

the Kootenai River population of the white sturgeon (*Acipenser transmontanus*) in conjunction with research in the State of Montana, for the purpose of enhancing its survival.

**Permit No. TE-096741**

*Applicant:* Pacific Naval Facilities Engineering Command, Hawaii.

The applicant requests an amendment to an existing scientific research permit to take (survey, collect eggs or larvae, rear in captivity, photograph, release, and collect voucher specimens) the Hawaiian picture-wing flies *Drosophila aglaia*, *D. hemipeza*, *D. montgomeryi*, *D. obatai*, *D. substenoptera*, *D. tarphytrichia*, and *D. musaphilia* in conjunction with research on the islands of Oahu and Kauai, Hawaii, for the purpose of enhancing their survival. This permit currently covers removal and reduction to possession of *Abutilon menziesii* (ko'olua'ula), *Abutilon sandwicense* (no common name), *Achyronthes splendens* var. *rotundata* (round-leaved chaff flower), *Alectryon macrococcus* var. *micrococcus* (mahoe), *Bonania menziesii* (no common name), *Chamaesyce kuwaleana* (akoko), *Chamaesyce skottsbergii* var. *kalaeloana* ('Ewa Plains 'akoko), *Cyperus trachysanthos* (puukaa), *Flueggea neowawraea* (mehamehame), *Hedvotis parvula* (no common name), *Lepidium arbuscula* (anaunau), *Lipochaeta lobata* var. *leptophylla* (nehe), *Lipochaeta tenuifolia* (nehe), *Lobelia niuhauensis* (no common name), *Marsilea villosa* (ihi'ihii), *Melicope pallida* (alani), *Melicope saint-johnii* (alani), *Neraudia angulata* (no common name), *Natotrichium humile* (kului), *Schiedea hookeri* (no common name), *Tetramolopium filiforme* (no common name), *Tetramolopium lepidotum* ssp. *lepidotum* (no common name), and *Viola chamissoniana* ssp. *chamissoniana* (pamakani), for which we originally published a notice in the **Federal Register** on January 7, 2005 (70 FR 1456).

**Permit No. TE-068803**

*Applicant:* Jerry Lynn Kinser, Cunroe, Texas.

The applicant requests a permit to purchase, in interstate commerce, two male captive bred Hawaiian (=nene) geese (*Branta* [=Nesochen] *sandvicensis*) for the purpose of enhancing their propagation and survival. This notification covers activities conducted by the applicant over the next 5 years.

**Permit No. TE-212061**

*Applicant:* Paul C. Hammond, Philomath, Oregon.

The applicant requests a new scientific research permit to take (capture, handle, and release) the Fender's blue butterfly (*Icaricia icarioides fenderi*) in conjunction with research in the State of Oregon, for the purpose of enhancing its survival.

**Public Comments**

Please refer to the permit number for the application when submitting comments.

We solicit public review and comment on these recovery and interstate commerce permit applications. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials we receive will be available for public inspection, by appointment, during normal business hours at the above address.

Dated: April 13, 2009.

**David J. Wesley,**

*Regional Director, Region 1, U.S. Fish and Wildlife Service.*

[FR Doc. E9-9154 Filed 4-21-09; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**Indian Gaming**

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

**ACTION:** Notice of Approved Tribal-State Gaming Amendment.

**SUMMARY:** This notice publishes an Approval of the Third Amendment to Tribal-State Compact for Technical Changes to Class III Video Games of Chance on the Red Lake Band of Chippewa Reservation.

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

**FOR FURTHER INFORMATION CONTACT:** Paula L. 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:** Under 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 approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. This Amendment allows for technical changes to the Compact that address the technical advances that have occurred in the market with regard to slot machines and sets in place the technical standards for gaming devices that accept coin, currency or cashless tickets and issue cashless tickets.

Dated: April 13, 2009.

**George T. Skibine,**

*Deputy Assistant Secretary for Policy and Economic Development.*

[FR Doc. E9-9263 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 Tribal-State Class III Gaming Compact taking effect.

**SUMMARY:** This publishes notice of a Tribal-State Class III Gaming Compact taking effect. The Compact is between the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan and the State of Michigan and provides for the conduct of Tribal Class III Gaming by the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan.

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

**FOR FURTHER INFORMATION CONTACT:** Paula L. 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:** Under 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 approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. This Compact is entered into to fulfill the purpose and intent of IGRA by providing for Tribal gaming as a means of generating Tribal revenues, thereby promoting Tribal economic development, Tribal self-sufficiency and a strong Tribal government. This Compact lists the games that are authorized for play by the Tribe; describes the eligible Indian lands where the Tribe may conduct gaming; lists the regulations to be followed in order to conduct Class III gaming, as well as, the regulations to

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

**A COMPACT BETWEEN  
THE MATCH-E-BE-NASH-SHE-WISH BAND OF  
POTTAWATOMI INDIANS OF MICHIGAN  
AND  
THE STATE OF MICHIGAN  
PROVIDING FOR THE CONDUCT OF TRIBAL CLASS III GAMING  
BY THE  
MATCH-E-BE-NASH-SHE-WISH BAND OF  
POTTAWATOMI INDIANS OF MICHIGAN**

THIS COMPACT is made and entered into this 9<sup>th</sup> day of May, 2007, by and between the MATCH-E-BE-NASH-SHE-WISH BAND OF POTTAWATOMI INDIANS (hereinafter referred to as "Tribe") and the STATE OF MICHIGAN (hereinafter referred to as "State").

**RECITALS**

WHEREAS, the State of Michigan is a sovereign State of the United States of America, having been admitted to the Union pursuant to the Act of January 26, Ch. 6, 1837, 5 Stat. 144, and is authorized by its constitution to enter into contracts and agreements, including this agreement with the Tribe; and

WHEREAS, the Tribe is a federally recognized Indian Tribe and its governing body, the Tribal Council, is authorized by its Tribal Constitution to enter into contracts and agreements of every description, including this agreement with the State; and

WHEREAS, the Congress of the United States has enacted the Indian Gaming Regulatory Act of 1988 (25 U.S.C. 2701 et. seq.), (hereinafter "IGRA"), which permits Indian tribes to operate Class III gaming activities on Indian reservations pursuant to a tribal-state compact entered into for that purpose; and

WHEREAS, the Tribe proposes to operate a Class III gaming establishment on Eligible Indian Lands in the State of Michigan, and by Tribal Council Resolution and Tribal Ordinance will adopt rules and regulations governing the games played and related activities at the Class III gaming establishment; and

WHEREAS, the State presently permits and regulates various types of gaming within the State (but outside Indian lands), including casino style gaming such as slot machines, craps, roulette, banking and nonbanking card games, as well as a lottery operating instant scratch games, and "pick number" games such as keno and club keno, most of which would be Class III games if conducted by the Tribe; and

WHEREAS, the Michigan Supreme Court in Automatic Music & Vending Corp. v. Liquor Control Comm., 426 Mich 452, 396 NW 2d 204 (1986); appeal dismissed 481 U.S. 1009, (1987) and the Michigan Court of Appeals in Primages Int'l of Michigan v. Michigan, 199 Mich App 252, 501 NW 2d 268 (1993), have held that the statutory

exception found at MCL 750.303 (2) allows for the play of electronic gaming devices, which includes computerized or electronic games of chance; and

WHEREAS, at the general election held on November 5, 1996, the electors adopted an initiated law which provides for a regulatory system under which state-licensed casino gambling may be operated in the City of Detroit; and

WHEREAS, casino style table games and electronic gaming devices are, therefore, permitted "for any purpose by any person, organization or entity," within the meaning of IGRA, 25 U.S.C. 2710(d)(1)(B); and

WHEREAS, the State has previously entered into substantially similar Compacts for the conduct of Class III games with 11 of the 12 federally-recognized Indian tribes in the State of Michigan and the Gun Lake Tribe is, therefore, currently the only such tribe that does not have a gaming compact with the State; and

WHEREAS, a compact between the Tribe and the State for the conduct of Class III gaming is sufficient to satisfy requirements imposed by the United States Congress by enactment of IGRA, for the operation of lawful Class III gaming by the Tribe on Eligible Indian Lands in Michigan; and

WHEREAS, the Tribe has demonstrated the support of Wayland Township the local unit of government within which the Tribe's proposed casino is to be located whose Board has passed a Resolution in support of the Class III Gaming Facility; and

WHEREAS, the State and the Tribe, in recognition of the sovereign rights of each party and in a spirit of cooperation in the interests of the citizens of the State and the members of the Tribe, have engaged in good faith negotiations recognizing and respecting the interests of each party and have agreed to this Compact.

NOW, THEREFORE, the Tribe and the State agree as follows:

**SECTION 1. Purpose and Objectives**

The purpose and objectives of the Tribe and the State in making this Compact are as follows:

(A) To demonstrate the good will and cooperative spirit between the State and the Tribe;

(B) To continue the development of effective working relationships between the State and tribal governments;

(C) To compact for Class III gaming on Eligible Indian Lands of the Tribe in Michigan as authorized by IGRA;

(D) To fulfill the purpose and intent of IGRA by providing for tribal gaming as a means of generating tribal revenues, thereby promoting tribal economic development, tribal self-sufficiency and strong tribal government;

(E) To provide tribal revenues to fund tribal government operations or programs, to provide for the general welfare of the Tribe and its members and for other purposes allowed under IGRA;

(F) To provide for the operation of Class III gaming in which, except as provided in 25 U.S.C. 2710(b)(4) and (d)(2)(A) of IGRA, the Tribe shall have the sole proprietary interest and be the primary beneficiary of the Tribe's gaming enterprise;

(G) To recognize the State's interest in the establishment by the Tribe of rules for the regulation of Class III gaming operated by the Tribe on Eligible Indian Lands;

(H) To recognize the State's interest in the establishment by the Tribe of rules and procedures for ensuring that Class III gaming is conducted fairly and honestly by the owners, operators, and employees and by the patrons of any Class III gaming enterprise of the Tribe; and

(I) To establish procedures to notify the patrons of the Tribe's Class III gaming establishment that the establishment is not regulated by the State of Michigan and that patrons must look to the tribal government or to the federal government to resolve any issues or disputes with respect to the operations of the establishment.

## **SECTION 2. Definitions**

For purposes of this Compact, the following definitions pertain:

(A) "Class III gaming" means all forms of gaming authorized by this Compact, which are neither Class I nor Class II gaming, as such terms are defined in 2703(6) and (7) of IGRA. Only those Class III games authorized by this Compact may be operated by the Tribe.

(B) "Commercial Gaming Facility" shall mean any facility that offers more than five (5) Electronic Games of Chance for gambling purposes, whether or not operated by the State Lottery.

(C) "Competitive Market" means the following Michigan counties: Allegan, Barry, Calhoun, Eaton, Ingham, Ionia, Kalamazoo, Kent, and Ottawa.

(D) "Electronic Game of Chance" means a player activated or operated electronic, mechanical or electromechanical device that:

- (1) allows a person to play a game of chance or a facsimile of a game of chance, which may or may not be affected by an element of skill;

(2) is activated by, or which is operated through, the insertion of a coin, currency (or equivalent thereof), token, or by the use of a credit or the pledge or promise to pay anything of value;

(3) is controlled by software or electronic, mechanical, or electromechanical process that determines the element of chance and winning payout; and

(4) awards either

(a) cash or

(b) credits, tokens, replays, or a written statement of the player's accumulated credits, if the credits, tokens, replays, or written statement can be redeemed for cash, or

(c) any other thing of value.

“Electronic Game of Chance” does not include:

(1) A class III game of chance operated by a federally-recognized or acknowledged Indian Tribe (other than the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians) unless:

(a) the Electronic Game of Chance is operated by such tribe pursuant to IGRA under a compact or compact amendment with the State; and

(b) the compact or amendment permits such tribe to conduct gaming in more than one location; and

(c) the game is operated by such tribe at its second or subsequent location; and

(d) the site upon which the game is conducted is located within the “Competitive Market” defined by this compact; and

(e) The Match-E-Be-Nash-She-Wish Band has not consented in writing to the opening of that tribe's second or subsequent site within its “Competitive Market.”

(2) Charitable gaming conducted pursuant to the Traxler-McCauley-Law-Bowman Bingo Act, MCL 432.101 et seq., unless such charitable gaming uses player activated electronic or electromechanical devices;

(3) Any of the following games or devices in use by the Michigan State Lottery:















































