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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS–2010–0104]

#### Notice of Decision To Authorize the Importation of Fresh Rambutan Fruit From Malaysia and Vietnam

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

**ACTION:** Notice.

**SUMMARY:** We are advising the public of our decision to authorize the importation into the continental United States of fresh rambutan fruit (*Nephelium lappaceum*) from Malaysia and Vietnam. Based on the findings of a pest risk analysis, which we made available to the public for review and comment through a previous notice, we believe that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh rambutan fruit from Malaysia and Vietnam.

**DATES:** *Effective Date:* April 19, 2011.

**FOR FURTHER INFORMATION CONTACT:** Ms. Claudia Ferguson, Regulatory Policy Specialist, Regulations, Permits, and Import Manuals, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 734–0754.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under the regulations in “Subpart—Fruits and Vegetables” (7 CFR 319.56–1 through 319.56–50, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being

introduced into and spread within the United States.

Section 319.56–4 of the regulations contains a performance-based process for approving the importation of commodities that, based on the findings of a pest risk analysis (PRA), can be safely imported subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section. Under that process, APHIS publishes a notice in the **Federal Register** announcing the availability of the PRA that evaluates the risks associated with the importation of a particular fruit or vegetable. Following the close of the 60-day comment period, APHIS may authorize the importation of the fruit or vegetable subject to the identified designated measures if: (1) No comments were received on the PRA; (2) the comments on the PRA revealed that no changes to the PRA were necessary; or (3) changes to the PRA were made in response to public comments, but the changes did not affect the overall conclusions of the analysis and the Administrator’s determination of risk.

In accordance with that process, we published a notice<sup>1</sup> in the **Federal Register** on December 15, 2010 (75 FR 78207–78208, Docket No. APHIS–2010–0104), in which we announced the availability, for review and comment, of a PRA that evaluates the risks associated with the importation into the continental United States of fresh rambutan fruit (*Nephelium lappaceum*) from Malaysia and Vietnam. We solicited comments on the notice for 60 days ending on February 14, 2011. We received two comments by that date, from a State agriculture agency and an embassy agricultural affairs office. One commenter concurred with the mitigations described in the risk management document. The other commenter remarked that the notice itself did not specify which of the five designated phytosanitary measures would be required for the rambutan from Malaysia and Vietnam, so that it was not clear that APHIS was requiring treatment with irradiation. It is true that our December 2010 notice itself did not cite the specific mitigation measures that we had identified for rambutan

from Malaysia and Vietnam, but those measures were detailed in the risk mitigation document made available with the notice. Those mitigation measures are also described in this notice. Accordingly, we have determined that no changes to the PRA are necessary based on the comment.

Therefore, in accordance with the regulations in § 319.56–4(c)(2)(ii), we are announcing our decision to authorize the importation into the continental United States of fresh rambutan fruit from Malaysia and Vietnam subject to the following phytosanitary measures:

- The rambutan may be imported into the continental United States in commercial consignments only.

- For rambutan from Malaysia, each consignment must be inspected by the national plant protection organization (NPPO) of Malaysia using a sampling procedure mutually agreed upon by APHIS and the NPPO. A representative sample of fruit must be drawn from each lot, inspected, and found free from the fungus *Oidium nephelii*.

- The rambutan must be irradiated in accordance with 7 CFR part 305 with a minimum absorbed dose of 400 Gy.

- If the irradiation treatment is applied outside the United States, each consignment of fruit must be precleared by APHIS inspectors in the country of origin (i.e., Malaysia or Vietnam). The rambutan must be jointly inspected by APHIS and the NPPO of the country of origin and accompanied by a phytosanitary certificate (PC) attesting that the fruit received the required irradiation treatment. For rambutan from Malaysia, the PC must also include an additional declaration stating that the consignment was inspected and found free from *Oidium nephelii*.

- For rambutan from Malaysia, if the irradiation treatment is to be applied upon arrival in the United States, each consignment of fruit must be inspected by the Malaysia NPPO prior to departure and accompanied by a PC with an additional declaration stating that the consignment has been inspected and found free from *Oidium nephelii*.

These conditions will be listed in the Fruits and Vegetables Import Requirements database (available at <http://www.aphis.usda.gov/favir>). In addition to these specific measures, rambutan fruit from Malaysia and Vietnam will be subject to the general

<sup>1</sup>To view the notice, the PRA, and the comments we received, go to <http://www.regulations.gov/jdmspublic/component/main?main=DocketDetail&d=APHIS-2010-0104>.

requirements listed in § 319.56–3 that are applicable to the importation of all fruits and vegetables. Further, for fruits and vegetables requiring treatment as a condition of entry, the phytosanitary treatments regulations in 7 CFR part 305 contain administrative and procedural requirements that must be observed in connection with the application and certification of specific treatments.

**Authority:** 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 13th day of April 2011.

**Kevin Shea,**

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

[FR Doc. 2011–9465 Filed 4–18–11; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Rio Grande National Forest, Divide Ranger District; Mineral County, CO; Village at Wolf Creek Land Exchange

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The Rio Grande National Forest is preparing an Environmental Impact Statement to analyze the environmental effects of the proposed Village at Wolf Creek Land Exchange. This project includes the conveyance of approximately 177 acres of a non-Federal land parcel owned by the Leavell-McCombs Joint Venture (LMJV) to the United States in exchange for National Forest System lands totaling approximately 204 acres. The non-Federal parcel is located in T37N., R2E., NMPM, Mineral County, CO, Sections 4, 5, 8 and 9, a portion of Tract 37. The Federal parcel is located in T37N., R2E., NMPM, Mineral County, CO, Sections 3, 4, 5, and 9.

**DATES:** Formal scoping on this project begins on April 20, 2011. Public open houses will be held 4:30–7 p.m. on April 25, in Creede, CO at the Creede Community Center; April 26 in Pagosa Springs at the Aragon Recreation Center, CO and April 27 in Del Norte at the Rio Grande County Annex Building, CO. Comments concerning the scope of the analysis should be received by June 4, 2011. The draft environmental impact statement is expected in December, 2011 and the final environmental impact statement is expected in March, 2012.

**ADDRESSES:** Send written comments to the Rio Grande National Forest, Divide

Ranger District, 13308 West Highway 160, Del Norte, CO 81132. Comments may also be sent via e-mail to: [comments-rocky-mountain-rio-grande@fs.fed.us](mailto:comments-rocky-mountain-rio-grande@fs.fed.us) or via facsimile to 1–719–657–6035.

**FOR FURTHER INFORMATION CONTACT:**

Additional information related to the proposed project can be obtained from the Forest webpage at: <http://www.fs.usda.gov/riogrande>. For further information, contact Tom Malecek at (719) 657–3321.

**SUPPLEMENTARY INFORMATION:**

**Background:** In 1986, a Decision Notice for the Environmental Assessment of the Proposed Wolf Creek Land Exchange allowed the conveyance of 300 acres of National Forest System (NFS) land on the Divide Range District adjacent to the Wolf Creek Ski Area (WCSA) in exchange for non-Federal lands located within the Saguache Ranger District on the Rio Grande National Forest. In 2004, the Forest Service initiated an Environmental Impact Statement (EIS) in response to a request for legal access to the property, under the Alaska National Interests Lands Conservation Act (ANILCA), in order to allow the private landowners the ability to begin development of the Village at Wolf Creek. In March 2006, a Record of Decision (ROD) was signed, approving transportation and utility corridors across NFS lands. In February 2008, as part of a Settlement Agreement, the ROD was withdrawn. In September 2008, the Forest Service initiated a new EIS after receiving a new application for permanent road access from the proponent. Early in the project analysis, the project was placed on indefinite hold pending new information and potentially a new application.

LMJV has submitted this current land exchange proposal as an alternative to an ANILCA enabled easement under the Federal Land Policy and Management Act (FLPMA), as the Federal parcel abuts US Highway 160.

**Purpose and Need for Action:** The non-Federal party, LMJV, holds title to land within the boundaries of the NFS, and as such “\* \* \* the Secretary shall provide such access to non-federally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof \* \* \*”

Therefore, the Rio Grande NF’s Purpose and Need for Action is to allow the non-Federal party to access its property as legally entitled, while minimizing environmental effects to natural resources within the project area. Any method of accommodating

access to private land in the project area needs to be cognizant of and sensitive to the operations and recreational experiences at Wolf Creek Ski Area, which is adjacent to the non-Federal parcel and operates under a Special Use Permit from the Rio Grande NF.

**Proposed Action:** Given the non-Federal party’s legal right to access its property and the United States legal obligation to provide access to the inholding, the Rio Grande NF believes that a land exchange may be in the public interest and thus merits additional evaluation. Potential public benefits include:

- Development of private lands further away from Wolf Creek Ski Area, reducing impacts to skiers and ski area operations.
- Locating residential development and associated infrastructure in an area that is more suitable due to topography, natural resources, and proximity to US Highway 160.
- A net gain of wetlands and perennial streams in public ownership.
- A lower density development.
- The land exchange would obviate the need for ANILCA access.

The Proposed Action involves the conveyance of approximately 178 acres of non-Federal lands to the United States in exchange for NFS lands totaling approximately 204 acres. Upon conveyance of the non-Federal parcel to the United States, the newly acquired NFS lands would be managed by the Rio Grande NF per its 1996 Land and Resource Management Plan, as amended. The lands proposed for inclusion in the land exchange are summarized below.

#### Non-Federal Lands Proposed To Be Conveyed to the United States

- *Township 37 North, Range 2 East, N.M.P.M., Mineral County, Colorado*
- Sections 4, 5, 8, and 9: A portion of Tract 37
- Total Area: Approximately 178 acres

In total, the non-Federal parcel is approximately 300 acres in size, of which approximately 178 acres are proposed to be conveyed to the United States. The non-Federal parcel is located approximately 20 miles southwest of South Fork and 25 miles northeast of Pagosa Springs in Mineral County, Colorado.

The non-Federal parcel is located just east of Wolf Creek Pass at approximately 10,300 feet in elevation and is comprised of spruce-fir forest, open meadows and wetlands. The non-Federal parcel adjoins NFS lands on all sides and is located within the Wolf Creek Ski Area permit boundary.