

# 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

### Foreign Agricultural Service

#### Notice of a Request for Revision and Extension of a Currently Approved Information Collection

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Foreign Agricultural Service (FAS) to request a revision and extension from the Office of Management and Budget (OMB) of a currently approved information collection for the Dairy Tariff-Rate Quota (TRQ) Import Licensing program.

**DATES:** Comments on this notice must be received by August 21, 2023 to be assured of consideration.

**ADDRESSES:** You may send comments, identified by the OMB Control number 0551-0001, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. This portal enables respondents to enter short comments or attach a file containing lengthier comments.

- *Email:* [Bettyann.Gonzales@usda.gov](mailto:Bettyann.Gonzales@usda.gov). Include OMB Control number 0551-0001 in the subject line of the message.

- *Mail, Courier, or Hand Delivery:* BettyAnn Gonzales, Foreign Agricultural Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 5550, Stop 1070, Washington, DC 20250-1070.

**Instructions:** All submissions received must include the agency name and OMB Control Number for this notice.

**FOR FURTHER INFORMATION CONTACT:** BettyAnn Gonzales, 202 720-1344, [Bettyann.Gonzales@usda.gov](mailto:Bettyann.Gonzales@usda.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Dairy TRQ Import Licensing Program.

*OMB Number:* 0551-0001.

*Expiration Date of Approval:* January 31, 2024.

*Type of Request:* Revision and extension of a currently approved information collection.

*Abstract:* The currently approved information collection supports the Dairy TRQ Import Licensing regulation (the Regulation) (7 CFR 6.20-6.36) which governs the administration of the import licensing system applicable to most dairy products subject to TRQs. The TRQs were established in the Harmonized Tariff Schedule of the United States (HTS) as a result of the entry into force of certain provisions in the Uruguay Round Agreements Act (Pub. L. 103-465) that converted existing absolute quotas to TRQs. Imports of nearly all cheeses made from cow's milk (except soft-ripened cheese such as Brie) and certain non-cheese dairy products (including butter and dried milk) are subject to TRQs and the Regulation. Licenses are issued each quota year to eligible applicants and are valid for 12 months (January 1 through December 31). Only licensees may enter specified quantities of the subject dairy articles at the applicable in-quota tariff-rates. Importers who do not hold licenses may enter dairy articles only at the over-quota tariff-rates.

Each quota year, all applicants for historical, non-historical and designated licenses must certify their eligibility for the following quota year through the online Agricultural Trade License Administration System (ATLAS) platform. ATLAS has now replaced any online forms previously utilized before. The ATLAS application process requires applicants to: (1) certify they are an importer, manufacturer, or exporter of certain dairy products; and (2) certify they meet the eligibility requirements of § 6.23 of the Regulation. Applicants for non-historical licenses must request licenses in descending order of preference for specific products and countries listed on the form.

After licenses are issued, § 6.26 requires licensees to surrender by October 1 in ATLAS any license amount that a licensee does not intend to enter that year. If October 1 falls on a weekend, then the deadline will be the next business day. These amounts are reallocated, to the extent practicable, to

existing licensees for the remainder of that year based on requests submitted in ATLAS. ATLAS requires the licensee to complete a table listing the surrendered amount by license number. For reallocated quota, the licensee may complete an additional table listing the additional amounts requested by dairy article and supplying country in descending order of preference.

The estimated total annual burden of 479 hours in the Office of Management and Budget (OMB) inventory for the currently approved information collection will decrease to 394 hours. The public reporting burden for this collection of currently approved license application process through ATLAS is estimated to average 368.5 hours; and the license surrender process is 25.5 hours.

*Estimate of Burden:* The average burden, including the time for reviewing instructions, gathering data needed, data input, and record keeping is estimated at .67 hour for license application and .17 hour for license surrender.

*Type of Respondents:* Importers and manufacturers of cheese and non-cheese dairy products, and exporters of non-cheese dairy products.

*Estimated Number of Respondents:* For license application and license surrender under the ATLAS system: 700.

*Estimated Number of Responses per Respondent:* 1.

*Estimated Total Annual Burden:* 394 hours.

Copies of this information collection may be obtained from Dacia Rogers, the Agency Information Collection Coordinator, at [Dacia.Rogers@usda.gov](mailto:Dacia.Rogers@usda.gov).

*Requests for Comments:* Send comments regarding (a) whether the information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information including validity of the methodology and assumption used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be available without change, including any personal information provided, for inspection online at <http://www.regulations.gov> and at the mail address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Comments will be summarized and included in the submission for OMB approval.

Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotope, etc.) should contact [RARequest@usda.gov](mailto:RARequest@usda.gov).

**Daniel Whitley,**

*Administrator, Foreign Agricultural Service.*

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BILLING CODE 3410-10-P

## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

[Docket No. NRCS-2023-0008]

#### Notice of Intent To Prepare an Environmental Impact Statement for the Upper Maple River Watershed Plan, North Dakota

**AGENCY:** Natural Resources Conservation Service, Department of Agriculture.

**ACTION:** Notice of intent (NOI) to prepare an environmental impact statement (EIS).

**SUMMARY:** The Natural Resources Conservation Service (NRCS) North Dakota State Office, announces its intent to prepare an EIS for the Upper Maple River Watershed located within Cass, Barnes, Steele, and Griggs Counties, North Dakota. NRCS will examine alternative solutions through the EIS process to provide watershed protection. NRCS is requesting comments to identify significant issues, potential alternatives, information, and analyses relevant to the Proposed Action from all interested individuals, Federal and State Agencies, and Tribes.

**DATES:** We will consider comments that we receive by August 7, 2023. Comments received after the close of the comment period will be considered to the extent possible.

**ADDRESSES:** We invite you to submit comments in response to this notice. You may submit your comments through one of the methods below:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and search for docket ID NRCS-2023-0008. Follow the online instructions for submitting comments; or

- *Mail or Hand Delivery:* Carol Lewis, Cass County Joint Water Resource District, 1201 Main Avenue West, West Fargo, ND 58078-1301. In your comment, specify the docket ID NRCS-2023-0008.

All comments received will be posted and made publicly available on [www.regulations.gov](http://www.regulations.gov).

#### FOR FURTHER INFORMATION CONTACT:

Christi Fisher; telephone: (701) 530-2091; email: [christi.fisher@usda.gov](mailto:christi.fisher@usda.gov). Individuals who require alternative means of communication should contact USDA Target Center at (202) 720-2600 (voice).

#### SUPPLEMENTARY INFORMATION:

##### Purpose and Need

The U.S. Army Corps of Engineers (USACE) and U.S. Fish and Wildlife Service (USFWS) are cooperating federal agencies in the watershed planning effort. NRCS is the lead federal agency implementing the National Environmental Policy Act and the National Historic Preservation Act (NHPA). An interagency team consisting of the following agencies are participating in the planning effort: Federal Emergency Management Agency; U.S. Environmental Protection Agency; North Dakota Department of Water Resources (ND DWR); North Dakota Department of Environmental Quality; North Dakota Game and Fish Department; North Dakota Department of Transportation; Cass County Joint Water Resource District; Cass County Highway Department; Cass County Sheriff's Office; Cass County Commission; Cass County Emergency Management; City of Amenia; and City of Casselton. NRCS is consulting on both the National Environmental Policy Act (NEPA) and section 106 of the NHPA with the North Dakota State Historical Preservation Office and 31 Tribal Nations.

The primary purpose of the proposed action is watershed protection. The proposed action will also result in flood damage reduction to cropland, structures, roads, drain ditches, structures, and vehicles in the watershed. Watershed protection goals consist of reducing nutrient loads from the watershed, particularly dissolved phosphorus, and increasing quantity and quality of wetlands and wildlife habitat.

The Watershed Project Plan is authorized under the authority of the

Watershed Protection and Flood Prevention Act of 1954 (Pub. L. 83-566), as amended, and the Regional Conservation Partnership Program Project (16 U.S.C. chapter 58, Subchapter VIII). This action is needed because:

- The Upper Maple River Watershed, with a drainage area of 186,400 acres, annually contributes an estimated 30,200 pounds of phosphorus and 331,600 pounds of nitrogen to the Red River downstream. Approximately 88 percent of the watershed is farmed for row crops consisting predominantly of soybeans, corn, spring wheat, dry beans, and sunflowers.

- The average slope of the Upper Maple River is 4 foot per mile and the downstream Red River averages 1 foot per mile. The low topographic relief landscape results in floods over wide swaths of cropland for long durations, allowing for phosphorus dissolution from soils and vegetation into the overlying stagnant floodwaters. Within the Upper Maple Watershed, 17,684 acres of cropland are inundated by the 2-year recurrence interval (RI) flood event, 29,418 acres at the 10-year RI flood, and 37,246 acres are inundated by a 100-year RI flood.

- In addition to generating nutrient transport from cropland to the Maple River, the average annual flood inundation of 12,600 acres of cropland generates \$2.1 million annual damages to agricultural producers. Total economic losses due to flooding, considering damage to cropland, structures, roads, drain ditches, structures, and vehicles in the watershed are estimated at \$3.8 million a year.

- Agricultural non-point source nutrient loads in the Red River are of international significance. The Red River discharges to Lake Winnipeg, the 10th largest freshwater lake in the world, also designated one of the most eutrophic large lakes<sup>1</sup> in the world. Eutrophication has resulted in negative effects on the aquatic food web within the lake, resulting in declines to critical species which support recreational and commercial fisheries, tourism, and subsistence fishing of indigenous people. While the Red River contributes only 10 to 15 percent of overall annual runoff to the lake by volume, it

<sup>1</sup> A eutrophic lake is rich in nutrients and supports a dense phytoplankton or plant population, the respiration and decomposition of which results in depletion of dissolved oxygen levels. Eutrophication generates adverse effects on aquatic species due to zones of low dissolved oxygen in the lake and impacts recreation, public safety, and drinking water supply due to algal blooms on the lake surface.