

378.53 feet; N. 6°59' W., 744.3 feet; N. 11°36' E., 428.34 feet; N. 15°06' W., 481.23 feet; N. 27°20' W., 578.32 feet; N. 25°36' E., 1072.82 feet; N. 9°46' E., 1104.33 feet; N. 27°01' E., 365.8 feet; N. 18°32' W., 408.2 feet; N. 35°48' W., 1009.6 feet; N. 28°43' W., 246.15 feet; N. 51°19' W., 377.23 feet; N. 63°17' W., 696.27 feet; N. 43°57' W., 520.75 feet; N. 27°03' W., 680.15 feet; N. 54°11' W., 470.7 feet; N. 74°08' W., 420.05 feet; N. 87°44' W., 688.4 feet; N. 72°26' W., 682.4 feet; S. 55°03' W., 817.02 feet; N. 71°21' W., 1241.18 feet; S. 82°41' W., 2523.0 feet; N. 15°53' W., 1538.02 feet; N. 25°48' W., 265.05 feet; N. 65°36' W., 2848.65 feet to the northwest corner of Tract Two (**Note:** The Mt. Taylor Development Company plat dated December 2, 1968, shows a tie of S. 48°39' W., 3750.25 feet distance from the northwest corner of Tract Two to the Government brass cap marking the closing corner of Sections 27 and 34, Township 12 North, Range 7 West, New Mexico Principal Meridian, on the west boundary of the Cebolleta Grant. This brass cap has geographic coordinates, in NAD 83 (CORS96), of 35°13'55.312" N. Latitude and 107°33'51.696 W. Longitude, as determined by the U.S. Bureau of Indian Affairs in 2004, using survey-grade Global Positioning System units. The above-described 1968 plat lists no surveyor and was never recorded in the records of Cibola or Valencia Counties, but has been recorded in the records of the U.S. Bureau of Indian Affairs, Albuquerque Land Titles and Records Office.); thence from the northwest corner of Tract Two, S. 1°15' W., 5048.84 feet on the west boundary of Tract Two, crossing Water Canyon, to a corner of Tract Two, being identical with the northwest corner of Lot No. 6 of the Mt. Taylor Development Company, Water Canyon Stockholders' Lots, as indicated on the three Mt. Taylor Development Company plats dated August 1967, September 1, 1967, and December 2, 1968 (**Note:** These three plats list no surveyor and were never recorded in the records of Cibola or Valencia Counties, but have been recorded in the records of the U.S. Bureau of Indian Affairs, Albuquerque Land Titles and Records Office); thence S. 88°45' E., 100 feet continuing on a portion of the west boundary of Tract Two, being identical with the north boundary of said Lot No. 6, to a corner of Tract Two, being identical with the northeast corner of said Lot No. 6, as shown on the above-described plat dated August 1967, which is titled "Mt. Taylor Development Company, T. 12 N., R. 7 W., N.M.P.M., Water Canyon Stock Holder's Lots;" thence S. 1°15' W., 150

feet on a portion of the west boundary of Tract Two, being identical with the east boundary of said Lot No. 6, to a point on the west boundary of Tract Two, being identical with the southeast corner of said Lot No. 6, and also identical with the northeast corner of Lot No. 5 of the Mt. Taylor Development Company, Water Canyon Stockholders' Lots, as shown on the above-described plat dated August 1967; thence S. 1°15' W., 150 feet on a portion of the west boundary of Tract Two, being identical with the east boundary of said Lot No. 5, to a corner of Tract Two, being identical with the southeast corner of said Lot No. 5, as shown on the above-described plat dated August 1967; thence N. 88°45' W., 100 feet continuing on a portion of the west boundary of Tract Two, being identical with the south boundary of said Lot No. 5, to a corner on the west boundary of Tract Two, being identical with the southwest corner of said Lot No. 5, as shown on the above-described plat dated August 1967; thence S. 1°15' W., 70.9 feet on the west boundary of Tract Two, to an iron pipe, as shown on the Mt. Taylor Development Company plats dated August 1967 and September 1, 1967 (**Note:** Both of these plats show a tie of N. 41°59' W., 3956.2 feet distance from this iron pipe to the previously described Government brass cap marking the closing corner of Sections 27 and 34, Township 12 North, Range 7 West, New Mexico Principal Meridian, on the west boundary of the Cebolleta Grant. The September 1, 1967 plat also states that this iron pipe is located approximately 410 feet South of the Water Canyon Creek.); thence from said iron pipe, S. 1°15' W., 4211.72 feet on the west boundary of Tract Two, continuing across Water Canyon, to a point near the east ridge of Timber Canyon; thence WEST, 2750.01 feet to a point on the west boundary of the Cebolleta Grant, being also a point on the east boundary of surveyed fractional Section 3 (outside the Grant), Township 11 North, Range 7 West, New Mexico Principal Meridian; thence on the west boundary of the Cebolleta Grant, being identical with the west boundary of Tract Two, as follows: S. 0°58' W., 1043.54 feet to the true point for the 6 Mile Corner (**Note:** The official U.S. General Land Office plat and field note records for Township 11 North, Range 7 West, New Mexico Principal Meridian, approved May 13, 1935, which describe the 1930 resurvey of this portion of the west boundary of the Cebolleta Grant, indicate that a witness corner, monumented with an iron post with brass cap, was established 12 links (7.92

feet) S. 0°58' W. from the true point for the 6 Mile Corner. These records are on file at the U.S. Bureau of Land Management, New Mexico State Office, in Santa Fe, New Mexico.); thence from the true point for the 6 Mile Corner, S. 0°58' W., 4871.46 feet to the 7 Mile Corner; thence S. 5°34' W., 5184.3 feet to the 8 Mile Corner; thence S. 4°14' W., 2527.4 feet to the southwest corner of Tract Two and point of beginning; said Tract Two containing 6,622.03 acres, more or less. (**Note:** This total area for Tract Two includes the formerly designated Lots No. 1 through 4 and Lots No. 7 through 15 of the Mt. Taylor Development Company, Water Canyon Stockholders' Lots, as shown on the above-described plat dated August 1967, which are totally within and now a part of Tract Two, making it unnecessary to describe them herein as separate parcels.)

The above-described lands contain a total of 6,883.54 acres, more or less, which are subject to all valid rights, reservations, rights-of-way, and easements of record.

This proclamation does not affect title to the land described above, nor does it affect any valid existing easements for public roads and highways, public utilities and for railroads and pipelines and any other rights-of-way or reservations of record.

Dated: June 19, 2007.

**Carl J. Artman,**

*Assistant Secretary—Indian Affairs.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Rate Adjustments for Indian Irrigation Projects

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

**ACTION:** Notice of proposed rate adjustments.

**SUMMARY:** The Bureau of Indian Affairs (BIA) owns, or has an interest in, irrigation facilities located on various Indian reservations throughout the United States. We are required to establish rates to recover the costs to administer, operate, maintain, and rehabilitate those facilities. We request your comments on the proposed rate adjustments.

**DATES:** Interested parties may submit comments on the proposed rate adjustments on or before April 8, 2008.

**ADDRESSES:** All comments on the proposed rate adjustments must be in writing and addressed to: John Anevski, Chief, Division of Irrigation, Power and Safety of Dams, Office of Trust Services, Mail Stop 4655-MIB, 1849 C Street, NW., Washington, DC 20240, Telephone (202) 208-5480.

**FOR FURTHER INFORMATION CONTACT:** For details about a particular irrigation project, please use the tables in **SUPPLEMENTARY INFORMATION** section to contact the regional or local office where the project is located.

**SUPPLEMENTARY INFORMATION:** The tables in this notice list the irrigation project contacts where the BIA recovers its costs for local administration, operation, maintenance, and rehabilitation, the current irrigation assessment rates, and the proposed rates for the 2008 irrigation season and subsequent years where applicable.

#### **What are some of the terms I should know for this notice?**

The following are terms we use that may help you understand how we are applying this notice.

*Administrative costs* means all costs we incur to administer our irrigation projects at the local project level. Local project level does not normally include the Agency, Region, or Central Office costs unless we state otherwise in writing.

*Assessable acre* means lands designated by us to be served by one of our irrigation projects and to which we provide irrigation service and recover our costs. (See *Total assessable acres*.)

*BIA* means the Bureau of Indian Affairs.

*Bill* means our statement to you of the assessment charges and/or fees you owe the United States for administration, operation, maintenance, and/or rehabilitation. The date we mail or hand deliver your bill will be stated on it.

*Costs* mean the costs we incur for administration, operation, maintenance, and rehabilitation to provide direct support or benefit to an irrigation facility.

*Customer* means any person or entity that we provide irrigation service to.

*Due date* is the date on which your bill is due and payable. This date will be stated on your bill.

*I, me, my, you, and your* means all interested parties, especially persons or entities that we provide irrigation service to and receive beneficial use of our irrigation projects affected by this notice and our supporting policies, manuals, and handbooks.

*Irrigation project* means, for the purposes of this notice, the facility or portions thereof, that we own, or have an interest in, including all appurtenant works, for the delivery, diversion, and storage of irrigation water to provide irrigation service to customers for whom we assess periodic charges to recover our costs to administer, operate, maintain, and rehabilitate. These projects may be referred to as facilities, systems, or irrigation areas.

*Irrigation service* means the full range of services we provide customers of our irrigation projects, including, but not limited to, water delivery. This includes our activities to administer, operate, maintain, and rehabilitate our projects.

*Maintenance costs* means all costs we incur to maintain and repair our irrigation projects and equipment of our irrigation projects and is a cost factor included in calculating your operation and maintenance (O&M) assessment.

*Must* means an imperative or mandatory act or requirement.

*Operation and maintenance (O&M) assessment* means the periodic charge you must pay us to reimburse our costs.

*Operation or operating costs* means costs we incur to operate our irrigation projects and equipment and is a cost factor included in calculating your O&M assessment.

*Past due bill* means a bill that has not been paid by the close of business on the 30th day after the due date, as stated on the bill. Beginning on the 31st day after the due date we begin assessing additional charges accruing from the due date.

*Rehabilitation costs* means costs we incur to restore our irrigation projects or features to original operating condition or to the nearest state which can be achieved using current technology and is a cost factor included in calculating your O&M assessment.

*Total assessable acres* means the total acres served by one of our irrigation projects.

*Total O&M cost* means the total of all the allowable and allocatable costs we incur for administering, operating, maintaining, and rehabilitating our irrigation projects serving your farm unit.

*Water* means water we deliver at our projects for the general purpose of irrigation and other purposes we agree to in writing.

*Water delivery* is an activity that is part of the irrigation service we provide our customers when water is available.

*We, us, and our* means the United States Government, the Secretary of the Interior, the BIA, and all who are authorized to represent us in matters covered under this notice.

#### **Does this notice affect me?**

This notice affects you if you own or lease land within the assessable acreage of one of our irrigation projects, or you have a carriage agreement with one of our irrigation projects.

#### **Where can I get information on the regulatory and legal citations in this notice?**

You can contact the appropriate office(s) stated in the tables for the irrigation project that serves you, or you can use the Internet site for the Government Printing Office at <http://www.gpo.gov>.

#### **Why are you publishing this notice?**

We are publishing this notice to notify you that we propose to adjust one or more of our irrigation assessment rates. This notice is published in accordance with the BIA's regulations governing its operation and maintenance of irrigation projects, specifically, 25 CFR 171.1. These sections provide for the fixing and announcing of the rates for annual assessments and related information for our irrigation projects.

#### **What authorizes you to issue this notice?**

Our authority to issue this notice is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583; 25 U.S.C. 385). The Secretary has in turn delegated this authority to the Assistant Secretary—Indian Affairs under Part 209, Chapter 8.1A, of the Department of the Interior's Departmental Manual.

#### **When will you put the rate adjustments into effect?**

We will put the rate adjustments into effect for the 2008 irrigation season and subsequent years where applicable.

#### **How do you calculate irrigation rates?**

We calculate irrigation assessment rates in accordance with 25 CFR 171.1(f) by estimating the cost of normal operation and maintenance at each of our irrigation projects. The cost of normal operation and maintenance means the expenses we incur to provide direct support or benefit for an irrigation project's activities for administration, operation, maintenance, and rehabilitation. These costs are then applied as stated in the rate table in this notice.

#### **What kinds of expenses do you include in determining the estimated cost of normal operation and maintenance?**

We include the following expenses:  
(a) Personnel salary and benefits for the project engineer/manager and

project employees under their management control;

- (b) Materials and supplies;
- (c) Major and minor vehicle and equipment repairs;
- (d) Equipment, including transportation, fuel, oil, grease, lease and replacement;
- (e) Capitalization expenses;
- (f) Acquisition expenses;
- (g) Maintenance of a reserve fund available for contingencies or emergency costs needed for the reliable operation of the irrigation project;
- (h) Rehabilitation costs; and
- (i) Other expenses we determine necessary to properly perform the activities and functions characteristic of an irrigation project.

#### When should I pay my irrigation assessment?

We will mail or hand deliver your bill notifying you of the amount you owe to the United States and when such amount is due. If we mail your bill, we will consider it as being delivered no later than 5 business days after the day we mail it. You should pay your bill no later than the close of business on the 30th day after the due date stated on the bill.

#### What information must I provide for billing purposes?

We must obtain certain information from you to ensure we can properly process, bill for, and collect money owed to the United States. We are required to collect the taxpayer identification number or social security number to properly bill the responsible party and service the account under the authority of, and as prescribed in, Public Law 104-143, the Debt Collection Improvement Act of 1996.

(a) At a minimum, this information is:

- (1) Full legal name of person or entity responsible for paying the bill;

- (2) Adequate and correct address for mailing or hand delivering our bill; and

- (3) The taxpayer identification number or social security number of the person or entity responsible for paying the bill;

(b) It is your responsibility to ensure we have correct and accurate information for paragraph (a) of this section.

(c) If you are late paying your bill due to your failure to furnish such information or comply with paragraph (b) of this section, you cannot appeal your bill on this basis.

#### What can happen if I do not provide the information required for billing purposes?

We can refuse to provide you irrigation service.

#### If I allow my bill to become past due, could this affect my water delivery?

If we do not receive your payment before the close of business on the 30th day after the due date stated on your bill, we will send you a past due notice. Your bill will have additional information concerning your rights. We will consider your past due notice as delivered no later than 5 business days after the day we mail it. We have the right to refuse water delivery to any of your irrigated land on which the bill is past due. We can continue to refuse water delivery until you pay your bill or make payment arrangements that we agree to. Our authority to demand payment of your past due bill is 31 CFR 901.2, "Demand for Payment."

#### Are there any additional charges if I am late paying my bill?

Yes. We will assess you interest on the amount owed and use the rate of interest established annually by the Secretary of the United States Treasury (Treasury) to calculate what you will be assessed (31 CFR 901.9(b)). You will not be assessed this charge until your bill is past due. However, if you allow your bill to become past due, interest will accrue from the due date, not the past due date. Also, you will be charged an administrative fee of \$12.50 for each time we try to collect your past due bill. If your bill becomes more than 90 days past due, you will be assessed a penalty charge of 6 percent per year and it will accrue from the date your bill initially became past due. Our authority to assess interest, penalties, and administration fees on past due bills is prescribed in 31 CFR 901.9, "Interest, penalties, and costs."

#### What else can happen to my past due bill?

If you do not pay your bill or make payment arrangements that we agree to, we are required to send your past due bill to the Treasury for further action. We must send your bill to Treasury no later than 180 days after the original due date of your irrigation assessment bill. The requirement for us to send your unpaid bill to Treasury is prescribed in 31 CFR 901.1, "Aggressive agency collection activity."

#### Who can I contact for further information?

The following tables are the regional and project/agency contacts for our irrigation facilities.

Project name	Project/agency contacts
<b>Northwest Region Contacts</b>	
Stanley Speaks, Regional Director, Bureau of Indian Affairs, Northwest Regional Office, 911 N.E. 11th Avenue, Portland, Oregon 97232-4169, Telephone: (503) 231-6702.	
Flathead Irrigation Project .....	Debra DuMontier, Acting Superintendent, Flathead Agency Irrigation Division, P.O. Box 40, Pablo, MT 59855-0040, Telephone: (406) 675-2700.
Fort Hall Irrigation Project .....	Eric J. LaPointe, Superintendent, Alan Oliver, Supervisory General Engineer, Fort Hall Agency, P.O. Box 220, Fort Hall, ID 83203-0220, Telephone: (208) 238-2301.
Wapato Irrigation Project .....	Pierce Harrison, Project Administrator, Wapato Irrigation Project, P.O. Box 220, Wapato, WA 98951-0220, Telephone: (509) 877-3155.
<b>Rocky Mountain Region Contacts</b>	
Ed Parisian, Regional Director, Bureau of Indian Affairs, Rocky Mountain Regional Office, 316 North 26th Street, Billings, Montana 59101, Telephone: (406) 247-7943.	
Blackfeet Irrigation Project .....	Stephen Pollock, Superintendent, Ted Hall, Irrigation Project Manager, Box 880, Browning, MT 59417, Telephones: (406) 338-7544, Superintendent; (406) 338-7519, Irrigation Project Manager.
Crow Irrigation Project .....	George Grover, Superintendent, Karl Helvik, Irrigation Project Manager, P.O. Box 69, Crow Agency, MT 59022, Telephones: (406) 638-2672, Superintendent; (406) 638-2863, Irrigation Project Manager.
Fort Belknap Irrigation Project .....	Judy Gray, Superintendent, Ralph Leo, Irrigation Project Manager, R.R. 1, Box 980, Harlem, MT 59526, Telephones: (406) 353-2901, Superintendent; (406) 353-2905, Irrigation Project Manager.

Project name	Project/agency contacts
Fort Peck Irrigation Project .....	Florence White Eagle, Superintendent, P.O. Box 637, Poplar, MT 59255, Richard Kurtz, Irrigation Manager, 602 6th Avenue North, Wolf Point, MT 59201, Telephones: (406) 768-5312, Superintendent; (406) 653-1752, Irrigation Manager.
Wind River Irrigation Project .....	Ed Lone Flight, Superintendent, Ray Nation, Acting Irrigation Project Manager, P.O. Box 158, Fort Washakie, WY 82514, Telephones: (307) 332-7810, Superintendent; (307) 332-2596, Irrigation Project Manager.

#### Southwest Region Contacts

Larry Morrin, Regional Director, Bureau of Indian Affairs, Southwest Regional Office, 1001 Indian School Road, Albuquerque, New Mexico 87104, Telephone: (505) 563-3100.	
Pine River Irrigation Project .....	Ross P. Denny, Superintendent, John Formea, Irrigation Engineer, P.O. Box 315, Ignacio, CO 81137-0315, Telephones: (970) 563-4511, Superintendent; (970) 563-9484, Irrigation Engineer.

#### Western Region Contacts

Allen Anspach, Regional Director, Bureau of Indian Affairs, Western Regional Office, Two Arizona Center, 400 N. 5th Street, 12th Floor, Phoenix, AZ 85004, Telephone: (602) 379-6600.

Colorado River Irrigation Project ....	Perry Baker, Superintendent, Ted Henry, Irrigation Project Manager, R.R. 1, Box 9-C, Parker, AZ 85344, Telephone: (928) 669-7111.
Duck Valley Irrigation Project .....	Robert Marchio, Acting Superintendent, 1555 Shoshone Circle, Elko, NV 89801, Telephone: (775) 738-0569.
Fort Yuma Irrigation Project .....	Vacant, Superintendent, P.O. Box 11000, Yuma, AZ 85366, Telephone: (520) 782-1202.
San Carlos Irrigation Project Joint Works.	Carl Christensen, Supervisory General Engineer, P.O. Box 250, Coolidge, AZ 85228, Telephone: (520) 723-6216.
San Carlos Irrigation Project Indian Works.	Joe Revak, Supervisory General Engineer, Pima Agency, Land Operations, Box 8, Sacaton, AZ 85247, Telephone: (520) 562-3372.
Uintah Irrigation Project .....	Lynn Hansen, Irrigation Manager, P.O. Box 130, Fort Duchesne, UT 84026, Telephone: (435) 722-4341.
Walker River Irrigation Project .....	Brenda Astor, Acting Superintendent, 311 E. Washington Street, Carson City, NV 89701, Telephone: (775) 887-3500.

#### What irrigation assessments or charges are proposed for adjustment by this notice?

The rate table below contains the current rates for all of our irrigation

projects where we recover our costs for operation and maintenance. The table also contains the proposed rates for the 2008 season and subsequent years where applicable. An asterisk

immediately following the name of the project notes the irrigation projects where rates are proposed for adjustment.

Project name	Rate category	Final 2007 rate	Proposed 2008 rate	Proposed 2009 rate
<b>Northwest Region Rate Table</b>				
Flathead Irrigation Project (See Note #1) .....	Basic per acre—A .....	\$23.45	**\$23.45	\$23.45
	Basic per acre—B .....	10.75	<sup>a</sup> 10.75	10.75
	Minimum Charge per tract .....	65.00	<sup>a</sup> 65.00	65.00
Fort Hall Irrigation Project * .....	Basic per acre .....	27.00	31.00	To be determined.
	Minimum Charge per tract .....	25.00	27.00	
	Fort Hall Irrigation Project—Minor Units * .....	Basic per acre .....	17.00	21.00
Fort Hall Irrigation Project—Michaud * .....	Minimum Charge per tract .....	25.00	27.00	
	Basic per acre .....	35.75	39.75	
	Pressure per acre .....	50.00	55.50	
Wapato Irrigation Project—Toppenish/Simcoe Units * .....	Minimum Charge per tract .....	25.00	27.00	
	Billing Charge per tract .....	5.00	5.00	5.00
	Minimum Charge for farm unit/land tracts up to one acre.	14.00	14.00	15.00
Wapato Irrigation Project—Ahtanum Units * .....	Farm unit/land tracts over one acre—per acre.	14.00	14.00	15.00
	Billing Charge per tract .....	5.00	5.00	5.00
	Minimum Charge for farm unit/land tracts up to one acre.	14.00	14.00	15.00
Wapato Irrigation Project—Satus Unit * .....	Farm unit/land tracts over one acre—per acre.	14.00	14.00	15.00
	Billing Charge per tract .....	5.00	5.00	5.00
	Minimum Charge for farm unit/land tracts up to one acre.	55.00	55.00	58.00
	“A” farm unit/land tracts over one acre—per acre.	55.00	55.00	58.00
	Additional Works farm unit/land tracts over one acre—per acre.	60.00	60.00	63.00

Project name	Rate category	Final 2007 rate	Proposed 2008 rate	Proposed 2009 rate
	"B" farm unit/land tracts over one acre—per acre.	65.00	65.00	68.00
	Water Rental Agreement Lands—per acre.	67.00	67.00	70.00

Project name	Rate category	Final 2007 rate	Proposed 2008 rate
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**Rocky Mountain Region Rate Table**

Blackfeet Irrigation Project* .....	Basic-per acre .....	\$15.50	\$17.00
Crow Irrigation Project—Willow* Creek O&M (includes Agency, Lodge Grass #1, Lodge Grass #2, Reno, Upper Little Horn, and Forty Mile Units).	Basic-per acre .....	19.30	20.80
Crow Irrigation Project—All* Others (includes Bighorn, Soap Creek, and Pryor Units).	Basic-per acre .....	19.00	20.50
Crow Irrigation Two Leggins Drainage District .....	Basic-per acre .....	2.00	2.00
Fort Belknap Irrigation Project* .....	Trust Land per acre .....	13.88	20.00
	non-Trust Land per acre .....	18.50	20.00
Fort Peck Irrigation Project* .....	Basic-per acre .....	20.00	22.00
Wind River Irrigation Project .....	Basic-per acre .....	15.00	16.00
Wind River Irrigation Project—LeClair District .....	Basic-per acre .....	17.00	17.00

**Southwest Region Rate Table**

Pine River Irrigation Project .....	Minimum Charge per tract .....	50.00	50.00
	Basic-per acre .....	15.00	15.00

Project name	Rate category	Final 2007 rate	Proposed 2008 rate	Proposed 2009 rate	Proposed 2010 rate
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**Western Region Rate Table**

Colorado River Irrigation Project .....	Basic per acre up to 5.75 acre-feet.	\$47.00	\$47.00	To be determined ..	To be determined.
	Excess Water per acre-foot over 5.75 acre-feet.	17.00	17.00		
Duck Valley Irrigation Project .....	Basic-per acre .....	5.30	5.30		
Fort Yuma Irrigation Project (See Note #2).	Basic-per acre up to 5.0 acre-feet.	72.00	77.00		
	Excess Water per acre-foot over 5.0 acre-feet.	10.50	10.50		
San Carlos Irrigation Project* (Joint Works) (See Note #3).	Basic-per acre .....	30.00	<sup>a</sup> 21.00	\$21.00 <sup>b</sup> .....	To be determined (See Note #3).
San Carlos Irrigation Project* (Indian Works).	Basic-per acre .....	77.00	57.00	To be determined ..	To be determined.
Uintah Irrigation Project* (See Note #4) ...	Basic-per acre .....	12.00	12.50		
	Minimum Bill .....	25.00	25.00		
Walker River Irrigation Project* (See Note #5).	Indian per acre .....	10.00	13.00	16.00.	
	non-Indian per acre	16.00	16.00	16.00.	

\* Notes irrigation projects where rates are proposed for adjustment.

<sup>a</sup> Final 2008 rate.

<sup>b</sup> Final 2009 rate.

Note #1—The 2008 rate was established by final notice published in the **Federal Register** on April 20, 2007 (Vol. 72, No. 76, page 19954). The 2009 rate is to be determined.

Note #2—The O&M rate for the Fort Yuma Irrigation Project has two components. The first component is the O&M rate established by the Bureau of Reclamation (BOR), the owner and operator of the Project. The FY 2007 BOR rate of \$65.00 was used in the development of the proposed 2008 rate; however, the BOR component is subject to change and is provided for informational purposes only. The second component is for the O&M rate established by the Bureau of Indian Affairs (BIA) to cover administrative costs, including billing and collections for the Project. Through this notice, it is proposed the BIA component of the rate remain unchanged at \$7.00/acre. The BIA rate assessment covers approximately 50 percent of the accounting technician and 40 percent of the Natural Resource Officer at the BIA Fort Yuma Agency.

Note #3—The 2008 and 2009 rate was established by final notice published in the **Federal Register** on April 20, 2007 (Vol. 72, No. 76, page 19954). The 2010 rate is to be determined. The Arizona Water Settlement Act is expected to be effective December 31, 2007, and this circumstance may affect what the O&M rate should be for the SCIPJW in 2010.

Note #4—The proposed rate for 2008 is subject to change based upon final review of work accomplished under the Approved Annual Operating Plan for the 2007 irrigation season subject to the October 1, 2000 Cooperative Agreement between United States of America Department of the Interior and the Uintah Indian Irrigation Project Operation and Maintenance Company.

Note #5—The 2008 and 2009 irrigation rates are proposed through this notice.

### Consultation and Coordination With Tribal Governments (Executive Order 13175)

The BIA irrigation projects are vital components of the local agriculture economy of the reservations on which they are located. To fulfill its responsibilities to the tribes, tribal organizations, water user organizations, and the individual water users, the BIA communicates, coordinates, and consults on a continuing basis with these entities on issues of water delivery, water availability, costs of administration, operation, maintenance, and rehabilitation. This is accomplished at the individual irrigation projects by Project, Agency, and Regional representatives, as appropriate, in accordance with local protocol and procedures. This notice is one component of the BIA's overall coordination and consultation process to provide notice and request comments from these entities on adjusting our irrigation rates.

### Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (Executive Order 13211)

The rate adjustments will have no adverse effects on energy supply, distribution, or use (including a shortfall in supply, price increases, and increase use of foreign supplies) should the proposed rate adjustments be implemented. This is a notice for rate adjustments at BIA owned and operated irrigation projects, except for the Fort Yuma Irrigation Project. The Fort Yuma Irrigation Project is owned and operated by the Bureau of Reclamation with a portion serving the Fort Yuma Reservation.

### Regulatory Planning and Review (Executive Order 12866)

These rate adjustments are not a significant regulatory action and do not need to be reviewed by the Office of Management and Budget under Executive Order 12866.

### Regulatory Flexibility Act

This rate making is not a rule for the purposes of the Regulatory Flexibility Act because it is "a rule of particular applicability relating to rates." 5 U.S.C. 601(2).

### Unfunded Mandates Act of 1995

These rate adjustments impose no unfunded mandates on any governmental or private entity and are in compliance with the provisions of the Unfunded Mandates Act of 1995.

### Takings (Executive Order 12630)

The Department has determined that these rate adjustments do not have significant "takings" implications. The rate adjustments do not deprive the public, state, or local governments of rights or property.

### Federalism (Executive Order 13132)

The Department has determined that these rate adjustments do not have significant Federalism effects because they pertain solely to Federal-tribal relations and will not interfere with the roles, rights, and responsibilities of states.

### Civil Justice Reform (Executive Order 12988)

This notice complies with the requirements of Executive Order 12988. Specifically, this notice does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

### Paperwork Reduction Act of 1995

These rate adjustments do not affect the collections of information which have been approved by the Office of Information and Regulatory Affairs, Office of Management and Budget, under the Paperwork Reduction Act of 1995. The OMB Control Number is 1076-0141 and expires August 31, 2009.

### National Environmental Policy Act

The Department has determined that these rate adjustments do not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370(d)).

### Data Quality Act

In developing this notice, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106-554).

Dated: January 16, 2008.

**Carl J. Artman,**

*Assistant Secretary—Indian Affairs.*

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**BILLING CODE 4310-W7-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-070-1990-EX]

### Notice of Availability of Draft Environmental Impact Statement for the Proposed "M" Pit Mine Expansion at Montana Tunnels Mine, Jefferson County, Montana

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

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*) and the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1701 *et seq.*), a Draft Environmental Impact Statement (DEIS) has been prepared for the Montana Tunnels Mine "M" Pit Mine Expansion administered by the Bureau of Land Management's Butte Field Office (BLM) and the Montana Department of Environmental Quality (DEQ). Operations on public lands are on mining claims located in accordance with the General Mining Law of 1872, as amended (30 U.S.C. 22 *et seq.*). The public is invited to review and comment on the range and adequacy of the draft alternatives and associated environmental effects. For comments to be most helpful, they should relate to specific concerns or conflicts that are within the legal responsibilities of the BLM and DEQ. The DEIS addresses alternatives associated with Montana Tunnels Mine "M" Pit Mine Expansion.

**DATES:** We will accept written comments on the Draft EIS for 60 days following the date the Environmental Protection Agency (EPA) publishes its Notice of Availability in the **Federal Register**. The last day of the written comment period may be identified at the Internet address below, after publication of the EPA Notice of Availability in the **Federal Register**. We will announce future meetings or hearings and any other public involvement activities at least 15 days in advance through public notices, media new releases, and/or mailings. The Draft EIS will be posted on the Montana DEQ Web site <http://www.deq.state.mt.us>.

**ADDRESSES:** You may submit comments by any of the following methods:

- *E-mail:* [ghallsten@state.mt.us](mailto:ghallsten@state.mt.us).
- *Mail:* Send written comments to

"M" Pit Mine Expansion at Montana Tunnels Mine EIS, Greg Hallsten, Montana Department of Environmental Quality, Director's Office, PO Box 200901, Helena, MT 59620-0901.