

period. Roads and trails would be designated open by the use of trail markers. Most of the designated trail system would consist of current system, non-system, and county roads, and trails that have been previously used and are in locations suitable for the proposed study use. Many of these trails and roads have been used for a number of years. A small number of connector trails would be constructed to connect existing trail sections. Several existing non-system road segments and trails would be closed to motorized use as part of this proposal for soil and water protection, protection of heritage resource sites, stream crossings, sensitive habitats, and locations in proximity to private property. The county roads in Washington County would remain under county jurisdiction.

The proposed trail study would be under the fee demonstration authority. The fees collected would be used to increase Forest Service presence in the study areas, to provide visitor information at trailheads, and to accomplish trail maintenance.

The 1986 Mark Twain National Forest Land and Resource Management Plan (Forest Plan), as amended, provides general guidance and direction for the Proposed Action. The OHV Trail Study meets the Forest Plan Direction, Recreation Management Goals (Forest Plan IV-1), and the Forest-wide Management Direction for Recreation Management of trails (Forest Plan IV-29-IV-30).

#### Decision Space

Decision making will be limited to activities relating to the proposed actions. The primary decision to be made will be whether or not to implement the proposed actions listed above, a no-action alternative, or another action alternative that responds to the project's purpose and needs.

#### Preliminary Issues

A review of public comments received thus far has identified a number of issues. The issues include, but are not limited to, concerns about pollution, soil, water and vegetation impacts, wildlife impacts, trespass and noise. Issues also include concerns about illegal off-trail use and the need to provide a place for legal, environmentally sound OHV use.

#### Public Participation

The Forest Service previously scoped this proposed action for sixty days, with the scoping period ending February 22, 2004, an open house was conducted on February 10, 2004 in Rolla, MO and

February 17, 2004 in St. Louis, MO. Comments received during the previous scoping period and open house will be considered. This notice constitutes notification for public participation pursuant to 36 CFR 295.3.

#### Estimated Dates for Filing

The draft EIS is expected to be filed with the Environmental Protection Agency and available for public review in September 2004. A 45-day comment period will follow publication of a Notice of Availability of the draft EIS in the **Federal Register**. Comments received on the draft EIS will be analyzed and considered in preparation of a final EIS, expected in December 2004. A Record of Decision (ROD) will also be issued at that time along with the publication of a Notice of Availability of the final EIS and ROD in the **Federal Register**.

#### Reviewers Obligation To Comment

The Forest Service believes it is important at this early stage to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the draft EIS must structure their participation in the environmental review of the proposal in such a way 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, 513 (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 of the draft EIS in order that substantive comments and objections are 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 should be as specific as possible. 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.

#### Responsible Official

The responsible official for this environmental impact statement is

Ronnie Raum, Forest Supervisor, Mark Twain National Forest.

Dated: April 28, 2004.

#### Ronnie Raum,

Forest Supervisor, Mark Twain National Forest, 401 Fairgrounds Rd., Rolla, Missouri 65401.

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Revision of Timber Sale Contract Forms FS-2400-6 and FS-2400-6T

AGENCY: Forest Service, USDA.

ACTION: Notice; final timber sale contracts.

**SUMMARY:** The Forest Service is implementing revisions to its timber sale contracts, Form FS-2400-6, for scaled sale procedures, and Form FS-2400-6T, for tree measurement timber sale procedures. The revisions are the first substantive changes in the standard timber sale contract provisions in over 30 years. A notice with request for comment on the proposed contract revisions was published in the **Federal Register** on December 19, 2003 (68 FR 70758). The Forest Service made appropriate changes to the contracts in response to the public comments. The final revised contracts and a detailed summary of the Forest Service responses to public comments are available for review, as provided in the **ADDRESSES** section of this notice.

**DATES:** The final revised timber sale contract forms are effective May 6, 2004.

**ADDRESSES:** The final revised timber sale contract forms and the Forest Service response to public comments are available for public review on the Forest Service World Wide Web/Internet site at: <http://www.fs.fed.us/forestmanagement/infocenter/newcontracts/index.shtml>.

Alternatively, the contracts and responses to comments can be reviewed in the office of the Director of Forest and Rangeland Management, Third Floor, Northwest Wing, Yates Building, 201 14th Street, SW., Washington, DC. Visitors are encouraged to call ahead to (202) 205-0893 to facilitate entry into the building.

#### FOR FURTHER INFORMATION CONTACT:

Richard Fitzgerald, Forest and Rangeland Management Staff, (202) 205-1753.

#### SUPPLEMENTARY INFORMATION:

## Background

Timber sale contract Forms FS-2400-6 and FS-2400-6T are used by the Forest Service for the sale of all large, complex timber sales. Timber sale contract Form FS-2400-6 is used when timber is measured for payment after it is harvested, and timber sale contract Form FS-2400-6T is used when the basis for payment is measurement prior to sale. These contracts were originally brought into use in July 1970 and January 1972, respectively, and were the result of extended discussions between the Federal Timber Purchasers Committee and the Forest Service. These contracts were revised in September 1973 and October 1973, respectively, to incorporate modifications based upon experience gained and policy changes since their inception.

From 1973 until July 2001, the requirements of new legislation and Forest Service policy were implemented in the contracts by issuing special provisions that replaced or added to the standard contract provisions. In July 2001, new versions of timber sale contract Forms FS-2400-6 and FS-2400-6T were issued. The July 2001 versions incorporated the special provisions that had been brought into use since 1973, but did not make any other changes that affect the rights and obligations of the Forest Service and timber sale purchasers.

## Summary of Comments

In response to public comments, over 75 changes were made to timber sale contract Forms FS-2400-6 and FS-2400-6T, including:

1. Adding a contract provision to provide for an emergency rate redetermination after severe market declines.
2. Changing the procedure for reimbursing purchasers for changes in road construction cost to provide more timely reimbursement.
3. Removing the contract provision requiring that purchasers comply with other Federal, State, and local laws, since they have this obligation anyway.
4. Shortening the time requirement for the Forest Service to inspect the timber sale purchaser's completed work from 10 days to 5 days.
5. Adding a contract provision to allow the timber sale purchaser to terminate the contract if the market declined substantially during a Forest Service suspension.
6. Based on information it currently has, the Forest Service believes the appropriate level for liquidated damages should be increased from 7 percent to

15 percent. The Forest Service will monitor liquidated damages to determine if further adjustments are needed.

7. Adding a contract provision to provide for reducing the performance bond during a Forest Service suspension.

## Contract Revisions

The final revised timber sale contract Forms FS-2400-6 and FS-2400-6T provide a better balance of risk between the timber sale purchaser and:

1. Clarify and simplify the remedies available when contracts are suspended, modified, or terminated for environmental reasons.
2. Incorporate special provisions that are applicable to all timber sales into the standard contract provisions.
3. Correct inconsistencies and clarify language that has accumulated by the addition of 30 years of special provisions to the timber sale contracts.
4. Make organizational and editorial changes intended to eliminate duplicative and unnecessary provisions.
5. Provide for liquidated damages when the Forest Service unilaterally terminates or partially terminates a timber sale contract.
6. Provide for a rate redetermination after a specified time when the Forest Service orders the delay or interruption of operations for specific reasons.
7. Provide for an emergency rate redetermination if there is a severe market decline after the timber sale is purchased.

The final revised contracts and responses to public comments are available electronically and in paper copy, as provided in the **ADDRESSES** section of this notice.

Dated: April 30, 2004.

**Sally Collins,**

*Associate Chief.*

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## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### Information Collection Activity; Comment Request

**AGENCY:** Rural Utilities Service, USDA.

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to

request approval from the Office of Management and Budget (OMB).

**DATES:** Comments on this notice must be received by July 6, 2004.

#### FOR FURTHER INFORMATION CONTACT:

Richard C. Annan, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Ave., SW., STOP 1522, Room 5170 South Building, Washington, DC 20250-1522. Telephone: (202) 720-8818. FAX: (202) 720-4120.

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for extension.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Richard C. Annan, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, STOP 1522, Room 5170 South Building, 1400 Independence Ave., SW., Washington, DC 20250-1522. FAX: (202) 720-4120.

**Title:** Weather Radio Transmitter Grant Program.

**OMB Control Number:** 0572-0124.

**Type of Request:** Extension of a currently approved information collection.

**Abstract:** The National Weather Service operates an All Hazards Early Warning System that alerts people in areas covered by its transmissions of approaching dangerous weather and other emergencies. The National Weather Service can typically provide warnings of specific weather dangers up to fifteen minutes prior to the event. At