

provide services to the gaming facility; and provides for dispute resolution over any breaches of this Compact.

Dated: April 13, 2009.

George T. Skibine,

Deputy Assistant Secretary for Policy and Economic Development.

[FR Doc. E9-9260 Filed 4-21-09; 8:45 am]

BILLING CODE 4310-4N-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amendment to approved Tribal-State compact.

SUMMARY: This notice publishes the approval of the Seventh Amendment to the Agreement between the Crow Tribe of Montana and the State of Montana Concerning Class III Gaming.

DATES: *Effective Date:* April 22, 2009.

FOR FURTHER INFORMATION CONTACT: Paula Hart, Acting Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

SUPPLEMENTARY INFORMATION: Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100-497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the Federal Register notice of the approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. This Amendment increases the number of Class III video gambling machines available for play to 400; allows for Tribal gaming operations to be located anywhere on the reservation; increases the prize limit for Class III gaming to \$2,000.00; increases the wager limit on Tribally owned machines to \$5.00; and sets out the technical and internal control standards for Class III gaming machines on the reservation.

Dated: April 15, 2009.

George T. Skibine,

Deputy Assistant Secretary for Policy and Economic Development.

[FR Doc. E9-9258 Filed 4-21-09; 8:45 am]

BILLING CODE 4310-4N-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Rate Adjustments for Indian Irrigation Projects

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of 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 are notifying you that we have adjusted the irrigation assessment rates at several of our irrigation projects and facilities to reflect current costs of administration, operation, maintenance, and rehabilitation.

DATES: *Effective Date:* The irrigation assessment rates shown in the tables as final are effective as of January 1, 2009.

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

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rate Adjustment was published in the Federal Register on October 30, 2008 (73 FR 64629) to propose adjustments to the irrigation assessment rates at several BIA irrigation projects. The public and interested parties were provided an opportunity to submit written comments during the 60-day period that ended December 29, 2008.

Did the BIA defer or change any proposed rate increases?

Yes. At the Fort Belknap, Fort Peck, and Uintah Irrigation Projects, the project operations and maintenance (O&M) has been contracted by the water users and/or tribes. Based on the budget submitted by the water users at Fort Belknap, the rate was only raised to \$14.75 instead of \$20.00 per acre. Based on the budget submitted by the water users at Fort Peck, the rate was only raised to \$24.00 instead of \$25.75 per acre. Based on the budget submitted by the water users at Uintah, the rate is raised to \$15.00 instead of the previously proposed \$13.70 per acre.

Did the BIA receive any comments on the proposed irrigation assessment rate adjustments?

Written comments were received related to the proposed rate adjustments for the San Carlos Irrigation Project—Joint Works, the Wapato Irrigation Project, and the Wind River Irrigation Project.

What issues were of concern to the commenters?

Individuals and entities commenting on the proposed rates raised concerns about one or more of the following issues: (1) How funds are expended for O&M costs; (2) the BIA's trust responsibility for projects; (3) the BIA's responsibility to enhance idle land tracts to make them productive; (4) the efficiencies of contracting with water users groups to perform O&M to save costs; and (5) how rate increases impact the local agricultural economy and individual land owners.

Commenters raised concerns specific to the Wind River Irrigation Project (WRIP), asserting that: (1) The BIA is responsible for delivery of the full amount of water quantified in the Big Horn Decree; (2) the WRIP should not be considered self-supporting for irrigation O&M funding and requires Federal assistance; and (3) the Eastern Shoshone and Northern Arapaho Tribes and their members should not be subsidizing non-Indian lessee water users.

A commenter raised concerns specific to the San Carlos Irrigation Project—Joint Works, asserting that: (1) The number of BIA personnel required to operate and maintain the project is too high; (2) the BIA should maintain the project wells; (3) anticipated project expenses for FY 2010 will be higher; and (4) the BIA is budgeting too much for emergency reserves.

The Yakama Nation raised concerns specific to the Wapato Irrigation Project, stating that the Yakama Nation does not believe that the BIA has authority to charge the Yakama Nation and its members irrigation O&M charges as provided in this notice.

How does the BIA respond to concerns regarding how funds are expended for O&M costs?

The BIA considers the following expenses when determining an irrigation project's budget: Project personnel costs; materials and supplies; vehicle and equipment repairs; equipment; capitalization expenses; acquisition expenses; rehabilitation costs; maintenance of a reserve fund for contingencies or emergencies; and other expenses that we determine are



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240



APR 14 2009

Honorable Brian Schweitzer
Governor, State of Montana
P.O. Box 200801
Helena, Montana 59620-0801

Dear Governor Schweitzer:

On March 27, 2009, we received the Seventh Amendment to the Agreement between the Crow Tribe of Montana (Tribe) and the State of Montana (State) concerning Class III Gaming, (Amendment), executed on March 20, 2009.

We have completed our review of this Amendment and conclude that it does not violate the Indian Gaming Regulatory Act of 1988 (IGRA), any other provision of Federal law that does not relate to jurisdiction over gaming on Indian lands, or the trust obligations of the United States to Indians. Therefore, pursuant to my delegated authority and Section 11 of IGRA, we approve the Amendment. This Amendment shall take effect when the notice of our approval pursuant to Section 11(d)(3)(B) of IGRA, 25 U.S.C. § 2710(d)(3)(B), is published in the Federal Register.

A similar letter is being sent to the Honorable Cedric Black Eagle, Interim Chairman, Crow Tribe. We wish the Tribe and the State continued success in their economic venture.

Sincerely,

George T. Skibine
Deputy Assistant Secretary
For Policy and Economic Development
Office of the Assistant Secretary – Indian Affairs

**SEVENTH AMENDMENT TO THE AGREEMENT
BETWEEN THE CROW TRIBE OF MONTANA AND
THE STATE OF MONTANA CONCERNING CLASS III GAMING**

This document is the seventh amendment to the "Agreement Between the Crow Indian Tribe of Montana and the State of Montana Concerning Class III Gaming" (hereafter, "Agreement") approved by the Secretary of the Interior on June 12, 1998, and executed by the Tribe and the State on March 11, 1998, and March 19, 1998, respectively.

Pursuant to Article XI.B of the Agreement, which generally provides for amendment in writing and with the consent of both parties, the Agreement is hereby amended as follows:

1. Section VI. (E.) is amended to read as follows:

No more than Four Hundred (400) tribally owned Class III machines, as defined in Appendix A, Video Gambling Machines, shall be available for play on the Crow Indian Reservation.

2. Section VI.(F.) is amended to read as follows:

The tribally-owned gambling operation(s) providing for the play of Class III video gambling machines and/or live keno may be located anywhere within the exterior boundaries of the Crow Reservation. Tribally-owned gambling operations may be open twenty-four hours a day if allowed by the approved tribal gaming ordinance.

3. New Section VI.(G.) reads in its entirety as follows:

No prize awarded for Class III gambling at tribally-owned premises may exceed the value of Two Thousand Dollars (\$2,000.00) for each award.

4. New Section VI.(H.) reads in its entirety as follows:

No more than Five Dollars (\$5.00) may be wagered per play on a tribally owned machine, as defined and set out in Appendix A.

5. **APPENDIX A. VIDEO GAMBLING MACHINES, SECTION II. CONDITIONS**, is revised to read in its entirety as follows:

**APPENDIX A
VIDEO GAMBLING MACHINES**

1. TECHNICAL STANDARDS FOR ELECTRONIC GAMES OF CHANCE

- a. The State and the Tribe agree that all class III electronic games of chance will comply with the technical standards of the Montana Department of Justice, Gambling Control Division as set out in the Administrative Rules of Montana 23.16.1901 through 23.16.1911, 23.16.1920 and where applicable the definitions in 23.16.1802, subject to the exceptions as set forth in section II below.
- b. The State and the Tribe agree that the State will timely notify the Tribe of any subsequent changes to the above listed Administrative rules of Montana and upon such notification said changes will become a part of Appendix A by reference.

II. EXCEPTIONS to the TECHNICAL STANDARDS for ELECTRONIC GAMES of CHANCE

- a. Any definitions of bingo or electronic bingo that are electronic, computer or other technological aids to the Class II game of bingo, as defined by IGRA or Rules of the National Indian Gaming Commission (25 CFR Part 502).
- b. Any definitions or rules relating to the licensing or permitting of video gambling machine owners or operators.
- c. A video gambling machine authorized under this agreement shall be tested and approved by the Tribe before placement on the Reservation. Any gambling device approved and licensed by the Tribe under this agreement must meet all technical requirements as set forth in the Administrative Rules of Montana as referenced in Section 1 of this Appendix. The Tribe may contract with the State for certification and inspection of video gambling machines under a contract separate and apart from this Agreement.

III. MINIMUM INTERNAL CONTROL STANDARDS

The Tribe agrees to follow the model Minimum Internal Control Standards used by the National Indian Gaming Commission unless the parties agree in writing to a simpler standard that will protect the fairness and integrity of the particular game or activity.

Montana and the Tribe indicate their consent to be bound to this Amendment through the signatures of their authorized representatives affixed below.

CROW TRIBE


CEDRIC BLACK EAGLE, Interim Chairman

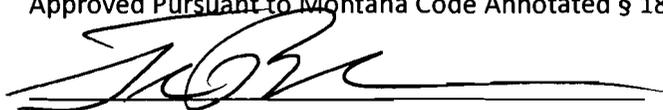
3/20/09
DATE

STATE OF MONTANA


BRIAN SCHWEITZER, Governor

DATE

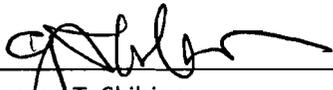
Approved Pursuant to Montana Code Annotated § 18-11-105 (2007).


STEVE BULLOCK, Attorney General, State of Montana

3/19/09
DATE

Consistent with 25 U.S.C. Sec. 2710 (d)(8), the Seventh Amendment of the Agreement between the Crow Tribe of Montana and the State of Montana Concerning Class III Gaming, dated 3-20-09, is hereby approved on this 14th day of April, 2009, by the Deputy Assistant Secretary for Policy and Economic Development, United States Department of the Interior.

UNITED STATES DEPARTMENT OF THE INTERIOR

BY: 
George T. Skibine
Deputy Assistant Secretary for
Policy and Economic Development

Dated: 4-14-09