

# Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Docket No. FV01-945-610 Review]

#### Idaho-Eastern Oregon Potatoes; Section 610 Review

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice of review and request for comments.

**SUMMARY:** This notice announces that the Agricultural Marketing Service (AMS) plans to review Marketing Order 945, which regulates the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, under the criteria contained in section 610 of the Regulatory Flexibility Act (RFA).

**DATES:** Written comments on this notice must be received by July 10, 2001.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this notice of review. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, Room 2525-S, P. O. Box 96456, Washington, DC 20090-6456; Fax: (202) 720-8938; or E-mail: [moab.docketclerk@usda.gov](mailto:moab.docketclerk@usda.gov). All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or may be viewed at <http://www.ams.usda.gov/fv/moab.html>.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, Suite 385, Portland, Oregon 97204; telephone: (503) 326-2724; Fax: (503) 326-7440; E-mail: [Robert.Curry@usda.gov](mailto:Robert.Curry@usda.gov); or George Kelhart, Marketing Order

Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491; Fax: (202) 720-8938; E-mail: [George.Kelhart@usda.gov](mailto:George.Kelhart@usda.gov).

**SUPPLEMENTARY INFORMATION:** Marketing Order No. 945, as amended (7 CFR part 945), regulates the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937 (AMAA), as amended (7 U.S.C. 601-674).

AMS published in the **Federal Register** (63 FR 8014; February 18, 1999), its plan to review certain regulations, including Marketing Order No. 945, under criteria contained in section 610 of the Regulatory Flexibility Act (RFA; 5 U.S.C. 601-612). Because many AMS regulations impact small entities, AMS decided, as a matter of policy, to review certain regulations which, although they may not meet the threshold requirement under section 610 of the RFA, warrant review. The February 18 notice stated that AMS would list the regulations to be reviewed in AMS' regulatory agenda which is published in the **Federal Register** as part of the Unified Agenda. However, after further consideration, AMS has decided to announce the reviews in the **Federal Register** separate from the Unified Agenda. Accordingly, this notice and request for comments is made for Idaho-Eastern Oregon potatoes.

The purpose of the review will be to determine whether the Idaho-Eastern Oregon potato marketing order should be continued without change, amended, or rescinded (consistent with the objectives of the AMAA) to minimize the impacts on small entities. In conducting this review, AMS will consider the following factors: (1) The continued need for the marketing order; (2) the nature of complaints or comments received from the public concerning the marketing order; (3) the complexity of the marketing order; (4) the extent to which the marketing order overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the marketing order has been evaluated or the degree to which technology, economic conditions, or

other factors have changed in the area affected by the marketing order.

Written comments, views, opinions, and other information regarding the potato marketing order's impact on small businesses are invited.

Dated: May 7, 2001.

**Kenneth C. Clayton,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 01-11864 Filed 5-10-01; 8:45 am]

**BILLING CODE 3410-02-P**

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### County Line—Fourmile Project, McKean And Warren Counties, PA

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The Forest Service, Allegheny National Forest, Bradford Ranger District will prepare an environmental impact statement (EIS) to disclose the environmental consequences of the proposed County Line—Fourmile Project, and alternatives to the proposal.

The County Line—Fourmile Project area is located just north and northeast of Sheffield, Pennsylvania within Mead and Sheffield Townships in Warren County and Hamilton Township in McKean County. The total project area is approximately 12,515 acres, with 70% National Forest System lands and 30% private land.

The Forest Service is proposing to move from the existing condition of the County Line—Fourmile project area towards the Desired Future Condition, as detailed in the Allegheny National Forest Land and Resource Management Plan. Vegetation management, wildlife habitat improvements and transportation activities are proposed to respond to the following resource management needs: (1) To restore native vegetation to improve plant and wildlife habitat diversity, and move toward the desired age class distributions of forested stands, (2) To foster sustainable forest management through harvest and reforestation projects in stands needing treatment, (3) To provide high quality hardwoods and contribute to the economic vitality of local communities, (4) To improve wildlife cover and forage conditions and the distribution of non-

forest wildlife habitats, (5) To improve the distribution of non-forest habitats to meet the needs of wildlife species that prefer or require herbaceous openings, and (6) To provide an adequate transportation system to facilitate the activities proposed while protecting watershed values.

Proposed activities to meet the Desired Future Condition are: (1) Initiation of regeneration harvest through a shelterwood/removal cut sequence (604 acres); (2) Completion of removal cuts on stands already treated with a shelterwood (527 acres); (3) Intermediate harvest including thinning and conifer release (199 acres); (4) Reforestation treatments including herbicide application (1080 acres), site preparation (967 acres), fertilization (644 acres), and fencing (139 acres); (5) Wildlife habitat improvement including conifer/mast underplanting (219 acres), planting shrubs and mast in openings (49 acres), opening construction/maintenance and seeding (141 acres), savannah construction (6 acres), apple tree pruning and releasing shrubs (48 acres), and vernal pool construction (9 pools); (6) Transportation activities on roads to be used for the proposed timber sale including road construction (0.6 miles), road reconstruction (2.6 miles), road maintenance (22.6 miles), limestone surfacing (5.7 miles), and stone pit expansion and construction (8 acres); and (7) Resource protection activities including closing the end of Forest Road 139.3 (0.9 miles).

**DATES:** Comments identifying issues concerning the effects of the proposal should be postmarked on or before June 4, 2001 to receive timely consideration in the draft EIS. See **SUPPLEMENTARY INFORMATION** section for public meeting dates.

**ADDRESSES:** Submit written comments to: Chris Ryan, Team Leader, USDA Forest Service, 3801 Pegasus Drive, Bakersfield, CA 93308. Send electronic comments to: [r9\\_allegheny\\_nf@fs.fed.us](mailto:r9_allegheny_nf@fs.fed.us). See **SUPPLEMENTARY INFORMATION** section for additional information about electronic filing and public meeting addresses.

**FOR FURTHER INFORMATION CONTACT:** Chris Ryan, Team Leader, at 661-391-6107 or Jim Apgar, Bradford Ranger District, at 814-362-4613.

**SUPPLEMENTARY INFORMATION:** The information presented in this notice is included to help the reviewer determine if they are interested in or potentially affected by the proposed land management activities. The information presented in this notice is summarized. Those who wish to provide comments, or are otherwise interested in the

project, are encouraged to obtain additional information from the contact identified in the **FOR FURTHER INFORMATION CONTACT** section.

#### **Preliminary Issues**

Three preliminary issues have been identified:

1. Road Management—The Forest Service will complete a Roads Analysis, which will assess the benefits, problems and risks of the current road system within the project area and identify management opportunities. This analysis may identify road issues related to the proposal.

2. Even-Aged/Uneven-Aged Management—The Forest Plan specifies the primary silvicultural system to be used in each management area. Even-aged management is the system identified for most of the Project Area. Uneven-aged management is an option considered for inclusions such as riparian areas, wet soils, or visually sensitive areas.

The interdisciplinary team will develop and analyze at least one alternative emphasizing uneven-aged management.

3. Class A Trout Fishery—The Project Area includes Fourmile Run, which is a Class A trout fishery. Maintenance of fisheries values and water quality will be important considerations for management activities in the vicinity.

#### **Public Involvement and Public Meetings**

An Open House will be held to provide information on the Roads Analysis for this project and for other projects proposed on the Bradford Ranger District. This meeting will be held at the Bradford Ranger District Office on May 14, 2001, from 2 p.m.—7 p.m.

Comments may be sent by electronic mail to [r9\\_allegheny\\_nf@fs.fed.us](mailto:r9_allegheny_nf@fs.fed.us). Please reference the County Line—Fourmile Project on the subject line. Also, include your name and mailing address with your comments so documents pertaining to this project may be mailed to you.

Additional information concerning the proposal can be accessed on the internet in the “Projects” section of the Allegheny National Forest website, located at [www.fs.fed.us/r9/allegheny](http://www.fs.fed.us/r9/allegheny).

The draft EIS is expected to be filed with the Environmental Protection Agency and available for public review by September 2001. 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**.

Comments received, including names and addresses of those who comment, will become part of the public record and may be subject to public disclosure. Any person may request the Agency to withhold a submission from the public record by showing how the Freedom of Information Act permits such confidentiality.

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 of draft environmental impact statements 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 objection 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 stage 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 the above 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 are made available to the Forest Service at a time when they can be meaningfully considered and responded to in the final environmental impact statement. Comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages, sections, 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 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. After the comment period ends on the draft EIS, the comments received will be analyzed and considered by the Forest Service in preparing the final EIS.

The final EIS is scheduled to be completed in March 2002. In the final EIS, the Forest Service is required to respond to the comments received (40 CFR 1503.4). The responsible official will consider the comments, responses, environmental consequences discussed in the environmental impact statement,

and applicable laws, regulations and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in a Record of Decision. That decision will be subject to appeal under 36 CFR part 215.

The responsible official is John R. Schultz, District Ranger, Allegheny National Forest, Bradford Ranger District, HC 1, Box 88, Bradford, PA 16701.

Dated: April 24, 2001.

**Dale Dunshie,**

*Acting Forest Supervisor,*

[FR Doc. 01-11866 Filed 5-10-01; 8:45 am]

**BILLING CODE 3410-11-U**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Upper Middle Fork Payette River Project, Boise National Forest, Idaho

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The Cascade Ranger District of the Boise National Forest will prepare an environmental impact statement (EIS) for a resource management project in the Middle Fork of the Payette River. The entire project area is located within watersheds that drain directly into the Middle Fork of the Payette River or its tributaries. The project area is located 12 miles east of Cascade, Idaho, and about 100 miles north of Boise, Idaho.

The agency invites written comments and suggestions on the scope of the analysis. The agency also hereby gives notice of the environmental analysis and decision-making process that will occur on the proposal so interested and affected people are aware of how they may participate and contribute to the final decision. At this time, no public meetings to discuss the project are planned.

**Proposed Action:** Two primary objectives have been identified for the project: (1) Reduce current and future stand susceptibility to western spruce budworm, Douglas-fir beetle, and mountain pine beetle by moving stand densities, structures, and/or species compositions towards their historic conditions, and; (2) improve long-term stand growth to or near levels indicative of healthy, sustainable forests.

The Proposed Action would treat an estimated 881 acres in the 15,881 acre project area. Proposed activities would occur within a portion of the 67,637 acre Gold Fork/Clear Creek Management Area 53. An estimated 4.0 MMBf of

timber would be harvested using ground-based (697 acres), skyline (24 acres), and helicopter (160 acres) yarding systems. The Proposed Action would employ a variety of silvicultural prescriptions including commercial thin (169 acres), improvement cut/sanitation (430 acres), seed cut shelterwood (95 acres), final removal shelterwood (147 acres), and clearcut with reserve trees (40 acres). The existing transportation system would be improved to facilitate log haul and reduce sedimentation with individual sections of 3.3 miles of road being reconstructed. An estimated 0.5 miles of specified road and 0.2 miles of temporary road would be constructed to facilitate harvest. In addition, 0.7 miles of the #409F road, currently closed year-round, would be decommissioned.

**Preliminary Issues:** Preliminary concerns with the Proposed Action include: (1) Potential impacts on sediment delivery to area streams; (2) potential impacts on bull trout, and; (3) potential impacts on the visual quality of the area.

**Possible Alternatives to the Proposed Action:** One alternative to the Proposed Action has been discussed thus far: (1) a no action alternative. Other alternatives will likely be developed as issues are identified and information received.

**Decisions to be Made:** The Boise National Forest Supervisor will decide the following. Should roads be built and timber harvested within the project area at this time, and if so; where within the project area, and how many miles of road should be built; and which stands should be treated and what silvicultural systems should be used? What design features and/or mitigation measures should be applied to the project? Should the decommissioning of existing roads be implemented at this time?

**DATES:** Written comments concerning the proposed project and analysis are encouraged and should be postmarked on or before June 11, 2001.

**Schedule:** Draft Environmental Impact Statement (DEIS), July 2001. Final Environmental Impact Statement (FEIS), September 2001.

**ADDRESSES:** Comments should be addressed to Keith Dimmett, Cascade Ranger District, P.O. Box 696, Cascade, ID 83611. Comments received in response to this request will be available for public inspection and will be released in their entirety if requested pursuant to the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** Further information can be obtained from Keith Dimmett at the address

mentioned above or by calling (208) 382-7430.

**SUPPLEMENTARY INFORMATION:** The NFMA planning for this project was initiated in the spring of 2001 with the Upper Middle Fork Payette River Ecosystem Analysis at the Watershed Scale (EAWS). A letter announcing plans to complete the EAWS and soliciting comments was mailed to interest individuals and/or groups in March of 2001.

Roughly 70 percent of the project area occurs within one of two inventoried roadless areas (IRA's). A portion of the Peace Rock IRA occupies an estimated 8,947 acres, and a section of the Stony Meadows IRA another 2,357 acres of the project area. A large portion of the project area also occurs within Management Area 43 (Peace Rock). The Proposed Action does not include any management activities within either IRA or within Management Area 43.

The Middle Fork Payette River originates within, and runs through the center of the project area. The Forest Plan discloses that that segment of the river from Railroad Pass to the Middle Fork Bridge on the #409 road is potentially eligible for inclusion in the National Wild and Scenic River system as a "wild" river. However, in June of 1991 the Forest Plan was corrected to show that this segment of the river is potentially eligible as a "recreational" river.

The comment period on the DEIS will be 45 days from the date of 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 of the DEIS 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 DEIS stage but are not raised until after completion of the FEIS may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F. 2d 1016, 1002 (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 DEIS 45-day comment period so that substantive comments and objections are made available to the