

same comment raised questions as to how the Agency adjusts sampling for establishment size and volume. Two other comments urged the Agency not to reduce testing frequency for Category 1 establishments.

**FSIS Response:** The Agency has carefully considered all pertinent factors to maximize testing and data productivity. FSIS intends to stagger testing of Category 1 establishments so that a full 24 months will not pass before an establishment is tested again. Further, the Agency intends to conduct random, unannounced sampling of Category 1 establishments during the period between full verification sample sets. For these reasons, FSIS believes that its frequency of testing will ensure that the status of a Category 1 establishment is appropriately tracked. It is also important to note that FSIS does not regard the Salmonella results alone as an indication of "adequate evidence of sustained process control". Verification of process control will rely on an establishment's ability to meet Salmonella performance standards, the establishment's own generic *E. coli* test results, FSIS inspectional observations, reports of illness associated with product produced at an establishment, and other factors.

#### Performance Standards

One comment noted that the performance standards should be reevaluated through regularly updated baseline studies. Another comment stressed that continual improvement sought by statistical process control approaches requires the tightening of standards. On the other hand, one comment argued that the Agency's focus on reducing performance to a fraction of the standard or guideline ignores the validity of the baseline-derived standard/guideline as an index of realistic process capability.

**FSIS Response:** The Agency is committed to updating baseline studies when needed. The Agency does not agree that establishing performance objectives at one-half of the performance standard/guideline ignores a baseline standard and that the Agency's objectives for process control are realistic and necessary. FSIS believes that further knowledge of attribution factors will show that continual improvement in reducing occurrence of human pathogens in meat and poultry will reduce the incidence of human salmonellosis.

#### Salmonella Subtyping Methodology

One commenter recommended phage-typing over pulsed field gel electrophoresis (PFGE) for subtyping,

and another commenter said more discussion was needed before the Agency should choose to use PFGE data. Another comment, on the other hand, recommended PFGE for subtyping.

**FSIS Response:** Phage-typing is primarily used in reference laboratories and is impractical for regulatory purposes. The Agency believes that PFGE has proven to be a valid and appropriate methodology for obtaining subtype information from verification sampling and baseline studies.

#### Enumeration of Salmonella and Attribution Questions

One comment urged the Agency to conduct enumeration analysis of its verification samples in order to investigate the causal factors in human salmonellosis related to dose level.

**FSIS Response:** Enumeration is very expensive and of doubtful value for practical regulatory purposes that are qualitative in nature. FSIS, however, is committed to exploring questions of attribution for human disease and recognizes that enumeration of *Salmonella* would have a positive role to play in such an investigation. For this reason, the Agency is requiring participants in the *Salmonella* Initiative Program to enumerate a portion of their *Salmonella* and *Campylobacter* isolates.

#### Incentives and Further Actions

One comment stated that the Agency should begin posting all completed sample sets immediately rather than first allowing a one-year period for collecting data to determine whether publication of establishment results was necessary. Two comments urged the Agency not to consider any modifications in inspection practices without strong evidence of superior establishment performance.

**FSIS Response:** The Agency believes that the lead-time announced in the February 2006 Notice of one year (from July 2006 to July 2007) for tracking results was appropriate. The key point is that the Notice informed the industry that process control improvements were crucial and needed to be accomplished in a timely manner. The Agency agrees that modifications in inspection should only occur if there is strong evidence of superior establishment performance, and it is exploring such possibilities in the *Salmonella* Initiative Program for Category 1 establishments described above.

#### Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that minorities, women, and

persons with disabilities are aware of this notice, FSIS will announce it online through the FSIS Web page located at [http://www.fsis.usda.gov/regulations/2007\\_Notices\\_Index/](http://www.fsis.usda.gov/regulations/2007_Notices_Index/). FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. Through the Listserv and Web page, FSIS is able to provide information to a much broader and more diverse audience. In addition, FSIS offers an e-mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at [http://www.fsis.usda.gov/news\\_and\\_events/email\\_subscription/](http://www.fsis.usda.gov/news_and_events/email_subscription/). Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and they have the option to password protect their accounts.

Done in Washington, DC on: January 22, 2008.

**Alfred V. Almanza,**  
Administrator.

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Resurrection Creek Restoration Phase II Project Environmental Impact Statement

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The Chugach National Forest, Seward Ranger District will prepare an environmental impact statement for the implementation of a stream and riparian restoration project along a two-mile segment of Resurrection Creek within active mining claims. The environmental impact statement will evaluate the environmental consequences of the proposed restoration project and will also address a supplemental mining plan of

operations proposing mining adjacent to the restoration corridor.

**DATES:** To be most useful, comments concerning the scope of this project should be received by the end of February 2008. A draft environmental impact statement is expected to be ready for review in the summer of 2008 and a final environmental impact statement is planned for the fall of 2008. Public meetings are also planned to be held: February 12, 2008 in Hope, AK (6 p.m. to 8 p.m. at Hope Social Hall), February 13, 2008 in Anchorage, AK (7 p.m. to 9 p.m. at Loussac Public Library).

**ADDRESSES:** Please send written comments to: Chugach National Forest, Attn.: Bill MacFarlane, Resurrection Creek Stream and Riparian Restoration Phase II EIS, 3301 'C' Street, Anchorage, AK 99503-3998. Comments may also be sent via fax to: 907-743-9480 or via e-mail to: [wamacfarlane@fs.fed.us](mailto:wamacfarlane@fs.fed.us). Please specify Scoping Comments for Resurrection Creek in the subject line.

**FOR FURTHER INFORMATION CONTACT:** Bill MacFarlane, Project Coordinator, Chugach National Forest, Attn.: Bill MacFarlane, Resurrection Creek Stream and Riparian Restoration Phase II EIS, 3301 'C' Street, Anchorage, AK 99503-3998, telephone (907) 743-9434, e-mail: [wamacfarlane@fs.fed.us](mailto:wamacfarlane@fs.fed.us).

#### SUPPLEMENTARY INFORMATION:

#### Background

The Resurrection Creek watershed drains 161 square miles on the north side of the Kenai Peninsula, and the community of Hope, Alaska is located at the mouth of Resurrection Creek. Resurrection Creek was the site of Alaska's first gold rush over a century ago, and placer mining continues today. Resurrection Creek is also home to all five species of Pacific salmon and numerous wildlife species. The Resurrection Pass Trail parallels much of Resurrection Creek and provides access to the watershed.

This proposed "Phase II" project would extend upon the "Phase I" restoration work completed by the Forest Service during 2005 and 2006 on a one-mile reach of Resurrection Creek, located about a mile upstream from the Resurrection Pass Trailhead. These reaches were impacted by historic mining, and both of these projects were recommended in the Resurrection Creek Landscape Assessment, completed in 2001.

The Seward Ranger District proposes to restore Resurrection Creek's channel, floodplain, and streamside vegetation to pre-mining conditions and enhance fish and riparian wildlife habitat. Restoration work would take place on

and adjacent to Resurrection Creek along the two-mile project reach. Elements of the proposed project implementation include the following:

- Providing access for heavy equipment, which may include a temporary bridge over Resurrection Creek.
- Mechanical manipulation and grading of up to 200,000 cubic yards of mine tailings to restore the natural floodplain widths and elevations.
- Construction of a meandering river channel and adjacent side channels that mimic natural conditions, include abundant habitat, and promote a self-sustaining riparian ecosystem.
- Selective removal of beetle killed spruce and cottonwood trees, taken primarily from the valley floor and western terrace along the project area, for use in stream bank protection, habitat improvement, and floodplain stabilization.
- Replacement of nutrient-rich soils over the restored floodplains, transplanted primarily from the western terrace of the project area, to improve growing conditions for native plant communities in the floodplains and riparian areas.

- Re-vegetation of native plant species on constructed floodplains and riparian areas, including natural re-vegetation, seeding, and planting.

The project area lies within mining claims of the Hope Mining Company. Because the proposed stream restoration would occur within active mining claims, the Forest Service has worked with the mine claimants to establish a restoration corridor, where mining operations would be excluded in order to protect the restored ecosystem.

To accomplish the proposed restoration within the restoration corridor through these active claims, this project will address Hope Mining Company's proposed supplemental mining plan of operations which:

- Provides the necessary protection for the proposed Resurrection Creek restoration efforts from existing approved mining operations and future mining operations within the restoration corridor; and
- Includes proposed mining operations for seven areas adjacent to the proposed corridor. These seven areas will be analyzed concurrently with the proposed stream restoration elements.

#### Permits and Licenses

The proposed restoration is not expected to require any permits or licenses; however, depending on final project design and land ownership, the Forest Service may obtain a water use

permit (AS 41.114, Section 870) and/or a temporary land use permit (11 AAC 96.010a).

#### Public Involvement

During February of 2008 the Forest Service will be seeking information, comments, and assistance from Federal, State and local agencies, tribal organizations, individuals, and organizations that may be interested in, or affected by the proposed activities. Comments received as a result of both the earlier public involvement and the current scoping will be included in this analysis. All comments will be analyzed to identify issues to be considered in the Draft EIS. Issues currently identified for analysis in the EIS include potential effects of the allocation to economic opportunities, conflicts between commercial operations, displacement of resident users, impacts to wildlife habitat, and the effect on subsistence uses.

It is also expected that two public meetings will be held in Hope and Anchorage February 12th and 13th, 2008 respectively, to provide project area information and discuss local concerns and interests that should be addressed in this environmental analysis. Based on the results of scoping, alternatives will be developed, analyzed, and compared in a Draft EIS. The Draft EIS will be filed with the Environmental Protection Agency (EPA) in the summer of 2008. Comments on the DEIS will be considered and responded to in the Final EIS, to be completed by fall 2008.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency 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 or draft environmental impact statement 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 environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. 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 comment period so that comments can be made available to the Forest Service at a time when they can be meaningfully considered responded to in the final environmental impact statement. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement 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 environmental impact statement or 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.

Comments received in response to this solicitation, 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 and may be released under FOIA. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision (36 CFR Parts 215).

*Responsible Official:* Jeni Evans, Seward District Ranger, Chugach National Forest, is the responsible official.

Dated: January 17, 2008.

**Jeni Bradley Evans,**

*District Ranger.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Superior National Forest, LaCroix Ranger District, MN; Border Project Environmental Impact Statement

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement.

**SUMMARY:** The Department of Agriculture, Forest Service, will prepare an environmental impact statement (EIS) for the Border Project. The proposed activities would manage forest vegetation composition, structure, and

spatial patterns. Proposed activities also address the transportation system associated with vegetation activities and long-term federal, non-federal, and public access needs.

The Project Area encompasses about 57,000 acres of National Forest System land. The Proposed Action would create young forest through timber harvest on about 8,617 acres; improve stand structure and within-stand diversity with harvests such as thinning on about 3,730 acres; and restore stand conditions without harvest on about 1,904 acres. Managing the minimum road system needed for long-term vegetation management would involve adding 1.6 miles of system road and decommissioning 9.2 miles of road. A range of alternatives, including a no-action alternative, will be developed to respond to significant issues. The proposed project is located on the LaCroix Ranger District, Cook, Minnesota, Superior National Forest.

**DATES:** Comments concerning the scope of the analysis must be received by March 10, 2008. The draft environmental impact statement is expected in summer 2008 and the final environmental impact statement is expected in winter 2008/2009.

**ADDRESSES:** Send written comments to Nancy S. Larson, LaCroix District Ranger, Border Project, 320 Hwy 53 North, Cook, MN 55723. Send electronic comments to [comments-eastern-superior-la-croix@fs.fed.us](mailto:comments-eastern-superior-la-croix@fs.fed.us).

**FOR FURTHER INFORMATION CONTACT:** Carol Booth, Border Project Coordinator, 320 Hwy 53 North, Cook, MN 55723; telephone (218) 666-0020.

#### SUPPLEMENTARY INFORMATION:

#### Purpose and Need for Action

The primary purpose of the Border Project is to move the area towards the vegetation and landscape ecosystem desired conditions described in the Superior National Forest *Land and Resource Management Plan* (Forest Plan). Forest Plan direction for the transportation system is also part of the project's purpose.

#### Proposed Action

The proposed Action would manage forest vegetation composition, structure, and spatial patterns and the transportation system associated with these activities. Proposed activities include: creating young forest approximately 8,617 acres, improving stand structure and within-stand diversity on approximately 3,730 acres, and restoring stand conditions through a variety of non-harvest activities such as planting, biomass removal, and

conducting prescribed burns to reduce risk of wildfire on approximately 1,904 acres. Managing the minimum road system needed for long-term vegetation management would involve adding 1.6 miles of system road and decommissioning 9.2 miles of road.

#### Responsible Official

Nancy S. Larson, LaCroix District Ranger, 320 Hwy 53 North, Cook, MN 55723.

#### Nature of Decision To Be Made

An environmental analysis for the Border Project will evaluate site-specific issues, consider management alternatives, and analyze the potential effects of the proposed action and alternatives. The scope of the project is limited to decisions concerning activities within the Border Project Area that meet the Purpose and Need, as well as desired conditions. An environmental impact statement will provide the Responsible Official, Nancy S. Larson, with the information needed to decide which actions, if any, to approve.

#### Scoping Process

Public participation will be an integral component of the analysis process, and will be especially important at several points during the analysis. The first is during the scoping process. The Forest Service is seeking information, comments, and assistance from federal agencies, State agencies, local agencies, individuals, and organizations that may be interested or affected by the proposed activities. The scoping process will include: (1) Identification of potential issues, (2) identification of issues to be analyzed in depth, and (3) elimination of insignificant issues, or those which have been covered by a previous environmental review. Based on the results of scoping and the resource capabilities within the project area, alternatives, including a no-action alternative, will be developed for the draft environmental impact statement.

#### Permits or Licenses Required

Easement or permission to cross non-federal property may be needed to access some treatment units to implement Forest Service activities.

#### Comment Requested

This notice of intent initiates the scoping process which guides the development of the environmental impact statement. Written comments will be solicited through a scoping package that will be sent to the project mailing list. For the Forest Service to