

Producer for not less than three years from each payment date.

(4) *Succession and control of biorefineries and production.* An entity who becomes the Eligible Advanced Biofuel Producer for a Biorefinery that is under Contract under this Notice must request permission from the Agency to succeed to the program Contract and the Agency may grant such request if it is determined that the entity is an eligible producer and permitting such succession would serve the purposes of the program. If appropriate, the Agency may require the consent of the previous Eligible Advanced Biofuel Producer to such succession.

Payments will be made only to an eligible Advanced Biofuel Producer with a valid Contract and for Biorefineries owned or controlled by said Producer. If payments are made to an Advanced Biofuel Producer for production at a Biorefinery no longer owned or controlled by said Producer or to an otherwise ineligible Advanced Biofuel Producer, the Agency will demand full refund of all such payments.

C. Environmental Review

All recipients under this Notice are subject to the requirements of subpart G of part 1940 of title 7 of the CFR. However, 7 CFR 1940.310(e) excludes this activity. In accordance with § 1940.310(e), General Exclusions, if a program provides assistance that is not related to the development of a specific site, it is excluded from conducting an environmental review.

VII. Agency Contacts

Assistance. For assistance on this payment program, please contact a USDA Rural Development State Renewable Energy Coordinator, as provided in the Addresses section of this Notice.

VIII. Non-Discrimination Statement

USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance programs. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to

USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Dated: June 8, 2009.

Judith A. Canales,

Administrator, Rural Development, Business and Cooperative Programs.

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BILLING CODE 3410-XY-P

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest, Mystic Ranger District, SD, Mystic Range Project

AGENCY: Forest Service, USDA.

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

SUMMARY: The Forest Service will prepare an environmental impact statement on a proposal to evaluate grazing on eight (8) allotments on the Black Hills National Forest, Mystic Ranger District comprising approximately 85,055 acres within the constraints of the Black Hills National Forest Land and Resource Management Plan, as amended.

DATES: Comments concerning the scope of analysis must be received by July 13, 2009. The draft environmental impact statement is expected September 2009 and the final environmental impact statement is expected December 2009.

ADDRESSES: Send written comments to Robert J. Thompson, District Ranger, Black Hills National Forest, Mystic Ranger District, Mystic Range Project, 8221 South Highway 16, Rapid City, South Dakota 57702. Comments may also be sent via e-mail to comments-rocky-mountain-black-hills-mystic@fs.fed.us, or via facsimile to (605) 343-7134. Please list "Mystic Range" as the subject on comments sent via e-mail or facsimile. Electronic comments must be readable in Word, Rich Text, or PDF formats.

It is important that reviewers provide their comments at such times and in such a way that they are useful to the Agency's preparation of the EIS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. The submission of timely and specific comments can affect a reviewer's ability to participate in subsequent administrative review or judicial review.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the respondent with standing to participate in subsequent administrative review or judicial review.

FOR FURTHER INFORMATION CONTACT: If you have any questions or need additional information, please contact Mark Vedder, Range Specialist; Katie Van Alstyne, Team Leader; or Robert J. Thompson, District Ranger, at the Mystic Ranger District office in Rapid City at (605) 343-1567.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8330 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

Purpose and Need for Action

The purpose of this project is to authorize livestock grazing on all or part of the project area and to ensure that livestock grazing occurs in an environmentally acceptable manner. The EIS will determine current conditions, analyze environmental consequences of grazing management actions on those conditions, and assist the decisionmaker in selecting management/monitoring strategies consistent with meeting desired conditions in the Forest Plan.

The underlying needs for this proposal include:

- Improve livestock management so that it is consistent with the goals, objectives, standards, and guidelines of the Forest Plan, as amended.
- Improve species composition of upland vegetation.
- Improve streambank stability.
- Improve riparian vegetation diversity and abundance.
- Reduce opportunities for cattle conflicts with vehicle traffic.

SUPPLEMENTARY INFORMATION:

Proposed Action

The Proposed Action is designed to maintain or improve resource conditions in rangeland health, vegetation, watershed conditions, designated Botanical Areas, and wildlife habitat relative to livestock grazing. Some grazing practices would be changed to resolve grazing related issues. Proposed range improvements include water developments, fencing (for highway, pasture/allotment boundary, and/or riparian enclosure purposes), cattleguards, corrals, stream

restoration structures, and construct, bury new and/or existing pipeline. It provides for a range of alternate actions that may be selected from to achieve desired conditions in an acceptable timeframe. This approach is known as "Adaptive Management." Some grazing practices would be changed to resolve grazing related resource issues.

Successful Adaptive Management requires timely monitoring of resource conditions and trends. The Proposed Action also includes a monitoring plan for each allotment designed to focus on specific areas with livestock related resource problems. If monitoring results indicate that resource problems persist, adaptive management options are identified that would be implemented in cooperation with each permittee to effect improvement in resource conditions.

Possible Alternatives

The Current Management Alternative would not change existing permitted livestock grazing. The No Grazing Alternative would eliminate any livestock grazing on the project area.

Responsible Official

Robert J. Thompson, District Ranger, Mystic Ranger District, Black Hills National Forest, 8221 South Highway 16, Rapid City, SD 57702.

Nature of Decision To Be Made

The decision to be made is whether to continue to permit livestock grazing on all, part, or none of these allotments and, if so, under what terms and conditions to ensure that desired condition objectives are met, or that movement occurs toward those objectives.

Preliminary Issues

Anticipated issues include: Support and opposition to livestock grazing; impacts of livestock grazing on wildlife habitat, riparian areas, and streambank stability.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. Comments and input regarding the proposal will be received via direct mailing from the public, other groups, and agencies during the initial public comment period in June of 2009. Comments submitted based on this NOI will be most useful if received within 30 days from the date of this notice. Response to the Draft EIS will be sought from the interested public beginning in August 2009.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. The submission of timely and specific comments can affect a reviewer's ability to participate in subsequent administrative appeal or judicial review.

Dated: June 4, 2009.

Craig Bobzien,

Forest Supervisor, Black Hills National Forest.

[FR Doc. E9-13690 Filed 6-11-09; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2008-0121]

Notice of Availability of an Evaluation of the Highly Pathogenic Avian Influenza Subtype H5N1 Status of Saxony, Germany

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability and request for comments.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an evaluation of the animal health status of Saxony, Germany, relative to the H5N1 subtype of highly pathogenic avian influenza (HPAI). The evaluation presents our assessment of the HPAI H5N1 detection, control, and eradication measures in place in Saxony, Germany, during an outbreak of HPAI in 2008, as well as our assessment of the present status of Saxony, Germany, with respect to HPAI subtype H5N1. We are making this evaluation available to the public for review and comment. If, after the close of the comment period, APHIS can identify no additional risk factors that would indicate that domestic poultry in Saxony, Germany, 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 the affected region of Saxony, Germany, presents a low risk of introducing HPAI H5N1 into the United States.

DATES: We will consider all comments that we receive on or before July 13, 2009.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2008-0121> to submit or view comments and to view supporting and related materials available electronically.

- *Postal Mail/Commercial Delivery:* Please send two copies of your comment to Docket No. APHIS-2008-0121, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2008-0121.

Reading Room: You may read any comments that we receive on the evaluation in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

FOR FURTHER INFORMATION CONTACT: Dr. Julia Punderson, Regionalization Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road, Unit 38, Riverdale, MD 20737-1231; (301) 734-4356.

SUPPLEMENTARY INFORMATION:

Background

Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) has the authority to prohibit or restrict the importation into the United States of animals, animal products, and other articles in order to prevent the introduction of diseases and pests into the U.S. livestock and poultry populations.

Highly pathogenic avian influenza (HPAI) is a zoonotic disease of poultry. The H5N1 subtype of HPAI is an extremely infectious and fatal form of the disease. HPAI can strike poultry quickly without any warning signs of infection and, once established, can spread rapidly from flock to flock. HPAI viruses can also be spread by manure, equipment, vehicles, egg flats, crates, and people whose clothing or shoes