



THE STATE  
*of* **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Commerce, Community,  
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

**MEMORANDUM**

TO: Alcoholic Beverage Control Board

DATE: February 14, 2023

FROM: Kristina Serezhenkov, OLE

RE: #6128 Bayside Booze and Burns

**Background:** In October of 2022 representative for the Metlakatla Indian Community reached out to AMCO to receive direction on applying for a new package store license in Metlakatla, a federally recognized Indian Community or Tribe. After consultation with AMCO the Metlakatla Indian Community submitted an application to AMCO and it was added to the queue on 12/22/2022. The application was deemed complete February 14, 2023.

**Staff Recommendation:** Consider, under AS 04 and 3 AAC 304, this new application for package store license located in the Metlakatla Indian Community.

**Attachment:**

Department of the Interior, Bureau of Indian Affairs, Metlakatla Indian Community, Annette Islands Reserve; Alcohol Control Ordinance  
Metlakatla Resolution waive of protest  
AB-00  
AB-02  
Local Governing Body Notice  
Department of Conservation Notice  
Department of Conservation response  
State Fire Marshal Notice


# MEMORANDUM

# State of Alaska

## Department of Law

TO: Alcoholic Beverage Control Board      DATE: March 1, 2023

THRU: Dana Walukiewicz,  
Chairperson      TEL. NO.: (907) 465-4169

FROM: Kevin A. Higgins   
Assistant Attorney General      SUBJECT: Consideration of application  
Commercial and Fair Business Section      for license #6128, Bayside  
Booze and Burns

The Metlakatla Indian Community, doing business as Bayside Booze and Burns has applied for a package store license for a premises within the Annette Island Reserve, which is the only Indian reservation in Alaska.<sup>1</sup> As the United States Supreme Court has observed, Congress usually acts upon the assumption that the States have no power to regulate the affairs of Indians on a reservation, but that assumption is unwarranted in the narrow context of the regulation of liquor.<sup>2</sup>

Federal law criminally prohibits the sale, gift, disposing of, exchange, or barter of alcoholic beverages in Indian country.<sup>3</sup> But Congress limited this prohibition where the transaction involving alcoholic beverages are in conformity with (1) the laws of the State in which the transaction occurred and (2) a duly adopted tribal ordinance, certified by the Secretary of the Interior, and published in the Federal Register.<sup>4</sup> Interpreting this statute, the U.S. Supreme Court found that Congress intended that state laws “apply of their own force to govern tribal liquor transactions as long as the tribe itself approved these transactions by enacting an ordinance.”<sup>5</sup>

The Metlakatla Indian Community used to be dry, became damp, and recently, in compliance with federal law, it passed and published an ordinance certified by the

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<sup>1</sup> See 43 U.S.C. § 1618(a) (excluding the Annette Island Reserve and people enrolled in the Metlakatla Indian Community from the Alaska Native Claims Settlement Act of 1971).

<sup>2</sup> *Rice v. Rehner*, 463 U.S. 713, 723 (1983).

<sup>3</sup> 18 U.S.C. § 1154(a).

<sup>4</sup> 18 U.S.C. § 1161.

<sup>5</sup> *Rice*, at 726. Accord also *Ysleta Del Sur Pueblo v. Texas*, 142 S.Ct. 1929, 1934 (2022) (“Native American Tribes possess inherent sovereign authority over their members and territories. From time to time, Congress has exercised its authority to allow state law to apply on tribal lands where it otherwise would not.”)

Secretary of the Interior to allow “[s]ales of alcohol and alcoholic beverages on lands within the [Metlakatla Indian] Community’s jurisdiction . . . at businesses which hold a Tribal Alcohol License.”<sup>6</sup> That ordinance is included in your meeting materials. Thus, it appears the Metlakatla Indian Community has done what it needs to do to authorize the sale of alcoholic beverages. It now seeks to comply with Alaska’s laws regarding the same.

This Board has never considered an application for a licensed premises in the Metlakatla Indian Community. Under AS 04.11.320, the Board is supposed to deny a license “in a first or second class city”<sup>7</sup> or “an established village”<sup>8</sup> if there are no licensed premises at the time of application,

unless a majority of the voters have voted not to approve a local option to restrict or prohibit the sale of alcoholic beverages under AS 04.11.491, have voted to approve a local option to allow the type of premises under AS 04.11.491(a)(2) or (3), or have voted to remove a restriction or prohibition on the sale of alcoholic beverages under AS 04.11.495.”<sup>9</sup>

This sections and others demonstrate that title 4 was not drafted with the Metlakatla Indian Community in mind. First, the Metlakatla is not a first or second class city or an established village.<sup>10</sup> Instead, it is a tribal entity with territorial jurisdiction over the Annette Island Reserve. Second, the sections of title 4 that relate to local option elections do not neatly apply to the process permitted under federal law.

Whatever questions may surround the specific language of various sections of title 4, it is clear that the Metlakatla Indian Community is *at least* similar to a first class city. Accordingly, the Board should treat it the same way it would treat a first class city: deny the license unless, at the time of application, a majority of the voters approved not to approve a local option, have voted to approve a local option to allow the type of premises, or have voted to remove a restriction on the prohibition of the sale of alcoholic

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<sup>6</sup> Notice of Metlakatla Indian Community, Annette Islands Reserve; Alcohol Control Ordinance, Fed. Reg. 14281 (Mar. 14, 2022).

<sup>7</sup> AS 04.11.320(a)(9).

<sup>8</sup> AS 04.11.320(a)(10).

<sup>9</sup> AS 04.11.320(a)(9)–(10).

<sup>10</sup> *See generally* AS 29.04.010–29.05.150 (the classification of municipalities and incorporation requirements and procedure); *See also* AS 04.21.080(b)(10) (established village definition).

beverages.<sup>11</sup> Further, the Board should accept the ordinance certified by the Secretary of the Interior and published in the Federal Register as sufficiently complying with statutory sections related to how local-option related questions need to be addressed.<sup>12</sup> This is consistent with AS 04.11.430, which was recently amended to explicitly include “a government entity . . . or a tribal organization” among the groups to which a license may be issued.<sup>13</sup>

In short, this application presents issues that the Board has not previously been called upon to consider. Despite the novelty of the application, the Board should simply consider it as it would any other application. As outlined above, this may require the Board to make some minor accommodations where the existing process fails to contemplate the types of facts that this application presents.

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<sup>11</sup> AS 04.11.320(a)(9).

<sup>12</sup> AS 04.11.470–.509.

<sup>13</sup> Sec. 59, ch. 8, SLA 2022. This section took effect immediately upon passage. Sec. 79, ch. 8, SLA 2022.

Effective interest rate	On or after	Prior to
7	July 1, 1993	Jan. 1, 1994.
6 <sup>5</sup> / <sub>8</sub>	Jan. 1, 1994	July 1, 1994.
7 <sup>3</sup> / <sub>4</sub>	July 1, 1994	Jan. 1, 1995.
8 <sup>3</sup> / <sub>8</sub>	Jan. 1, 1995	July 1, 1995.
7 <sup>1</sup> / <sub>4</sub>	July 1, 1995	Jan. 1, 1996.
6 <sup>1</sup> / <sub>2</sub>	Jan. 1, 1996	July 1, 1996.
7 <sup>1</sup> / <sub>4</sub>	July 1, 1996	Jan. 1, 1997.
6 <sup>3</sup> / <sub>4</sub>	Jan. 1, 1997	July 1, 1997.
7 <sup>1</sup> / <sub>8</sub>	July 1, 1997	Jan. 1, 1998.
6 <sup>3</sup> / <sub>8</sub>	Jan. 1, 1998	July 1, 1998.
6 <sup>1</sup> / <sub>8</sub>	July 1, 1998	Jan. 1, 1999.
5 <sup>1</sup> / <sub>2</sub>	Jan. 1, 1999	July 1, 1999.
6 <sup>1</sup> / <sub>8</sub>	July 1, 1999	Jan. 1, 2000.
6 <sup>1</sup> / <sub>2</sub>	Jan. 1, 2000	July 1, 2000.
6 <sup>1</sup> / <sub>2</sub>	July 1, 2000	Jan. 1, 2001.
6	Jan. 1, 2001	July 1, 2001.
5 <sup>7</sup> / <sub>8</sub>	July 1, 2001	Jan. 1, 2002.
5 <sup>1</sup> / <sub>4</sub>	Jan. 1, 2002	July 1, 2002.
5 <sup>3</sup> / <sub>4</sub>	July 1, 2002	Jan. 1, 2003.
5	Jan. 1, 2003	July 1, 2003.
4 <sup>1</sup> / <sub>2</sub>	July 1, 2003	Jan. 1, 2004.
5 <sup>1</sup> / <sub>8</sub>	Jan. 1, 2004	July 1, 2004.
5 <sup>1</sup> / <sub>2</sub>	July 1, 2004	Jan. 1, 2005.
4 <sup>7</sup> / <sub>8</sub>	Jan. 1, 2005	July 1, 2005.
4 <sup>1</sup> / <sub>2</sub>	July 1, 2005	Jan. 1, 2006.
4 <sup>7</sup> / <sub>8</sub>	Jan. 1, 2006	July 1, 2006.
5 <sup>3</sup> / <sub>8</sub>	July 1, 2006	Jan. 1, 2007.
4 <sup>3</sup> / <sub>4</sub>	Jan. 1, 2007	July 1, 2007.
5	July 1, 2007	Jan. 1, 2008.
4 <sup>1</sup> / <sub>2</sub>	Jan. 1, 2008	July 1, 2008.
4 <sup>5</sup> / <sub>8</sub>	July 1, 2008	Jan. 1, 2009.
4 <sup>1</sup> / <sub>8</sub>	Jan. 1, 2009	July 1, 2009.
4 <sup>1</sup> / <sub>8</sub>	July 1, 2009	Jan. 1, 2010.
4 <sup>1</sup> / <sub>4</sub>	Jan. 1, 2010	July 1, 2010.
4 <sup>1</sup> / <sub>8</sub>	July 1, 2010	Jan. 1, 2011.
3 <sup>7</sup> / <sub>8</sub>	Jan. 1, 2011	July 1, 2011.
4 <sup>1</sup> / <sub>8</sub>	July 1, 2011	Jan. 1, 2012.
2 <sup>7</sup> / <sub>8</sub>	Jan. 1, 2012	July 1, 2012.
2 <sup>3</sup> / <sub>4</sub>	July 1, 2012	Jan. 1, 2013.
2 <sup>1</sup> / <sub>2</sub>	Jan. 1, 2013	July 1, 2013.
2 <sup>7</sup> / <sub>8</sub>	July 1, 2013	Jan. 1, 2014.
3 <sup>5</sup> / <sub>8</sub>	Jan. 1, 2014	July 1, 2014.
3 <sup>1</sup> / <sub>4</sub>	July 1, 2014	Jan. 1, 2015.
3	Jan. 1, 2015	July 1, 2015.
2 <sup>7</sup> / <sub>8</sub>	July 1, 2015	Jan. 1, 2016.
2 <sup>7</sup> / <sub>8</sub>	Jan. 1, 2016	July 1, 2016.
2 <sup>1</sup> / <sub>2</sub>	July 1, 2016	Jan. 1, 2017.
2 <sup>3</sup> / <sub>4</sub>	Jan. 1, 2017	July 1, 2017.
2 <sup>7</sup> / <sub>8</sub>	July 1, 2017	Jan. 1, 2018.
2 <sup>3</sup> / <sub>4</sub>	Jan. 1, 2018	July 1, 2018.
3 <sup>1</sup> / <sub>8</sub>	July 1, 2018	Jan. 1, 2019.
3 <sup>3</sup> / <sub>8</sub>	Jan. 1, 2019	July 1, 2019.
2 <sup>3</sup> / <sub>4</sub>	July 1, 2019	Jan. 1, 2020.
2 <sup>1</sup> / <sub>4</sub>	Jan. 1, 2020	July 1, 2020.
1 <sup>1</sup> / <sub>4</sub>	July 1, 2020	Jan. 1, 2021.
1 <sup>3</sup> / <sub>8</sub>	Jan. 1, 2021	July 1, 2021.
2 <sup>1</sup> / <sub>4</sub>	July, 1 2021	Jan. 1, 2022.
1 <sup>7</sup> / <sub>8</sub>	Jan. 1, 2022	July 1, 2022.

Section 215 of Division G, Title II of Public Law 108–199, enacted January 23, 2004 (HUD’s 2004 Appropriations Act) amended section 224 of the Act, to change the debenture interest rate for purposes of calculating certain insurance claim payments made in cash. Therefore, for all claims paid in cash on mortgages insured under section 203 or 234 of the National Housing Act and endorsed for insurance after January 23, 2004, the debenture interest rate will be

the monthly average yield, for the month in which the default on the mortgage occurred, on United States Treasury Securities adjusted to a constant maturity of 10 years, as found in Federal Reserve Statistical Release H–15. The Federal Housing Administration has codified this provision in HUD regulations at 24 CFR 203.405(b) and 24 CFR 203.479(b).

Similarly, section 520(a) of the National Housing Act (12 U.S.C. 1735d) provides for the payment of an insurance claim in cash on a mortgage or loan insured under any section of the National Housing Act before or after the enactment of the Housing and Urban Development Act of 1965. The amount of such payment shall be equivalent to the face amount of the debentures that would otherwise be issued, plus an amount equivalent to the interest which the debentures would have earned, computed to a date to be established pursuant to regulations issued by the Secretary. The implementing HUD regulations for multifamily insured mortgages at 24 CFR 207.259(e)(1) and (e)(6), when read together, provide that debenture interest on a multifamily insurance claim that is paid in cash is paid from the date of the loan default at the debenture rate in effect at the time of commitment or endorsement (or initial endorsement if there are two or more endorsements) of the loan, whichever is higher.

Section 221(g)(4) of the Act provides that debentures issued pursuant to that paragraph (with respect to the assignment of an insured mortgage to the Secretary) will bear interest at the “going Federal rate” in effect at the time the debentures are issued. The term “going Federal rate” is defined to mean the interest rate that the Secretary of the Treasury determines, pursuant to a statutory formula based on the average yield on all outstanding marketable Treasury obligations of 8- to 12-year maturities, for the 6-month periods of January through June and July through December of each year. Section 221(g)(4) is implemented in the HUD regulations at 24 CFR 221.255 and 24 CFR 221.790.

The Secretary of the Treasury has determined that the interest rate to be borne by debentures issued pursuant to section 221(g)(4) during the 6-month period beginning January 1, 2022, is 1<sup>1</sup>/<sub>2</sub> percent. The subject matter of this notice falls within the categorical exemption from HUD’s environmental clearance procedures set forth in 24 CFR 50.19(c)(6). For that reason, no environmental finding has been prepared for this notice.

(Authority: Sections 211, 221, 224, National Housing Act, 12 U.S.C. 1715b, 1715l, 1715o; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).)

**Lopa P. Kolluri,**

*Principal Deputy Assistant Secretary, Office of Housing-Federal Housing Administration.*

[FR Doc. 2022–05307 Filed 3–11–22; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[223A2100DD/AAKC001030/  
A0A501010.999900]

### Metlakatla Indian Community, Annette Islands Reserve; Alcohol Control Ordinance

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

**ACTION:** Notice.

**SUMMARY:** This notice publishes the Alcohol Control Ordinance of the Metlakatla Indian Community, Annette Islands Reserve. The Alcohol Control Ordinance is to regulate and control the possession, sale, manufacture, and distribution of alcohol in conformity with the laws of the State of Alaska for the purpose of generating new Tribal revenues. Enactment of this statute will help provide a source of revenue to strengthen Tribal government, provide for the economic viability of Tribal enterprises, and improve delivery of Tribal government services.

**DATES:** This code shall become effective March 14, 2022.

**FOR FURTHER INFORMATION CONTACT:** Mr. Greg Norton, Tribal Government Specialist, Northwest Regional Office, Bureau of Indian Affairs, 911 Northeast 11th Avenue, Portland, Oregon 97232, Telephone: (503) 231–6702, Fax: (503) 231–2201.

**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 Metlakatla Indian Community Council duly adopted the Metlakatla Indian Community, Annette Islands Reserve Alcohol Control Ordinance via Resolution 21–57 on November 23, 2021.

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 the Metlakatla Indian Community Council duly adopted by Resolution the Metlakatla Indian Community, Annette Islands Reserve Alcohol Control Ordinance by Resolution No. 21–57 dated November 23, 2021.

**Bryan Newland,**

*Assistant Secretary—Indian Affairs.*

## TITLE FOUR CIVIL CODE

### CHAPTER 12

#### ALCOHOL CONTROL ORDINANCE

##### SECTION FOUR.12.1 TITLE.

This Ordinance shall be known as the Metlakatla Indian Community Alcohol Control Ordinance. This Ordinance may be referred to as the “Alcohol Control Ordinance.”

##### SECTION FOUR.12.2 PURPOSE AND AUTHORITY.

A. The purpose of this Ordinance is to regulate and control the possession and sale of alcohol within the Community’s territory, as specifically authorized and approved by Tribal Council resolution under Article IV, Section 1 of the Metlakatla Indian Community’s Constitution. The authority for enactment of this Ordinance is as follows:

1. The Act of August 15, 1953, (Publ. L. 83–277, 67 Stat. 586, codified at 18 U.S.C. 1161), which provides a federal statutory basis for the Community to regulate the activities of the manufacture, distribution, sale and consumption of alcohol on Indian lands under the jurisdiction of the Community, so long as such ordinance is in conformance with the laws of the State of Alaska; and

2. Article IV, Section 1 of the Constitution of the Metlakatla Indian Community, which vests the Tribal Council with legislative and administrative authority, and otherwise empowers the Tribal Council to act for the Community.

##### SECTION FOUR.12.3 DEFINITIONS.

A. As used in this Ordinance, the following words or phrases shall have the following meaning unless the context clearly requires otherwise:

1. “Alcohol” means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions of this substance.

2. “Alcoholic Beverage” means a spirituous, vinous, malt, or other

fermented or distilled liquid, whatever the origin, that is intended for human consumption as a beverage by the person who possesses or attempts to possess it and that contains alcohol in any amount if the liquid is produced privately, or that contains one-half of one percent or more of alcohol by volume, if the liquid is produced commercially.

3. “Bar” means any establishment with special space and accommodations for sale by the glass and for consumption on the premises of alcohol, as herein defined.

4. “Bottling” means to put into a bottle, can, or other container.

5. “Alcohol Control Committee” for the purposes of this Ordinance shall mean the Tribal Council of Metlakatla.

6. “Community” means Metlakatla Indian Community.

7. “Liquor” is synonymous with the term “Alcoholic Beverage.”

8. “Liquor Store” means any store at which liquor is sold, and for the purposes of this Ordinance, includes a store at which only a portion of which is devoted to the sale of liquor, wine or beer.

9. “Minor” means any person under the age of 21.

10. “Package” means any container or receptacle used for holding alcoholic beverages.

11. “Public Place” includes state or county or tribal or federal highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; soft drink establishment, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theater, gaming facilities, entertainment centers, store garages, and filling stations which are open to and/or are generally used by the public and to which the public is permitted to have unrestricted access; public conveyances of all kinds of character; and all other places of like or similar nature to which the general public has right of access, and which are generally used by the public. For the purposes of this Ordinance, “Public Place” shall also include any establishment other than a single family home which is designed for or may be used by more than just the owner of the establishment.

12. “Reserve” means the Annette Islands Reserve, which is held in trust by the United States Government for the benefit of the Community; any land located within the exterior boundaries of said reserve; and any lands held in trust by the United States for the benefit of the Community or held in trust for the benefit of an individual member of the Community.

13. “Sale” and “Sell” include exchange, barter, and traffic; and also include the selling or supplying or distributing by any means whatsoever, of alcohol, or of any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor or wine by any person to any person.

14. “Tribal Council” means the Metlakatla Indian Community Tribal Council.

B. So long as the definitions are consistent with tribal or federal law, the terms used in this ordinance shall have the same meaning as defined in Title 4, Alaska Statutes, Chapter 21, and as defined in Title 3, Alaska Administrative Code, Chapter 304.

C. References in this Ordinance to federal and Alaska state law shall be those laws and regulations in effect as of March 7, 2017. Subsequent changes in those laws and regulations shall be considered incorporated into this Ordinance and effective unless the Community or the Tribal Council amends this Ordinance.

##### SECTION FOUR.12.4 CONFORMITY TO STATE LAW.

A. Jurisdiction. The Community will retain sole and exclusive jurisdiction over the enforcement of this ordinance. All disputes under this ordinance shall be heard by the tribal court.

B. Statement of Objection. The Community does not agree with the alleged authority of the United States or the State of Alaska to interfere with the Community’s sovereign authority to regulate and control of alcohol sales and possession within the Community’s sovereign boundaries. Accordingly, nothing in this Ordinance shall be interpreted as waiving the Community’s right and power to challenge such authority in any judicial forum of competent jurisdiction, or by use of the political process. This Ordinance shall conform with the laws of the State of Alaska as required by 18 U.S.C. 1161, and *Rice v. Rehner*, 463 U.S. 713 (1983).

C. Conformity to State Law. The Metlakatla Indian Community agrees to perform in the sale and possession of alcohol in the same manner as any other Alaska business entity for the purpose of alcohol licensing and regulations, including but not limited to licensing, compliance with the regulations of the Alaska State Alcoholic Beverage Control Board, and other applicable subjects as the State may address by statute or regulation from time to time. Upon final approval of this Ordinance the Alcohol Control Committee shall receive a briefing on Alaska State Alcoholic Beverage laws and regulations, and shall

receive an update brief no fewer than once per year.

#### SECTION FOUR.12.5 CREATION AND POWERS.

A. The Tribal Council of Metlakatla is hereby designated as the "Alcohol Control Committee" in order to administer and enforce the provisions of this ordinance.

B. The Alcohol Control Committee, in furtherance of the Ordinance, shall have the following powers and duties, or may delegate such duties by resolution:

1. To publish and enforce the rules and regulations governing the sale, manufacture, and distribution of alcoholic beverages on the Reserve;

2. To employ managers, accountants, security personnel, inspectors, and such other persons as shall be reasonably necessary to allow the Alcohol Control Committee to perform its functions. Such employees shall be tribal

employees;

3. To issue licenses permitting the sale, manufacture or distribution of alcohol on the Community's Reserve;

4. To hold hearings on violations of this Ordinance or for the issuance or revocation of licenses hereunder;

5. To bring suit in the tribal court to enforce this Ordinance as necessary;

6. To determine and seek damages for violation of this Ordinance;

7. To make such reports as may be required;

8. To collect taxes and fees levied or set by the Alcohol Control Committee, and to keep accurate records, books and accounts; and

9. To exercise such other powers as are necessary and appropriate to fulfill the purposes of this Ordinance.

C. The Alcohol Control Committee shall have the authority to authorize the sale of alcohol only on those areas of the Community's Reserve that have been specifically approved by the Tribal Council, by resolution, and under such conditions as may be included in said resolution.

#### SECTION FOUR.12.6 LIMITATION ON POWERS.

In the exercise of its powers and duties under this Ordinance, the Alcohol Control Committee and its individual members shall not accept any gratuity, compensation or other thing of value from any alcohol wholesaler, retailer, or distributor or from any licensee.

#### SECTION FOUR.12.7 INSPECTION RIGHTS.

The premises on which alcohol is sold or distributed shall be open for inspection by the Alcohol Control

Committee at all reasonable times for the purposes of ascertaining whether the rules and regulations of this Ordinance are being complied with.

#### SECTION FOUR.12.8 LICENSE REQUIRED.

Sales of alcohol and alcoholic beverages on lands within the Community's jurisdiction may only be made at businesses which hold a Tribal Alcohol License.

#### SECTION FOUR.12.9 SALES FOR CASH.

All alcohol sales within the Reserve boundaries shall be on a cash only basis and no credit shall be extended to any person, organization, or entity, except that this provision does not prevent the use of major credit cards.

#### SECTION FOUR.12.10 SALES FOR PERSONAL CONSUMPTION.

All sales shall be for the personal use and consumption of the purchaser. Resale of any alcoholic beverage purchased within the exterior boundaries of the Reserve is prohibited. Any person who is not licensed according to this Ordinance who purchases an alcoholic beverage within the boundaries of the Reserve and sells it, whether in the original container or not, shall be guilty of a violation of this Ordinance and shall be subjected to paying damages to the Community as set forth herein.

#### SECTION FOUR.12.11 REQUIREMENTS FOR APPLICATION FOR TRIBAL ALCOHOL LICENSE.

A. No individual tribal license shall issue under this Ordinance except upon a sworn application filed with the Alcohol Control Committee containing a full and complete showing of the following:

1. Satisfactory proof that the applicant is or will be duly licensed by the State of Alaska.

2. Satisfactory proof that the applicant is of good character and reputation among the people of the Reserve and that the applicant is financially responsible.

3. The description of the premises in which the intoxicating beverages are to be sold, proof that the applicant is the owner of such premises, or lessee of such premises, for at least the term of the license.

4. Agreement by the applicant to accept and abide by all conditions of the tribal license.

5. Payment of a license fee as prescribed by the Alcohol Control Committee.

6. Satisfactory proof that neither the applicant nor the applicant's spouse has ever been convicted of a felony.

7. Satisfactory proof that notice of the application has been posted in a prominent, noticeable place on the premises where intoxicating beverages are to be sold for at least thirty (30) days prior to consideration by the Alcohol Control Committee and has been published at least twice in such local newspaper serving the community that may be affected by the license. The notice shall state the date, time, and place when the application shall be considered by the Alcohol Control Committee according to Section Four.12.12 of this Ordinance.

#### SECTION FOUR.12.12 HEARING ON APPLICATION FOR TRIBAL ALCOHOL LICENSE.

A. All applications for a tribal alcohol license shall be considered by the Alcohol Control Committee in open session at which the applicant, his/her attorney, and any person protesting the application shall have the right to be present, and to offer sworn oral or documentary evidence relevant to the application. After the hearing, the Alcohol Control Committee, by secret ballot, shall determine whether to grant or deny the application based on:

1. Whether the requirements of SECTION FOUR.12.11 have been met; and

2. Whether the Alcohol Control Committee, in its discretion, determines that granting the license is in the best interest of the Community.

In the event that the applicant is a member of the Tribal Council, or a member of the immediate family of a Tribal Council member, such member shall not vote on the application or participate in the hearings as a Alcohol Control Committee member.

#### SECTION FOUR.12.13 TEMPORARY PERMITS.

The Alcohol Control Committee or its designee may grant a temporary permit for the sale of intoxicating beverages for a period not to exceed three (3) days to any person applying for the same in connection with a tribal or community activity, provided that the conditions prescribed in SECTION FOUR.12.13 of this Ordinance shall be observed by the permittee. Each permit issued shall specify the types of intoxicating beverages to be sold. Further, a fee, as set by the Alcohol Control Committee, will be assessed on temporary permits.

**SECTION FOUR.12.14 CONDITIONS OF TRIBAL LICENSE.**

A. Any tribal license issued under this Ordinance shall be subject to such reasonable conditions as the Alcohol Control Committee shall fix, including, but not limited to the following:

1. The license shall be for a term not to exceed 2 years;
2. The licensee shall at all times maintain an orderly, clean, and neat establishment, both inside and outside the licensed premises;
3. The licensed premises shall be subject to patrol by the tribal police department, and such other law enforcement officials as may be authorized under applicable law;
4. The licensed premises shall be open to inspection by duly authorized tribal officials at all times during the regular business hours;
5. Subject to the provisions of subsection (7) to 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 Alaska, and in accordance with the hours fixed by the Alcohol Control Committee, 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 Alaska.
6. No alcohol shall be sold within 200 feet of a polling place on tribal election days, when a referendum is held of the people of the Community, and including special days of observance as designated by the Alcohol Control Committee.
7. All acts and transactions under authority of the tribal alcohol license shall be in conformity with the laws of the State of Alaska, as required by federal law, and shall be in accordance with this ordinance and any tribal license issued according to this Ordinance.
8. No person under the age permitted under the laws of the State of Alaska shall be sold, served, delivered, given, or allowed to consume alcoholic beverages in the licensed establishment and/or area.
9. There shall be no discrimination in the operations under the tribal license by reason of race, color, or creed.

**SECTION FOUR.12.15 LICENSE NOT A PROPERTY RIGHT.**

Notwithstanding any other provision of this ordinance, a tribal alcohol license is a mere permit for a fixed duration of time. A tribal alcohol license shall not be deemed a property right or

vested right of any kind, nor shall the granting of a tribal alcohol license give rise to a presumption of legal entitlement to the granting of such license for a subsequent time period.

**SECTION FOUR.12.16 ASSIGNMENT OR TRANSFER.**

No tribal license issued under this Ordinance shall be assigned or transferred without the written approval of the Alcohol Control Committee expressed by formal resolution.

**SECTION FOUR.12.17 SALE OR POSSESSION WITH INTENT TO SELL WITHOUT A LICENSE.**

Any offense of Title One, Section 1.55 LIQUOR POSSESSION FOR SALE shall also be considered a violation under this Ordinance.

**SECTION FOUR.12.18 PURCHASE FROM OTHER THAN LICENSED FACILITIES.**

Any person within the boundaries of the Reserve who buys alcohol from any person other than at a properly licensed facility shall be guilty of a violation of this Ordinance.

**SECTION FOUR.12.19 SALES TO PERSONS UNDER THE INFLUENCE OF ALCOHOL.**

Any person who sells alcohol to a person apparently under the influence of alcohol shall be guilty of a violation of this Ordinance.

**SECTION FOUR.12.20 CONSUMING ALCOHOL IN PUBLIC CONVEYANCE.**

Any person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant or employee of such person who shall knowingly permit any person to drink any alcoholic beverages in any public conveyance shall be guilty of a violation of this Ordinance. Any person who shall drink any alcoholic beverage in a public conveyance shall be guilty of a violation of this Ordinance.

**SECTION FOUR.12.21 CONSUMPTION OR POSSESSION OF ALCOHOL BY MINORS.**

The possession of alcohol by any minor is prohibited by Section 1.56b of the Criminal Law & Procedure Code. Any offense committed under Section 1.56b shall also constitute a violation of this Ordinance.

**SECTION FOUR.12.22 SALE OF ALCOHOL TO MINORS.**

The sale of alcohol to any minor is prohibited by Section 1.49a of the Criminal Law & Procedure Code. Any offense committed under Section 1.49a

shall also constitute a violation of this Ordinance.

**SECTION FOUR.12.23 TRANSFER OF IDENTIFICATION TO MINOR.**

Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain alcohol shall be guilty of an offense; provided, that corroborative testimony of a witness other than the minor shall be a requirement of finding a violation of this ordinance.

**SECTION FOUR.12.24 USE OF FALSE OR ALTERED IDENTIFICATION.**

Any person who attempts to purchase an alcoholic beverage through the use of false or altered identification that falsely purports to show the individual to be over the age of 21 years shall be guilty of violating this Ordinance.

**SECTION FOUR.12.25 VIOLATION OF THIS ORDINANCE.**

A. The Metlakatla Police Department shall notify the Alcohol Control Committee in writing of any suspected violations of this Ordinance. Upon the request of the Alcohol Control Committee, the Metlakatla Police Department shall appear at the time and place specified for a hearing under subsection B to present the evidence against accused.

B. Any person accused of violating this ordinance shall be entitled to a hearing before the Alcohol Control Committee after 10 days' written notice. The notice must specify the facts underlying the allegation and the specific provision of the Ordinance the person is accused of violating. The accused shall be entitled to the Basic Rights included in Title 1, Chapter 2, Section 2.3, with the exception of a right to trial by an impartial jury. The accused shall be found guilty upon a two-third vote of the members of the Alcohol Control Committee present at the hearing. Any person guilty of a violation of this Ordinance by the Alcohol Control Committee shall be liable to pay the Community a penalty not to exceed \$500 per violation as civil damages to defray the Community's cost of enforcement of this Ordinance.

C. In addition to any penalties so imposed, any license issued hereunder may be suspended or canceled by the Alcohol Control Committee for the violation of any of the provisions of this Ordinance, or of the tribal license, upon hearing before the Alcohol Control Committee after 10 days' notice to the licensee. The decision of the Alcohol Control Committee shall be final.



D. A licensee that loses any license granted under this Chapter pursuant to Section Four.12.25(B) may reapply for a license according to the terms of this chapter after a period of six (6) months.

#### SECTION FOUR.12.26 ACCEPTABLE IDENTIFICATION.

A. Where there may be a question of a person's right to purchase alcohol by reason of his/her age, such person shall be required to present any one of the following issued cards of identification which shows his/her correct age and bears his/her signature and photograph:

1. Driver's license of any state or identification card issued by any State Department of Motor Vehicles;
2. United States Active Duty Military Identification;
3. Passport.

#### SECTION FOUR.12.27 POSSESSION OF ALCOHOL CONTRARY TO THIS ORDINANCE.

Alcoholic beverages which are possessed contrary to the terms of this Ordinance are declared to be contraband. Alcoholic beverages declared contraband shall be subject to seizure under Title IV, Chapter 6 of the Civil Code.

#### SECTION FOUR.12.28 SALES TAX.

The Alcohol Control Committee shall have the authority, by regulation, to levy and collect a sales tax on each sale of alcoholic beverages on the Reserve. The amount of such tax shall be set by resolution, shall include credit card payments, and shall include all retail sales of alcohol on the Reserve.

#### SECTION FOUR.12.29 PAYMENT OF TAXES TO COMMUNITY.

All taxes from the sale of alcoholic beverages on the Reserve shall be paid over to the Secretary of the Community.

#### SECTION FOUR.12.30 TAXES DUE.

All taxes for the sale of alcoholic beverages on the Reserve are due within thirty (30) days of the end of the calendar quarter for which the taxes are due.

#### SECTION FOUR.12.31 REPORTS.

Along with payment of the taxes imposed herein, the taxpayers shall submit an accounting for the quarter of all income from the sale or distribution of said beverages as well as for the taxes collected.

#### SECTION FOUR.12.32 AUDIT.

As a condition of obtaining a license, the licensee must agree to the review or audit of its books and records relating to the sale of alcoholic beverages on the

Reserve. Said review or audit may be done annually by the Community through its agents or employees whenever, in the opinion of the Alcohol Control Committee, such a review or audit is necessary to verify the accuracy of reports.

#### SECTION FOUR.12.33 DISPOSITION OF PROCEEDS.

A. The gross proceeds collected by the Alcohol Control Committee from all licensing and provided from the taxation of the sales of alcoholic beverages on the Reserve shall be distributed as follows:

1. For the payment of all necessary personnel, administrative costs, and legal fees for the operation of the Alcohol Control Committee and its activities.
2. The remainder shall be turned over to the account of the Community.

#### SECTION FOUR.12.34 SEVERABILITY.

If any provision or application of this ordinance is determined by review to be invalid, such adjudication 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 FOUR.12.35 PRIOR ENACTMENTS.

All prior enactments of the Tribal Council that are inconsistent with the provisions of this Ordinance are hereby rescinded.

#### SECTION FOUR.12.36 CONFORMANCE WITH STATE OF ALASKA LAWS.

All acts and transactions under this Ordinance shall be in conformity with the laws of the State of Alaska as that term is used in 18 U.S.C. 1161.

#### SECTION FOUR.12.37 EFFECTIVE DATE.

This Ordinance shall be effective as of the date of publication in the **Federal Register**.

#### SECTION FOUR.12.38 AMENDMENT.

This Ordinance may only be amended or repealed by a majority vote of the Tribal Council. The authorized areas of the Community's Reserve where alcohol may be sold may only be amended or repealed by the Tribal Council. No amendment or modification of the regulation by the Community of the sale and possession of alcohol is effective until approved by the Secretary of the Interior and published in the **Federal Register**.

#### SECTION FOUR.12.39 SOVEREIGN IMMUNITY.

This Ordinance in no way limits, alters, restricts, or waives the Community's sovereign immunity from unconsented suit.

[FR Doc. 2022-05344 Filed 3-11-22; 8:45 am]

BILLING CODE 4337-15-P

### DEPARTMENT OF THE INTERIOR

#### Bureau of Indian Affairs

[2231A2100DD/AAKC001030/  
AOA501010.999900; OMB Control Number  
1076-0152]

#### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Tribal Revenue Allocation Plans

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

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Assistant Secretary—Indian Affairs (AS-IA) are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before April 13, 2022.

**ADDRESSES:** Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov); or via facsimile to (202) 395-5806. Please provide a copy of your comments to Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; or by email to [comments@bia.gov](mailto:comments@bia.gov). Please reference OMB Control Number 1076-0152 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Ms. Paula Hart, Director, Office of Indian Gaming, AS-IA, by telephone: (202) 219-4066; or by email to [indiangaming@bia.gov](mailto:indiangaming@bia.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork

# COUNCIL ANNETTE ISLANDS RESERVE

## METLAKATLA INDIAN COMMUNITY

ALBERT G. SMITH, MAYOR  
JUDITH A. EATON, EXECUTIVE TRIBAL SECRETARY  
DARCY BOOTH, TREASURER

### RESOLUTION #23-13

ESTABLISHED 1887

POST OFFICE BOX 8  
METLAKATLA, ALASKA 99926  
PHONE (907) 886-4441  
FAX (907) 886-7997

WHEREAS, the Council of the Annette Islands Reserve (the "Council") is the governing body of the Metlakatla Indian Community, Annette Islands Reserve, Alaska by the authority of the Constitution and By-Laws of the Metlakatla Indian Community approved on August 23, 1944 by the Secretary of the Interior (Constitution);

WHEREAS, the Metlakatla Indian Community (the "Community") is a federally recognized Indian Tribe, organized pursuant to the provisions of Section 16 of the Federal Reorganization Act, 25 U.S.C., subsection 476;

WHEREAS, the Community is governed by its Council, which is responsible for the welfare of the Annette Islands Reserve, all Community members and management of its natural resources, sovereign waters and related fisheries;

WHEREAS, the Community submitted to the State of Alaska's Alcohol and Marijuana Control Office ("AMCO") an application for a license to operate an alcohol package store under the assumed business name of Bayside Booze and Burns;

WHEREAS, on or about February 14, 2023, AMCO notified the Community that its application was complete and would be scheduled for consideration by the Alcohol Control Board (the "Board") at its March 6-7, 2023, Board meeting;

WHEREAS, on or about February 23, 2023, AMCO notified the Community that its Council had a right to protest the application and that the Board would not consider the application until the 60-day protest period had elapsed without any protest or the Council provided written notice of Council's intent to waive its protest right;

WHEREAS, the Council fully supports the Community's application and wants it considered by the Board as soon as possible; and,


NOW THEREFORE BE IT RESOLVED that the Council waives its right to protest the Community's package store application; and,

BE IT FURTHER RESOLVED that the Council authorizes the Mayor or his delegee to provide this resolution to AMCO as soon as possible.

  
Mayor, Metlakatla Indian Community

### CERTIFICATION

This Resolution was adopted at a Regular Tribal Council Meeting held on 3/1/23, at which a quorum of the Tribal Council was present, and the Resolution was adopted by a vote of 8 FOR, 0 AGAINST, and ABSTAINING, with the Mayor being authorized to sign said Resolution.

By:   
David. R. Boxley, Acting Executive Secretary



**Alaska Alcoholic Beverage Control Board**  
**Form AB-00: New License Application**

**Why is this form needed?**

This new license application form is required for all individuals or entities seeking to apply for a new liquor license. Applicants should review Title 04 of Alaska Statutes and Chapter 304 of the Alaska Administrative Code. All fields of this form must be completed, per AS 04.11.260 and 3 AAC 304.105.

This form must be completed and submitted to AMCO's Anchorage office, along with all other required forms and documents, before any license application will be considered complete.

**Section 1 – Establishment and Contact Information**

Enter information for the business seeking to be licensed.

<b>Licensee:</b>	Metlakatla Indian Community				
<b>License Type:</b>	Package Store	<b>Statutory Reference:</b>	AS 04.11.150		
<b>Doing Business As:</b>	Bayside Booze and Burns				
<b>Premises Address:</b>	1275 Weldon Point Road				
<b>City:</b>	Metlakatla	<b>State:</b>	Alaska	<b>ZIP:</b>	99926
<b>Local Governing Body:</b>	Metlakatla Indian Community				
<b>Community Council:</b>	The Community Council				

<b>Mailing Address:</b>	P.O. Box 8				
<b>City:</b>	Metlakatla	<b>State:</b>	Alaska	<b>ZIP:</b>	99926

<b>Designated Licensee:</b>	Mayor Albert Smith				
<b>Contact Phone:</b>	(907) 886-4441	<b>Business Phone:</b>	Same		
<b>Contact Email:</b>	asmith@metlakatla.com				

Seasonal License?    Yes     No     If "Yes", write your six-month operating period: \_\_\_\_\_

OFFICE USE ONLY					
<b>Complete Date:</b>	2/14/23	<b>License Years:</b>		<b>License #:</b>	6128
<b>Board Meeting Date:</b>	3/6-7/2023	<b>Transaction #:</b>	100534159		
<b>Issue Date:</b>		<b>Examiner:</b>	KRS		



Alaska Alcoholic Beverage Control Board  
**Form AB-00: New License Application**

**Section 2 – Premises Information**

Premises to be licensed is:

- an existing facility     a new building     a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

1.56 miles

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

1.35 miles

**Section 3 – Sole Proprietor Ownership Information**

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 4. If more space is needed, please attach a separate sheet with the required information. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an:  applicant     affiliate

5634

Name:	Mayor Albert Smith				
Address:	P.O. Box 8				
City:	Metlakatla	State:	Alaska	ZIP:	99926

This individual is an:  applicant     affiliate

Name:	Treasurer Darcy Booth				
Address:	P. O. Box 8				
City:	Metlakatla	State:	Alaska	ZIP:	99926



Alaska Alcoholic Beverage Control Board

**Form AB-00: New License Application**

**Section 4 – Entity Ownership Information**

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 5.

If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	



**Alaska Alcoholic Beverage Control Board**  
**Form AB-00: New License Application**

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:		AK Formed Date:		Home State:	
Registered Agent:			Agent's Phone:		
Agent's Mailing Address:					
City:		State:		ZIP:	

Residency of Agent: Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?

**Section 5 - Other Licenses**

Ownership and financial interest in other alcoholic beverage businesses: Yes No

Does any representative or owner named in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

**Section 6 - Authorization**

Communication with AMCO staff: Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

If "Yes", disclose the name of the individual and the reason for this authorization:

Christopher Lundberg - He is the Community's attorney.



Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

**Alaska Alcoholic Beverage Control Board**  
**Form AB-00: New License Application**

**Section 7 – Certifications**

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

AS

I certify that all proposed licensees have been listed with the Division of Corporations.

N/A

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

AS

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

AS

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

AS

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

AS

Albert Smith  
 Signature of licensee

Mayor Albert Smith

Printed name of licensee

Joanna S Marsden  
 Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 6/16/2024

Subscribed and sworn to before me this 14<sup>th</sup> day of November, 2022.



Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

**Alaska Alcoholic Beverage Control Board**  
**Form AB-02: Premises Diagram**

**Why is this form needed?**

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

**The second page of this form may not be required.** Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

**This form must be completed and submitted to AMCO's Anchorage office before any license application will be considered complete.**

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

**Section 1 – Establishment Information**

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Metlakatla Indian Community	License Number:	
License Type:	Package store		
Doing Business As:	Bayside Booze and Burns		
Premises Address:	1275 Walden Point Road		
City:	Metlakatla	State:	Alaska
		ZIP:	99926

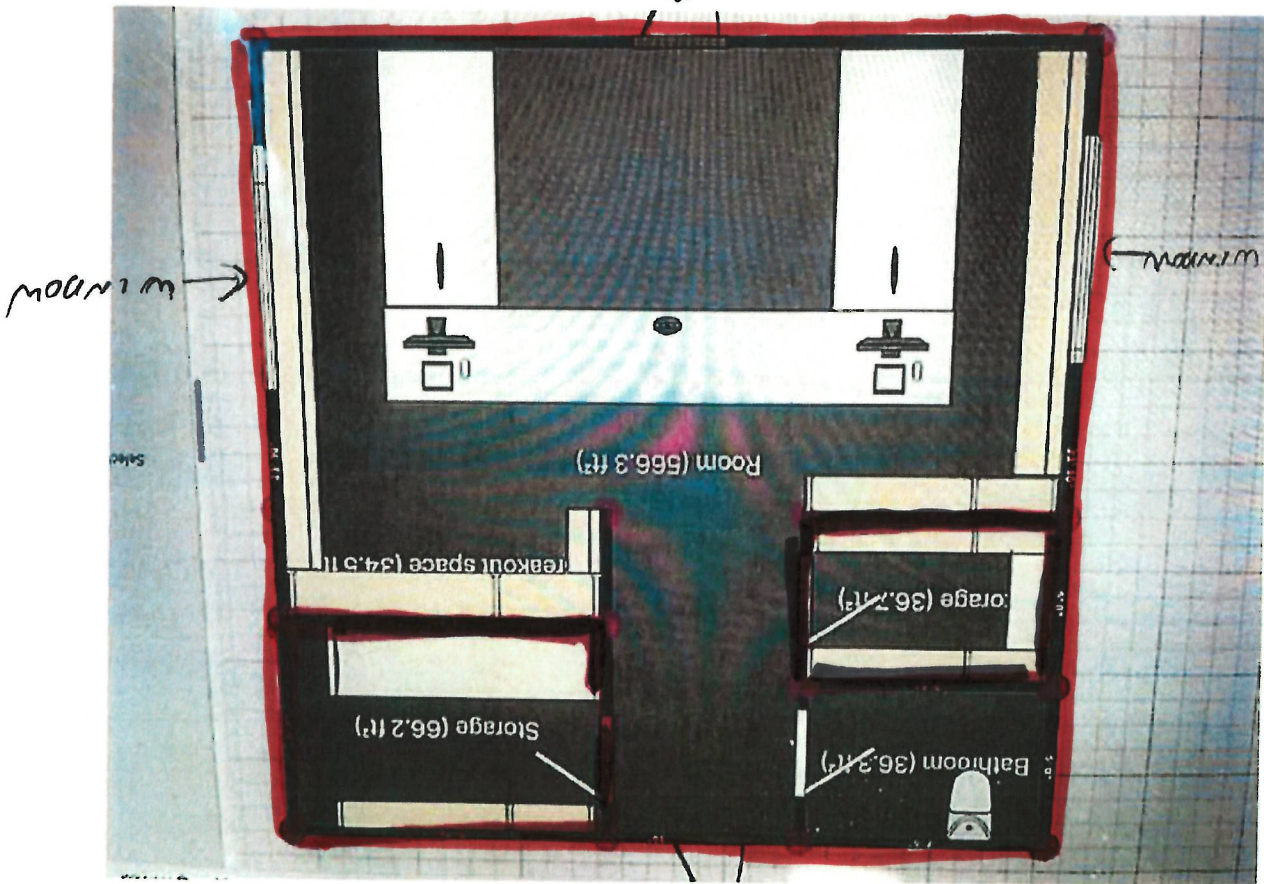


• Two windows - Both 1' x 6', set high close to the ceiling.

• Large storage closet: 6' x 16' x 10'  
• Smaller storage closet: 5' x 0.5'

• Building dimension = 24' x 24'

REAR ENTRANCE/EXIT

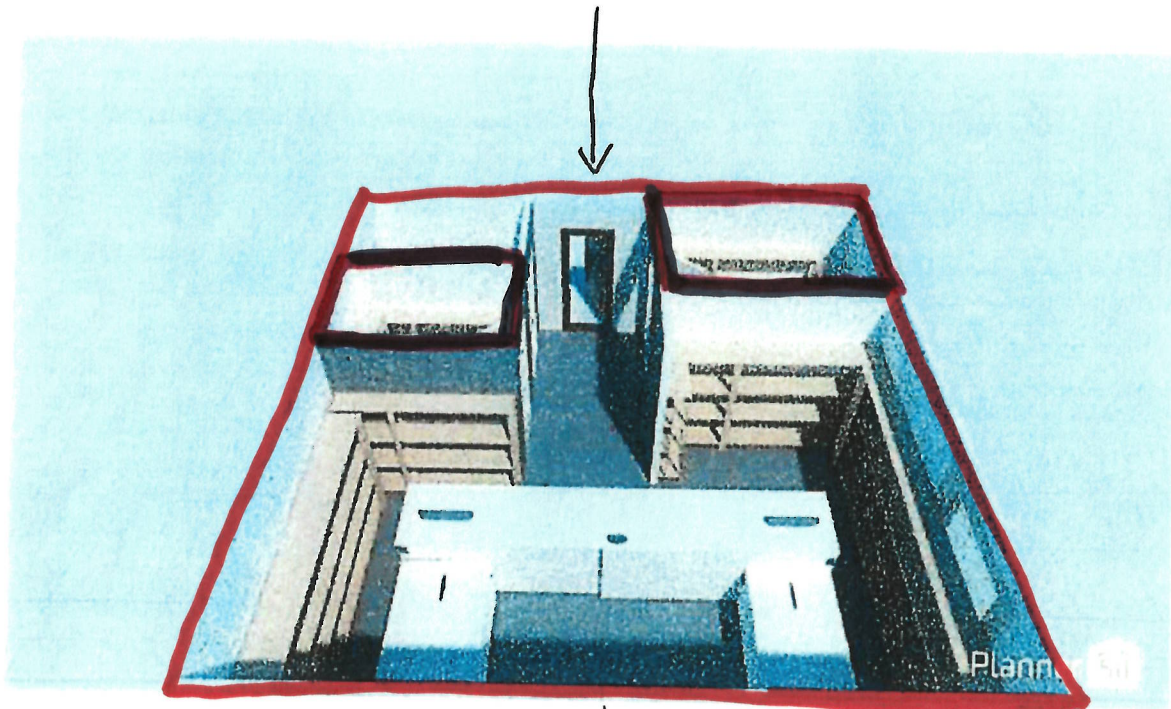


FRONT ENTRANCE/EXIT

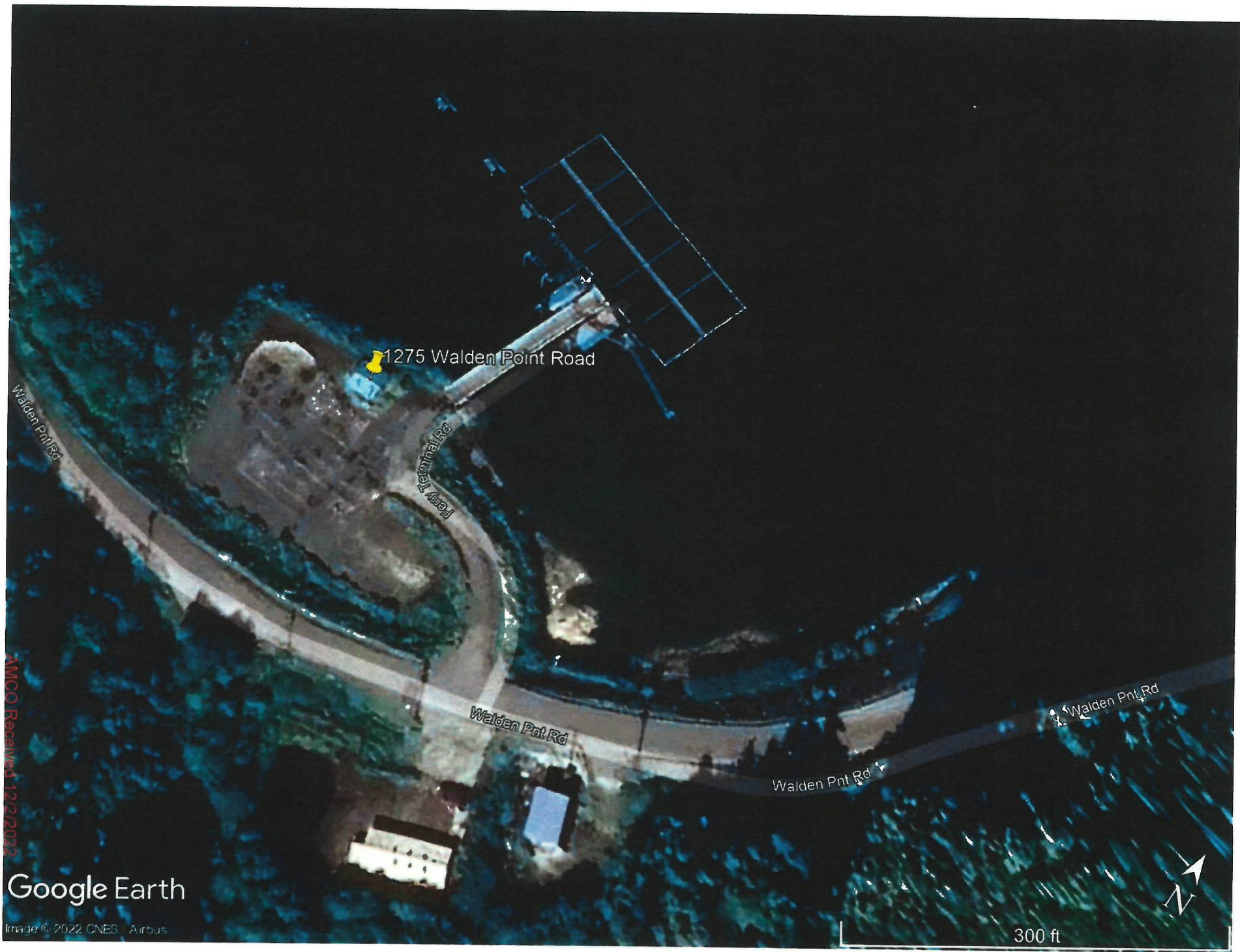
IMG\_6546.jpg

11/17/22, 9:29 AM

FRONT ENTRANCE/EXIT



REAR ENTRANCE/EXIT



1275 Walden Point Road

Walden Pnt Rd

Ferry Terminal Rd

Walden Pnt Rd

Walden Pnt Rd

Walden Pnt Rd

AMCO Reserved 12/21/2022

Google Earth

Image © 2022 CNES - Airbus

300 ft





February 23, 2023

Metlakatla Indian Community Council

Via Email: [asmith@metlakatla.com](mailto:asmith@metlakatla.com)

<b>License Type:</b>	Package Store	<b>License Number:</b>	6128
<b>Licensee:</b>	Metlakatla Indian Community		
<b>Doing Business As:</b>	Bayside Booze and Burns		
<b>Premises Address</b>	1275 Weldon Point Road		

- New Application**
 **Transfer of Ownership Application**  
 **Transfer of Location Application**
 **Transfer of Controlling Interest Application**

We have received your completed application for the above listed license (see attached application documents). Notice to a local governing body is generally required under AS 04.11.480. But, under AS 04.21.080(19), "local governing body" means, as appropriate, a city council, a borough assembly, or a traditional village council, but does not include a corporation established under the Alaska Native Claims Settlement Act." This definition does not refer to the council of a tribe with territorial jurisdiction, but we have determined that the Metlakatla Indian Community Council (the Council) is the local governing body for purposes of AS 04.11.480. This notice is sent to maintain procedural regularity throughout the consideration of this application.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant. The board will not take action until the protest period is over unless the Council advises the director in writing before the end of the 60 days that it is waiving its right to protest the application. 3 AAC 304.145(b)(1).

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Joan Wilson, Director

[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)



February 23, 2023

Alaska Department of Environmental Conservation  
Via email: [DEC.FSSPermit@alaska.gov](mailto:DEC.FSSPermit@alaska.gov);

<b>License Number:</b>	6128
<b>License Type:</b>	Package Store
<b>Applicant:</b>	Metlakatla Indian Community
<b>Doing Business As:</b>	Bayside Booze and Burns

AS 04.11.330(b) and AS 04.11.370(a)(6) require that an applicant for a liquor license operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of the state and the local governing body in which the applicant’s proposed licensed premises are located.

This letter serves to provide written notice and request for compliance status from the above referenced entities regarding the above application (see attached application documents for more information). **A compliance report may not be necessary because the applicant is a Tribe with territorial jurisdiction.** Please complete and return this form to the AMCO office at [alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov).

REVIEWER: \_\_\_\_\_

DATE: \_\_\_\_\_ PHONE: \_\_\_\_\_

Not-Applicable/non-jurisdictional     Compliant     Non-compliant

COMMENTS: \_\_\_\_\_

If you have any questions, please send them to [alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov).

Sincerely,

Joan Wilson  
Director, ABC Board



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development  
ALCOHOL & MARIJUANA CONTROL OFFICE  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

February 23, 2023

Alaska Department of Environmental Conservation  
Via email: [DEC.FSSPermit@alaska.gov](mailto:DEC.FSSPermit@alaska.gov)

License Number:	6128
License Type:	Package Store
Applicant:	Metlakatla Indian Community
Doing Business As:	Bayside Booze and Burns

AS 04.11.330(b) and AS 04.11.370(a)(6) require that an applicant for a liquor license operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of the state and the local governing body in which the applicant's proposed licensed premises are located.

This letter serves to provide written notice and request for compliance status from the above referenced entities regarding the above application (see attached application documents for more information). A compliance report may not be necessary because the applicant is a Tribe with territorial jurisdiction. Please complete and return this form to the AMCO office at [alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov).

REVIEWER: Katrina J. Beller

DATE: 2.28.23 PHONE: 907 228 3348

Not-Applicable/non-jurisdictional     Compliant     Non-compliant

COMMENTS: \_\_\_\_\_

If you have any questions, please send them to [alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov).

Sincerely,

*Joan M. Wilson*

Joan Wilson  
Director, ABC Board



February 23, 2023

State Fire Marshal

Via Portal: <https://st-alaska-ak.smartgovcommunity.com/ApplicationPublic/ApplicationHome>

Via email: [dps.prb@alaska.gov](mailto:dps.prb@alaska.gov)

<b>License Number:</b>	6128
<b>License Type:</b>	Package Store
<b>Applicant:</b>	Metlakatla Indian Community
<b>Doing Business As:</b>	Bayside Booze and Burns

AS 04.11.330(b) and AS 04.11.370(a)(6) require that an applicant for a liquor license operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of the state and the local governing body in which the applicant’s proposed licensed premises are located.

This letter serves to provide written notice and request for compliance status from the above referenced entities regarding the above application (see attached application documents for more information). **A compliance report may not be necessary because the applicant is a Tribe with territorial jurisdiction. Please complete and return this form to the AMCO office at [alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov).**

REVIEWER: \_\_\_\_\_

DATE: \_\_\_\_\_ PHONE: \_\_\_\_\_

Not Applicable/non-jurisdictional    Compliant    Non-compliant

COMMENTS: \_\_\_\_\_

If you have any questions, please send them to [alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov).

Sincerely,

Joan Wilson  
Director, ABC Board