

# 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.

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Metolius Basin Forest Management Project, Deschutes National Forest, Jefferson County, OR

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The USDA, Forest Service will prepare an environmental impact statement (EIS) to evaluate options for addressing forest health concerns in the southern half of the Metolius Basin. The main objectives of the project will be to reduce the risk of losing important forest habitats to catastrophic wildfire, insects and disease; reduce the risk of impacts from wildfire on residents, visitors and tribal resources; enhance late-successional habitats; protect and restore riparian areas; to evaluate the road network. The project area is located approximately 15 miles northwest of Sisters, Oregon.

The Forest Service Proposed Action would include combinations of thinning forest stands, mowing brush, and controlled burning of forest fuels on approximately 10,000 acres of the 17,000-acre project area. Approximately, 1,400 acres of thinning would occur within pre-existing tree plantations. Of the 1,800 acres of riparian reserves, an estimated 25% (450 acres) may be treated through thinning or prescribed burning using low impact methods (primarily implemented by hand crews). In addition, the Proposed Action would evaluate the current road network in the project area to identify a more efficient and environmentally sensitive road system. Options for managing the road system may include closing roads that are in excess of public needs, and improving maintenance on remaining roads to reduce resource impacts. No construction of permanent roads is proposed.

**DATES:** Issues and comments concerning the Proposed Action should be received by February 21, 2002.

**ADDRESSES:** Submit written comments regarding the Proposed Action to Kris Martinson, Project Team Leader, P.O. Box 249, Sisters, Oregon 97759.

**FOR FURTHER INFORMATION CONTACT:** Direct questions about the Proposed Action and EIS to Kris Martinson, Attention: Metolius Basin Forest Management Project, P.O. Box 249, Sisters, Oregon 97759, phone 541-549-7730.

**SUPPLEMENTARY INFORMATION:** The Metolius Basin is an important place for the many people who reside in, or visit the area. The community of Camp Sherman, 5 tracts of summer homes, and 9 popular recreation sites are located in the project area. The Metolius Basin also has important values for the Confederated Tribes of Warm Springs, whose reservation lies just north of the Sisters Ranger District, and through which a portion of the Metolius River flows. The Metolius Basin is also a place of very high ecological significance. It is a Late-Successional Reserve, and provides habitat for many rare plants and animals, including northern spotted owl, goshawk, white-headed woodpecker, bull trout, and Peck's penstemon.

Alternatives to be considered will include deferring any actions at this time (No Action) and several action alternatives that would include different methods for meeting the main objectives of the project. The selected alternative may result in an amendment to the LRMP (Forest Plan) standards and guidelines on visual quality due to the potential visibility of management activities (harvest debris, and scorched and blackened trees) beyond the one-year limit.

Preliminary issues that relate to the Proposed Action include: (1) The upper diameter limit of the trees that should be removed to meet project objectives, (2) potential effects on water quality in the Metolius Wild and Scenic River and its tributaries from thinning, (3) potential effects of the proposed action on late-successional species that are associated with dense, interior forests (the proposed actions will open up portions of the forest), (4) debate about the best actions to help reduce the risk of catastrophic wildfire, and (5) concern

about changes in road access within the project area (some roads may be closed).

A scoping notice was sent out locally on October 10, 2001 indicating the Forest's intent to plan and implement actions in the Metolius Basin to address forest health and risk concerns. The scoping letter and additional information about this project is posted on the Deschutes National Forest website ([www.fs.fed.us/r6/centraloregon](http://www.fs.fed.us/r6/centraloregon)). Future public participation opportunities will be available throughout the planning process.

The public is invited to offer suggestions and comments in writing. Comments received in response to this notice, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available to public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR part 215. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within a specified number of days.

The draft EIS is expected to be completed in October 2002. 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**.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS 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 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 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 on the draft EIS 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 EIS 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.)

The final EIS is scheduled to be completed by February 2003. In the final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making the decision regarding the Metolius Basin Forest Management Project.

The Forest Service is the lead agency. Leslie Weldon, Forest Supervisor, is the Responsible Official. The Responsible Official will determine which alternative best meets the purpose and need for this project and addresses the key issues raised about this project. The decision and rationale will be documented in the Record of Decision. That decision will be subject to Forest Service Appeal Regulations (36 CFR part 215).

Dated: January 3, 2002.

**Leslie Weldon,**

*Forest Supervisor.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Palmer Quarry Expansion, Mt. Hood National Forest, Clackamas County, OR

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The Forest Service, USDA, will prepare an environmental impact statement (EIS) on a proposal to expand an existing rock quarry. The Proposed Action will be in compliance with the 1990 Mt. Hood National Forest Land and Resource Management Plan (Forest Plan) as amended by the Northwest Forest Plan, which provides the overall guidance for management of this area. The Proposed Action is within the Salmon River watershed on the Zigzag Ranger District and scheduled for implementation in fiscal year 2003. The Mt. Hood National Forest invites written comments and suggestions on the scope of the analysis. The agency will give notice of the full environmental analysis and decision-making process so interested and affected people may be able to participate and contribute in the final decision.

**DATES:** Comments concerning the scope of the analysis should be postmarked by March 1, 2002.

**ADDRESSES:** Send written comments and suggestions concerning the Proposed Action in this area to Jim Tierney, Project Coordinator, 595 NW Industrial Ways, Estacada, Oregon 97023 (phone: 503-630-8751). Comments may also be sent by FAX (503-630-2299). Include your name and mailing address with your comments so documents pertaining to this project may be mailed to you.

**FOR FURTHER INFORMATION CONTACT:** Questions about the Proposed Action and EIS should be directed to Jim Tierney (address and phone number listed above), or to Mike Redmond, Environmental Coordination, 16400 Champion Way, Sandy, Oregon 97055-7248 (phone: 503-668-1776).

**SUPPLEMENTARY INFORMATION:** The Proposed Action includes expansion of the existing Palmer rock quarry on approximately 60 acres of National Forest system land. The proposal may also include road improvements on the access to the quarry. The excavated material from the quarry would be used by the Forest Service and the Oregon Department of Transportation of maintenance and reconstruction of roads, including State Highways 26 and 35.

The project area is located approximately 4 miles south of Government Camp, in Section 2, T.4S., R.8-1/2E., Willamette Meridian, Clackamas County, Oregon. This analysis will evaluate a range of alternatives for implementation of the project activities including a no-action alternative. The project area does not include any wilderness, roadless areas, wild and scenic rivers, late successional reserves, or riparian reserves.

Some of the preliminary issues that have been identified include: Visual quality as seen from key view points on the Forest, and traffic management conflict between commercial use and recreation.

The scoping process will include the following: Identify and clarify issues; identify key issues to be analyzed in depth; explore alternatives based on themes which will be derived from issues recognized during scoping activities; and identify potential environmental effects of the Proposed Action and alternatives.

The draft EIS is planned to be filed with the Environmental Protection Agency (EPA) and available for public review by September 2002. The EPA will publish a Notice of Availability (NOA) of the draft EIS in the **Federal Register**. The comment period on the draft EIS will be 45 days from the date the NOA appears in the **Federal Register**. Copies of the draft EIS will be distributed to interested and affected agencies, organizations, Indian Tribes, and members of the public for their review and comment. It is important that those interested in this proposal on the Mt. Hood National Forest participate at that time.

Comments received in response to this Proposed Action, including names and addresses of those who comment, will be considered part of the public record on this Proposed Action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR parts 215 or 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requestor of the agency's decision regarding the request for confidentiality,