

Section 34 General Penalties. Any person adjudged to be in violation of this Code, including any lawful regulation promulgated pursuant thereto, shall be subject to a civil fine of not more than five hundred dollars (\$500.00) for each such violation. The Gaming Commission 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 herein shall be in addition to any criminal penalties that may be imposed under applicable law.

Section 35 Initiation of Action. Any violation of this Code shall constitute a public nuisance. The Gaming Commission, on behalf of and in the name of the Tribe, may initiate and maintain an action in Tribal Court to abate and permanently enjoin any nuisance declared under this Code. Any action taken under this section shall be in addition to any other penalties provided for in this Code. The plaintiff shall not be required to give bond in this action.

Section 36 Inspection. Immediately upon the request of a law enforcement officer or a Commission investigator empowered to enforce this Code and the rules and regulations promulgated hereunder, a licensee shall make the licensed premises available for inspection and search during regular business hours or when the licensed premises are occupied by the licensee, including the licensee's employees and agents.

Section 37 Contraband; Seizure; Forfeiture.

(a) All alcoholic liquor within the Reservation held, owned, or possessed by any person or licensee operating in violation of this Code is hereby declared to be contraband and subject to forfeiture to the Tribe.

(b) Within three (3) weeks following the seizure of the contraband, a hearing shall be held by the Gaming Commission, at which time the operator or owner of the contraband shall be given an opportunity to present evidence in defense of his or her activities.

(c) Notice of the hearing shall be given to the person from whom the property was seized, if known prior to hearing. If the person is unknown, notice of the hearing shall be posted at the place where the contraband was seized and at other public places on the Reservation.

The notice shall describe the property seized, and the time, place, and cause of seizure and give the name and place of residence, if known, of the person from whom the property was seized.

(d) If upon hearing, the evidence warrants, or if no person appears as a claimant, the Gaming Commission shall thereupon enter a determination of forfeiture and order such contraband sold or destroyed forthwith.

Section 38 Disposition of Proceeds. The gross proceeds collected by the Commission from licensing shall be distributed as follows:

(a) First, to the Commission for the payment of all necessary personnel, administrative costs, and legal fees for the administration of the provisions of this Code; and

(b) Second, to the Tribe any remainder.

Section 39 Appeals. Appeals under this Code may only be brought in the Pokagon Band Tribal Court by an applicant or a licensee to:

(a) challenge a final Gaming Commission decision to deny a license, to deny an application to renew or transfer a license, or to revoke a license; or

(b) to compel a Gaming Commission decision or action unreasonably delayed or unlawfully withheld more than sixty (60) days beyond any mandatory time limit established by law.

The Tribal Court shall hold unlawful and set aside any Gaming Commission decision it finds to be arbitrary, not in accordance with law, in excess of statutory authority, or unsupported by substantial evidence in the record. The Tribal Court shall give deference to the Gaming Commission's reasonable interpretations of this Code and any rules or regulations promulgated hereunder.

Section 40 License Not a Property Right. Notwithstanding any other provision of this Code, a liquor license is a mere permit for a fixed duration of time. A liquor license shall not be deemed a property right or vested right of any kind, nor shall the granting of a liquor license give rise to a presumption of legal entitlement to the granting of such license for a subsequent time period.

Section 41 Savings Clause. In the event any provision of this Code shall be found or declared to be invalid by a court of competent jurisdiction, all of the remaining provisions of this Code shall be unaffected and shall remain in full force and effect.

Section 42 Effective Date. The effective date of this Code is the date that the Secretary of the Interior

publishes the same in the **Federal Register**.

Section 43 Prior Inconsistent Acts. Except as provided otherwise under applicable federal law, this Code shall be the exclusive Tribal law governing the introduction, distribution, sale and regulation of alcoholic liquor within the Reservation. This Code shall supersede any and all Tribal laws that are inconsistent with the provisions of this Code, and such laws are hereby rescinded and repealed.

Section 44 Sovereign Immunity Preserved.

(a) The Tribe, and all of its constituent parts, which includes but is not limited to Tribal enterprises, subordinate organizations, boards, committees, officers, employees and agents, are immune from suit in any jurisdiction except to the extent that such immunity has been expressly and unequivocally waived in writing by the Tribe.

(b) Nothing in this Code, and no enforcement action taken pursuant to this Code or otherwise, including without limitation the filing of suit by the Gaming Commission to enforce any provision of this Code or other Tribal law, shall constitute a waiver of such sovereign immunity, either as to any counterclaim, regardless of whether the asserted counterclaim arises out of the same transaction or occurrence, or in any other respect.

Legislative History

Liquor Control Code, enacted September 9, 2006 by Res. No. 06-09-09-12 and certified by the Secretary of the Interior and published on _____ (Fed.Reg.) _____.

[FR Doc. E7-714 Filed 1-18-07; 8:45 am]

BILLING CODE 4310-4J-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Advisory Board for Exceptional Children

AGENCY: Bureau of Indian Education, Interior.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Bureau of Indian Education is announcing that the Advisory Board for Exceptional Children will hold its next meeting in Washington, DC. The purpose of the meeting is to meet the mandates of the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) on Indian children with disabilities.

DATES: The Board will meet on Saturday, February 3, 2007, from 6 p.m. to 9 p.m.; Sunday, February 4, 2007, from 8 a.m. to 4 p.m.; and Monday, February 5, 2007, from 8 a.m. to 4 p.m. Local Time.

ADDRESSES: The meetings will be held at the Wardman Park Marriott Hotel, 2660 Woodley Road, NW., Washington, DC 20008, on Saturday, February 3, 2007, and Sunday, February 4, 2007, and at the Department of the Interior, Main Building, 1849 C Street, NW., Washington, DC 20240, Room # 3622, on Monday, February 5, 2007.

Written statements may be submitted to Mr. Thomas M. Dowd, Director, Bureau of Indian Education, 1849 C Street, NW., MS-3609 MIB, Washington, DC 20240; Telephone (202) 208-6123; Fax (202) 208-3312.

FOR FURTHER INFORMATION CONTACT: Stanley R. Holder, Designated Federal Official, Bureau of Indian Education, Division of Compliance, Monitoring and Accountability, P.O. Box 1088, Suite 332, Albuquerque, New Mexico 87103; Telephone (505) 563-5270.

SUPPLEMENTARY INFORMATION: The Advisory Board was established to advise the Secretary of the Interior, through the Assistant Secretary—Indian Affairs, on the needs of Indian children with disabilities, as mandated by the Individuals with Disabilities Education Improvement Act of 2004 (Pub. L. 108-446).

The following items will be on the agenda:

- Special Education Director's Report
- Status of Annual Performance Report
- IDEIA Regulations Training
- 2006-2007 Monitoring Activities
- Dispute Resolution Activities
- Review of the 2005-2006 Annual Report
- Eligibility Determination for Special Education Services: Reading First Procedures and/or Response to Intervention

- Mental Health Needs

The meetings are open to the public.

Dated: January 12, 2007.

Michael D. Olsen,
Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. E7-744 Filed 1-18-07; 8:45 am]

BILLING CODE 4310-6W-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT-910-07-1040-PH-24-1A]

Notice of Utah Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Department of Interior.

ACTION: Notice of Utah Resource Advisory Council (RAC) Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management's (BLM) Utah Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Utah Resource Advisory Council (RAC) will meet February 15, 2007, from 8 a.m. until 4:30 p.m.

ADDRESSES: The Utah BLM Resource Advisory Council will meet at the Marriott Hotel, Bryce Conference Room, 101 West 100 North, Provo, Utah.

FOR FURTHER INFORMATION CONTACT: Sherry Foot, Special Programs Coordinator, Utah State Office, Bureau of Land Management, P.O. Box 45155, Salt Lake City, Utah, 84145-0155; phone (801) 539-4195.

SUPPLEMENTARY INFORMATION: The focus for this meeting will be Recreation RACs. A briefing on the Federal Land Recreation Enhancement Act and the interagency agreement for use of Recreation RACs, as well as, data on current fees and how they are used will be presented. A public comment period, where members of the public may address the RAC, is scheduled from 3:45 p.m.-4:15 p.m. Written comments may be sent to the Bureau of Land Management address listed above. All meetings are open to the public; however, transportation, lodging, and meals are the responsibility of the participating public.

Dated: January 9, 2007.

Selma Sierra,
State Director.

[FR Doc. E7-741 Filed 1-18-07; 8:45 am]

BILLING CODE 4310-SS-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-952-06-1420-BJ]

Notice of Filing of Plats of Survey; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, on January 12, 2007.

SUPPLEMENTARY INFORMATION: *New Mexico Principal Meridian, New Mexico:* The plat representing the survey of Tracts within the Sebastian Martin Grant, accepted December 14, 2006, for Group 1057 New Mexico.

FOR FURTHER INFORMATION CONTACT: These plats will be available for inspection in the New Mexico State Office, Bureau of Land Management, and P.O. Box 27115, Santa Fe, New Mexico 87502-0115. Copies may be obtained from this office upon payment of \$1.10 per sheet.

Dated: January 12, 2007.

Stephen W. Beyerlein,
Acting Chief Cadastral Surveyor, New Mexico.
[FR Doc. 07-203 Filed 1-18-07; 8:45 am]

BILLING CODE 4310-FB-P

DEPARTMENT OF THE INTERIOR

National Park Service

30-Day Notice of Submission of Study Package to Office of Management and Budget; Opportunity for Public Comment

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice and request for comments.

SUMMARY: Under provisions of the Paperwork Reduction Act of 1995 and 5 CFR Part 1320, Reporting and Record Keeping Requirements, the National Park Service (NPS) invites comments on a proposed new collection of information (OMB #1024-xxxx).

The Office of Management and Budget (OMB) has up to 60 days to approve or disapprove the NPS request for the collection of information, but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments within 30 days of the date on which this notice is published in the **Federal Register**.

This study will provide the NPS and park managers with critical public input regarding deer issues in and around northeastern NPS units. The study will use a mail survey of hometown in communities near parks to assess: (1) The degree to which experience, individual capacity, and perceptions of institutional capacity affect residents' intention to participate in deer management planning, (2) the degree of