

# Notices

Federal Register

Vol. 72, No. 37

Monday, February 26, 2007

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.

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Humboldt-Toiyabe National Forests; Santa Rosa Ranger District; Martin Basin Rangeland Management Project

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The Santa Rosa Ranger District of the Humboldt-Toiyabe National Forest will prepare a Supplemental Environmental Impact Statement (SEIS) on a proposal to authorize continued livestock grazing on National Forest System (NFS) lands within the boundaries administered by the Santa Rosa Ranger District. The Project Area is located in Humboldt County, Nevada.

The preparation of this SEIS is needed because the Record of Decision issued on June 2, 2006 for the Martin Basin Rangeland Management Project was appealed, and following review, the decision was reversed. The supplemental analysis will provide additional analysis and disclosure of environmental effects.

**DATES:** The Draft Supplemental EIS is expected to be released for public review and comment in April of 2007. The Final Supplemental EIS is expected in July of 2007.

**ADDRESSES:** Send written comments to: Jose Noriega, District Ranger, Santa Rosa Ranger District, 1200 East Winnemucca Blvd., Winnemucca, NV 89445.

**FOR FURTHER INFORMATION CONTACT:** Jose Noriega, District Ranger, Humboldt-Toiyabe National Forest, Telephone: 775-623-5025, extension 5.

**SUPPLEMENTARY INFORMATION:**

#### Background

Initiation of the Martin Basin Rangeland Project began in 2002 with the original Notice of intent published

in the **Federal Register** on December 30, 2002. The Draft EIS was released in May of 2004 for a 135-day comment period. The Final EIS was released in June of 2005 and a 45-day comment period was also provided at that time. The Record of Decision for this project was issued on June 2, 2006, by, then Forest Supervisor, Robert L. Vaught.

The Record of Decision for the Martin Basin Rangeland Project was appealed to the Intermountain Regional Forester. On September 6, 2006, the Regional Forester issued a decision on the appeal and remanded the decision back to the Humboldt-Toiyabe National Forest for additional analysis.

#### Purpose of and Need for Action

The purpose and need as defined in the original FEIS will be modified to indicate more specifically the economic and environmental factors that propel both the authorization of grazing and the modification of the terms and conditions and strategies that govern our current permits.

#### Proposed Action and Alternatives

The Proposed Action and Alternatives as outlined in the Final Environmental Impact Statement will be supplemented to further define and provide additional details regarding the intent of those alternatives. This Supplemental EIS may also include one or more non-significant Forest Plan Amendments.

#### Responsible Official

The responsible official is: Edward C. Monnig, Forest Supervisor, Humboldt-Toiyabe National Forest, 1200 Franklin Way, Sparks, NV 89431.

#### Nature of Decision To Be Made

Given the purpose and need, the deciding officer will decide whether or not to continue grazing on the allotments within the Martin Basin Rangeland Project area. If the decision is to continue livestock grazing, then under what standards, mitigation measures and monitoring requirements it will be subject too.

#### Scoping Process

The scoping period for this EIS was formally initiated in December of 2002 when the original notice of intent for this project was published in the **Federal Register** (December 30, 2002; volume 67, Number 250). While no additional scoping periods are planned

prior to the release of the Draft Supplemental Environmental Impact Statement those wishing to submit comments may do so at the address listed above for District Ranger Jose Noriega.

#### Early Notice of Importance of Public Participation in Subsequent Environmental Review

A Draft Supplemental Environmental Impact Statement will be prepared for comment. The comment period on the Draft Supplemental EIS will be 45 days from the date that the Environmental Protection Agency (EPA) publishes the notice of availability (NOA) in the **Federal Register**.

The Forest Service believes that, 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 EISs 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 have been 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 consider them and respond to them in a meaningful manner within the final EIS.

To assist the Forest Service in identifying and considering issues and concerns regarding the Proposed Action, comments on the draft EIS should be as specific as possible. It is also helpful if the comments refer to specific pages, sections, or chapters of the draft document. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the document. Reviewers may wish to refer to the Council on Environmental Quality (CEQ) Regulations for implementing the

procedural provisions of the National Environmental Policy Act (NEPA) at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record of this proposal and will be available for public inspection (Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21).

Dated: January 24, 2007.

**Edward C. Monnig,**

*Forest Supervisor.*

[FR Doc. E7-3194 Filed 2-23-07; 8:45 am]

BILLING CODE 3410-11-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Umatilla National Forest; Columbia and Garfield Counties, WA; Notice of Intent To Prepare a Supplemental Environmental Impact Statement (SEIS) To Amend the Umatilla National Forest Land and Resource Management Plan for the Purposes of Implementing the School Fire Salvage Recovery Project**

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The Umatilla National Forest Supervisor is proposing a non-significant amendment to the Umatilla National Forest Land and Resource Management Plan (LRMP) as amended by Regional Forester Amendment #2 ("Eastside Screens") to include a definition of "live" trees for the School Fire Salvage Recovery Project. The proposed amendment would adopt a scientific method for determining live trees.

**DATES:** Under 40 CFR 1502.9(c)(4), there is no formal scoping period for this proposed action. The supplemental draft environmental impact statement is expected March 1, 2007 and the final environmental impact statement is expected June 1, 2007.

**ADDRESSES:** Send written comments to the Responsible Official, Kevin Martin, Forest Supervisor, Umatilla National Forest, 2517 S.W. Hailey Avenue, Pendleton, OR 97801. Send electronic comments to: *comments-pacificnorthwest-umatilla@fs.fed.us*.

**FOR FURTHER INFORMATION CONTACT:** Dean R. Millett, Project Team Leader, Pomeroy Ranger District, 71 West Main Street, Pomeroy, WA 99347, phone

(509) 843-1891, e-mail: *dmillett@fs.fed.us*.

#### **SUPPLEMENTARY INFORMATION:**

##### **Purpose and Need for Action**

The Umatilla NF needs "to salvage harvest [bured timber] as rapidly as practicable before decay and other wood deterioration occurs to maximize potential economic benefits" as identified in School Fire Recovery Project FEIS at 1-4. The 9th Court of Appeals recently held in *The Lands Council*, No. 06-35781 (9th Cir.) (Feb. 12, 2007) that the term "live tree" includes all trees that are not dead, giving the term its plain meaning. Op. at 12. This definition, which does not reflect the Forest Service practice and interpretation that a live tree must be expected to live greater than five years (citation), prevents the achievement of the need stated above.

The Proposed Action would amend the Forest Plan for the School Project Area to adopt a definition of "live" and allow the School Fire Recovery Project Record of Decision to be fully implemented.

##### **Proposed Action**

The Umatilla National Forest Supervisor proposes a non-significant Forest Plan amendment to Regional Forester's Amendment #2 to the Umatilla LRMP ("Eastside Screens") to include a definition of "live" trees as used in the wildlife standard No. 6d.2a). This amendment would apply only to the School Fire Salvage Recovery Project on the Pomeroy Ranger District.

The amended standard would read as follows: (a) Maintain all remnant late and old seral and/or structural live trees  $\geq 21$ " diameter at breast height that currently exist within stands proposed for harvest activities. A live tree is defined as a tree rated to have a high probability to survive the effects of a fire as determined by the "Factors Affecting Survival of Fire Injured Trees: A Rating System for Determining Relative Probability of Survival of Conifers in the Blue and Wallowa Mountains" (Scott et al. 2002, as amended) (commonly referred to as the Scott Guidelines).

##### **Responsible Official**

Kevin Martin, Forest Supervisor, Umatilla National Forest, 2517 S.W. Hailey Avenue, Pendleton, OR 97801.

##### **Nature of Decision To Be Made**

To amend the Umatilla LRMP as proposed or take no action at this time.

#### **Scoping Process**

No scoping will be conducted for this SEIS pursuant to 40 CFR 1502.9(c)(4).

#### **Early Notice of Importance of Public Participation in Subsequent Environmental Review**

A draft environmental impact statement will be prepared for comment. 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**.

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 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 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 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.

Comments received, including the names and address of those who comment, will be considered part of the