

Dated: March 4, 2002.

**Willie R. Taylor,**

*Director, Office of Environmental Policy and Compliance.*

[FR Doc. 02-5478 Filed 3-7-02; 8:45 am]

BILLING CODE 4310-RG-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Endangered and Threatened Species Permit Application

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of application.

The following applicant has applied for a permit amendment to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit Number TE 049738

*Applicant:* Mainstream Commercial Divers, Inc., Murray, Kentucky.

The applicant requests a permit to take (collect) all endangered and threatened mussel species throughout eastern and central United States. Activities are proposed for studies to identify populations of listed species and to develop methods to minimize or avoid project related impacts to those populations. The scientific research is aimed at enhancement of survival of the species in the wild.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056. Telephone: (612) 713-5343; FAX: (612) 713-5292.

Dated: February 15, 2002.

**Charles M. Wooley,**

*Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.*

[FR Doc. 02-5569 Filed 3-7-02; 8:45 am]

BILLING CODE 4310-55-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 facilities located on various Indian reservations throughout the United States where rates are established to recover its costs to administer, operate, maintain, and rehabilitate those facilities. We propose to publicize rate adjustments once a year for all of these facilities instead of several times during the year for individual facilities. We request your comments on the proposed rate adjustments.

**DATES:** Interested parties may submit comments on the proposed rate adjustments on or before May 7, 2002.

**ADDRESSES:** All comments on the proposed rate adjustments must be in writing and addressed to: Terrance Virden, Director, Office of Trust Responsibilities, Attn.: Irrigation and Power, MS-3061-MIB, Code 210, 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 2002 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 acres* 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* means 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 which 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 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. (See *assessable acres*.)

*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 to notify you that we propose to adjust one or more of our irrigation assessment rates. We are publishing this notice 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 and by memorandum dated January 25, 1994, from the Chief of Staff, Department of the Interior, to Assistant Secretaries, and Heads of Bureaus and Offices.

#### **When Will You Put the Rate Adjustments Into Effect?**

We will put the rate adjustments into effect after considering comments we receive and publishing a final notice. The adjustments will be retroactive to January 1, 2002.

#### **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 expenses for, and insuring, reliable operation of the irrigation project; and
- (h) 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 (a) above.

(c) If you are late paying your bill due to your failure to furnish such information or comply with (b), 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 has not been paid by the due date. 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 your 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 .....	Ernest T. Moran, Superintendent, Flathead Agency Irrigation Division, PO Box 40, Pablo, Montana 59855-5555, Telephone: (406) 675-2700
Fort Hall Irrigation Project .....	Eric J. LaPointe, Superintendent, Fort Hall Agency, PO Box 220, Fort Hall, Idaho 83203-0220, Telephone: (208) 238-2301
Wapato Irrigation Project .....	Pierce Harrison, Project Administrator, Wapato Irrigation Project, PO Box 220, Wapato, WA 98951-0220, Telephone: (509) 877-3155
<b>Rocky Mountain Region Contacts</b>	
Keith Beartusk, Regional Director, Bureau of Indian Affairs, Rock Mountain Regional Office, 316 North 26th Street, Billings, Montana 59101, Telephone: (406) 247-7943	
Blackfeet Irrigation Project .....	Ross Denny, Superintendent, Cliff Hall, Irrigation Manager, Box 880, Browning, MT 59417, Telephones: (406) 338-7544, Superintendent, (406) 338-7519, Irrigation
Crow Irrigation Project .....	Gordon Jackson, Superintendent, Dan Lowe, Irrigation Manager, PO Box 69, Crow Agency, MT 59022, Telephones: (406) 638-2672 Superintendent (406) 638-2863 Irrigation
Fort Belknap Irrigation Project .....	Cleo Hamilton, Superintendent, Ted Hall, Acting Irrigation Manager, R.R.1, Box 980, Harlem, MT 59526, Telephones: (406) 353-2901 Superintendent, (406) 353-2905 Irrigation
Fort Peck Irrigation Project .....	Dennis Whiteman, Superintendent, PO Box 637, Poplar, MT 59255, Marvin Azure, Irrigation Manager (acting), 602 6th Avenue North, Wolf Point, MT 59201, Telephones: (406) 768-5312, Superintendent, (406) 653-1752, Irrigation
Wind River Irrigation Project .....	Perry Baker, Superintendent, Sheridan Nicholas, Irrigation Manager, PO Box 158, Fort Washakie, WY 82514, Telephones: (307) 332-7810, Superintendent, (307) 332-2596 Irrigation
<b>Southwest Region Contacts</b>	
Rob Baracker, Regional Director, Bureau of Indian Affairs, Southwest Regional Office, 615 First Street, NW, Albuquerque, New Mexico 87102, Telephone (505) 346-7587	
Pine River Irrigation Project .....	Michael Stancampiano, Superintendent, Kenneth Caveney, Irrigation Engineer, P.O. Box 315, Ignacio, CO 81137-0315; Telephones: (970) 563-4511 Superintendent, (970) 563-1017 Irrigation
<b>Western Region Contacts</b>	
Wayne Nordwall, Regional Director, Bureau of Indian Affairs, Western Regional Office, P.O. Box 10, Phoenix, Arizona 85001, Telephone (602) 379-6600	
Colorado River Irrigation Project .....	Allen Anspach, Superintendent, R.R. 1 Box 9-C, Parker, AZ 85344, Telephone: (928) 669-7111
Duck Valley Irrigation Project .....	Paul Young, Superintendent, Pete LeFebvre, Nat'l Resources Specialist, 1555 Shoshone Circle, Elko, Nevada 89801, Telephones: (775) 738-0569, Superintendent, (775) 738-0590, Irrigation
Fort Yuma Irrigation Project .....	William Pyott, Land Operations Officer, P.O. Box 11000, Yuma, Arizona, Telephone: (520) 782-1202
San Carlos Irrigation Project Joint Works .....	Randy Shaw, Irrigation Manager, 13805 N. Arizona Boulevard, Coolidge, AZ 85228, Telephone: (520) 723-6216
San Carlos Irrigation Project Indian Works .....	Joe Revak, Pima Agency, Land Operations, Box 8, Sacaton, AZ 85247, Telephone: (520) 562-3372
Uintah Irrigation Project .....	Lynn Hansen, Irrigation Manager, PO Box 130, Fort Duchesne, UT 84026, Telephone: (435) 722-4341
Walker River Irrigation Project .....	Chuck O'Rourke, Natural Resource Officer, 1677 Hot Springs Road, Carson City, Nevada 89706, Telephone: (775) 887-3550

**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 2002 season, and for the San Carlos Irrigation Project (Joint Works) and Flathead Irrigation Project the proposed

rates for the 2003 season. The irrigation projects where rates are proposed for adjustment are noted by an asterisk immediately following the name of the project.

**NORTHWEST REGION RATE TABLE**

Project name	Rate category	Current 2001 rate	Proposed 2002 rate	Proposed 2003 rate
Flathead Irrigation Project *	Basic per acre	\$19.95	\$19.95	\$21.45 To be Determined (See Note below).
Fort Hall Irrigation Project	Basic per acre	20.00	20.00	
Fort Hall Irrigation Project Minor Units	Basic per acre	14.00	14.00	
Fort Hall Irrigation Project * Michaud	Basic per acre	27.50	28.00	
Wapato Irrigation Project * Ahtanum and Simcoe units.	Pressure per acre	39.50	41.00	
	Billing Charge Per Tract	5.00	5.00	
	Farm unit/land tracts up to one acre (minimum charge).	10.30	10.60	
Wapato Irrigation Project * Satus Unit	Farm unit/land tracts over one acre—per acre.	10.30	10.60	
	Billing Charge Per Tract	5.00	5.00	
	Farm unit/land tracts up to one acre (minimum charge).	41.20	42.44	
	"A" farm unit/land tracts over one acre—per acre.	41.20	42.44	
	Additional Works farm unit/land tracts over one acre—per acre.	45.32	46.68	
	"B" farm unit/land tracts over one acre—per acre.	8.24	8.48	
	Water Rental Agreement Lands—per acre.	50.47	51.98	

Note—"To be determined," means that future rates will become effective only after we have published another rate notice for comments, followed by a final rate notice.

**ROCKY MOUNTAIN REGION RATE TABLE**

Project name	Rate category	Current 2001 rate	Proposed 2002 rate
Blackfeet Irrigation Project *	Basic-per acre	\$11.00	\$13.00
Crow Irrigation Project (See note below)	Basic-per acre	15.50	16.00
Fort Belknap Irrigation Project	Indian per acre	6.25	6.25
	non-Indian per acre	12.50	12.50
Fort Peck Irrigation Project	Basic-per acre	14.00	14.00
Wind River Irrigation Project	Basic-per acre	12.00	12.00

Note—The Crow Project rate adjustment was previously announced in the FEDERAL REGISTER for the 2002 irrigation season and is being provided for informational purposes only, reference Fed. Reg., Vol. 64, No. 95, Page 27003, May 18, 1999.

**SOUTHWEST REGION RATE TABLE**

Project name	Rate category	Current 2001 rate	Proposed 2002 rate
Pine River Irrigation Project	Minimum Charge per tract	\$25.00	\$25.00
	Basic-per acre	8.50	8.50

**WESTERN REGION RATE TABLE**

Project name	Rate category	Current 2001 rate	Proposed 2002 rate	Proposed 2003 rate
Colorado River Irrigation Project	Basic per acre up to 5.0 acre-feet.	\$37.00	\$37.00	To be Determined (See Note 1 below).
	Excess Water per acre foot 5.0–5.5 acre-feet.	7.40	7.40	
	Excess Water per acre-foot over 5.5 acre-feet.	17.00	17.00	
Duck Valley Irrigation Project	Basic-per acre	5.30	5.30	

WESTERN REGION RATE TABLE—Continued

Project name	Rate category	Current 2001 rate	Proposed 2002 rate	Proposed 2003 rate
Fort Yuma Irrigation Project (See Note 2 below) .....	Basic-per acre up to 5.0 acre-feet.	60.00	60.00	
	Excess Water per acre-foot over 5.0 acre-feet.	10.50	10.50	
San Carlos Irrigation Project (Joint Works) .....	Basic-per acre .....	20.00	20.00	20.00
San Carlos Irrigation Project (Indian Works) .....	Basic-per acre .....	56.00	56.00	
Uintah Irrigation Project .....	Basic-per acre .....	8.50	8.50	
Walker River Irrigation Project .....	Indian per acre .....	7.32	7.32	
	non-Indian per acre .....	15.29	15.29	

Note 1—"To be Determined" means that future rates will become effective only after we have published another rate notice for comments, followed by a final rate notice.

Note 2—The Fort Yuma Irrigation Project is owned and operated by the Bureau of Reclamation (Reclamation). The irrigation rates assessed for operation and maintenance are established by Reclamation and are provided for informational purposes only. The BIA only collects the irrigation assessments on behalf of Reclamation.

**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)**

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule 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 November 30, 2002.

**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)).

Dated: February 21, 2002.

**Neal A. McCaleb,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 02-5624 Filed 3-7-02; 8:45 am]

**BILLING CODE 4310-5M-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

[WO640 1020 PF 24 1A]

**Call for Nominations for Resource Advisory Councils**

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

**ACTION:** Notice of Resource Advisory Council call for nominations.

**SUMMARY:** The purpose of this notice is to solicit public nominations for each of the Bureau of Land Management (BLM) Resource Advisory Councils (RACs) that have member terms expiring this year. The RACs provide advice and recommendations to BLM on land use planning and management of the public lands within their geographic areas.