

Germany into the United States in the aftermath of the outbreaks.

On December 1, 2007, Poland's General Veterinary Inspectorate reported an HPAI H5N1 outbreak in domestic poultry. This first outbreak was detected in broiler turkeys, and between December 1 and December 22, 2007, Poland reported a total of 10 outbreaks to the OIE.

To prevent the introduction of HPAI H5N1 into the United States, APHIS designated Poland's provinces of Warminsko-Mazurskie, Mazowiekie, and Kujawsko-Pomorskie as regions where HPAI was considered to exist, and prohibited the importation of birds, poultry, and poultry products from these provinces into the United States.

In a document titled "APHIS' Evaluation of the Status of High Pathogenicity Avian Influenza H5N1 Virus in Poland" (October 2008), we present the results of our evaluation of the status of HPAI H5N1 in domestic poultry in Poland in light of the actions taken by Polish authorities since the outbreaks, and document our analysis of the risk associated with allowing importation of birds, poultry, and poultry products from Poland into the United States in the aftermath of the outbreaks.

We based our evaluation of Germany's and Poland's HPAI H5N1 status on the following critical factors:

- Each region had been free of outbreaks of the H5N1 subtype in its domestic poultry for at least 3 months as a result of effective control measures taken by a competent veterinary infrastructure;
- HPAI H5N1 was a notifiable disease in each region at the time of the outbreak;
- Each region had an ongoing disease awareness program in place at the time of the outbreak;
- Each region investigated notified or suspected occurrences of the disease;
- Each region had an effective surveillance program in place that supported the detection and investigation of outbreaks;
- Diagnostic and laboratory capabilities within each region were both adequate and effective;
- Each region undertook appropriate eradication and control measures and movement restrictions in response to the outbreaks to prevent further spread of disease; and
- In each region, procedures used for repopulation of affected premises included monitoring to demonstrate that HPAI H5N1 had been eradicated from the premises.

Based on these factors, which are consistent with the OIE's

recommendations for reinstatement for trade with a country that has experienced an HPAI H5N1 outbreak,<sup>1</sup> our evaluations conclude that the German Federal Ministry of Consumer Protection, Food and Agriculture and Poland's General Veterinary Inspectorate were able to effectively control and eradicate HPAI H5N1 in their respective domestic poultry populations and that the German and Polish authorities have adequate control measures in place to rapidly identify, control, and eradicate the disease should it be reintroduced into their respective countries in either wild birds or domestic poultry.

We are making the evaluations available for public comment. We will consider all comments that we receive on or before the date listed under the heading **DATES** at the beginning of this notice.

If, after the close of the comment period, APHIS can identify no additional risk factors that would indicate that domestic poultry in regions of Germany or Poland continue to be affected with HPAI H5N1, we would conclude that the importation of live birds, poultry carcasses, parts of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds from regions of Germany and Poland presents a low risk of introducing HPAI H5N1 into the United States.

For Germany, we expect we would lift the restrictions we imposed in response to the 2006 and 2007 outbreaks and maintain the restrictions we imposed in response to the October 2008 outbreak until the European Commission lifts the restrictions, at which point we would reevaluate the HPAI H5N1 status of the district of Görlitz in Saxony.

The evaluations may be viewed on the Regulations.gov Web site or in our reading room (see **ADDRESSES** above for a link to Regulations.gov and information on the location and hours of the reading room). You may request paper copies of the evaluations by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the titles of the evaluations when requesting copies.

<sup>1</sup> OIE (2008). Risk Analysis. In, *Terrestrial Animal Health Code*, 17th edition. Paris, World Organization for Animal Health: Chapter 2.2 on Import Risk Analysis; Chapter 10.4 on Avian Influenza. To view the document on the Internet, go to [http://www.oie.int/eng/normes/mcode/A\\_summy.htm?e1d11](http://www.oie.int/eng/normes/mcode/A_summy.htm?e1d11).

Done in Washington, DC, this 22nd day of December 2008.

**Kevin Shea,**

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

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**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Cooperative State Research, Education, and Extension Service

#### Solicitation of Input From Stakeholders on the Establishment of the National Institute of Food and Agriculture at the Department of Agriculture

**AGENCY:** Cooperative State Research, Education, and Extension Service, USDA.

**ACTION:** Notice of public comment period for written stakeholder input.

**SUMMARY:** The Cooperative State Research, Education, and Extension Service (CSREES) is requesting written stakeholder input on the establishment of the National Institute of Food and Agriculture (Institute) at the Department of Agriculture (USDA). The establishment of the Institute is mandated in section 251(f) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)) as added by section 7511(a)(4) of the Food, Conservation, and Energy Act (FCEA) of 2008 (Pub. L. 110-246). All programs and authorities currently delegated to CSREES will transfer to the Institute, no later than October 1, 2009. By this notice, CSREES has been designated to act on behalf of the Secretary of Agriculture (Secretary) in soliciting public comment from interested parties regarding the establishment of the Institute.

**DATES:** All written comments must be received by Friday, February 6, 2009, to be considered.

**ADDRESSES:** You may submit comments, identified by CSREES-2008-0004, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*E-mail:* [Institute@csrees.usda.gov](mailto:Institute@csrees.usda.gov). Include CSREES-2008-0004 in the subject line of the message.

*Fax:* (202) 720-0289.

*Mail:* Paper, disk or CD-ROM submissions should be submitted to: Judy Rude; Communications Staff; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Mail Stop 2201; 1400 Independence Avenue, SW.; Washington, DC 20250-2201.

*Hand Delivery/Courier:* Judy Rude; Communications Staff; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 4236; Waterfront Centre; 800 9th Street, SW.; Washington, DC 20024.

*Instructions:* All submissions received must include the title "Institute" and CSREES-2008-0004. All comments received will be posted to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Judy Rude, (202) 720-4242 (phone), (202) 690-0289 (fax), or [Institute@csrees.usda.gov](mailto:Institute@csrees.usda.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Additional Comment Procedures**

Descriptions of the principles guiding deliberations relative to establishing the Institute are available for review at <http://www.csrees.usda.gov/newsroom/pdfs/Scientists,%20Educators,%20and%20Stakeholders%20Letter.pdf>.

Written comments must be received by close of business, Friday, February 6, 2009, to be considered. All comments, when they become available, may be reviewed on the CSREES Web page for six months.

##### **Background and Purpose**

The establishment of the National Institute of Food and Agriculture is mandated in section 251(f) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)), as added to section 7511(a)(4) of the Food, Conservation, and Energy Act (FCEA) of 2008 (Pub. L. 110-246). The Secretary shall transfer to the Institute, effective not later than October 1, 2009, the authorities (including all budget authorities, available appropriations, and personnel), duties, obligations, and related legal and administrative functions prescribed by law or otherwise granted to the Secretary, the Department, or any other agency or official of the Department under capacity and infrastructure programs; competitive programs; the research, education, economic, cooperative State research programs, cooperative extension and education programs, international programs, and other functions and authorities delegated by the Under Secretary for Research, Education, and Economics (Under Secretary for REE) to the Administrator of CSREES pursuant to section 2.66 of title 7, Code of Federal Regulations (or successor regulations); and any and all other authorities administered by the Administrator of CSREES. The terms "capacity and

infrastructure programs" and "competitive programs" are defined in section 251(f)(1) (7 U.S.C. 6971(f)(1)).

The Institute shall be headed by a Director, who shall be an individual who is a distinguished scientist and appointed by the President. The Secretary has determined that the Director shall report to the Under Secretary for REE, who also holds the title of Chief Scientist of USDA and is responsible for the coordination of research, education, and extension activities of USDA. The Director shall serve for a 6-year term, subject to reappointment for an additional 6-year term; periodically report to the Under Secretary for REE with respect to activities carried out by the Institute; and consult regularly with the Under Secretary for REE to ensure, to the maximum extent practicable, that research of the Institute is relevant to agriculture in the United States and otherwise serves the national interest; and that the research of the Institute supplements and enhances, and does not supplant, research conducted or funded by other Federal agencies. The Director shall exercise all of the authority provided to the Institute by section 251(f) (7 U.S.C. 6971(f)); formulate and administer programs in accordance with policies adopted by the Institute, in coordination with the Under Secretary for REE; establish offices within the Institute; establish procedures for the provision and administration of grants by the Institute; and consult regularly with the National Agricultural Research, Extension, Education, and Economics Advisory Board.

The Director shall organize offices and functions within the Institute to administer fundamental and applied research and extension and education programs. The Director shall ensure the research priorities established by the Under Secretary for REE through the Research, Education and Extension Office are carried out by the offices and functions of the Institute, where applicable. Per 7 U.S.C. 6971(e)(1), the Under Secretary for REE is required to organize within the Office of the Under Secretary for REE six Divisions, to be known collectively as the 'Research, Education, and Extension Office', which shall coordinate the research programs and activities of the Department.

The Director shall determine an appropriate balance between fundamental and applied research programs and functions to ensure future research needs are met and designate staff, as appropriate, to assist in carrying out this function. The Director shall promote the use and growth of grants

awarded through a competitive process and designate staff, as appropriate, to assist in carrying out this function. Finally, the Director shall ensure that the offices and functions established within the Institute are effectively coordinated for maximum efficiency.

##### **Implementation Plans**

CSREES plans to consider stakeholder input received from written comments in developing a proposed organization for approval by USDA and with an implementation date of not later than October 1, 2009.

Done at Washington, DC, this 29th day of December, 2008.

**Colien Hefferan,**

*Administrator, Cooperative State Research, Education, and Extension Service.*

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## **DEPARTMENT OF AGRICULTURE**

### **Forest Service**

#### **Bend/Ft. Rock Ranger District; Deschutes National Forest; Oregon; Kapka Butte Sno-Park Construction**

**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 (EIS) on a proposed action to construct a sno-park, designate motorized and non-motorized over-snow trails to link the parking facility to existing snowmobile and nordic trail systems, and designate new over-snow dog-friendly snowshoe and skier trails to enhance recreational opportunities from the new facility. The proposed sno-park would be located on National Forest lands between Kapka Butte and the junction of Forest Road 46 (Cascade Lakes Highway) and Forest Road 45 (Sunriver cutoff). The proposed sno-park area is located about 30 miles west of Bend, Oregon; it is located in Section 35, Township 18S, Range 9E. 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**.