

**Johnson County**

Vaught, Dr. Wiley Wagner, Office, W.W.  
Vaught Ln., S. of Dug Hill Rd., Mountain  
City, 09000950

**Smith County**

Hull, Cordell, Bridge, Cordell Hull Bridge St.  
over the Cumberland River, Carthage,  
09000951

**WISCONSIN****Door County**

GREEN BAY shipwreck (sloop) (Great Lakes  
Shipwreck Sites of Wisconsin MPS)  
Address Restricted, Sevastopol, 09000952

Request for REMOVAL has been made for the  
following resource:

**SOUTH DAKOTA****Moody County**

Ward Hall, Main St., Ward, 01001223

[FR Doc. E9-25561 Filed 10-22-09; 8:45 am]

**BILLING CODE P****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 projects located on or associated with various Indian reservations throughout the United States. We are required to establish irrigation assessment rates to recover the costs to administer, operate, maintain, and rehabilitate these projects. We request your comments on the proposed rate adjustments.

**DATES:** Interested parties may submit comments on the proposed rate adjustments on or before *December 22, 2009*.

**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 the **SUPPLEMENTARY INFORMATION** section to contact the regional or local office where the project is located.

**SUPPLEMENTARY INFORMATION:** The first table in this notice provides contact information for individuals who can

give further information about the irrigation projects covered by this notice. The second table provides the current 2009 irrigation assessment rates, the proposed rates for the 2010 irrigation season, and proposed rates for subsequent years where these are available.

**What is the meaning of the key terms used in this notice?***In this notice:*

*Administrative costs* means all costs we incur to administer our irrigation projects at the local project level and is a cost factor included in calculating your O&M assessment. Costs incurred at the local project level do not normally include 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, for which we collect assessments in order to recover costs for the provision of irrigation service. (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* means the costs we incur for administration, operation, maintenance, and rehabilitation to provide direct support or benefit to an irrigation facility. (See *administrative costs, operation costs, maintenance costs, and rehabilitation costs*.)

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

*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 persons or entities that are affected by this notice.

*Irrigation project* means a facility or portion thereof for the delivery, diversion, and storage of irrigation water that we own or have an interest in, including all appurtenant works. The term "irrigation project" is used interchangeably with irrigation facility, irrigation system, and irrigation area.

*Irrigation service* means the full range of services we provide customers of our irrigation projects. This includes our activities to administer, operate, maintain, and rehabilitate our projects in order to deliver water.

*Maintenance costs* means costs we incur to maintain and repair our irrigation projects and associated

equipment and is a cost factor included in calculating your O&M assessment.

*Operation and maintenance (O&M) assessment* means the periodic charge you must pay us to reimburse costs of administering, operating, maintaining, and rehabilitating irrigation projects consistent with this notice and our supporting policies, manuals, and handbooks.

*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.

*Responsible party* means an individual or entity that owns or leases land within the assessable acreage of one of our irrigation projects and is responsible for providing accurate information to our billing office and paying a bill for an annual irrigation rate assessment.

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

*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 if 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 our

irrigation assessment rates. This notice is published in accordance with the BIA's regulations governing its operation and maintenance of irrigation projects, found at 25 CFR part 171. This regulation provides for the establishment and publication of the rates for annual irrigation assessments as well as related information about 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 2010 irrigation season and subsequent years where applicable.

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

We calculate annual irrigation assessment rates in accordance with 25 CFR part 171.500 by estimating the annual costs of operation and maintenance at each of our irrigation projects and then dividing by the total assessable acres for that particular irrigation project. The result of this calculation for each project is stated in the rate table in this notice.

#### **What kinds of expenses do you consider in determining the estimated annual costs of operation and maintenance?**

*Consistent with 25 CFR part 171.500, these expenses include the following:*

- (a) Salary and benefits for the project engineer/manager and project employees under the project engineer/manager's management or control;
- (b) Materials and supplies;
- (c) Vehicle and equipment repairs;
- (d) Equipment costs, including lease fees;
- (e) Depreciation;
- (f) Acquisition costs;
- (g) Maintenance of a reserve fund available for contingencies or emergency costs needed for the reliable operation of the irrigation facility infrastructure;
- (h) Maintenance of a vehicle and heavy equipment replacement fund;
- (i) Systematic rehabilitation and replacement of project facilities;
- (j) Contingencies for unknown costs and omitted budget items; and

(k) 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:* (a) The amount you owe to the United States; and (b) 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 by the due date stated on the bill.

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

All responsible parties are required to provide the following information to the billing office associated with the irrigation project where you own or lease land within the project's assessable acreage or to the billing office associated with the irrigation project with which you have a carriage agreement:

- (1) The full legal name of the person or entity responsible for paying the bill;
- (2) An 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.

#### **Why are you collecting my taxpayer identification number or social security number?**

Public Law 104-134, the Debt Collection Improvement Act of 1996, requires that we collect the taxpayer identification number or social security number before billing a responsible party and as a condition to servicing the account.

#### **What happens if I am a responsible party but I fail to furnish the information required to the billing office responsible for the irrigation project within which I own or lease assessable land or for which I have a carriage agreement?**

If you are late paying your bill because of your failure to furnish the required information listed above, you will be assessed interest and penalties as provided below, and your failure to provide the required information will not provide grounds for you to appeal your bill or any penalties assessed.

#### **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. This past due notice 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 irrigated land for which the bill is past due. We can continue to refuse water delivery until you pay your bill or make payment arrangements to which we agree. We follow the procedures provided in 31 CFR 901.2, "Demand for Payment," when demanding payment of your past due bill.

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

Yes. We will assess you interest on the amount owed, using 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 original 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 six percent (6%) per year, which will accrue from the date your bill initially became past due. As a Federal agency, we are required to charge interest, penalties, and administrative costs on debts owed to us pursuant to 31 U.S.C. 3717 and 31 CFR 901.9, "Interest, penalties, and administrative costs."

#### **What else will happen to my past due bill?**

If you do not pay your bill or make payment arrangements to which we agree, we are required to send your past due bill to the Treasury for further action. Under the provisions of 31 CFR 901.1, "Aggressive agency collection activity," we must send any unpaid annual irrigation assessment bill to Treasury no later than 180 days after the original due date of the bill.

#### **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 .....<br>Irrigation Project .....<br>Fort Hall .....<br>Irrigation Project .....<br>Wapato .....<br>Irrigation Project .....                                                                                                                                                                                                        | Chuck Courville, Superintendent, Flathead Agency Irrigation Division, P.O. Box 40, Pablo, MT 59855-0040, Telephone: (406) 675-2700.<br>Eric J. LaPointe, Superintendent, Dean Fox, Deputy Superintendent, Fort Hall Agency, P.O. Box 220, Fort Hall, ID 83203-0220, Telephone: (208) 238-2301.<br>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>                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Darryl LaCounte, Acting Regional Director, Bureau of Indian Affairs, Rocky Mountain Regional Office, 316 North 26th Street, Billings, Montana 59101, Telephone: (406) 247-7943.                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Blackfeet .....<br>Irrigation Project .....<br>Crow Irrigation Project .....<br>Fort Belknap Irrigation Project .....<br>Fort Peck .....<br>Irrigation Project .....<br>Wind River .....<br>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.<br>Judy Gray, Superintendent, Vacant, Irrigation Project Manager, P.O. Box 69, Crow Agency, MT 59022, Telephones: (406) 638-2672, Superintendent, (406) 638-2863, Irrigation Project Manager.<br>Jim Montes, Acting Superintendent, Vacant, Irrigation Project Manager, (Project operations & management contracted tribes), R.R.1, Box 980, Harlem, MT 59526, Telephones: (406) 353-2901, Superintendent, (406) 353-2905, Irrigation Project Manager.<br>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.<br>Ed Lone Fight, Superintendent, Sheridan Nicholas, Irrigation Project Engineer, P.O. Box 158, Fort Washakie, WY 82514, Telephones: (307) 332-7810, Superintendent, (307) 332-2596, Irrigation Project Manager. |
| <b>Southwest Region Contacts</b>                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| William T. Walker, Acting Regional Director, Bureau of Indian Affairs, Southwest Regional Office, 1001 Indian School Road, Albuquerque, New Mexico 87104, Telephone: (505) 563-3100.                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Pine River .....<br>Irrigation Project .....                                                                                                                                                                                                                                                                                                 | John Waconda, Superintendent, John Formea, Irrigation Engineer, P.O. Box 315, Ignacio, CO 81137-0315, Telephones: (970) 563-4511, Superintendent, (970) 563-9484, Irrigation Engineer.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Western Region Contacts</b>                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Allen Anspach, Regional Director, Bureau of Indian Affairs, Western Regional Office, Two Arizona Center, 400 N. 5th Street, 12th floor, Phoenix, Arizona 85004, Telephone: (602) 379-6600.                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Colorado River Irrigation Project .....<br>Duck Valley .....<br>Irrigation Project .....<br>Fort Yuma .....<br>Irrigation Project .....<br>San Carlos .....<br>Irrigation Project Joint Works .....<br>San Carlos Irrigation Project Indian Works .....<br>Uintah .....<br>Irrigation Project .....<br>Walker River Irrigation Project ..... | Janice Staudte, Superintendent, Ted Henry, Irrigation Project Manager, 12124 1st Avenue, Parker, AZ 85344, Telephone: (928) 669-7111.<br>Joseph McDade, Superintendent, 1555 Shoshone Circle, Elko, NV 89801, Telephone: (775) 738-0569.<br>Vacant, Superintendent, P.O. Box 11000, Yuma, AZ 85366, Telephone: (520) 782-1202.<br>Bryan Bowker, Project Manager, Clarence Begay, Irrigation Manager, P.O. Box 250, Coolidge, AZ 85228, Telephone: (520) 723-6203.<br>Cecilia Martinez, Superintendent, Joe Revak, Supervisory General Engineer, Pima Agency, Land Operations, P.O. Box 8, Sacaton, AZ 85247, Telephone: (520) 562-3326, Telephone: (520) 562-3372.<br>Daniel Picard, Superintendent, Dale Thomas, Irrigation Manager, P.O. Box 130, Fort Duchesne, UT 84026, Telephone: (435) 722-4300, Telephone: (435) 722-4341.<br>Athena Brown, 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 irrigation projects

where we recover costs of administering, operating, maintaining, and rehabilitating them. The table also contains the proposed rates for the 2010 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 2009 rate | Proposed 2010 rate | Proposed 2011 rate |
|---------------------------------------------------|------------------------------------|-----------------|--------------------|--------------------|
| <b>Northwest Region Rate Table</b>                |                                    |                 |                    |                    |
| Flathead Irrigation Project* (See Note #1) .....  | Basic per acre—A .....             | \$23.45         | \$23.45            | \$25.45            |
|                                                   | Basic per acre—B .....             | 10.75           | 11.75              | 12.75              |
|                                                   | Minimum Charge per tract .....     | 65.00           | 65.00              | 65.00              |
| Fort Hall Irrigation Project .....                | Basic per acre .....               | 40.50           | 40.50              | ( <sup>1</sup> )   |
|                                                   | Minimum Charge per tract .....     | 30.00           | 30.00              |                    |
| Fort Hall Irrigation Project—Minor Units .....    | Basic per acre .....               | 21.00           | 21.00              |                    |
|                                                   | Minimum Charge per tract .....     | 30.00           | 30.00              |                    |
| Fort Hall Irrigation Project—Michaud .....        | Basic per acre .....               | 41.50           | 41.50              |                    |
|                                                   | Pressure per acre .....            | 58.00           | 58.00              |                    |
|                                                   | Minimum Charge per tract .....     | 30.00           | 30.00              |                    |
| Wapato Irrigation Project—Toppenish/Simcoe Units. | Minimum Charge for per tract ..... | 15.00           | 15.00              |                    |
|                                                   | Basic per acre .....               | 15.00           | 15.00              |                    |
| Wapato Irrigation Project—Ahtanum Units .....     | Minimum Charge per tract .....     | 15.00           | 15.00              |                    |
|                                                   | Basic per acre .....               | 15.00           | 15.00              |                    |
| Wapato Irrigation Project—Satus Unit* .....       | Minimum Charge for per tract ..... | 58.00           | 60.00              |                    |
|                                                   | “A” Basic per acre .....           | 58.00           | 60.00              |                    |
|                                                   | “B” Basic per acre .....           | 68.00           | 70.00              |                    |
| Wapato Irrigation Project—Additional Works* ....  | Minimum Charge per tract .....     | 63.00           | 65.00              |                    |
|                                                   | Basic per acre .....               | 63.00           | 65.00              |                    |
| Wapato Irrigation Project—Water Rental* .....     | Minimum Charge .....               | 70.00           | 72.00              |                    |
|                                                   | Basic per acre .....               | 70.00           | 72.00              |                    |

<sup>1</sup> To be determined.

| Project name                                                                                                                                     | Rate category        | Final 2009 rate | Proposed 2010 rate |
|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|--------------------|
| <b>Rocky Mountain Region Rate Table</b>                                                                                                          |                      |                 |                    |
| Blackfeet Irrigation Project* .....                                                                                                              | Basic-per acre ..... | \$18.00         | \$19.00            |
| 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 ..... | 20.80           | 22.80              |
| Crow Irrigation Project—All Others (includes Bighorn, Soap Creek, and Pryor Units)* .....                                                        | Basic-per acre ..... | 20.50           | 22.50              |
| Crow Irrigation Two Leggins Drainage District .....                                                                                              | Basic-per acre ..... | 2.00            | 2.00               |
| Fort Belknap Irrigation Project .....                                                                                                            | Basic-per acre ..... | 14.75           | 14.75              |
| Fort Peck Irrigation Project* .....                                                                                                              | Basic-per acre ..... | 24.00           | 24.70              |
| Wind River Irrigation Project* .....                                                                                                             | Basic-per acre ..... | 18.00           | 20.00              |
| Wind River Irrigation Project—LeClair District* .....                                                                                            | Basic-per acre ..... | 19.00           | 27.00              |
| Wind River Irrigation Project—CrowHeart Unit* .....                                                                                              | Basic-per acre ..... | 18.00           | 14.00              |

| <b>Southwest Region Rate Table</b>  |                                |                 |                    |                    |
|-------------------------------------|--------------------------------|-----------------|--------------------|--------------------|
| Project name                        | Rate category                  | Final 2009 rate | Proposed 2010 rate | Proposed 2011 rate |
| Pine River Irrigation Project ..... | Minimum Charge per tract ..... | \$50.00         | \$50.00            |                    |
|                                     | Basic-per acre .....           | 15.00           | 15.00              |                    |

| <b>Western Region Rate Table</b>                           |                                                    |                 |                    |                    |
|------------------------------------------------------------|----------------------------------------------------|-----------------|--------------------|--------------------|
| Project name                                               | Rate category                                      | Final 2009 rate | Proposed 2010 rate | Proposed 2011 rate |
| Colorado River Irrigation Project* (see Note #3)           | Basic per acre up to 5.75 acre-feet .....          | \$51.00         | \$52.50            | \$54.00            |
|                                                            | Excess Water per acre-foot over 5.75 acre-feet ..  | 17.00           | 17.00              | ( <sup>1</sup> )   |
| 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 .....           | 77.00           | 77.00              |                    |
|                                                            | Excess Water per acre-foot over 5.0 acre-feet .... | 14.00           | 14.00              |                    |
|                                                            | Basic per acre up to 5.0 acre-feet (Ranch 5) ..... | 77.00           | 77.00              |                    |
| San Carlos Irrigation Project (Joint Works) (See Note #1). | Basic per acre .....                               | 21.00           | 21.00              | 25.00              |
| San Carlos Irrigation Project (Indian Works) .....         | Basic per acre .....                               | 57.00           | 57.00              | ( <sup>1</sup> )   |
| Uintah Irrigation Project .....                            | Basic per acre .....                               | 15.00           | 15.00              |                    |
|                                                            | Minimum Bill .....                                 | 25.00           | 25.00              |                    |
| Walker River Irrigation Project* (See Note #3) ....        | Indian per acre .....                              | 16.00           | 19.00              | 22.00              |
|                                                            | Non-Indian per acre .....                          | 16.00           | 19.00              | 22.00              |

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

Note #1—The 2010 rate was established by final notice published in the **Federal Register** on April 22, 2009 (Vol. 74, No. 76, page 18398). The 2011 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 BOR rate for 2010 is yet to be determined. The second component is for the O&M rate established by BIA to cover administrative costs including billing and collections for the Project. The 2010 BIA rate remains unchanged at \$7.00/acre. The rates shown include the 2009 Reclamation rate and the 2010 BIA rate.

Note #3—The 2010 and 2011 rates were established by final notice published in the **Federal Register** on April 22, 2009 (Vol. 74, No. 76, page 18398).

<sup>1</sup> To be determined.

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

To fulfill its consultation responsibility to tribes and tribal organizations, BIA communicates, coordinates, and consults on a continuing basis with these entities on issues of water delivery, water availability, and costs of administration, operation, maintenance, and rehabilitation of projects that concern them. This is accomplished at the individual irrigation project by Project, Agency, and Regional representatives, as appropriate, in accordance with local protocol and procedures. This notice is one component of our overall coordination and consultation process to provide notice to, and request comments from, these entities when we adjust irrigation assessment 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

These rate adjustments are not a rule for the purposes of the Regulatory Flexibility Act because they establish “a rule of particular applicability relating to rates.” 5 U.S.C. 601(2).

### Unfunded Mandates Reform Act of 1995

These rate adjustments do not impose an unfunded mandate on State, local, or

tribal governments in the aggregate, or on the private sector, of more than \$130 million per year. The rate adjustments do not have a significant or unique effect on State, local, or tribal governments or the private sector. Therefore, the Department is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

### 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 will not affect the States, the relationship between the national government and the States, or the distribution of power and responsibilities among various levels of government.

### Civil Justice Reform (Executive Order 12988)

In issuing this rule, the Department has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988.

### 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 expired August 31, 2009; a request for renewal is pending with OMB. See 74 FR 44867 for more information on the renewal.

### 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)).

### Information Quality Act

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

Dated: October 7, 2009.

Larry Echo Hawk,

Assistant Secretary—Indian Affairs.

[FR Doc. E9-25540 Filed 10-22-09; 8:45 am]

BILLING CODE 4310-W7-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on October 19, 2009, a proposed Consent Decree in *United States v. BASF Corporation*, Civil Action No. 1:09 CV 0914, was lodged with the United States District Court for the Eastern District of Texas.

In this action, the United States sought injunctive relief and civil penalties for violations of the industrial refrigerant repair, record-keeping, and reporting regulations at 40 CFR 82.156 (Recycling and Emission Reduction) promulgated by the Environmental Protection Agency (“EPA”) under Subchapter VI of the Clean Air Act (Stratospheric Ozone Protection), 42 U.S.C. 7671-7671q, at five of BASF’s facilities in the United States. The five facilities are located in Livonia, Michigan; South Brunswick and Washington, New Jersey; Greenville, Ohio; and Beaumont, Texas. In the proposed Consent Decree, BASF agrees to (1) retrofit or retire three of its industrial process refrigeration units at its Beaumont, Texas facility and (2) pay a \$384,200 penalty to the United States.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United*