

you can ask us in your protest to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sally Wisely,

Colorado State Director.

[FR Doc. E9-18233 Filed 7-30-09; 8:45 am]

BILLING CODE P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLUT-92000-09-L13200000-EL0000-24-1A00, UTU86038]

#### Notice of Federal Competitive Coal Lease Sale, Utah

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

**ACTION:** Notice of Competitive Coal Lease Sale, Miller Canyon Tract, Coal Lease Application UTU-86038.

**SUMMARY:** Notice is hereby given that the United States Department of the Interior, Bureau of Land Management (BLM) Utah State Office will offer certain coal resources described below as the Miller Canyon Tract (UTU-86038) in Emery County, Utah, for competitive sale by sealed bid, in accordance with the provisions for competitive lease sale notices in 43 CFR 3422.2(a), and the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 *et seq.*).

**DATES:** The lease sale will be held at 1 p.m., Thursday, September 3, 2009. The sealed bid must be sent by certified mail, return receipt requested, or be hand delivered to the address indicated below, and must be received on or before 10 a.m., Thursday, September 3, 2009.

The BLM cashier will issue a receipt for each hand delivered sealed bid. Any bid received after the time specified will not be considered and will be returned. The outside of the sealed envelope containing the bid must clearly state that the envelope contains a bid for Coal Lease Sale UTU-86038, and is not to be opened before the date and hour of the sale.

**ADDRESSES:** The lease sale will be held in the Utah State Office, BLM, in the Monument Conference Room, Fifth Floor, 440 West 200 South, Salt Lake City, Utah. Sealed bids clearly marked "Sealed Bid for UTU-86038—Not to be opened before 1 p.m., Thursday, September 3, 2009" can be hand delivered to the cashier, Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah, or may be mailed

to the BLM, Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155. **FOR FURTHER INFORMATION CONTACT:** Stan Perkes, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101-1345 or telephone 801-539-4036.

**SUPPLEMENTARY INFORMATION:** This Coal Lease Sale is being held in response to a lease by application (LBA) submitted by Consolidation Coal Company to BLM on February 7, 2008. All coal LBAs submitted to BLM for processing on or after November 7, 2005, are subject to cost recovery on a case-by-case basis (See 43 CFR 3000.10(d)(1), 70 FR 58872, October 7, 2005). The cost recovery rules implemented for coal LBAs at 43 CFR 3473.2(f) (70 FR 58876, October 7, 2005) require the applicant who nominates a tract for a competitive lease sale to pay the processing fee on a case-by-case basis as described in 43 CFR 3000.11 prior to publication of the sale notice. Consolidation Coal Company paid the BLM a processing fee in the amount of \$20,130. The successful bidder must pay to BLM the cost recovery amount of all costs BLM incurs processing the coal lease sale and additionally must pay all processing costs that BLM incurs after the date of the sale notice leading to lease issuance (See 43 CFR 3473.2(f)). If the successful bidder is someone other than the applicant, BLM will refund to the applicant the processing fee specified in this sale notice. If there is no successful bidder, the applicant remains responsible for all processing fees.

The coal resources to be offered consist of all recoverable reserves available in the following described lands located in Emery County, Utah, approximately three miles south of Emery, Utah, on private lands with federally-administered minerals:

T. 22 S., R. 6 E., SLM, Emery County, Utah  
Sec. 23, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

Containing approximately 120.00 acres in Emery County, Utah.

The Miller Canyon coal tract has one minable coal bed, known as the "I" coal bed. The minable portions of the "I" coal bed in this area are around 12 feet in thickness. The "I" coal bed, within the tract, contains approximately 561,000 tons of recoverable high-volatile B bituminous coal. The coal quality in the "I" coal bed on an "as received basis" is as follows: 12,179 Btu/lb., 6.07 percent moisture, 8.37 percent ash, 38.89 percent volatile matter, 47.24 percent fixed carbon, and 1.08 percent sulfur. The Department of the Interior has established a minimum bid of \$100 per acre, or fraction thereof. The minimum bid is not intended to

represent fair market value (FMV). The Miller Canyon Tract may be leased to the qualified bidder of the highest cash amount, provided that the high bid equals or exceeds the FMV for the tract as determined by the authorized officer after the sale.

The BLM held a public hearing and requested comments on the Environmental Assessment (EA) and the FMV of the Miller Canyon Tract on January 21, 2009. The BLM prepared the Finding of No Significant Impact (FONSI), Decision Record (DR)/Decision Notice (DN). The BLM signed the FONSI/DR March 2, 2009. No appeals of the BLM decision to lease were filed during the appeal period that ended on April 3, 2009.

The lease that may be issued as a result of this offering will provide for payment of an annual rental of \$3 per acre, a royalty rate of 12.5 percent of the value of coal mined by surface methods, and a royalty of 8 percent of the value of the coal produced by underground mining methods. The value of the coal will be determined in accordance with 30 CFR 206.250.

The required Detailed Statement for the offered tract, including bidding instructions and sales procedures under 43 CFR 3422.3-2, and the terms and conditions of the proposed coal lease, is available from BLM, Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155 or in the Public Room (Room 500), 440 West 200 South, Salt Lake City, Utah 84101. All case file documents and written comments submitted by the public on Fair Market Value or royalty rates, except those portions identified as proprietary by the commentator and meeting exemptions stated in the Freedom of Information Act, are available for public inspection during normal business hours in the BLM Public Room (Room 500).

Approved: May 22, 2009.

Selma Sierra,

State Director.

[FR Doc. E9-18307 Filed 7-30-09; 8:45 am]

BILLING CODE 4310-DQ-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLWY-957400-09-L14200000-BJ0000-TRST]

#### Notice of Filing of Plats of Survey, Wyoming

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

**ACTION:** Notice of Filing of Plats of Survey, Wyoming.

**SUMMARY:** The Bureau of Land Management (BLM) is scheduled to file the plats of survey of the lands described below thirty (30) calendar days from the date of this publication in the BLM Wyoming State Office, Cheyenne, Wyoming.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, Wyoming 82003.

**SUPPLEMENTARY INFORMATION:** This survey was executed at the request of the Bureau of Indian Affairs and is necessary for the management of these lands. The lands surveyed are:

The plat and field notes representing the dependent resurvey of a portion of the subdivisional lines and a portion of the subdivision of section 10, and the survey of the subdivision of section 11, and the metes and bounds surveys of certain parcels, Township 1 South, Range 4 East, of the Wind River Meridian, Wyoming, Group No. 787, was accepted July 27, 2009.

The plat and field notes representing the dependent resurvey of a portion of the Second Standard Parallel North, through Range 2 East, the subdivisional lines and adjusted meanders of the right bank of South Fork Owl Creek, and the survey of the subdivision of section 35, Township 9 North, Range 2 East, of the Wind River Meridian, Wyoming, Group No. 788, was accepted July 27, 2009.

The plat and field notes representing the dependent resurvey of a portion of the subdivisional lines and a portion of the subdivision of section 9, and the metes and bounds survey of Parcel A, section 9, Township 1 South, Range 2 East, of the Wind River Meridian, Wyoming, Group No. 789, was accepted July 27, 2009.

Copies of the preceding described plats and field notes are available to the public at a cost of \$1.10 per page.

Dated: July 27, 2009.

**John P. Lee,**

*Chief Cadastral Surveyor, Division of Support Services.*

[FR Doc. E9-18287 Filed 7-30-09; 8:45 am]

**BILLING CODE 4310-22-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Kaw Nation Alcohol Control Ordinance

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the Kaw Nation Alcohol Control Ordinance. The Ordinance regulates and controls the

possession, sale, and consumption of liquor within the tribal lands. The tribal lands are located in Indian country and this Ordinance allows for possession and sale of alcoholic beverages within their boundaries. This Ordinance will increase the ability of the tribal government to control the community's liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal services.

**DATES:** *Effective Date:* This Ordinance is effective on July 31, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Sherry Lovin, Tribal Government Services Officer, Southern Plains Regional Office, WCD Office Complex, PO Box 368, Anadarko, OK 73005, Telephone: (405) 247-1534, Fax (405) 247-9240; or Elizabeth Colliflower, Office of Indian Services, 1849 C Street, NW., Mail Stop 4513-MIB, Washington, DC 20240, Telephone: (202) 513-7640.

**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 transactions in Indian country. The Kaw Nation Executive Council adopted its Alcohol Control Ordinance by Resolution No. 07-62 on November 27, 2007. The purpose of this Ordinance is to govern the sale, possession, and distribution of alcohol within tribal lands of the Tribe.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that this Alcohol Control Ordinance of the Kaw Nation Executive Council was duly adopted by the Council on November 27, 2007.

Dated: July 23, 2009.

**Larry Echo Hawk,**

*Assistant Secretary—Indian Affairs.*

The Kaw Nation Alcohol Control Ordinance reads as follows:

#### Kaw Nation Alcohol Control Ordinance Article I. Introduction

##### Section 1.1. Title

This Ordinance shall be known as the “Kaw Nation Alcohol Control Ordinance.”

##### Section 1.2. Authority

This Ordinance is enacted pursuant to the Act of August 15, 1953. Public Law

83-277, 67 Stat. 586, 18 U.S.C. 1161 and Article II, § 4 of the Constitution of the Kaw Nation.

##### Section 1.3. Purpose

The purpose of this Ordinance is to regulate and control the manufacture, distribution, possession, and sale of Alcohol on Tribal lands of the Kaw Nation. The enactment of this Ordinance will enhance the ability of the Kaw Nation to control all such alcohol-related activities within the jurisdiction of the Tribe and will provide an important source of revenue for the continued operation and strengthening of the Kaw Nation and the delivery of important governmental services.

##### Section 1.4. Application of Federal Law

Federal law forbids the introduction, possession and sale of liquor in Indian Country (18 U.S.C. 1154 and other statutes), except when 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.

##### Section 1.5. Administration of Ordinance

The Executive Council, through its powers vested under Article II, § 4 of the Constitution of the Kaw Nation and this Ordinance, delegates to the Alcohol Regulatory Authority the authority to exercise all of the powers and accomplish all of the purposes as set forth in this Ordinance, which may include, but are not limited to, the following actions:

A. Adopt and enforce rules and regulations for the purpose of effectuating this Ordinance, which includes the setting of fees, fines and other penalties;

B. Execute all necessary documents; and

C. Perform all matters and actions incidental to and necessary to conduct its business and carry out its duties and functions under this Ordinance.

##### Section 1.6. Sovereign Immunity Preserved

A. The Tribe is immune from suit in any jurisdiction except to the extent that the Executive Council of the Kaw Nation expressly and unequivocally waives such immunity by approval of such written resolution.

B. Nothing in this Ordinance shall be construed as waiving the sovereign immunity of the Kaw Nation or the Alcohol Regulatory Authority as an agency of the Kaw Nation.