

# Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Apache-Sitgreaves National Forests; Arizona; Heber Wild Horse Territory Plan

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an Environmental Impact Statement.

**SUMMARY:** The Forest Service will prepare a Draft Environmental Impact Statement (DEIS) to evaluate the environmental impacts of developing and implementing a Territory Plan for the Heber Wild Horse Territory.

**DATES:** Comments concerning the scope of the analysis must be received by September 15, 2008. The Draft Environmental Impact Statement is expected by May 2009 and the final Environmental Impact Statement is expected November 2009.

**ADDRESSES:** Send written comments to Heber Wild Horse Territory Plan Analysis, c/o Deryl Jevons, Acting Forest Supervisor, P.O. Box 640, Springerville, AZ 85938, or send e-mail [comments-southwestern-apache-sitgreaves@fs.fed.us](mailto:comments-southwestern-apache-sitgreaves@fs.fed.us), using the subject heading *Heber Wild Horse Territory Plan Analysis*. For further information, mail correspondence to Denise Van Keuren, Interdisciplinary Team Leader, Apache-Sitgreaves National Forests, P.O. Box 640, Springerville, AZ 85938.

**FOR FURTHER INFORMATION CONTACT:** Denise Van Keuren, Interdisciplinary Team Leader, Apache-Sitgreaves National Forests (see address above).

#### SUPPLEMENTARY INFORMATION:

##### Purpose and Need for Action

There is a need for developing a Heber Wild Horse Territory Management Plan, to be in compliance with the Wild Free-Roaming Horses and Burros Act of 1971, as amended by Federal Land Policy Management Act of

1976 and Public Rangelands Improvement Act of 1978, regulation at 36 CFR, part 222, subpart B, 222.21(a)(4), and the Forest Service's manual direction at FSM 2263.1. In addition, Item 4 of the "*In Defense of Animals, et al. vs. United States Forest Service, et al.*" Stipulation Agreement dated March 13, 2007 directs the Forest Service to develop a Heber Wild Horse Territory Management Strategy, in accordance with the provisions of the Wild Free-Roaming Horses and Burros Act of 1971, which requires a Territory Management Plan.

##### Proposed Action

Develop and implement a plan for the Heber Wild Horse Territory, setting parameters for determining horse numbers, when and how to gather horses, which horses would be authorized for the Territory, population and ecological monitoring. The Heber Wild Horse Territory and its boundaries were established in 1973 following passage of the Wild Free-Roaming Horses and Burros Protection Act of 1971. The territory was designated as an area of about 19,700 acres used by a known band of horses, south of Heber, Arizona. There has not yet been a plan developed for the Territory.

##### Possible Alternatives

The only other alternative identified at this time is No Action—do not develop a Territory Plan.

##### Responsible Official

Deryl Jevons, Acting Forest Supervisor, Apache-Sitgreaves National Forests, P.O. Box 640, Springerville, AZ 85938.

##### Nature of Decision To Be Made

The decision to be made in this analysis is whether or not to develop a plan for the Heber Wild Horse Territory, and if so, the main parameters of the plan. In addition, the Responsible Official may elect to require certain mitigation measures to minimize environmental impacts.

##### Scoping Process

Scoping was initiated in 2007, with a public notice and two open house meetings in March 2007, both in Overgaard, AZ. Planned scoping efforts include mailing out a scoping letter and making it available on the National

Forest Web page for the Heber Wild Horse Territory.

##### Comment Requested

This notice of intent updates the scoping process which guides the development of the Environmental Impact Statement. Public participation is important at several points during the analysis process. The first point is the scoping process (40 CFR 1501.7). The scoping process includes, but is not limited to: (1) Identifying potential issues; (2) identifying issues to be analyzed in depth; (3) eliminating insignificant issues or those that have been covered by a relevant previous environmental analysis; (4) exploring additional alternatives; and (5) identifying potential direct, indirect and cumulative environmental effects of the alternatives.

*Early Notice of Importance of Public Participation in Subsequent Environmental Review:* A Draft Environmental Impact Statement will be prepared for comment. The comment period on the Draft Environmental Impact Statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of Draft Environmental Impact Statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the Draft Environmental Impact Statement stage but that are not raised until after completion of the final Environmental Impact Statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F. 2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them

and respond to them in the final Environmental Impact Statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the Draft Environmental Impact Statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the Draft Environmental Impact Statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

**Authority:** 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21.

Dated: July 30, 2008.

**Deryl D. Jevons,**

*Acting Forest Supervisor, Apache-Sitgreaves National Forests.*

[FR Doc. E8-18663 Filed 8-12-08; 8:45 am]

**BILLING CODE 3410-11-M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Notice of New Fee Site; Federal Lands Recreation Enhancement Act

**AGENCY:** Allegheny National Forest, USDA Forest Service.

**ACTION:** Notice of New Fee Site.

**SUMMARY:** The Allegheny National Forest is planning to charge from \$100-\$150 per night fee for rental of the Farnsworth Cabin. This cabin has not been available to the public for recreation use prior to Spring 2009. This historic cabin was built by the Civilian Conservation Corp in the 1940's. Rentals of other cabins on the Allegheny National Forest have shown that the public appreciates and enjoys the availability of historic rental cabins.

**DATES:** Farnsworth Cabin will become available for recreation rental Spring, 2009.

**ADDRESSES:** Forest Supervisor, Allegheny National Forest, P.O. Box 847, Warren PA 16365.

**FOR FURTHER INFORMATION CONTACT:** Tonika Goins, Recreation Team Leader for Bradford District, 29 Forest Service

Drive, Bradford, PA 16701, phone (814) 363-6049, or mail [tonikagoins@fs.fed.us](mailto:tonikagoins@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** The Federal Recreation Lands Enhancement Act (title VIII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six month advance notice in the **Federal Register** whenever new recreation fee areas are established. The new fee will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation. A market analysis indicates that the \$100 to \$150/per night fee is both reasonable and acceptable for this sort of unique recreation experience. People wanting to rent Farnsworth Cabin will need to do so through the National Recreation Reservation Service, at <http://www.reserveusa.com> or by calling 1-877-444-6777. The National Recreation Reservation Service charges a \$9 fee for reservation.

Dated: August 6, 2008.

**Leanne Marten,**

*Forest Supervisor (Allegheny National Forest).*

[FR Doc. E8-18562 Filed 8-12-08; 8:45 am]

**BILLING CODE 3410-11-M**

## DEPARTMENT OF COMMERCE

#### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

*Agency:* U.S. Census Bureau.

*Title:* Annual Retail Trade Survey.

*OMB Control Number:* 0607-0013.

*Form Number(s):* SA-44, SA-44A, SA-44C, SA-44E, SA-44N, SA-44S, SA-45, SA-45C, SA-721A, SA-721E, SA-722A and SA-722E.

*Type of Request:* Extension of a currently approved collection.

*Burden Hours:* 11,845.

*Number of Respondents:* 20,971.

*Average Hours Per Response:* 34 minutes.

*Needs and Uses:* The Annual Retail Trade Survey (ARTS) provides the only continuing official measure of annual total retail sales, e-commerce sales, end-of-year inventories, sales/inventory ratios, purchases, inventory valuation methods, gross margin, and end-of-year accounts receivables for retailers and annual sales and e-commerce sales for accommodation and food services firms in the United States.

The data collected in the ARTS provide a current statistical picture of the retail and food services and accommodations portions of consumer activity. Also, the estimates compiled from this survey provide valuable information for economic policy decisions and actions by government and are widely used by private businesses, trade organizations, professional associations, and others for market research and analysis. The sales and receipts data are used by the Bureau of Economic Analysis (BEA) in determining the consumption portion of the Gross Domestic Product (GDP).

The BEA is the primary Federal user of the data collected in the ARTS and the information collected is critical to the quality of several of BEA's key programs. The data on retail sales are used to prepare detailed annual personal consumption expenditures estimates; merchandise inventories, valuation methods and merchandise purchases are used to prepare annual estimates of change in the business inventory component of GDP. Sales, merchandise purchases, inventories, inventory valuation and sales tax data are used to prepare estimates of GDP by industry and to derive industry output for the input-output accounts.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* Annually.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* Title 13, United States Code, Sections 182, 224 and 225.

*OMB Desk Officer:* Brian Harris-Kojetin, (202) 395-7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dhynek@doc.gov](mailto:dhynek@doc.gov)).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202-395-7245) or e-mail ([bharrisk@omb.eop.gov](mailto:bharrisk@omb.eop.gov)).

Dated: August 7, 2008.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E8-18647 Filed 8-12-08; 8:45 am]

**BILLING CODE 3510-07-P**