

Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal Programs.

**ADDRESSES:** Comments may be submitted to the Bureau of Land Management, Salt Lake City Field Office, 2370 South 2300 West, Salt Lake City, UT 84119. 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.

**FOR FURTHER INFORMATION CONTACT:** David Watson, Realty Specialist, BLM Salt Lake Field Office, (801) 977-4368, [David\\_S\\_Watson@blm.gov](mailto:David_S_Watson@blm.gov).

**SUPPLEMENTARY INFORMATION:** The City of Wendover has filed an application under the provisions of the R&PP Act of June 14, 1926, as amended (43 U.S.C. 869) to purchase the public land described above for a city cemetery, which they have managed under a R&PP Lease for the past 18 years. The R&PP Act provides for purchase of public lands by units of local government for public purposes such as cemeteries at one half their fair market value. The City of Wendover proposes to continue to use the following described public land for a city cemetery.

**Salt Lake Meridian, Utah.**

T. 1 S., R. 19 W.,  
Sec. 7: Lot 7.

Contains approximately 10 acres in Tooele County, Utah.

The land is not needed for any Federal purposes. Conveyance is consistent with current BLM land use planning. The Pony Express Resource Management Plan—1990, and would be in the public interest.

The patent, when issued, will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and all applicable regulations of the Secretary of the Interior.

2. A rights-of-way for ditches or canals constructed by authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

3. All valid existing rights.

4. The United States will reserve all mineral together with the right to prospect for, mine and remove the minerals under applicable laws and such regulations as the Secretary of the Interior may prescribe, including all necessary access and exit rights.

5. The patentee, its successors or assigns, by accepting a patent, agrees to indemnify, defend, and hold harmless the United States, its officers, agents, representatives, and employees (hereinafter "United States") from any costs, damages, claims, causes of action in connection with the patentee's use, occupancy, or operations on the patented real property. This agreement includes, but is not limited to, acts or omissions of the patentee and its employees, agents, contractors, lessees, or any third party arising out of, or in connection with, the patentee's use, occupancy, or operations on the patented real property which cause or give rise to, in whole or in part: (1) Violations of Federal, State, and local laws and regulations that are now, or may in the future become, applicable to the real property and/or applicable to the use, occupancy, and/or operations thereon; (2) judgments, claims, or demands of any kind assessed against the United States; (3) costs, expenses, or damages of any kind incurred by the United States; (4) releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), pollutant(s), or contaminants(s), and/or petroleum product(s) or derivative(s) of a petroleum product, as defined by Federal or State environmental laws; of, on, into, or under land, property, and other interests of the United States; (5) other activities by which solid or hazardous substance(s) or waste(s), pollutant(s) or contaminant(s), or petroleum product(s) or derivative(s) of a petroleum product as defined by Federal or State environmental laws are generated, stored, used, or otherwise disposed of on the patented real property, and any cleanup response, remedial action, or other actions related in any manner to the said solid or hazardous substance(s) or waste(s) or contaminant(s), or petroleum product(s) or derivative(s) of a petroleum product as defined by Federal or State laws. Patentee shall stipulate that it will be solely responsible for compliance with all applicable Federal, State, and local environmental laws and regulatory provisions, throughout the life of the facility, including any closure and/or post-closure requirements that may be imposed with respect to any physical plant and/or facility upon the real property under any Federal, State, or

local environmental laws or regulatory provisions. In the case of a patent being issued, this covenant shall be construed as running with the patented real property and may be enforced by the United States in a court of competent jurisdiction.

**Classification Comments:** Additional detailed information concerning this Notice of Realty Action, including environmental records, is available for review at the BLM Salt Lake Field Office, at the above address. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday except holidays.

**Application Comments:** Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a cemetery.

Upon publication of this notice in the **Federal Register** the lands covered by the application shall be segregated to the extent that they will not be subject to appropriation under the public land laws including the general mining laws except for conveyance under the Recreation and Public Purposes Act.

The State Director will review any adverse comments. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication in the **Federal Register**.

Dated: October 23, 2008.

**Jeff Rawson,**

*Acting State Director.*

[FR Doc. E8-25780 Filed 10-28-08; 8:45 am]

**BILLING CODE 4310-DQ-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[UT-LLUT11000-08-L14300000-FR0000-241A.00; UTU-76680]

### Recreation and Public Purposes Act Classification; Utah

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Realty Action.

**SUMMARY:** The Bureau of Land Management (BLM) has determined that certain public lands located in Kane County, Utah, are suitable for classification for conveyance to the Western Kane County Special Services District under the authority of the Recreation and Public Purposes (R&PP) Act, June 14, 1926, as amended (43 U.S.C. 869).

**DATES:** Comments regarding the proposed conveyance must be received by the BLM on or before December 15, 2008. Only written comments will be accepted.

**ADDRESSES:** Detailed information concerning this action, including but not limited to documentation related to compliance with applicable environmental and cultural resource laws, is available for review at the BLM Kanab Field Office. Address all written comments concerning this notice to Harry Barber, Kanab Field Office Manager, 318 North 100 East, Kanab, Utah 84741. 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.

**FOR FURTHER INFORMATION CONTACT:** Hugh Wolfe, Realty Specialist, BLM Kanab Field Office, (435) 644-4608, [Hugh\\_Wolfe@blm.gov](mailto:Hugh_Wolfe@blm.gov).

**SUPPLEMENTARY INFORMATION:** The following described public land in Kane County, Utah, has been examined and found suitable for conveyance to the Western Kane County Special Services District under the provisions of the R&PP Act, as amended:

#### Salt Lake Meridian, Utah

T. 40 S., R. 7 W.,

Sec. 26, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described above contains approximately 26.25 acres in Kane County, Utah.

In 1989, Western Kane County Special Services District received a patent from the BLM for 10 acres of land for the purpose of developing a landfill in the western portion of Kane County. This landfill was subsequently developed and serves as the repository for solid waste in this area. Since that time, there has been tremendous growth in the area (mainly from development of and visitation to Cedar Mountain and surrounding areas) resulting in increased pressure and use of the existing landfill. This increased pressure and use is causing the original 10-acre landfill site to be used up much more rapidly than previously anticipated. With the explosive population growth in the Las Vegas,

Nevada and St. George, Utah areas (where much of the Cedar Mountain development and visitation comes from), the need for additional solid waste disposal will only increase as well. The landfill site would serve important public objectives, including efficient and orderly disposal of solid waste with a minimum solid waste transportation distance for the majority of Long Valley and Cedar Mountain residents.

The proposed conveyance is consistent with the BLM Zion Management Framework Plan approved April 22, 1981, and amended March 10, 1998 (MFP). This 1998 Land Tenure Adjustment Amendment allows the BLM to consider land tenure adjustments (including R&PP leases/patents) if the action meets one or more criteria. One of these criteria was that the action "is in the public interest and accommodates the needs of state, local, or private entities, including needs for the economy, community growth and expansion and [is] in accordance with other land use goals and objectives and MFP planning decisions." This action is consistent with the goals, objectives, and decisions of the Zion MFP, and would not conflict with other decisions throughout the plan. The proposed action is therefore in conformance with the Zion MFP and would serve important public objectives which cannot be achieved prudently or feasibly elsewhere.

The land contains no other known public values. The subject parcel has not been identified for transfer to the State or any other local government or nonprofit organization.

The patent, when issued, will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and all applicable regulations of the Secretary of the Interior. In particular, statutory provisions governing the conveyance of new disposal sites are to be found at 43 U.S.C. 869-2(b), regulatory provisions at 43 CFR 2743.2 and 2343.2-1.

2. A right of way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

3. All valid existing rights.

4. The United States will reserve all minerals together with the right to prospect for, mine, and remove the minerals under applicable laws and such regulations as the Secretary of the Interior may prescribe, including all necessary access and exit rights.

5. These parcels are subject to the requirements of section 120(h) of the Comprehensive Environmental

Response, Compensation and Liabilities Act, 42 U.S.C. 9620(h) (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1988, Stat. 1670. **Federal Register**/Vol. 72, No. 134/Friday, July 13, 2007/Notices.

6. The patentee, its successors or assigns, by accepting a patent, agrees to indemnify, defend, and hold harmless the United States, its officers, agents, representatives, and employees (hereinafter "United States") from any costs, damages, claims, causes of action in connection with the patentee's use, occupancy, or operations on the patented real property. This agreement includes, but is not limited to, acts or omissions of the patentee and its employees, agents, contractors, lessees, or any third party arising out of, or in connection with, the patentee's use, occupancy, or operations on the patented real property which cause or give rise to, in whole or in part: (1) Violations of Federal, State, and local laws and regulations that are now, or may in the future become, applicable to the real property and/or applicable to the use, occupancy, and/or operations thereon; (2) judgments, claims, or demands of any kind assessed against the United States; (3) costs, expenses, or damages of any kind incurred by the United States; (4) releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), pollutant(s), or contaminants(s), and/or petroleum product(s) or derivative(s) of a petroleum product, as defined by Federal or State environmental laws; of, on, into, or under land, property, and other interests of the United States; (5) other activities by which solid or hazardous substance(s) or waste(s), pollutant(s) or contaminant(s), or petroleum product(s) or derivative(s) of a petroleum product as defined by Federal or State environmental laws are generated, stored, used, or otherwise disposed of on the patented real property, and any cleanup response, remedial action, or other actions related in any manner to the said solid or hazardous substance(s) or waste(s) or contaminant(s), or petroleum product(s) or derivative(s) of a petroleum product as defined by Federal or State laws. Patentee shall stipulate that it will be solely responsible for compliance with all applicable Federal, State, and local environmental laws and regulatory provisions, throughout the life of the facility, including any closure and/or post-closure requirements that may be imposed with respect to any physical plant and or facility upon the real property under any Federal, State, or

local environmental laws or regulatory provisions. In the case of a patent being issued, this covenant shall be construed as running with the patented real property and may be enforced by the United States in a court of competent jurisdiction.

Additional detailed information concerning this Notice of Realty Action, including environmental records, is available for review at the BLM Kanab Field Office, at the above address. Office hours are 7:45 a.m. to 4:30 p.m., Monday through Friday except holidays.

Upon publication of this notice in the **Federal Register**, the land described above will be segregated from appropriation under the public land laws, including the mining laws, except for conveyance under the R&PP Act.

**Classification Comments:** You may submit comments regarding the proposed classification or conveyance of the land to the BLM Kanab Field Office Manager at the address stated above. You may submit comments involving the suitability of the lands for a sanitary landfill site. Comments on the classification are restricted to the following four subjects:

- (1) Whether the land is physically suited for the proposal;
- (2) Whether the use will maximize the future use or uses of the land;
- (3) Whether the use is consistent with local planning and zoning; and
- (4) If the use is consistent with State and Federal programs.

**Application Comments:** You may submit comments regarding the specific use proposed in the Service District's application; and whether the BLM followed proper administrative procedures in reaching the decision. Comments received during this process, including respondent's name, address, and other contact information will be available for public review.

The State Director will review any adverse comments. In the event the public does not submit adverse comments, the classification will become 60 days from the date of publication in the **Federal Register**. The land will not be offered for conveyance until after the classification becomes effective.

(Authority: 43 CFR Subpart 2741.)

Dated: October 23, 2008.

**Jeff Rawson,**

*Actg. State Director.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Intent to Repatriate Cultural Items: U.S. Department of the Interior, National Park Service, Intermountain Region, Santa Fe, NM; Correction

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice; correction.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the NAGPRA coordinator, Intermountain Region.

This notice corrects the number of sacred objects affiliated with the Pueblo of Santa Ana, New Mexico in a Notice of Intent to Repatriate published on July 23, 2008, in the **Federal Register** (FR Doc. E8-16732, page 42827) from three to one. Based on additional information received when the items were to be repatriated, the NAGPRA coordinator, Intermountain Region, determined that two of the sacred objects are not culturally affiliated with the Pueblo of Santa Ana, New Mexico. The cultural affiliation of those two objects is undetermined at this time. Repatriation of the sacred object described as a bundle with eagle feathers in the July 23, 2008, Notice of Intent to Repatriate is not affected by this correction.

In the **Federal Register** of July 23, 2008, (FR Doc. E8-16732, page 42827), paragraph numbers 3-5 are corrected by substituting the following three paragraphs:

In 1994, the National Park Service assisted the Federal Bureau of Investigation and the United States Fish and Wildlife Service with the investigation of a Migratory Bird Treaty Act violation. The evidence included a collection of Native American objects confiscated from the East-West Trading Post in Santa Fe, NM. Preliminary subject matter expert review of the collection indicated that the objects were historically significant and potentially subject to NAGPRA. The collection was accessioned in 2002 into the Southwest Regional Office collections, now called the Intermountain Region Office. The cultural item covered in this notice is one bundle with eagle feathers.

Following adjudication of the case, a detailed assessment of the object was made by Intermountain Region (IMR) NAGPRA program staff in close collaboration with the IMR Museum Services program staff and in

consultation with representatives of potentially affiliated tribes. During consultation, representatives of the Pueblo of Santa Ana, New Mexico, identified the cultural item as a specific ceremonial object needed by traditional Pueblo of Santa Ana religious leaders for the practice of a traditional Native American religion by their present-day adherents. Oral tradition evidence presented by representatives of the Pueblo of Santa Ana, New Mexico, and the written repatriation request received by the Intermountain Region further articulated the ceremonial significance of the cultural item to the Pueblo of Santa Ana, New Mexico. Based on anthropological information, court case documentation, oral tradition, museum records, consultation evidence, and expert opinion, there is a cultural affiliation between the Pueblo of Santa Ana, New Mexico, and the sacred object.

Officials of the Intermountain Region have determined that, pursuant to 25 U.S.C. 3001(3)(C), the cultural item described above is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the Intermountain Region also have determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred object and the Pueblo of Santa Ana, New Mexico. Repatriation of the sacred object to the Pueblo of Santa Ana, New Mexico, occurred after the 30 day comment period expired for the original July 23, 2008, Notice of Intent to Repatriate.

The Intermountain Region is responsible for notifying the Apache Tribe of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Ohkay Owingeh, New Mexico (formerly the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos,