

DEPARTMENT OF AGRICULTURE

Forest Service

Drew Creek, Diamond Rock, and Divide Cattle Allotments, Tiller Ranger District, Umpqua National Forest, Douglas 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) on a proposal to issue term grazing permits to graze three livestock allotments on the Tiller Ranger District. The three allotments are called Drew Creek, Diamond Rock, and Divide. The proposed action is to issue ten-year term grazing permits to allow 216 cow/calf pairs to graze on these three allotments. The allotment areas are located approximately 35 miles north of Medford, Oregon. If the proposed action or another action alternative is selected, activities under the selected action are expected to be implemented in the year 2000. The agency gives notice of the full environmental analysis and decision-making process that will occur on the proposal so that interested and affected people may become aware of how they may participate in the process and contribute to the final decision.

DATES: Comments concerning the scope of the analysis should be received in writing by April 30, 1999.

ADDRESSES: Send written comments and suggestions concerning this proposal to Jill Dufour, District Ranger, Tiller Ranger District, 27812 Tiller Trail Highway, Tiller, Oregon 97484.

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed action, allotment areas, or EIS to Wes Yamamoto, Resource Assistant, Tiller Ranger District, 27812 Tiller Trail Highway, Tiller, Oregon 97484, or (541) 825-3201.

SUPPLEMENTARY INFORMATION: The current grazing program on the Tiller Ranger District allows 3,953 head months of use on six grazing allotments covering approximately 129,350 acres. The proposed action is to permit 1,288 head months (HM's) to graze on three allotments encompassing approximately 36,230 acres of the Tiller Ranger District. Under the proposed action, 90 HM's would be permitted on the Drew Creek Allotment, 680 HM's on the Diamond Rock Allotment, and 418 HM's on the Divide Allotment.

This proposal represents a significant decrease in the level of grazing from the historical use of the Tiller Ranger District. The proposal removes cattle

grazing for the majority of sensitive earthflow landforms and reduces the season of use for fifty percent of the permitted numbers during the fall. The reduced landbase, reduced numbers of cattle, and reduced season will allow for a grazing program that is consistent with the Aquatic Conservation Strategy (ACS) objectives of the Umpqua National Forest Plan, as amended.

Initial scoping for the preparation of an environmental assessment (EA), titled "Range Permit Reissuance", began with a notice in the Umpqua National Forest's Schedule of Proposed Actions (SOPA) dated July, 1995. The scoping conducted since that initial notice includes an open house for the community (September 12, 1996), numerous meetings with permittees beginning in 1996, field trips with the public and specialists, and a press release to the media in 1998. Discussion of the grazing issue with subject matter experts, including representatives from the Oregon State University Extension Service, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service, has been occurring since 1996. This extensive scoping has identified a number of issues, alternatives, and environmental effects that will facilitate preparation of the draft EIS.

Preliminary issues identified to date include potential effects to unique characteristics of the geographic area, endangered and threatened species and their habitats, and the significant incremental economic impact that this proposal would have to a small, economically-depressed rural community. These preliminary issues demonstrate to the decisionmaker that this proposal has potential to have significant effects on the human environment. Preliminary discussions have also produced scientific controversy pertaining to interpretations of the Aquatic Conservation Strategy in the 1994 Northwest Forest Plan. Based on all of above, the Responsible Official has determined that it is appropriate to proceed with an environmental impact statement.

Public comments are appreciated throughout the analysis process. The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and be available for public review by July, 1999. The comment period on the draft EIS will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register**. The final EIS is scheduled to be available in October, 1999.

The Forest Service believes it is important to give reviewers notice of this early stage of public participation and 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 have been raised at the draft stage may be waived or dismissed by the court if not raised until after completion of the final EIS. *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 substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider 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 of 40 CFR 1503.3 in addressing these points.)

In the final EIS, the Forest Service is required to respond to substantive 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 a decision regarding the proposal. The Responsible Official is Don Ostby, Forest Supervisor for the Umpqua National Forest. The Responsible Official will document the decision and rationale for the decision in a Record of Decision. That decision will be subject to appeal under 36 CFR Part 215.

Dated: March 24, 1999.

Bernie Rios,

Acting Forest Supervisor.

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