

Notices

Federal Register

Vol. 72, No. 149

Friday, August 3, 2007

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

Animal and Plant Health Inspection Service

[Docket No. 04–085–5]

Contact Information for Alfalfa Producers To Determine Proximity to Roundup Ready Alfalfa Fields

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that on August 6, 2007, the Animal and Plant Health Inspection Service will begin operating a toll-free telephone number for use by conventional and organic alfalfa farmers and prospective alfalfa farmers to inquire about the proximity of their farms or fields to Roundup Ready alfalfa. This action is being taken in compliance with a judgment and order by the United States District Court for the Northern District of California in *Geertson Seed Farms, et al. v. Mike Johanns, Secretary of the United States Department of Agriculture, et al.*, Case No. 06–01075.

FOR FURTHER INFORMATION CONTACT: The toll-free number for alfalfa farmers to request field locations is (866) 724–6408. For all other information, contact Mr. Thomas Sim, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–7324.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR part 340, “Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,” regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or

produced through genetic engineering that are plant pests or that there is reason to believe are plant pests.

In a notice published in the **Federal Register** on June 27, 2005 (70 FR 36917–36919, Docket No. 04–085–3), the Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture, advised the public of its determination, effective June 14, 2005, that the Monsanto/Forage Genetics International (FGI) alfalfa events J101 and J163 were no longer considered regulated articles under our regulations governing the introduction of certain genetically engineered organisms.

On February 13, 2007, the United States District Court for the Northern District of California issued a ruling in a lawsuit filed by several nonprofit organizations and alfalfa growers challenging APHIS’ decision to deregulate alfalfa events J101 and J163 (referred to in the lawsuit as Roundup Ready alfalfa). The lawsuit alleged violations of the National Environmental Policy Act (NEPA), the Endangered Species Act, and the Plant Protection Act. The court ruled that the deregulation may have significant environmental impacts that require the preparation of an environmental impact statement (EIS), and that APHIS violated NEPA by not preparing an EIS.

Subsequently, the court issued a preliminary injunction order in the case on March 12, 2007, a permanent injunction and judgment on May 3, 2007, and an amended judgment on July 23, 2007. Among other things, these orders prohibited all sales of Roundup Ready alfalfa seed and prohibited all future planting of Roundup Ready alfalfa beginning March 30, 2007. The May 3, 2007, injunction ordered defendant-interveners Monsanto and FGI to provide APHIS with GPS and plat locations of all Roundup Ready alfalfa production acreage, which APHIS in turn would be required to post on a Government Web site. However, the July 23, 2007, amended judgment altered that requirement and instead ordered that APHIS disclose Roundup Ready alfalfa locations to farmers and prospective farmers only, under a three-part disclosure mechanism. First, APHIS is to disclose to farmers the counties in 17 Western States in which Roundup Ready seed or hay fields are located; second, APHIS is to specify,

both on its Web site and in a **Federal Register** notice, the toll-free number that farmers in or adjacent to those identified counties may use to request the distances from the nearest Roundup Ready alfalfa fields to their crops; and third, APHIS is to respond to requests from farmers through the toll-free number for the distances of up to five Roundup Ready alfalfa fields nearest to the requesting farmer’s property within the county or adjacent county identified.

We are complying with the first condition, the disclosure of counties in 17 Western States in which Roundup Ready seed and hay fields are located, by providing a link on APHIS’ Biotechnology Regulatory Services (BRS) homepage at http://www.aphis.usda.gov/biotechnology/brs_main.shtml. The listing, which also includes information that is available about Roundup Ready alfalfa fields in States other than the 17 Western States, can be accessed by a link at the Web site’s bottom right side that reads “I want to learn about the status of Roundup Ready alfalfa.”

In accordance with the second and third conditions of the court’s order, on August 6, 2007, APHIS will begin operating a toll-free telephone number for use by alfalfa farmers and prospective alfalfa farmers to inquire about the proximity of their fields to Roundup Ready alfalfa. The number is (866) 724–6408. An operator will be available from 9 a.m. to 5 p.m. eastern time, Monday through Friday (except holidays).

Callers must comply with the following two requirements. First, they must be a person who either currently plants conventional or organic alfalfa or plans to do so. Second, they must be ready to provide the operator with either the latitude and longitude coordinates or the mailing address of their farm or field where the alfalfa is or will be grown. Other types of location information cannot be accepted, and only one location from each caller per phone call will be accepted.

Callers will be provided the distance from the property they identify to the nearest five fields in the same or adjacent counties that have been planted with Roundup Ready seed. The locations of Roundup Ready alfalfa fields were provided to APHIS by dealers, distributors, and producers of

seed under the same court orders referenced above. APHIS cannot verify the accuracy of the location information provided by industry. Currently, APHIS has only obtained complete location information for 17 Western States¹ where Roundup Ready seed or hay is grown. Conventional and organic alfalfa farmers in States other than the 17 Western States should not call the toll-free number until after APHIS has received complete location information from the industry. Please check the APHIS/BRS Web site after September 27, 2007, for a time line of when APHIS believes it will have complete location information for the other States.

The toll-free telephone number is for field location information only. For additional information on the Roundup Ready issue, please visit the following Web site: <http://www.aphis.usda.gov/biotechnology/alfalfa.shtml>.

Done in Washington, DC, this 30th day of July 2007.

Elizabeth E. Gaston,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7-15120 Filed 8-2-07; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Forest Service

Salmon-Challis National Forest, Idaho; Salmon-Challis National Forest Travel Management Plan and Off-highway Vehicle Designation

AGENCY: Forest Service, USDA.

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

SUMMARY: The USDA, Forest Service will prepare an environmental impact statement to designate a portion of the National Forest roads, trails, and areas open to public motor vehicle use on the Salmon-Challis National Forest (SCNF), and assign the type of use(s) and season of use allowed on each road and trail or portion thereof. Additionally, the Forest Service will designate some previously unauthorized (or user-created) routes for public motor vehicle use and assign the type of use(s) and season of use allowed on each route or portion thereof.

Decisions regarding motorized travel do not include motorized travel over snow. A Motor Vehicle Use Map (MVUM) depicting those routes that will be open to public motorized travel on the SCNF

will be the primary tool to determine compliance with, and enforcement of, motorized vehicle use designations on the ground. Existing routes and user-created routes not designated as open on the MVUM will be legally closed to motorized travel. The SCNF currently has 980,700 acres open to motorized cross-country travel. Those acres will be closed year-round to motorized cross country travel, excluding over-snow vehicles.

DATES: Written comments concerning the proposed action should be received by September 14, 2007. The draft environmental impact statement is expected to be released in March 2008 and the final environmental impact statement is expected in August 2008.

ADDRESSES: Send written comments to Salmon-Challis National Forest, ATTN: Travel Management Planning, 1206 South Challis Street, Salmon, ID 83467.

FOR FURTHER INFORMATION CONTACT: Karen Gallogly, Travel Planning Team Leader, Salmon-Challis National Forest, 1206 South Challis Street, Salmon, ID 83467. Telephone: (208) 756-5103.

SUPPLEMENTARY INFORMATION:

Purpose and Need

The purpose of this action is to designate a public motorized vehicle transportation system for the SCNF that addresses current and anticipated recreation needs, provides a variety of recreation access opportunities, considers management concerns (such as public safety, maintenance costs, and consistency with adjoining public lands), reduces impacts to forest resources, recognizes reserved or outstanding rights, and reduces conflicts between recreational uses.

The need for this action is to meet national direction published in the **Federal Register**, 36 CFR Parts 212, 251, 261, 295 *Travel Management: Designated Routes and Areas for Motor Vehicle Use* (**Federal Register** 2005: 70 FR 68264) (Travel Management Rule). This rule requires designation of those roads, trails, and areas open to motor vehicle use on Forest System Lands. The rule prohibits the use of motor vehicles off the designated system, as well as use of motor vehicles on routes and in areas that are not consistent with the designation.

Proposed Action

The project area includes the approximate 3.0 million acres under the administration of the SCNF, excluding the approximate 1.3 million acre-Frank Church River of No Return Wilderness Area which is Congressionally mandated as non-motorized.

The proposed action is the Forest's initial description of designated roads, trails and areas which would be available for public motor vehicle use on the SCNF. The proposed action is based on existing travel plans for both the Salmon and Challis National Forests and input gathered from the public, cooperating agencies and organizations, and Forest Service specialists during meetings, workshops, and field trips held from summer 2006 through May 2007. This proposal is only one alternative that will be evaluated in the Environmental Impact Statement for the Salmon-Challis National Forest Travel Management Plan and Off-highway Vehicle Designation.

The proposed action identifies approximately 3,400 miles of roads designated for motorized public use and about 1,100 miles of motorized trails. This proposal would prohibit all motorized cross country travel and close all roads, trails, and routes not specifically designated for motorized public use. Off-route access would be permitted for 300 feet on either side of designated motorized routes, except the Salmon River Road (FR #30) to accommodate access to and from dispersed campsites only. Camping with the use of a motor vehicle (e.g. car, motor-home, truck and camp trailer, camper, off-highway vehicle, or motorcycle) is only allowed in designated dispersed camping areas and designated pull-outs along the Salmon River Road (FR #30). Day-use parking is allowed along the Salmon River Road. Motor vehicle use for big game retrieval off of designated roads or designated motorized trails would not be allowed. Motorized use beyond those limits would be subject to citations and fines by law enforcement.

The following uses would not be affected by this decision and are outside the scope of this project: (1) Over-snow vehicles; (2) aircraft; (3) watercraft; (4) non-motorized uses (e.g. hiking, equestrian, mountain bikes); (5) search and rescue operations; (6) law enforcement operations; (7) firefighting operations; (8) permitted uses (e.g. woodcutting, livestock herding/fence maintenance); (9) limited administrative access; (10) legal ingress and egress to private land; (11) new or non-national forest roads; and (12) use of roads with legally documented rights-of-way held by state, county or other public road authority.

Detailed maps and data tables displaying proposed designated roads and trails across the Forest, and designated dispersed camping areas and pull outs along the Salmon River Road

¹ These 17 Western States are Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.