

Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and the Department of the Interior Manual (516 DM 1-6), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Dated: December 18, 2002.

**Neal A. McCaleb,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 03-427 Filed 1-8-03; 8:45 am]

**BILLING CODE 4310-W7-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Notice of Intent to Prepare an Environmental Impact Statement for a Proposed Tribal Light Industrial Park, Umatilla Indian Reservation, Umatilla County, OR

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

**ACTION:** Notice.

**SUMMARY:** The Bureau of Indian Affairs (BIA), with the cooperation of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), intends to gather the information necessary for preparing an Environmental Impact Statement (EIS) for the proposed lease of up to 100 acres of land held in trust by the United States for the benefit of the CTUIR in Umatilla County, Oregon, for the construction and operation of a 400,000 square foot warehouse distribution center or similar sized light manufacturing facility. The purpose of the proposed action is to help meet the economic development needs of the CTUIR. Details on the project location and proposed action are provided in the **SUPPLEMENTARY INFORMATION** section. This notice also announces a public scoping meeting to identify potential issues to include in the EIS, identify which issues to analyze in depth, and eliminate issues that are not significant. **DATES:** Comments on the scope and content of the EIS must arrive by February 7, 2003. The public scoping meeting will be held on Thursday, January 23, 2003, at 6 p.m.

**ADDRESSES:** You may mail or hand carry written comments to Philip Sanchez, Superintendent, Bureau of Indian Affairs, Umatilla Agency, P.O. Box 520, Pendleton, Oregon 97801.

You may obtain a map displaying the proposed project location from Jerry L. Lauer, Natural Resource Officer, Bureau

of Indian Affairs, Umatilla Agency, P.O. Box 520, Pendleton, Oregon 97801, telephone (541) 278-3790.

**FOR FURTHER INFORMATION CONTACT:** Jerry L. Lauer, (541) 278-3790.

**SUPPLEMENTARY INFORMATION:** The EIS will assess the environmental consequences of BIA approval of a lease between the developer of a 400,000 square foot warehouse and distribution center or light manufacturing facility (lessee) and the CTUIR (lessor), of parts of the South Half of the North Half and the North Half of the South Half, Section 21, Township 2 North, Range 33 East, Willamette Meridian, Umatilla County, Oregon. The property encompasses approximately 100 acres on the Umatilla Indian Reservation, adjacent to and south of Exit 216 on Interstate 84.

The proposed project has several components. These include construction of below-ground water, sewer, storm water drainage, and electric power service on the site; construction of a 40-foot-wide industrial access road; extension of utilities from current access points north of Interstate 84, including below grade crossing of Interstate 84; construction of a 400,000-square-foot warehouse or light manufacturing facility; and operation of the warehouse or light manufacturing facility with approximately 150 employees. In the case of the warehouse and distribution center, there will be approximately 100 outgoing and 100 inbound semi-trailers each day.

#### Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the mailing address shown in the **ADDRESSES** section, during regular business hours, 8 a.m. to 5 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish us to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. We will not, however, consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public inspection in their entirety.

#### Authority

This notice is published in accordance with section 1503.1 of the

Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and the Department of the Interior Manual (516 DM 1-6), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Dated: December 16, 2002.

**Neal A. McCaleb,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 03-428 Filed 1-8-03; 8:45 am]

**BILLING CODE 4310-W7-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 request your comments on the proposed rate adjustments.

**DATES:** Interested parties may submit comments on the proposed rate adjustments on or before March 10, 2003.

**ADDRESSES:** All comments on the proposed rate adjustments must be in writing and addressed to: Larry Scrivner, Acting 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 2003 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 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 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 for the 2003 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 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 13th 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 13th 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 .....	Ernest T. Moran, Superintendent, Flathead Agency Irrigation Division, P.O. Box 40, Pablo, Montana 59855-5555, Telephone: (406) 675-2700.
Fort Hall Irrigation Project .....	Eric J. LaPointe, Superintendent, Fort Hall Agency, P.O. Box 220, Fort Hall, Idaho 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>	
Keith Beartusk, Regional Director, Bureau of Indian Affairs, Rocky 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, P.O. Box 69, Crow Agency, MT 59022, Telephones: (406) 638-2672 Superintendent, (406) 638-2863 Irrigation.
Fort Belknap Irrigation Project .....	Cleo Hamilton, Superintendent, Dan Spencer, Irrigation Manager, R.R.1, Box 980, Harlem, MT 59526, Telephones: (406) 353-2901 Superintendent, (406) 353-2905 Irrigation.
Fort Peck Irrigation Project .....	Ed Lone Fight, Acting Superintendent, P.O. 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.

Project name	Project agency contacts
Wind River Irrigation Project .....	Clark Madison, Acting Superintendent, Sheridan Nicholas, Irrigation Manager, P.O. Box 158, Fort Washakie, WY 82514, Telephones: (307) 332-7810 Superintendent, (307) 332-2596 Irrigation.

**Southwest Region Contacts**

Rob Baracker, Regional Director, Bureau of Indian Affairs, Southwest Regional Office, 615 First Street, NW, Albuquerque, New Mexico 87102, Telephone (505) 346-7590/91.

Pine River Irrigation Project .....	Michael Stancampiano, Superintendent, John Formea, Irrigation Engineer, P.O. Box 315, Ignacio, CO 81137-0315, Telephones: (970) 563-4511 Superintendent, (970) 563-1017 Irrigation.
-------------------------------------	---

**Western Region Contacts**

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, 1555 Shoshone Circle, Elko, Nevada 89801, Telephone: (775) 738-0569, Superintendent.
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, Supervisory General Engineer, 13805 N. Arizona Boulevard, 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 .....	Robert Hunter, Superintendent, 1677 Hot Springs Road, Carson City, Nevada 89706, 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 2003 season and subsequent years where applicable. 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 2002 rate	Proposed 2003 rate	Proposed 2004 rate
Flathead Irrigation Project*	Basic per acre .....	\$19.95	\$19.95	\$21.45
Fort Hall Irrigation Project*	Basic per acre .....	20.00	22.00	To be Determined.
Fort Hall Irrigation Project Minor Units .....	Basic per acre .....	14.00	14.00	Do.
Fort Hall Irrigation Project* Michaud .....	Basic per acre .....	28.00	30.00	Do.
	Pressure per acre .....	41.00	43.50	Do.
Wapato Irrigation Project* Simcoe Units .....	Billing Charge Per Tract .....	5.00	5.00	Do.
	Farm unit/land tracts up to one acre (minimum charge).	10.40	13.00	Do.
	Farm unit/land tracts over one acre—per acre	10.40	13.00	Do.
Wapato Irrigation Project* Ahtanum Units .....	Billing Charge Per Tract .....	5.00	5.00	Do.
	Farm unit/land tracts up to one acre (minimum charge).	10.35	13.00	Do.
	Farm unit/land tracts over one acre—per acre	10.35	13.00	Do.
Wapato Irrigation Project* Satus Unit .....	Billing Charge Per Tract .....	5.00	5.00	Do.
	Farm unit/land tracts up to one acre (minimum charge).	41.40	51.00	Do.
	"A" farm unit/land tracts over one acre—per acre.	41.40	51.00	Do.
	Additional Works farm unit/land tracts over one acre—per acre.	45.76	56.00	Do.
	"B" farm unit/land tracts over one acre— per acre.	49.68	61.00	Do.
	Water Rental Agreement Lands—per acre .....	50.96	62.00	Do.

ROCKY MOUNTAIN REGION RATE TABLE

Project name	Rate category	Current 2002 rate	Proposed 2003 rate
Blackfeet Irrigation Project .....	Basic-per acre .....	\$13.00	\$13.00
Crow Irrigation Project (See note below) .....	Basic-per acre .....	16.00	16.00
Fort Belknap Irrigation Project* .....	Indian per acre .....	6.25	7.00
	Non-Indian per acre .....	12.50	14.00
Fort Peck Irrigation Project .....	Basic-per acre .....	14.00	14.00
Wind River Irrigation Project* .....	Basic-per acre .....	12.00	13.00

SOUTHWEST REGION RATE TABLE

Project name	Rate category	Current 2002 rate	Proposed 2003 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 2002 rate	Proposed 2003 rate	Proposed 2004 rate
Colorado River Irrigation Project* (See note #1 below).	Basic per acre up to 5.0 acre-feet .....	\$37.00	.....	To be Determined.
	Excess Water per acre foot 5.0–5.5 acre-feet .....	7.40	.....	Do.
	Excess Water per acre-foot over 5.5 acre-feet .....	17.00	.....	Do.
	Basic per acre up to 5.75 acre-feet .....	.....	\$47.00	Do.
	Excess Water per acre-foot over 5.75 acre-feet .....	.....	17.00	Do.
Duck Valley Irrigation Project .....	Basic-per acre .....	5.30	5.30	Do.
Fort Yuma Irrigation Project (See note #2 below).	Basic-per acre up to 5.0 acre-feet .....	60.00	60.00	Do.
	Excess Water per acre-foot over 5.0 acre-feet .....	10.50	10.50	Do.
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	To be Determined
Uintah Irrigation Project* (See note #2 below)	Basic-per acre .....	8.50	11.00	Do.
Walker River Irrigation Project .....	Indian per acre .....	7.32	7.32	Do.
	Non-Indian per acre .....	15.29	15.29	Do.

**Note #1**—For the Colorado River Irrigation Project, pursuant to a reconciliation of the operation and maintenance financial records as of December 31, 2002, funds in excess of the 700,000 reserve fund will be refunded to the excess water users in proportion to the amount of excess water purchased by each water user. The refund will be a credit against the 2003 irrigation season assessment for eligible excess water users.

**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 February 28, 2003.

#### 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: November 20, 2002.

**Neal A. McCaleb,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 03-437 Filed 1-8-03; 8:45 am]

BILLING CODE 4310-W7-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

[INT-DES-02-51]

#### Banks Lake Drawdown, Columbia Basin Project, Washington

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of availability and notice of public hearings for the Banks Lake

Drawdown, Washington, draft Environmental Impact Statement.

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior, Bureau of Reclamation (Reclamation), has prepared a draft Environmental Impact Statement (Draft EIS) to examine the impacts of alternatives to lower the minimum surface elevation for Banks Lake in August from 1,565 feet to 1,560 feet.

The action alternative describes the resource conditions that would occur between Banks Lake surface elevations of 1,570 feet and 1,560 feet, while the no action alternative describes the conditions that would occur without the proposed action, between surface elevation 1,570 feet and 1,565 feet. Both the no action and action alternatives include four potential operational scenarios that could occur within their respective ranges.

The action alternative includes a refill of the reservoir to elevation 1,565 feet, beginning September 1 and ending no later than September 10.

**DATES:** Written comments on the draft EIS must be received no later than March 10, 2003, at the address listed under the **ADDRESSES** section below.

Public hearings will be held to accept oral comments on the draft EIS at:

- Coulee City, Washington, on February 11, 2003, from 7 to 9 p.m. and,
- Moses Lake, Washington, on February 12, 2003, from 1:30 to 3:30 p.m.

The public hearing facilities are physically accessible. Please contact Mr. Blanchard at the telephone, fax or TTY relay numbers listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice for accessibility accommodations, including sign language interpreters or other auxiliary aids. Requests should be made by January 31, 2003, to allow sufficient time to arrange for accommodation.

**ADDRESSES:** The public hearings will be held at:

- Coulee City Elementary School, 410 W. Locust, Coulee City, Washington, and,
- District 5 Fire Station Training Facility, 12801 Nelson Road, Moses Lake, Washington.

Written comments on the draft EIS should be submitted to Mr. Jim Blanchard, Special Projects Officer, Bureau of Reclamation, 32 C Street, P.O. Box 815, Ephrata, WA 98823-0815; or by fax 509-754-0239, or by e-mail at: [jblanchard@pn.usbr.gov](mailto:jblanchard@pn.usbr.gov).

See the **SUPPLEMENTARY INFORMATION** section below for locations where copies

of the DEIS are available for public review and inspection.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jim Blanchard, Special Projects Officer, at 509-754-0226 (relay users may dial 711). Those wishing to obtain a copy of the draft EIS in the form of a printed document or on compact disk (CD-ROM with reader included) or a summary of the draft EIS may contact Mr. Blanchard.

#### SUPPLEMENTARY INFORMATION:

##### Public Disclosure

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

##### Hearing Process Information

Requests to make oral comments at the public hearings may be made at each hearing. Comments will be recorded by a court reporter. Speakers will be called in the order of their requests. In the interest of available time, each speaker will be asked to limit oral comments to five minutes. Longer comments should be summarized at the public hearing and submitted in writing either at the public hearing or identified as hearing comments and mailed to be received by Mr. Blanchard no later than March 10, 2003.

##### Background

Since its creation in the early 1950s, Banks Lake has been operated and maintained for the storage and delivery of irrigation water drawn from the Columbia River to Columbia Basin Project (CBP) lands. At Dry Falls Dam, the Main Canal flows south from the Banks Lake outlet works to the northern portion of the CBP's irrigable area. Reclamation operates the reservoir within established constraints on water surface elevation to meet contractual obligations, ensure public safety, and protect property. Reclamation considers other resource needs as feasible within existing operational constraints.

In December of 2000, the National Marine Fisheries Service issued a Biological Opinion (BIOP) to the Bureau