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Eriks Gabliks,

*Superintendent, National Fire Academy,
United States Fire Administration, Federal
Emergency Management Agency.*

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[2231A2100DD/AAKC001030/
A0A501010.999900]

Indian Gaming; Approval of Tribal-State Class III Gaming Compacts in the State of North Dakota

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the approval of the Amended Gaming Compact between the Three Affiliated Tribes of the Fort Berthold Reservation and the State of North Dakota and the Amended Gaming Compact between the Standing Rock Sioux Tribe and the State of North Dakota (Amendments) governing class III gaming for the Three Affiliated Tribes of the Fort Berthold Reservation and the Standing Rock Sioux Tribe (Tribes) in the State of North Dakota (State).

DATES: The Amendments take effect on December 19, 2022.

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

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA), Public Law 100-497, 25 U.S.C. 2701 *et seq.*, the Secretary of the Interior shall publish in the **Federal Register** notice of approved

Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary. The Amendments waive the State's Eleventh Amendment immunity if the parties negotiate a successor compact, thereby permitting enforcement of the good faith negotiation provisions in IGRA. If a successor compact is not successfully concluded, the existing compact will remain effective throughout IGRA's remedial process. The Amendments also add electronic poker games, sports book event wagering, any class III gaming authorized by State law, and mobile gaming within tribal lands. The Amendments are approved.

Bryan Newland,

Assistant Secretary—Indian Affairs.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[2231A2100DD/AAKC001030/
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San Carlos Irrigation Project—Power Division, Arizona Power Rate Adjustment

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) has adjusted its electric power rates for the Power Division of San Carlos Irrigation Project (SCIP/PD).

DATES: The 2023 electric power rates are effective on January 18, 2023.

FOR FURTHER INFORMATION CONTACT: For details about SCIP/PD, please contact Ferris Begay, Project Manager, San Carlos Irrigation Project, 13805 N Arizona Blvd., Coolidge, AZ 85128, (520) 723-6225.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rate Adjustment was published in the **Federal Register** on February 10, 2022 (87 FR 7863) to propose adjustments to the electric power rates at SCIP/PD. The public and interested parties were provided an opportunity to submit written comments during the 60-day period that ended April 11, 2022.

Did BIA defer or change any proposed rate increases?

Yes. BIA will not implement the proposed 2022 rates. The final 2023 rates will be implemented as proposed.

Did BIA receive any comments on the proposed electric power rate adjustments?

Yes. BIA received nine (9) written comment submissions related to the proposed rate adjustments for SCIP/PD.

What issues were of concern to the commenters?

Written comments relating the proposed rate adjustment were received by letter and email. BIA's summary of the issues and BIA's responses are provided below:

Comment: Commenters state a general opposition to the proposed electric power rate adjustments.

Response: As noted when rates were proposed in the **Federal Register** on February 10, 2022 (87 FR 7863), BIA is required to establish power assessment rates that recover the costs to administer, operate, maintain, and rehabilitate our projects. As owner of SCIP/PD, it is our responsibility to ensure adequate resources are made available to meet the requirements noted above. BIA's authority to assess rates dates to the Act of March 7, 1928 (45 Stat. 210-212) *as amended*, and 25 U.S.C. 385c, and is addressed in BIA's regulations at 25 CFR 175. BIA must systematically review and evaluate power assessment rates and adjust them, when necessary, to reflect the full cost to operate and perform all appropriate maintenance to ensure safe and reliable service. If this review and adjustment is not accomplished, a rate deficiency can accumulate over time. Rate deficiencies force BIA to raise assessment rates in larger increments over shorter periods than would have otherwise been necessary.

SCIP/PD's assessment rates remained the same from 2007 to 2021 and did not keep up with the full cost of providing electrical service, the costs of system improvements, and the significant increase in purchased power costs. As a result, SCIP/PD exhausted its reserve fund in 2021. These circumstances required BIA to review and evaluate its assessment rates, implement a purchased power cost adjustment, and propose electric power rate adjustments to reflect the full cost to operate and perform all appropriate maintenance to ensure safe and reliable service. The SCIP/PD budget, upon which the proposed electric power rate adjustment is based, was prepared in accordance with BIA financial guidelines. BIA considers the following items when determining a power project's budget: operation and maintenance costs, maintenance of reserve funds, repair and replacement costs, defraying