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Sent via First Class Mail and Email

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Division of Water and Power
Office of Trust Services
2021 4th Avenue North
Billings, Montana 59101
comments@bia.gov

RE: Rate Adjustments for Indian Irrigation Projects

To Whom it May Concern:

Public Comment Submitted by the Flathead Irrigation District

My office represents the Flathead Irrigation District in western Montana, and I have worked directly with the Flathead Irrigation District since 2019.

The Flathead Irrigation District submits these comments in response to the proposed 2027 Rate Adjustment for Indian Irrigation Projects. The proposal would increase Operation and Maintenance (O&M) assessments for the Flathead Indian Irrigation Project (FIIP) by \$7.00 per basic acre. Under the current circumstances, that increase is unsustainable and unconscionable.

1. Staffing costs of the FIIP are overestimated

Although the proposed rates do not directly address staffing, the FIIP budget assumes a set number of employees. FIIP has not been fully staffed at any time since the Bureau of Indian Affairs (BIA) assumed management from the Cooperative Management Entity formed by the Confederated Salish and Kootenai Tribes of the Flathead Nation, the Flathead Joint Board of Control of the Flathead, Mission, and Jocko Valley Irrigation Districts, and the United States Department of the Interior. FIIP is now staffed at even lower levels than in 2023 because of federal buyouts, hiring freezes, and the continued lack of a hiring process, even after the freeze was lifted.

When these positions remain unfilled, salary and related employment costs decrease. FIIP has tried to address the shortage through emergency hires arranged through the Confederated Salish and Kootenai

Tribes, but those positions are temporary and do not provide long-term staffing. Current FIIP employees are also working overtime, yet those overtime costs do not appear to equal or exceed the budgeted staffing costs.

In addition, the Acting Project Manager is not being paid at the Project Manager rate because he does not meet FIIP's hiring qualifications for that position.

Given these circumstances, a significant increase in O&M assessments is not justified when FIIP remains understaffed, employees are not compensated for added responsibilities, and there is still no workable path to hire needed staff.

2. FIIP emergency hires do not have the tools necessary to do their jobs.

Although emergency hiring is intended to preserve the irrigation season, and the Flathead Irrigation District appreciates the assistance it provides in managing FIIP during that time, the process has serious shortcomings. Most notably, emergency hires cannot use federally issued cell phones or other tools needed to stay in contact with irrigators and the FIIP office. This limits project efficiency and hinders their ability to perform their duties. In some cases, it may even prevent experienced ditch riders from completing their work effectively.

3. Excess funds from prior irrigation seasons

Because of these staffing shortages, FIIP has not fully spent its annual budget in recent years. As a result, prior years' O&M collections may be available to cover any budget shortfall. Even if BIA were to fully staff FIIP, BIA appears to hold sufficient funds to cover those added costs.

It is unreasonable to continue increasing O&M assessments when prior assessments have not been fully used.

4. Irrigators are stepping up where the federal government will not.

Irrigators across FIIP are performing work that should be handled by project management. They are cleaning ditches, maintaining them, installing irrigation structures that FIIP should provide, and taking on other tasks to help keep the project operating. Despite ongoing staffing shortages, the lack of a workable hiring process, and rising irrigation costs, irrigators continue to contribute their time and equipment to fill these gaps.

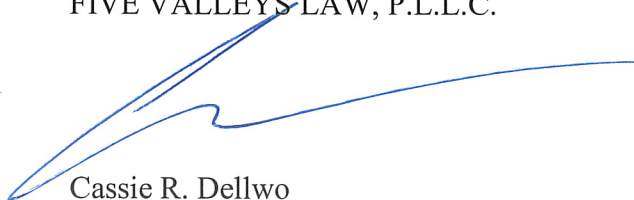
5. O&M increases should be limited until the federal government allows for hiring.

Until the federal government provides a way for FIIP to hire and retain the employees needed to operate and maintain the project, any rate increases should be based on actual staffing levels rather than full staffing assumptions. They should also account for the work performed by irrigators.

The Flathead Irrigation District wants FIIP and its irrigators to succeed. In today's economy, agricultural producers within FIIP cannot absorb substantial increases in O&M fees while receiving less assurance of efficient, proper irrigation management. The Flathead Irrigation District seeks that no O&M fees be increased for the 2027 irrigation season.

Sincerely,

FIVE VALLEYS LAW, P.L.L.C.



Cassie R. Dellwo

Cc: Flathead Irrigation District -commissioners