additional information, and a copy of the scoping notice may be obtained by writing, or visiting, the BLM Field Office listed below.

The BLM will be soliciting representatives from affected interests and stakeholders to participate in the environmental analysis process. In addition, the BLM will host a public meeting within 60 days of the publication of this notice. All comments received at the public meeting or submitted in writing by mail will aid the BLM in identifying issues, developing a range of alternatives, and analyzing environmental impacts. The BLM will announce public meetings and comment periods through local news media and/or the Pinedale Field Office Web site (<http://www.wy.blm.gov/pfo/info.htm>), at least 15 days prior to the event. The BLM will also provide additional opportunities for public participation throughout the preparation of the EIS.

ADDRESSES: Comments should be submitted in writing to: Field Manager, Bureau of Land Management, Pinedale Field Office, 432 East Mill Street, PO Box 768, Pinedale, Wyoming 82941.

FOR FURTHER INFORMATION CONTACT: Bill Lanning, Project Manager, BLM, Pinedale Field Office, PO Box 768, Pinedale, Wyoming 82941, telephone 307-367-5300.

SUPPLEMENTARY INFORMATION: In July 2002, the Companies submitted to the BLM a proposal to develop natural gas resources in the South Piney area. The total project area includes approximately 31,230 acres, of which approximately 15,440 acres are comprised of Federal surface and mineral estate managed by BLM; 1,760 acres of State of Wyoming surface and minerals; and 14,030 acres of private surface ownership. Of the 14,030 acres of private surface ownership, 11,413 acres are "split estate" (private surface/Federal minerals) lands, with the remaining 2,617 acres of mineral estate in private ownership.

The South Piney Natural Gas Development Project area is located in the southwest corner of Sublette County, approximately 12 miles west of Big Piney-Marbleton, 18 miles northwest of LaBarge, and approximately 28 miles southwest of Daniel, Wyoming. Drilling is proposed in Townships 29 and 30 North, Range 114 West, 6th Principal Meridian. Access to the project area is from U.S. Highway 189, Wyoming Highway 350, Sublette County Road No. 23-142, and existing roads and two-track trails in the overall project area.

The Companies propose to drill a minimum of 100 to a maximum of 210 natural gas wells within the overall project area. Infinity intends to drill wells to a maximum depth of approximately 5,000 feet to recover coalbed methane from the Upper Cretaceous Mesaverde Formation. Williams plans to drill wells to a maximum depth of 10,000 feet to recover natural gas from the Frontier Formation. The project area currently has five wells producing from coal seams in the Mesaverde Formation, one well currently producing from the Frontier Formation, one water disposal well, and four shut-in/temporarily abandoned deep Madison Formation gas wells. Williams drilled two additional Frontier Formation wells in Fall 2002.

The Companies' proposal includes a drilling program based on a 160-acre spacing pattern (four wells per section) for both the Mesaverde and Frontier Formations. The Companies have a joint interest in approximately 9,680 acres, and development in this area may result in the drilling of up to eight wells per section (four wells to the Mesaverde Formation and four wells to the Frontier Formation on a common or shared 160 acre spacing pattern). The remainder of the overall project area would see either Mesaverde or Frontier Formation development at a density of four wells per section.

The proposed gas field development would include the following associated structures and facilities:

1. Each well location would have a separator, dehydrator, and produced water storage tanks. Infinity's Mesaverde Formation well locations would require a surface-pumping unit for dewatering the Mesaverde coals. Infinity anticipates the need to install up to 20 central production facilities (production pods) within the overall project area. These production facilities would collect and compress methane produced from wells in the well field, as well as collect and dispose of produced water.