

- What mitigation, if any, is necessary?

Scoping Process

Scoping is an ongoing activity throughout the planning process. An important part of scoping is identification of public concerns and/or unresolved issues. A copy of this Notice of Intent will be mailed to people and organizations on the White River National Forest's mailing list that have indicated a specific interest in the area around Crooked Creek Reservoir. The public will be notified of any meetings regarding this proposal by mailings and or press releases sent to applicable newspapers and other media. At this time there are not any meetings planned for this proposed action.

Preliminary Issues

The following issues related to the proposed action have been identified:

- Raising the water level may increase the dam hazard rating. While repairing the dam may reduce the probability of a failure, the downstream impact of a failure may increase. A dam failure could impact NFSR 400, NFSR 105 and a residence located at the confluence of Lime Creek and the Frying Pan River.
- Raising the water level of the reservoir may impact historical and cultural resources and wetlands in the geographic area.

Permits or Licenses Required

The Forest Service will need to obtain a 404 Permit. Section 404 of the Clean Water Act requires approval by the Army Corps of Engineers prior to the construction of dams and weirs, riprap placement and road fills in order to protect the nation's waterways.

Comment Requested

This notice of intent initiates the scoping process under NIEPA, which guides the development of the EIS. Comments concerning the scope of this project should be received on or before May 30, 2008. The forest's desire is to receive comments on the merits of the Proposed Action, as well as comments that address errors, misinformation, or information that has been omitted. Comments should have a direct relationship to the proposal and include supporting reasons for the Responsible Official's consideration.

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 reviewers 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 addresses of those who comment, will be considered part of the public record on 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: April 18, 2008.

Irene L. Davidson,
District Ranger.

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DEPARTMENT OF AGRICULTURE

Forest Service

Site Access and Coordination for Preliminary Assessments and Site Inspections Conducted by the United States Army Corps of Engineers on Formerly Used Defense Sites

AGENCY: Forest Service, USDA.

ACTION: Notice of issuance of agency interim directive.

SUMMARY: The Forest Service is issuing an interim directive (ID) to provide direction to Forest Service employees regarding site access and coordination for nonsurface-disturbing preliminary assessments and site inspections conducted by the United States Army Corps of Engineers and its contractors on formerly used defense sites (FUDS) on National Forest System (NFS) lands. This ID applies only to site access and coordination procedures and not to any subsequent response activities on NFS lands, which are subject to authorization in accordance with 36 CFR Part 251, Subpart B. This interim directive is issued as ID 2709.11-2008-1 to Forest Service Handbook 2709.11, chapter 40.

DATES: This interim directive is effective May 2, 2008.

ADDRESSES: This interim directive (id_2709.11-2008-1) is available electronically from the Forest Service via the World Wide Web/Internet at <http://www.fs.fed.us/im/directives>. Single paper copies of the ID are also available by contacting Julett Denton, Lands Staff (Mail Stop 1124), Forest Service, 1400 Independence Avenue, SW., Washington, DC 20250-1124 (telephone 202-205-1256).

FOR FURTHER INFORMATION CONTACT: Julett Denton, Lands Staff (202-205-1256).

Dated: April 25, 2008.

James E. Hubbard,
Deputy Chief, State and Private Forestry.
[FR Doc. E8-9730 Filed 5-1-08; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

Notice of New Fee for Snow Peak Shelter; Federal Lands Recreation Enhancement Act, (Title VIII, Pub. L. 108-447)

AGENCY: Colville National Forest, USDA Forest Service.

ACTION: Notice of New Fee for Snow Peak Shelter.