

must take and the information that must be included in the petition.

On November 28, 2006, APHIS received a petition seeking a determination of nonregulated status (APHIS No. 06-332-01p) from Bayer CropScience (BCS) of Research Triangle Park, NC, for cotton (*Gossypium hirsutum*) designated as transformation event GHB614, which has been genetically engineered for tolerance to the herbicide glyphosate, stating that cotton line GHB614 does not present a plant pest risk. BCS responded to APHIS' subsequent request for additional information and clarification on May 11, 2007.

### Analysis

As described in the petition, cotton transformation event GHB614 utilizes the enzyme 5-enolpyruvylshikimate-3-phosphate synthase (EPSPS) gene isolated from a previously deregulated cotton event (Event GA21; APHIS petition number 97-099-01) and introduces two amino acid substitutions within the EPSPS gene (designated 2mEPSPS). These modifications decrease the binding affinity to glyphosate, thus producing tolerance to the herbicide. The 2mEPSPS protein allows the plant to tolerate applications of the broad spectrum herbicide glyphosate. Regulatory elements for the transgenes were obtained from *Agrobacterium tumefaciens* and were introduced into cotton cells using *Agrobacterium*-mediated transformation methodology. These regulatory sequences are not transcribed and do not encode proteins.

Transformation event GHB614 has been considered a regulated article under the regulations in 7 CFR part 340 because it contains gene sequences from a plant pathogen. GHB614 cotton has been field tested in the United States since 2002 under notifications authorized by the APHIS. In the process of reviewing the permits for field trials of the subject cotton plants, APHIS determined that the vectors and other elements were disarmed and that trials, which were conducted under conditions of reproductive and physical confinement or isolation, would not present a risk of plant pest introduction or dissemination. APHIS has presented two alternatives in the draft environmental assessment (EA) based on its analyses of data submitted by BCS, a review of other scientific data, as well as data gathered from field tests conducted under APHIS oversight.

In a notice<sup>1</sup> published in the **Federal Register** on June 18, 2008 (73 FR 34968-34700, Docket No. APHIS-2007-0017), APHIS announced the availability of BCS' petition and a draft EA for public comment. APHIS solicited comments on whether the subject cotton event would present a plant pest risk and on the EA. APHIS received nine comments by the close of the 60-day comment period, which ended on August 18, 2008. There were six comments that supported deregulation, two from cotton industry groups and four from individuals. There were three comments that opposed deregulation, one comment from a non-government organization and two comments from individuals. APHIS has addressed the issues raised during the comment period and has provided responses to these comments as an attachment to the finding of no significant impact.

### Determination

Based on APHIS' analysis of field, greenhouse and laboratory data submitted by BCS, references provided in the petition, information described in the final EA and in the finding of no significant impact, and a careful evaluation of the comments provided by the public, APHIS has determined that GHB614 cotton will not pose a plant pest risk for the following reasons: (1) Gene introgression from GlyTol™ cotton (event GHB614) into wild relatives in the United States and its territories is extremely unlikely and is not likely to increase the weediness potential of any resulting progeny or adversely affect genetic diversity of related plants any more than would introgression from traditional cotton varieties; (2) it exhibits no characteristics that would cause it to be weedier than the non-genetically engineered parent cotton line or any other cultivated cotton; (3) it does not pose a risk to non-target organisms, including organisms beneficial to agriculture and Federally listed threatened or endangered species, and species proposed for listing; (4) it does not pose a threat to biodiversity as it does not exhibit traits that increase its weediness, and its unconfined cultivation should not lead to increased weediness of other cultivated cotton, it exhibits no changes in disease susceptibility, and it is unlikely to harm non-target organisms common to the agricultural ecosystem or Federally listed or proposed threatened or

endangered species; (5) compared to current cotton pest and weed management practices, cultivation of GlyTol™ cotton should not impact standard agricultural practices in cotton cultivation including those for organic farmers; and (6) disease susceptibility and compositional profiles of GlyTol™ cotton are similar to those of its parent line and other cotton cultivars grown in the United States; therefore no direct or indirect plant pest effects on raw or processed plant commodities are expected.

### National Environmental Policy Act

To provide the public with documentation of APHIS' review and analysis of any potential environmental impacts associated with the determination of nonregulated status for GHB614 cotton, an EA was prepared. The EA was prepared in accordance with (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500-1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on the final EA, the pest risk assessment, other pertinent scientific data, and our evaluation of the comments provided by the public, APHIS has reached a finding of no significant impact (FONSI) with regard to the determination that BCS' GHB614 cotton line and lines developed from it are no longer regulated articles under its regulations in 7 CFR part 340. Copies of the final EA and FONSI are available as indicated in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** sections of this notice.

**Authority:** 7 U.S.C. 7701-7772 and 7781-7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 18th day of May 2009.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E9-11972 Filed 5-21-09; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Crescent Ranger District; Deschutes National Forest; Oregon; Rim-Paunina Project

**AGENCY:** Forest Service, USDA.

<sup>1</sup>To view the notice, petition, EA, and the comments we received, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0017>.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The USDA, Forest Service, will prepare an environmental impact statement (EIS) for a project called Rim-Paunina in the Walker Mountain area on the southern end of the Crescent Ranger District. The project focus is on developing and maintaining a diversity of wildlife habitats that are appropriate for an eastside dry forest environment. Potential actions include thinning of trees in variable densities and prescribed burning. This project also provides an additional opportunity for participation in a collaborative planning process with a diverse group of other interested stakeholders. The Rim-Paunina area is approximately a 45,000-acre watershed bordered by private industrial forest to the north and the Fremont/Winema National Forests to the south and east. It is mostly comprised of ponderosa and lodgepole pine forests with some mixed conifer on Walker Rim. It is located in T. 25-26 S, R. 8 E., Willamette Meridian. The alternatives will include the proposed action, no action, and additional alternatives that respond to issues generated through the scoping process. The agency will give notice of the full environmental analysis and decision making process so interested and affected people may participate and contribute to the final decision.

**DATES:** Comments concerning the scope of the analysis must be received by 30 days following the date that this notice appears in the **Federal Register**.

**ADDRESSES:** Send written comments to Chris Mickle, Team Leader, Crescent Ranger District, P.O. Box 208, Crescent, Oregon 97733, or submit to [comments-pacificnorthwest-deschutes-crescent@fs.fed.us](mailto:comments-pacificnorthwest-deschutes-crescent@fs.fed.us). Please put "Rim-Paunina Scoping" in the subject line of your e-mail. You will have another opportunity for comment when alternatives have been developed and the Environmental Impact Statement is made available.

**FOR FURTHER INFORMATION CONTACT:** Chris Mickle, Team Leader, Crescent Ranger District, P.O. Box 208, Crescent, Oregon 97733, phone (541) 433-3200.

**Responsible Official:** The responsible official will be John Allen, Deschutes National Forest Supervisor, 1001 SW Emkay Drive, Bend, Oregon 97701.

**SUPPLEMENTARY INFORMATION:**

**Purpose and Need.** The Forest Plan supports proactive management and enhancing the vigor of the forest, rather than reacting to an event (page 4-36). Therefore, the goal of this project is to utilize forestry techniques that disturb

the forest at appropriate levels to create and maintain a diversity of habitats closer to what historically occurred. There is a need to decrease the density of trees to provide a variety of stand structures and compositions appropriate to the Rim-Paunina biophysical environment in order to increase resilience and provide habitat for a variety of species (flora and fauna) across the landscape. Also, given that the Forest Service should place equal consideration to all resources and non-consumptive values to ensure they are weighted equally, then there is a need to contribute to the local and regional economies by providing timber and other wood fiber products now and in the future.

**Proposed Action:** The proposed action is to use silvicultural treatments, such as thinning of trees, to provide a diversity of habitats for Management Indicator Species more in line with historical conditions to maintain and enhance existing late and old structured stand characteristics, and encourage the development of such characteristics. This would occur on approximately 14,620 acres. Also, apply prescribed fire to fire dependent ecosystems to create habitat conditions that allow fire to perform its natural ecological function and more closely mimic natural processes that maintain white-headed woodpecker habitat on approximately 8,553 acres. Some of the prescribed burning acres are a subset of the tree thinning acres. These activities would apply scientifically sound Strategic Placement of Treatments (or SPOTS) on the landscape and maintain them through time to optimize diversity and juxtaposition of habitats. Opportunities resulting from vegetation management activities would offset costs and provide products to stimulate the economy.

**Comment:** Public comments about this proposal are requested in order to assist in identifying issues, determine how to best manage the resources, and to focus the analysis. Comments received to this notice, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR part 215. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such

confidentiality should be aware that, under FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within a specified number of days. A draft EIS will be filed with the Environmental Protection Agency (EPA) and available for public review by Winter 2009/2010. The EPA will publish a Notice of Availability (NOA) of the draft EIS in the **Federal Register**. The final EIS is scheduled to be available early spring 2010. The comment period on the draft EIS will be 45 days from the date the EPA 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 a draft EIS 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 EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts [*City of Angoon 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 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 EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS 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 EIS of 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.

In the final EIS, the Forest Service is required to respond to comments received during the comment period for the draft EIS. The Forest Service is the lead agency and the responsible official is the Crescent District Ranger, Deschutes National Forest. The responsible official will decide where, and whether or not to designate a trail system, staging areas, and close roads. The responsible official will also decide how to mitigate impacts of these actions and will determine when and how monitoring of effects will take place.

The Ranger District is trying additional outreach with this project, seeking input from a group of interested citizens that are participating in an effort to work more closely together. The District and participants will try to develop a stronger shared understanding of what is needed to successfully maintain and improve wildlife habitat in the planning area. If you are interested in joining or have more questions about the process, please notify the District, or Phil Chang, Program Administrator, Central Oregon Intergovernmental Council, 2363 SW Glacier Place, Redmond, OR 97756; or phone (541) 548-9534.

The Rim-Paunina Project decision and rationale will be documented in the Record of Decision. This project will be subject to Forest Service Appeal Regulations (35 CFR Part 215).

**Holly Jewkes,**

*Crescent District Ranger.*

[FR Doc. E9-11888 Filed 5-21-09; 8:45 am]

**BILLING CODE 3410-11-M**

**DEPARTMENT OF AGRICULTURE**

**Forest Service**

**Plumas County Resource Advisory Committee (RAC)**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Plumas County Resource Advisory Committee (RAC) will hold a meeting on June 5, 2009, in Quincy, CA. The purpose of the meeting is to review applications for Cycle 9 funding and select projects to be recommended to the Plumas National Forest Supervisor for calendar year 2010 funding consideration. The funding is available under Title II provisions of the Secure Rural Schools and Community Self Determination Act of 2000.

**DATES AND ADDRESS:** The meeting will take place from 9-3 at the Mineral Building Plumas/Sierra County Fairgrounds, 208 Fairgrounds Road, Quincy, CA.

**FOR FURTHER INFORMATION CONTACT:** (or for special needs): Lee Anne Schramel Taylor, Forest Coordinator, USDA, Plumas National Forest, P.O. Box 11500/159 Lawrence Street, Quincy, CA, 95971; (530) 283-7850; or by E-mail [eataylor@fs.fed.us](mailto:eataylor@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** Agenda items for the June 5 meeting include: (1) Forest Service Update; (2) Committee Review of Applications; and, (3) Recommendations for Cycle 9 funding distribution. The meetings are open to the public and individuals may address the Committee after being recognized by the Chair. Other RAC information may be obtained at <http://www.fs.fed.us/srs>.

Dated: May 14, 2009.

**Terri Simon Jackson,**

*Land Management Planning Staff Officer.*

[FR Doc. E9-11887 Filed 5-21-09; 8:45 am]

**BILLING CODE M**

**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

[Docket No. APHIS-2009-0027]

**National Animal Identification System; Public Meetings**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of public meetings.

**SUMMARY:** This is a notice to inform the public of six upcoming meetings to discuss stakeholder concerns related to the implementation of the National Animal Identification System. The meetings are being organized by the Animal and Plant Health Inspection Service.

**DATES:** The meetings will be held on June 9, 11, 16, 18, 25, and 27, 2009, from 9 a.m. to 4 p.m. each day.

**ADDRESSES:** The public meetings will be held in Jefferson City, MO (June 9), Rapid City, SD (June 11), Albuquerque, NM (June 16), Riverside, CA (June 18), Raleigh, NC (June 25), and Jasper, FL (June 27).

**FOR FURTHER INFORMATION CONTACT:** Dr. Adam Grow, Director, Surveillance and Identification Programs, National Center for Animal Health Programs, VS, APHIS, 4700 River Road, Unit 200, Riverdale, MD 20737; (301) 734-3752.

**SUPPLEMENTARY INFORMATION:** As part of its ongoing efforts to safeguard animal health, the U.S. Department of Agriculture (USDA) initiated implementation of a National Animal Identification System (NAIS) in 2004. The NAIS is a cooperative State-Federal-

industry program administered by USDA's Animal and Plant Health Inspection Service (APHIS). The purpose of the NAIS is to provide a streamlined information system that will help producers and animal health officials respond quickly and effectively to animal disease events in the United States.

The ultimate long-term goal of the NAIS is to provide State and Federal officials with the capability to identify all animals and premises that have had direct contact with a disease of concern within 48 hours after discovery. Meeting that goal requires a comprehensive animal-disease traceability infrastructure. An NAIS User Guide and a Business Plan, both available on our Web site at [http://animalid.aphis.usda.gov/nais/animal\\_id/index.shtml](http://animalid.aphis.usda.gov/nais/animal_id/index.shtml), provide detailed information about our plans for implementing the system.

Despite concerted efforts, APHIS has not been able to fully implement the NAIS. Many of the same issues that producers originally had with the system, such as the cost and impact on small farmers, privacy and confidentiality, and liability, continue to cause concern.

In order to provide individuals and organizations an opportunity to discuss their concerns regarding the NAIS and offer potential solutions, we plan to hold several public meetings and to solicit comments via our Web site. Our goal is to gather feedback and input from a wide range of stakeholders to assist us in making an informed decision regarding both the future of the NAIS and the objectives and direction for animal identification and traceability. We would particularly welcome feedback on the following topics:

- *Cost.* What are your concerns about the cost of the NAIS? What steps would you suggest APHIS use to address cost?
- *Impact on small farmers.* What are your concerns about the effect of the NAIS on small farmers? What approaches would you suggest APHIS take to address the potential impact on small farmers?
- *Privacy and confidentiality.* What are your concerns regarding how the NAIS will affect your operation's privacy and/or the confidentiality of your operation? What steps or tactics would you suggest APHIS use to address privacy and confidentiality issues?
- *Liability.* What are your concerns about your operation's liability under the NAIS? What would you suggest APHIS consider to address liability concerns?