

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****Blackfeet Irrigation Project O&M Rate Increase, Montana**

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

**ACTION:** Notice of rate change.

**SUMMARY:** The Bureau of Indian Affairs is increasing the Blackfeet Irrigation Project's operation and maintenance assessment rate to \$11 per assessable acre for the 1995 irrigation season and subsequent seasons. The \$3 increase to the current rate of \$8 per acre will help offset cost increases for personnel, supplies, materials and services.

**DATES:** This rate is effective for the 1995 irrigation season and will remain in effect until modified.

**FOR FURTHER INFORMATION CONTACT:** Area Director, Billings Area Office, Bureau of Indian Affairs, 316 North 26th Street, Billings, Montana 59101. Telephone number: (406) 657-6315.

**SUPPLEMENTARY INFORMATION:** The authority to issue this document 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), and has been delegated to the Assistant Secretary—Indian Affairs pursuant to Part 209 Departmental Manual Chapter 8.1A and Memorandum, from Chief of Staff, Department of the Interior, to Assistant Secretaries, Heads of Bureaus and Offices, dated January 25, 1994.

The operation and maintenance assessment per assessable acre is based on the estimated normal operation and maintenance cost of the Project for one fiscal year. Normal operation and maintenance is defined as the cost of all activities involved in delivering irrigation water, including, but not limited to, labor, materials, equipment and services for irrigation canals, dams, flow control gates, pumps and other facilities.

The Notice proposing this increase to the Blackfeet Irrigation Project's operation and maintenance assessment rate was published on November 16, 1994, (59 FR 59244). A 30-day comment

period was allowed. The Bureau received 13 comments from water users and other interested persons.

While all 13 comments opposed the rate increase, most recognized that the Project experiences delivery problems and requires better maintenance. The rate increase established herein will allow for the performance of this and will enable the Project to deliver water as required. The commentators failed to identify other means of achieving these goals without raising the operation and maintenance assessment rates. The BIA has therefore determined to proceed with the rate increase as established herein. The BIA will respond to each commentator further by letter.

Without this rate increase, critically needed maintenance cannot be completed, and the project's ability to deliver water will be diminished.

Dated: February 8, 1995.

**Ada E. Deer,**

*Assistant Secretary—Indian Affairs.*

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