

PPA, "plant pest" is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing.

As described in the extension request, X17 and Y9 potatoes have been genetically engineered through the insertion of genetic elements from plant pest organisms listed in 7 CFR 340.2. APHIS previously completed a plant pest risk assessment (PPRA) associated with the insertion of these same genetic elements into potatoes during the review of the antecedent variety, Innate™ Russet Burbank event W8 potato, and concluded that the resulting organisms did not pose a plant pest risk.

X17 and Y9 potatoes express the same resistance for late blight resistance, low acrylamide potential, reduced black spot bruising, and lowered reducing sugars as the antecedent potato. APHIS prepared a plant pest similarity assessment (PPRSA) to compare X17 and Y9 potatoes to the antecedent. As described in the PPRSA, X17 and Y9 potatoes were obtained by introducing the same construct used to produce Innate™ Russet Burbank event W8 into the Ranger Russet variety (X17) and Atlantic variety (Y9). Based on our PPRA for the antecedent and the similarity between X17 and Y9 potatoes and the antecedent based on the PPRSA, APHIS has concluded that X17 and Y9 potatoes are unlikely to pose a plant pest risk.

The environmental assessment (EA) for the antecedent organism was prepared using data submitted by Simplot, a review of other scientific data, and field tests conducted under APHIS oversight. The EA was prepared to provide the APHIS decisionmaker with a review and analysis of any potential environmental impacts associated with the proposed determination of nonregulated status of the antecedent potato. The EA was prepared in accordance with (1) the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR part 1b); and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Based on the similarity of X17 and Y9 potatoes to the antecedent potato, APHIS has prepared a preliminary

finding of no significant impact (FONSI) on X17 and Y9 potatoes using the EA prepared for W8 potato. APHIS considered the following alternatives: (1) Take no action, *i.e.*, APHIS would not change the regulatory status of X17 or Y9 potatoes and it would continue to be a regulated article, or (2) make a determination of nonregulated status of X17 and Y9 potatoes. APHIS' preferred alternative is to make a determination of nonregulated status of X17 and Y9 potatoes.

APHIS has carefully examined the existing NEPA documentation completed for W8 potato and has concluded that Simplot's request to extend a determination of nonregulated status to X17 and Y9 potatoes encompasses the same scope of environmental analysis as the antecedent potato.

Based on APHIS' analysis of information submitted by Simplot, references provided in the extension request, peer-reviewed publications, information analyzed in the EA, and the similarity of X17 and Y9 potatoes to the antecedent organisms, APHIS has determined that X17 and Y9 potatoes are unlikely to pose a plant pest risk. We have, therefore, reached a preliminary decision to approve the request to extend the determination of nonregulated status of W8 potato to X17 and Y9 potatoes, whereby X17 and Y9 potatoes would no longer be subject to our regulations governing the introduction of certain genetically engineered organisms.

Paragraph (e) of § 340.6 provides that APHIS will publish a notice in the **Federal Register** announcing all preliminary decisions to extend determinations of nonregulated status for 30 days before the decisions become final and effective. In accordance with § 340.6(e) of the regulations, we are publishing this notice to inform the public of our preliminary decision to extend the determination of nonregulated status of the antecedent potato to X17 and Y9 potatoes.

APHIS will accept written comments on its preliminary determination and the preliminary FONSI regarding a determination of nonregulated status of X17 and Y9 potatoes for a period of 30 days from the date this notice is published in the **Federal Register**. The preliminary FONSI, as well as the extension request, supporting documents, and our preliminary determination for X17 and Y9 potatoes, are available for public review as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above. Copies of these documents may also be obtained by contacting the person listed

under **FOR FURTHER INFORMATION CONTACT**.

After the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. All comments will be available for public review. After reviewing and evaluating the comments, if APHIS determines that no new information has been received that would warrant APHIS altering its preliminary regulatory determination or FONSI, our preliminary regulatory determination will become final and effective upon notification of the public through an announcement on our Web site at http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml.

APHIS will also furnish a response to the petitioner regarding our final regulatory determination. No further **Federal Register** notice will be published announcing the final regulatory determination regarding X17 and Y9 potatoes.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 19th day of September 2016.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2016–22928 Filed 9–22–16; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

Dalton Mountain Forest Restoration and Fuels Reduction EIS—Helena-Lewis and Clark National Forest, Lewis and Clark County, Montana

AGENCY: Forest Service, USDA.

ACTION: Withdrawal of Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The USDA Forest Service is withdrawing the Notice of Intent to prepare an Environmental Impact Statement for the Dalton Mountain Forest Restoration and Fuels Reduction project on the Lincoln Ranger District of the Helena-Lewis and Clark National Forest. A Notice of Intent to prepare an Environmental Impact Statement was published in the **Federal Register** on November 16, 2011 (pages 70955–70956).

FOR FURTHER INFORMATION CONTACT: Jennifer Woods, Helena-Lewis and Clark National Forest, 1220 38th Street North, Great Falls, Montana 59405, (406) 791–7765.

Dated: September 14, 2016.

William Avey,

*Forest Supervisor, Helena-Lewis and Clark
National Forest.*

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DEPARTMENT OF AGRICULTURE

Forest Service

White River National Forest; Eagle County, CO; Berlaimont Estates Access Route EIS

AGENCY: Forest Service, USDA.

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

SUMMARY: Berlaimont Estates LLC (Berlaimont) owns a 680-acre private inholding completely within the White River National Forest (WRNF) to the north of Interstate 70 in the vicinity of Edwards, Colorado. Berlaimont desires to develop the property as 19 individual residential lots. Currently, the subject property may be accessed by National Forest System Roads (NFSR) 774 and 780, which connect to the southeastern corner of the horseshoe-shaped subject property. Beyond the southeastern corner, NFSR 780 connects to the southwestern corner of the property and NFSR 783 connects to the northwestern corner and northern areas of the property from the west side. Additionally, the northern portion of the property may be accessed via NFSR 778 running up Berry Creek which connects with NFSR 783 providing access into the northern portion of the property from the east. All NFSR's in this area are currently low development, native surfaced roads.

Berlaimont has applied for an easement to construct, improve, utilize, and maintain road segments across the National Forest System (NFS) lands in support of their desired development of their property. Specifically, Berlaimont is proposing to improve segments of the existing NFSR 774 and NFSR 780, as well as construct a new road segment across additional NFS lands in order to more directly access the northern portion of their property. Their proposed improvements would consist of constructing a paved asphalt road with a gravel shoulder, vehicle turnouts, retaining walls, traffic signs, guardrails, erosion control facilities, and drainage facilities. The Forest Service will be analyzing this proposal along with a wider range of potential alternatives.

DATES: Comments concerning the scope of the analysis must be received by November 7, 2016. The draft

environmental impact statement is expected to be available for public review March 2017 and the final environmental impact statement is expected June 2017.

ADDRESSES: Send written comments to Scott Fitzwilliams, Forest Supervisor, c/o Matt Klein, Realty Specialist, White River National Forest, P.O. Box 190, Minturn, CO 81645. Comments may also be sent via email to matthewklein@fs.fed.us (include "Berlaimont Estate Access Route EIS" in the subject line), electronically at <https://cara.ecosystem-management.org/Public/CommentInput?Project=50041>, or via facsimile to (970) 827-9343.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Holy Cross Ranger Station, 24747 U.S. Highway 24, Minturn, CO 81645. Visitors are encouraged to call ahead to (970) 827-5715 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Additional information related to the project can be obtained from the project Web page: http://www.fs.fed.us/nepa/nepa_project_exp.php?project=50041 or by contacting Matt Klein, Realty Specialist, Eagle/Holy Cross Ranger District, 24747 U.S. Hwy 24, P.O. Box 190, Minturn, Colorado 81645. Mr. Klein can be reached by phone at (970) 827-5182 or by email at matthewklein@fs.fed.us.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The purpose of the proposed project is to provide an improved road to Berlaimont's private property.

The Alaska National Interest Lands Conservation Act (ANILCA) directs the Forest Service to provide adequate access to inholdings fully contained within national forest lands. The need for the proposed project is that Berlaimont desires to develop single family residences on their property. The current maintenance level and condition of the existing NFSRs are not at the level desired by Berlaimont to meet their full objectives. Determination of the level of adequate access under ANILCA is not done through a NEPA analysis; however, the effects of issuing an easement to provide adequate access do need to be analyzed. The level of use

and development granted through a Record of Decision may equal or exceed the level that shall be identified through the separate ANILCA determination.

Proposed Action

The Proposed Action is to grant an easement to Berlaimont to improve, utilize, and maintain segments of the existing NFSR 774 and NFSR 780, to the southeastern corner of the property only.

Amendment to the WRNF Land and Resource Management Plan—For this project, a Forest Plan amendment may be necessary because the proposed action and some possible alternatives may not be consistent with the prescribed standards and guidelines for Management Area 5.41 (Deer and Elk Winter Range).

Possible Alternatives

An alternative will also be analyzed that includes the proposed action with the addition of constructing, utilizing, and maintaining a new road segment across NFS lands in order to access the northern portion of the property. Further alternatives may include improving other sections of NFSR's 780, 783 or 778 to the northern portion of the property.

Responsible Official

The Responsible Official is Mr. Scott Fitzwilliams, Forest Supervisor, c/o Matt Klein, Realty Specialist, White River National Forest, P.O. Box 190, Minturn, CO 81645.

Nature of Decision To Be Made

Based on the analysis that will be documented in the forthcoming EIS, the Responsible Official will decide whether or not to implement, in whole or in part, the Proposed Action or another alternative that may be developed by the Forest Service as a result of scoping.

Preliminary Issues

The proposed road improvement may have an impact on:

Wildlife—The area of NFS lands surrounding the property is identified in the WRNF's Land and Resource Management Plan as deer and elk winter range managed to provide adequate amounts of quality forage, cover and solitude.

Visual Resource Management—Each alternative road alignment and degree of improvement (streetlamps, for example) may affect the visual aesthetics of the north Edwards viewshed from either the valley floor or the north-facing hillsides on the opposite side of the valley.

Soils—Road design and construction could present both short-term