

on August 6, 1999 and ended on November 4, 1999. The first extension to the comment period extended it to February 9, 2000. The FY 2000 Appropriations Bill (Public Law 106-113, passed on November 29, 1999) contains an amendment specific to the White River National Forest. The amendment reads: The Forest Service shall extend the public comment period on the White River National Forest plan revision for 90 days beyond February 9, 2000. To comply with that direction, the comment period has been extended.

Dated: December 10, 1999.

**Martha Kettle,**

*Forest Supervisor.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Deep Vegetation Management Project, Ochoco National Forest, Crook and Wheeler Counties, OR

**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 complete silvicultural treatments, including commercial harvest, pre-commercial thinning, and prescribed fire, to improve the health and diversity of forest stands in the Deep Creek Watershed. The Deep Creek Watershed is located approximately 60 miles northeast of Prineville, Oregon and covers approximately 55,400 acres. Approximately 97 percent of the watershed is National Forest System land. The project is proposed for fiscal years 2000 through 2004. The Ochoco National Forest invites written comment on this proposal and the scope of analysis. The agency will give notice of the full environmental analysis and decision making process for the proposal so interested and affected people may participate and contribute to the final decision.

**DATES:** Send written comments and concerns on the issues and management of this area by February 15, 2000.

**ADDRESSES:** Send written comments to Thomas A. Schmidt, Forest Supervisor, Ochoco National Forest, P.O. Box 490, Prineville, Oregon 97754, or Eugene Skrine, District Ranger, Paulina Ranger District, 7803 Beaver Creek Road, Paulina, Oregon 97751.

**FOR FURTHER INFORMATION CONTACT:** Tom Mafera, Deep Project Leader, Paulina,

Ranger District, 7803 Beaver Creek Road, Paulina, OR 97751, phone (541) 477-6910.

**SUPPLEMENTARY INFORMATION:** The Forest Service Proposed Action will conduct management activities, including commercial timber harvest, pre-commercial thinning, and prescribed fire, in the Deep Creek Watershed. Based on an analysis of existing vegetation conditions in the Deep Creek Watershed, opportunities were identified to conduct silvicultural treatments to improve the health and diversity of forested stands. Silvicultural treatments include approximately 8,000 acres of thinning/selection harvest and approximately 25,000 acres of low intensity prescribed burning. This Proposed Action will to develop opportunities for post/pole/chip/firewood products from small-sized trees. The proposal will develop habitat improvement projects for a variety of wildlife, fish, and sensitive plant species. There will be road development and/or repair to access the treatment areas. Approximately 10 miles of currently existing roads will be decommissioned or obliterated. Roads currently closed will be re-assessed.

The purpose and need for action is to provide landscape-level health and diversity within the project area. Also to provide multiple use benefits: such as wildlife and fish habitat restoration; riparian and watershed restoration; visual quality; and timber products.

All activities will be consistent with the 1989 Ochoco National Forest Land and Resource Management Plan as amended by the 1995 Inland Native Fish Strategy and the Regional Foresters Forest Plan Amendment #2. This project will also be guided by the recommendations in the Deep Creek Watershed Analysis.

The decision-to-be-made will include whether, where, and/or how much of each proposed vegetation activity should occur, and/or how much road and where decommissioning, repair, obliteration, or construction should occur.

The northern edge of the project area follows the ridgeline north of Forest Road (FR) 2630 east from the western district boundary through Buck Point, and Camp Weston Point. The eastern edge follows the ridgeline from Camp Weston Point southeasterly to Alder Springs. From Alder Springs it goes south and follows FR 1200 to the junction of FR 1200/1250, southeasterly to Bear Mountain and south to FR 42. FR 42 bounds the southern edge west to Dry Reservoir, southwest through Twin Springs to the North Fork Crooked

River. The western boundary is from the North Fork Crooked River north along the Paulina/Big Summit Ranger District boundary to just north of FR 2630. The project area includes portions of the following streams: Deep Creek, Little Summit Creek, Happy Camp Creek, Jackson Creek, Double Corral Creek, Chamberlin Creek, Toggle Creek, Buck Hollow Creek, Derr Creek, Haypress Creek, Big Spring Creek, and branches of Crazy and Thorton Creeks.

Preliminary issues have been identified: landscape level pattern and vegetative diversity; water quality and fish habitat; fuels and fire hazard, effects on soils, and effects on proposed endangered, threatened or sensitive species.

Alternatives to be considered will include the no action alternative, plus action alternatives that will be developed in response to key issues. The action alternatives will include various levels of commercial harvest, pre-commercial thinning, prescribed fire, road work, and fish, wildlife and riparian habitat improvement projects.

Initial scoping began in October 1999. The public is invited to offer suggestions and comments in writing. Comments received in response to this notice, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available to public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR part 215. Additionally, pursuant to 7 CFR 1.27(d); any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality may be granted in only limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within a specified number of days.

The draft EIS expected to be completed in April 2000. The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice at this early stage of several court ruling related to public participation in the environmental review process. First,

reviewers of a draft EIS 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 EIS stage but that are not raised until after completion of the final EIS 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 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS 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 EIS 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.)

The final EIS is scheduled to be completed in June 2000. In the final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making the decision regarding the Deep Vegetation Management Project.

The Forest Service is the lead agency. Thomas A. Schmidt, Forest Supervisor, is the Responsible Official. The Responsible Official will determine which alternative best meets the purpose and need of this project and addresses the key issues raised about this project. The decision and rationale will be documented in the Record of Decision. The decision will be subject to Forest Service Appeal Regulations (36 CFR Part 215).

Dated: December 7, 1999.

**Thomas A. Schmidt,**

*Forest Supervisor.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **State Road Use Permit To Access Damfino Section 16, Medicine Bow-Routt National Forests, Brush Creek/Hayden Ranger District, Carbon County, WY**

**AGENCY:** USDA, Forest Service.

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

**SUMMARY:** The U.S. Department of Agriculture, Forest Service, Medicine Bow-Routt National Forests, Brush Creek/Hayden Ranger District, will prepare an Environmental Impact Statement (EIS) to assess and disclose the environmental effects of issuing a Road Use Permit to the State of Wyoming to access its lands in Section 16, T. 12 N., R. 83 W., 6th P.M.; across National Forest System lands. The State of Wyoming has completed application for a Forest Road Special Use Permit to exercise its right under the *Alaska National Interest Lands Conservation Act* of December 2, 1980. The permit would allow the State of Wyoming to transport logs from a commercial timber sale on its land across National Forest System lands over existing Forest Development Roads. The analysis area is southeast of Encampment, Wyoming. All roads across National Forest System lands needed to access the State of Wyoming lands in School Section 16 already exist as Forest Development Roads, which are in suitable condition and capable of supporting the proposed use. No new road construction or reconstruction on National Forest System lands would be needed for the state to access its lands.

This Notice of Intent is being issued under the authority of the Medicine Bow National Forest Land and Resource Management Plan and Final EIS of October 1985. The Medicine Bow National Forest formally initiated plan revision on October 7, 1999 with a Notice of Intent published in the **Federal Register**. It is anticipated that the 1985 Forest Plan will still be in effect when the Record of Decision for this EIS is issued.

**DATES:** Public scoping for a Road Use Permit to Louisiana Pacific, an agent of the State of Wyoming, was initiated on January 28, 1999. A total of 83 comment

letters were received. Additional scoping was initiated on August 10, 1999 for a Road Use Permit to the State of Wyoming. A total of 53 comment letters were received. All comments received from these previous scoping efforts related to the issuance of a Road Use Permit to access State of Wyoming lands in Damfino Section 16 will be combined with comments received as a result of this Notice of Intent and reviewed to identify potential issues for this analysis. Since these previously received comments will be incorporated into this analysis, individuals who responded to either the January 28, 1999 or August 10, 1999 scoping requests need provide comment at this time only if they wish to provide additional information to what they previously submitted. Written comments and suggestions should be postmarked by January 21, 2000 to receive consideration. The estimated time for filing the draft EIS is March 2000 followed by the final decision in May 2000.

**ADDRESSES:** The Responsible Official is Don Carroll, District Ranger; Brush Creek/Hayden Ranger District; Medicine Bow-Routt National Forests; PO Box 249; South HWY 130/230; Saratoga, WY 82331. Written comments and suggestions concerning the scope of the analysis may be sent to him at that address.

**FOR FURTHER INFORMATION CONTACT:** John Baumchen, Interdisciplinary Team Leader. Phone: 307-326-5258.

#### **SUPPLEMENTARY INFORMATION:**

*Background:* Under authorities provided for in 36 CFR 261.12 and 36 CFR 261.54, Forest Supervisor Jerry Schmidt issued Supervisor's Order 98-10 on July 8, 1998. This order requires written authorization for commercial use of any Forest Development Road on the Medicine Bow-Routt National Forest. In response to this requirement, the State of Wyoming, has applied for a Forest Road Special Use Permit for commercial haul related to a timber sale on State lands over Forest Development Roads (FDR's) 409, 416, 416.1D and 416.2D. The Wyoming lands are located adjacent to the Wyoming border with Colorado in Section 16, T.12N., R.83W., 6th P.M. The State of Wyoming would thus exercise its right under the *Alaska National Interest Lands Conservation Act* of December 2, 1980 (ANILCA) to access these lands. The Forest Road Special Use Permit is not a general authorization. The permit would provide specific authority to the permittee for the activities listed, subject to stipulations included in the permit.