

Done in Washington, DC, this 28th day of January 2005.

**Elizabeth E. Gaston,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Emerald Creek Garnet Area; Idaho Panhandle National Forests, Benewah and Latah Counties, ID**

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The St. Joe Ranger District of the Idaho Panhandle National forests is beginning analysis and preparation of an Environmental Impact Statement to address recreational gemstone digging of the garnet resource in the Emerald Creek drainage.

The project area produces extraordinary quality and quantity of large garnets. Some of the drainages produce star garnets. The Forest Service currently manages a public digging area by fee permit in 281 Gulch, a tributary to Emerald Creek.

The purpose and need for this project is based on the fact that the garnet resource is finite and valuable and there is considerable public interest in retaining the recreational digging area. Gemstone deposits within the current National Forest recreational digging area in 281 Gulch are being depleted. If the Forest Service is going to continue to provide this unique recreational digging opportunity another area needs to be identified and developed. Different operation methods are also needed to protect water quality and fish habitat while still providing a recreational gemstone collecting experience for the public.

*Responsible Official:* Ranotta McNair, Forest Supervisor, Idaho Panhandle National Forests, 3815 Schreiber Way, Coeur d'Alene, ID 83815.

**DATES:** The Draft Environmental Impact Statement is expected to be filed by March 25, 2005. The Final Environmental Impact Statement is expected to be filed by September 30, 2005.

*Proposed Action:* The Forest Service would continue operating the public digging area. Several tributaries of the East Fork of Emerald Creek would be reserved for future opportunities for public recreational digging of gemstone garnets. These areas would not be

available for commercial lease. A rehabilitation plan for PeeWee, No Name and 281 Gulch would be prepared to improve fish habitat and maintain water quality. These are streams where garnet digging has occurred or is currently active and where fish habitat can be enhanced. The public dig would remain in 281 Gulch as long as it is feasible or until the operations reach Forest Road 447 on the East Fork of Emerald Creek (two to three years). Continuing auger or trench exploration would be conducted to facilitate future dig planning.

In two to three years the Forest Service would move the public dig from 281 Gulch to Garnet Gulch. Forest Service operation of the public digging area would change to protect water quality and fish habitat. This would in turn change the recreational garnet collecting experience. Currently an area along the drainage is marked off and people can choose where to dig for garnet-bearing gravels. Gravels are then washed in a settling pond. This method would be phased out in the next two to three years. Equipment would be used to remove the overburden and stockpile garnet-bearing gravels. Recreational diggers would fill a bucket from the garnet-bearing stockpile and take it to a sluice for washing.

When operations move to Garnet Gulch the public would have a longer walk to the digging area. Currently recreational garnet diggers walk approximately one quarter mile to the dig site. When operations move to Garnet Gulch the walk would be approximately one mile. The walk would have some steeper pitches (up to 20 percent) than the current walk.

The operations plan for Garnet Gulch would include using equipment for stream channel work, rehabilitation, removing overburden, and stockpiling garnet-bearing gravels. The stream would only be disturbed once. The Forest Service would be able to rehabilitate the area immediately following overburden removal rather than at the end of the digging season. Water for the sluice would be put into a settling pond, recycled and then distributed over land.

*Issues:* Maintaining fish and water quality are issues of primary importance. Whether or not to maintain recreational digging areas is likely to be an issue. Other issues will be identified through public involvement and environmental analysis. A likely alternative to the proposed action would include constructing a road that would allow people to drive all the way to the sluice site at Garnet Gulch.

*Public Involvement:* A scoping letter was sent to garnet area visitors and other people who may be interested in the project to inform them about the project and solicit comments. News releases were sent to local and major newspapers in northern Idaho. This project is also listed on the Idaho Panhandle National Forest Web site (<http://www.fs.fed.us/ipnf>). Pertinent documents will be displayed on this site. In addition, the comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**. It is the reviewer's obligation to comment during the scoping and/or DEIS review.

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 (1973). Also, environmental objections 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 may be waived or dismissed by the courts. *City of Amgoon 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 environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement 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 environmental impact statement 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.

**ADDRESSES:** Comments should be sent to: Emerald Creek Garnet Area EIS, St. Joe Ranger District, 222 S 7th Street Suite 1, St. Maries, ID 83861.

**FOR FURTHER INFORMATION CONTACT:** Tracy Gravelle, St. Joe Ranger District, Avery Office, HC Box 1, Avery, ID 83861, 208-245-6207.

*Other Agency Permits:* Project implementation within floodplains would require Corps of Engineers Permits (404 permits).

Dated: January 28, 2005.

**Ranotta K. McNair,**

*Forest Supervisor, Idaho Panhandle National Forests.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Warren County, PA; Notice of Intent

**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 a Draft Environmental Impact Statement to disclose the environmental consequences of the proposed West Branch of Tionesta Project. The Forest Service is proposing actions that would move the West Branch of Tionesta Project Area from the existing condition towards the Desired Future Condition (DFC) and would maintain the DFC in situations where it has been attained. The DFC is described in the Allegheny National Forest Land and Resource Management Plan (Forest Plan).

Proposed activities to meet the Desired Future Condition fall into four main categories. (1) Timber harvest and reforestation treatments consist of: shelterwood seedcut/removal cut, shelterwood removal cut, salvage removal cut, salvage shelterwood seed cut/removal cut, single tree selection, group selection, commercial thinning, intermediate thinning, pre-commercial thinning, improvement cutting, manual site preparation and release, herbicide application, fertilization, fencing, controlled burning, scarification, and tree planting. (2) Wildlife habitat improvement treatments consist of: noncommercial thinning, oak/hickory/shrub underplanting, pruning and release of apple trees, release of white pine trees, hawthorn release, constructing new openings, opening maintenance, planting/fencing shrubs in openings, mowing, topdressing, seeding

with wildflowers and grass, constructing nest/roost boxes. (3) Transportation treatments consist of: road decommissioning, road maintenance, road construction, road resurfacing, expanding and developing stone pits, and changing road access. (4) Watershed treatments consist of: Stream restoration and enhancement, obliterate and restore illegal stream crossings, enclose open top bridges, apply limestone surfacing within 300 feet of streams, and restore the natural flow of the stream.

**DATES:** Comments and suggestions concerning the scope of the analysis should be submitted (postmarked) by March 4, 2005 to ensure timely consideration.

**ADDRESSES:** Submit written, oral, or e-mail comments by: (1) Mail: "West Branch of Tionesta Project," ID Team Leader, 29 Forest Service Drive, Bradford, PA 16701; (2) phone: (814) 362-4613; (3) e-mail: [comments-eastern-allegheny-bradford@fs.fed.us](mailto:comments-eastern-allegheny-bradford@fs.fed.us) (please note: when commenting by e-mail be sure to list West Branch of Tionesta EIS in the subject line and include a U.S. Postal Service address so we may add you to our mailing list). For further information contact O'Dell E. Tucker, project team leader, Bradford Ranger District, at (814) 362-4613 or mail/e-mail correspondence to addresses listed above. The scoping letter and maps for the West Branch of Tionesta EIS are posted on the ANF Web site: <http://www.fs.fed.us/r9/forests/allegheny>.

**SUPPLEMENTARY INFORMATION:** The Allegheny National Forest Land and Resource Management Plan (Forest Plan) sets site-specific goals for the management of forest resources. The West Branch of Tionesta Project includes portions of Management Area (MA) 3.0, which emphasizes timber harvesting as a means to make desired changes to forest vegetation and satisfy the public demand for wood products. The project area also includes portions of MA 6.1, which emphasizes providing habitat for wildlife, attractive scenery, and opportunities for semi-primitive motorized recreation; and portions of MA 8.0, which emphasizes protection of unique ecosystems for scientific purposes and dispersed recreation. Finally, the project area contains portions of MA 9.1, which emphasizes forest area to be managed with minimal investments only to protect the environment and the incidental forest users.

Preliminary Issues were identified based on past projects in the area (environmental assessments), issues developed for similar projects, and site-

specific concerns raised by the resource specialists. These issues, listed below, will provide a framework that the Forest Service will use to analyze a range of alternatives, including No Action for the Project Area.

(1) *Roads*—The West Branch of Tionesta project area contains heavily roaded areas due to extensive oil and gas developments in the northwestern and eastern portions of the project area. Water quality and stream flow regimes are the primary concerns of heavy road densities. Sedimentation of streams and riparian areas is also a concern from roads due to impacts to stream channel morphology and aquatic habitat. The West Branch of Tionesta Roads Analysis Project (RAP) team will continue evaluating these and other road related issues, and will present their findings in a RAP document that will be available to the public.

(2) *Special Designation Waters*—Wildcat Run and Arnot Run are designated "Exceptional Value Watersheds" by the Pennsylvania Department of Environmental Protection. Slater Run, while not a State special designated water, flows directly into the Allegheny River where threatened, endangered, and sensitive species are located. The special status of waterways in these watersheds will increase sensitivity towards land disturbing activities such as vegetation and road management.

(3) *Biological Diversity and Wildlife Habitat*—The area is dominated by fifty-one to one hundred and ten year age-classes. There is a shortage of habitat provided by younger age classes and old growth. Existing younger age classes will develop into older age classes in the next decades as they mature. Certain wildlife species require different ages of vegetation. Other wildlife species need a variety of forest types positioned near each other or perhaps near water. Management practices should reflect a balance of activities that assure biological diversity is maintained or enhanced. Concepts of biological diversity suggest that land management should encourage a variety of habitats.

(4) *Proposed Special Emphasis Areas*—There are proposed management activities within the project area identified by Allegheny Defense Project for special management. Proposed vegetation management activities in these areas follow current forest plan direction.

*Project Area and Roads Analysis Project Public Meeting:* The public meeting for the project area and the RAP for WBTPA has been scheduled for Saturday, February 19, 2005 at 10 a.m. to 2 p.m. We will meet at the Bradford