

(3) United States Active Duty Military;

(4) Passport.

Section 13. Liquor which is possessed, including for sale, contrary to the terms of this ordinance is declared to be contraband. Any tribal agent, employee or officer who is authorized by the Tribal Council to enforce this section shall seize all contraband and preserve it in accordance with the provisions established for the preservation of impounded property.

Section 14. Upon being found in violation of the ordinance, the party shall forfeit all right, title and interest in the items seized which shall become the property of the Tribe.

Article VII. Abatement.

Section 1. Any room, house, building, vehicle, structure, or other place where liquor is sold, manufactured, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this ordinance or of any other tribal law relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, and all property kept in and used in maintaining such place, is hereby declared to be a nuisance.

Section 2. The Chairman of the Tribal Council or, if the Chairman fails or refuses to do so, by a majority vote, the Tribal Council shall institute and maintain an action in the name of the Tribe to abate and perpetually enjoin any nuisance declared under this article. In addition to all other remedies at tribal law, the Court may also order the room, house, building, vehicle, structure, or place closed for a period of one (1) year or until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient sum of not less than \$25,000 payable to the Tribe and conditioned that liquor will not be thereafter manufactured, kept, sold, bartered, exchanged, given away, furnished, or otherwise disposed of there in violation of the provisions of this ordinance or of any other applicable tribal law and that he will pay all fines, costs and damages assessed against him for any violation of this ordinance or other tribal liquor laws. If any conditions of the bond be violated, the bond may be recovered for the use of the Tribe.

Section 3. In all cases where any person has been found in violation of this ordinance relating to the manufacture, importation, transportation, possession, distribution, and/or sale of liquor, an action may be brought to abate as a nuisance any real estate or other property involved in the violation of the ordinance and violation

of this ordinance shall be *prima facie* evidence that the room, house, building, vehicle, structure, or place against which such action is brought is a public nuisance.

Article IX. Revenue.

Revenue provided for under this ordinance, from whatever source, shall be expended for administrative costs incurred in the enforcement of this ordinance. Excess funds shall be subject to appropriation by the Tribal Council for essential governmental and social services.

Article X. Severability and Effective Date.

Section 1. If any provision or application of this ordinance is determined by review to be invalid, such determination shall not be held to render ineffectual the remaining portions of this ordinance or to render such provisions inapplicable to other persons or circumstances.

Section 2. This ordinance shall be effective on such date as the Secretary of the Interior certifies this ordinance and publishes the same in the **Federal Register**.

Section 3. Any and all prior enactments of the Tribal Council which are inconsistent with the provisions of this ordinance are hereby rescinded.

Article XI. Amendment.

This ordinance may only be amended by a vote of the Tribal Council and subsequent review by the appropriate official of the Department of the Interior and publication in the **Federal Register**.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-060-5110-GN-CF20; NVN-067930: 8-08807; TAS: 14X5017]

#### Notice of Intent To Prepare a Supplemental Environmental Impact Statement for the Phoenix Copper Leach Project, Lander County, NV

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, 40 CFR 1500-1508, and 43 CFR 3809, the Bureau of Land Management (BLM), Battle Mountain Field Office will prepare a Supplemental Environmental Impact Statement (SEIS) for the Phoenix Copper Leach Project located in Lander County, Nevada. The proposal includes expansion of the existing project

boundary, construction and operation of a copper beneficiation facility, and development of new leaching facilities at the Phoenix Mine. This notice initiates the public scoping process and announces a public meeting.

**DATES:** Written comments on the scope of the SEIS will be accepted until March 13, 2008. A scoping meeting will be held on Wednesday, February 27, 2008 at the Battle Mountain Field Office from 6 p.m. to 8 p.m.

**ADDRESSES:** Written comments should be mailed to the BLM Battle Mountain Field Office, *ATTN:* Jon Sherve, 50 Bastian Road, Battle Mountain, NV 89820; faxed to *ATTN:* Jon Sherve at (775) 635-4034; or e-mailed to: *phoenix\_copper\_SEIS@blm.gov*.

**FOR FURTHER INFORMATION:** Christopher Worthington (775) 635-4144 or e-mail *christopher\_worthington@nv.blm.gov*.

**SUPPLEMENTARY INFORMATION:** Newmont Mining Corporation (Newmont) has submitted an amended Plan of Operations (NVN-067930) to the BLM for the proposed mining project. A third-party contractor will prepare the SEIS under the direction of the BLM pursuant to Council on Environmental Quality regulations 1502.14(a) and 1502.14(d). In addition to the proposed action, the BLM will explore and objectively evaluate all reasonable alternatives, including the alternative of no action.

The proposed project area is located approximately 12 miles southwest of Battle Mountain, Nevada.

#### Mount Diablo Meridian, Nevada

T. 30 and 31 N., R. 43 E.

The Phoenix Mine is located in the Copper Canyon portion of the Battle Mountain Mining District in Lander County, Nevada. The current project area includes approximately 7,139 acres; 2,865 acres of public land and 4,275 acres privately owned by Newmont. Most of the facilities associated with this proposal will be located on lands previously approved for surface disturbance. This proposed plan would increase the project surface disturbance by approximately 910 acres (185 acres of public land and 725 acres of private land), and includes construction and operation of a new solvent extraction-electrowinning (SX-EW) facility, development of two copper leach facilities, construction of four new process ponds, development of a new clay borrow area, designation of an optional use area that would be used either as a waste rock facility, a tailings facility, copper or gold leach facility, and/or growth media borrow area, and

construction of a new 120-kV power line. Construction and operation of the project is projected to begin in 2008. Active mining for the Phoenix Copper leach project will last about 15 years and will not increase the current life-of-mine for the Phoenix Mine.

An interdisciplinary approach will be used to develop the SEIS, in order to consider the variety of resource issues and concerns identified. Potential significant direct, indirect, residual, and cumulative impacts from the proposed action will be analyzed in the SEIS. Federal, state, and local agencies, as well as individuals or organizations that may be interested in or affected by the BLM's decision on this plan are invited to participate in the scoping process. Federal, state, and local agencies may request or be requested by the BLM to participate as a cooperating agency.

The plan will be presented to the public during a scoping meeting to be held Wednesday, February 27 from 6 p.m. to 8 p.m. at the Battle Mountain Field Office. The plan will be available for public review at Battle Mountain Field Office. The BLM invites public comment on the scope of the analysis, including issues to consider and alternatives to the proposed action. The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis and SEIS alternatives. BLM personnel will be present at the scoping meeting to explain the environmental review process, the mining regulations, and other requirements for processing the proposed plan amendment and the associated SEIS. Representatives of Newmont will be available to describe the proposal.

You may submit comments on issues in writing to the BLM at the public scoping meeting or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. Comments received and a list of attendees at the scoping meeting will be available for public inspection.

Comments and documents pertinent to this proposal, including names and addresses of respondents, may be viewed at the Battle Mountain Field Office during regular business hours (7:30 a.m.–4:30 p.m., Monday through Friday, except holidays).

Comments may be published as part of the SEIS. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask

us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

(Authority: 43 CFR part 3809)

Dated: January 29, 2008.

**Gerald M. Smith,**

*Field Manager, Battle Mountain Field Office.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

## DEPARTMENT OF AGRICULTURE

### Forest Service

[UT–070–1320–EL; UTU–84102]

#### Notice of Intent To Prepare an Environmental Impact Statement and To Conduct Public Scoping on the Greens Hollow Coal Lease Tract

**AGENCY:** Bureau of Land Management, USDI, and Forest Service, USDA.

**ACTION:** Notice of Intent to prepare an environmental impact statement (EIS) and to initiate public scoping for the Greens Hollow Coal Lease Tract Lease by Application (LBA) filed by Ark Land Company, a subsidiary of Arch Coal, Inc. in Sanpete and Sevier Counties, Utah.

**SUMMARY:** Pursuant to Section 102 (2) (C) of the National Environmental Policy Act (NEPA) of 1969, the Bureau of Land Management (BLM), Price Field Office, and the Manti-La Sal and Fishlake National Forests announce their intent to prepare an EIS and are soliciting public comments regarding issues and resource information on the potential impacts of a proposal to mine Federal coal, using underground methods with limited surface facilities, in the vicinity of Greens Hollow, Utah as requested by Ark Land Company in LBA case number UTU–84102 and in conformance with the provisions of 43 Code of Federal Regulations (CFR) 3425.1.

**DATES:** This notice initiates the public scoping process. Comments concerning the scope of the analysis must be received within 45 days of publication in the **Federal Register**. The draft EIS is

expected in June of 2008 and the final EIS is expected in November of 2008.

**ADDRESSES:** Send written comments to Bureau of Land Management, Attn: Steve Rigby, Price Field Office, 125 South 600 West, Price, Utah 84501. Written comments may also be hand-delivered to the Price Field Office or sent by facsimile to 435–636–3657. Comments may be sent electronically to [UT\\_Pr\\_Comments2@blm.gov](mailto:UT_Pr_Comments2@blm.gov) (please reference Greens Hollow Coal Lease Tract EIS in the subject field).

**FOR FURTHER INFORMATION CONTACT:** Steve Rigby, Project Manager, BLM Price Field Office, 125 South 600 West, Price, Utah 84501 or phone 435–636–3604.

**SUPPLEMENTARY INFORMATION:** The proposed Greens Hollow coal lease tract is located on the Manti-La Sal and Fishlake National Forests on the southern end of the Wasatch Plateau, Wasatch Plateau coal field, in the Wasatch Plateau Known Recoverable Coal Resource Area (KRCRA). The surface and coal resources are both federally owned. The Manti-La Sal and Fishlake National Forests administer the surface resources, while the BLM administers the subsurface coal resources.

The Greens Hollow coal lease tract is located in the Muddy Creek and North Fork Quitcupah Creek drainages. The area is approximately 10.5 air miles west of the town of Emery, Utah or 5 miles north of the SUFCO mine portal in Convulsion Canyon. The final coal lease tract, as amended by the Tract Delineation Team, encompasses 6,334 acres of Federal coal estate. Most of the proposed lease is on the Manti-La Sal National Forest (approximately 6,253 acres), while a small part along the southern edge of the tract is on the Fishlake National Forest (approximately 81 acres). A map of the proposed lease tract is available at <http://cq.blm.gov/author/ut/en/fo/price/energy/Coal.html>.

Coal reserves in the Greens Hollow coal lease tract are estimated at 73 million minable tons of coal. Ark Land Company has applied to the BLM to lease the coal reserves to increase the production life of their existing SUFCO Mine complex. The tract lies immediately adjacent to and north and west of the existing SUFCO Mine. If Ark Land Company obtains the tract, it would be mined by long-wall methods through underground workings in their existing permit area. Existing portal facilities in the SUFCO mine complex would be used. New surface facilities would include two new vent shafts, a power line to one of the shafts, and exploratory drill holes. The analysis of