

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration (NOAA)****[Docket No. 010315068-1068-01]****RIN 0648-XA65****National Weather Service (NWS) Modernization and Associated Restructuring (MAR); Final Certification of No Degradation of Service for the Combined Consolidation and/or Automation and Closure of Six Weather Service Offices (WSO)****AGENCY:** NWS, NOAA, Commerce.**ACTION:** Notice.

SUMMARY: On March 26, 2001, the Acting Under Secretary of Commerce for Oceans and Atmosphere transmitted to Congress notice of approval of Consolidation and/or Automation and Closure certifications for WSOs Fairbanks, Alaska; Los Angeles, Redding, and Riverside, California; and Olympia and Wenatchee, Washington. Pub. L. 102-567 requires final certifications be published in the FR. This notice satisfies that requirement.

EFFECTIVE DATE: March 29, 2001.

ADDRESSES: Request for copies of the final certification packages should be sent to John Sokich, Room 11426, 1325 East-West Highway, Silver Spring, MD 20910-3283.

FOR FURTHER INFORMATION CONTACT: John Sokich, 301-713-0258.

SUPPLEMENTARY INFORMATION: The Olympia and Wenatchee Fire Weather office certifications were proposed in the March 26, 1999, FR for public comment. The 60-day public comment period closed on May 26, 1999. One public comment was received from Mr. Hueth, Chairman, Pacific Northwest Wildfire Coordinating Group (PNWCG) pertaining to both offices. A summary of the letter signed by Terry Hueth, Chairman, Pacific Northwest Wildfire Coordinating Group (PNWCG), and the NWS response to the letter follow.

Comment on Olympia and Wenatchee: A letter to Tom Beaver of the NWS, dated May 21, 1999, from Mr. Hueth, Chairman of PNWCG, stated in part, "The PNWCG represents local, state, and federal wildland fire agencies in Oregon and Washington * * *. We have a critical need for weather support to our agencies' missions in fire management and safety * * *. We have serious doubts about the ability of the MAR approach to adequately support the fire program * * *. The current fire weather program in the Pacific

Northwest is being supplemented by personnel that the NWS will not have in end-state staffing. We do, however, fully support the NWS maintaining the transitional staff to meet fire weather needs * * *. Currently, dedicated expertise is compensating for missing technology * * *. The quality of service provided needs to be evaluated after technology is developed and there is no need to rely on transitional staffing * * *. It is difficult to endorse a closure and say there will be no degradation of service without seeing what the modernized service is * * *. As was the case with the Salem/Portland office, the office closure at Olympia, Washington is difficult to evaluate because of the lack of fire activity after the move to the Seattle WFO. The Seattle WFO did institute Internet fire weather briefings which were well done and well received by field offices. However, there was an impact on the State of Washington Department of Natural Resource (DNR) employees. With the lack of NWS personnel in Olympia, DNR workload was increased because DNR personnel had to conduct briefings and perform other fire weather-related work previously done by the NWS. The closure of the Wenatchee, Washington, fire weather office has had an effect on the fire program in northeast Washington. A survey was conducted of federal fire agency personnel in that area. Most respondents characterized the movement of personnel as resulting in no change in the quality of the products and services. However, some individuals indicated degradation in the quality of products and services since the move. One responder mentioned wind speed and relative humidity forecasts being of poorer quality. In conclusion, the PNWCG remains very concerned that the NWS modernization program will not meet our needs. We are supportive of the June 11, 1998 NWS *Report of the Fire Weather Team* that was submitted to NWS Director John Kelly * * *. We are very uncomfortable with the idea of certifying no degradation of services without knowing what the services will be and before the full site of MAR capabilities is in place."

NWS Response: At the September 29, 1999, Modernization Transition Committee (MTC) meeting, the NWS briefed the MTC and the PNWCG attendees on modernized operations and explained how this was the best use of personnel and technology. The NWS stated the "transition" forecasters (two each at Seattle, Spokane, Pendleton, and Portland) are now considered part of end-state staffing, and are not scheduled

to be eliminated. These staff were provided specifically to support the fire weather program. During the MTC consultation on September 29, 1999, Mr. Day, Northwest Coordination Center Director at the Portland Geographical Area Coordination Center (GACC), stated the GACC would accept the Olympia and Wenatchee transitions. The MTC endorsed the proposed closure of the Olympia and Wenatchee WSOs with the stipulation, "The MTC endorsement to close these weather offices does not relieve the NWS of their responsibility to retain transitional staffing for the Fire Weather program. As outlined in the 'Report of the Fire Weather Team,' June 11, 1998, the transitional staffing must be retained until NWS has the advanced operational technology in place and demonstrates its support to the satisfaction of the fire weather customers." The Los Angeles Aviation office and the Redding and Riverside Weather office certifications were proposed in the July 9, 1999, FR for public comment. The 60-day public comment period closed on September 7, 1999. No public comments were received pertaining to Los Angeles, four public comments were received pertaining to Redding, and three public comments were received pertaining to Riverside. One of these comments pertained to both Redding and Riverside. The comments and the NWS response are set forth here for reference.

Comment pertaining to both Redding and Riverside: A letter, dated August 18, 1999, signed by James E. Owen, Deputy Director for Fire Protection from the California Department of Forestry and Fire Protection (CDF), pertained to both Redding and Riverside. The letter stated in part, "For the record, the California Department of Forestry and fire protection (CDF) as a client of the National Weather Service (NWS), strongly objects to the proposed closure of the Redding and Riverside Fire Weather Offices. The proposed closures are not in the best interests of the public and do not conform to the legal requirements of section 706 of Public Law 102-567, requiring the Secretary of Commerce to certify that consolidation, automation, and/or closure of a NWS field office will not result in a degradation of service to the affected area of responsibility * * *." "CDF believes that the proposed office closures will degrade the level of service that we receive from the NWS. This will adversely affect our ability to meet our fire protection mission and provide for firefighter and public safety. Our specific objections to the office closures are:

1. The proposed office closures represents [sic] a unilateral termination of the California Interagency Fire Weather Agreement, signed by the NWS in 1997.

2. Fire weather forecasts generated by the Redding and Riverside offices will be divided among ten (10) California NWS offices. Some CDF administrative units will receive forecasts from three (3) different NWS offices * * *.

3. NWS reorganization will result in the loss of non-federal, non-wildlife services currently provided by the Redding and Riverside Offices * * *.

4. The NWS Modernization efforts propose to eliminate the dedicated Fire Weather Forecaster position. If fire weather forecasts issued by general forecasters, unfamiliar with local weather patterns, meso-scale topographic influences and fire behavior, are off by even a small degree, firefighter safety may be compromised * * *.

5. The proposed office closure will result in loss of access to smoke management products to wildland agency managers.

6. The reorganization will cause the loss of direct, daily interaction between NWS forecasters and operational fire personnel at the North and South Emergency Operations Command centers * * *.

6. The proposal may result in reduced availability and qualification of Incident Meteorologists due to assigning these individuals to coverage shifts for general forecasting assignments * * *.

Providing fire fighter safety is a vital responsibility of our department * * *. It is clear to us that the proposed NWS closures are based on unproven assumptions and will likely result in a decrease in the current level of service provided by the NWS to the California wildland agencies * * *." *Specific Comments on Redding:* A summary of the three letters follows. A letter to Secretary Daley, dated July 21, 1999, from Representative Wally Herger, stated in part, "I am writing in strong opposition to the proposed closing of the Redding California Interagency Fire Forecast and Warning Unit (IFFWU) under the National Weather Service's multi-year modernization and associated restructuring program. The loss of this fire weather expertise seriously degrades the ability of our local agencies to prevent and fight wildfires, and I respectfully urge your assistance in ensuring the continued existence of this essential service * * *. By transferring the functions of the Redding office to existing offices in Sacramento and Eureka, California, Medford, Oregon and Reno, Nevada, we

will lose the high level of local expertise and knowledge essential for effective fire management in the area * * *."

The second letter, dated July 27, 1999, from Daniel K. Chisholm, Forest Supervisor, U.S. Department of Agriculture, stated in part, "* * *" The Mendocino National Forest is concerned with the National Weather Service (NWS) proposal to eliminate several fire weather forecast offices, eliminate the fire weather forecaster positions and establish ten forecast offices over four states * * *. Weather is a critical issue in maintaining firefighter safety, especially for our forest * * *. We depend on the Redding Fire Weather forecasters to give us advance warning of any possible or existing condition(s) which will affect our suppression operations in a single forecast for various parts of our forest * * *. The Redding Fire Weather Office has provided excellent service to the Forest in the areas of fire weather forecasting, spot forecast and smoke dispersal forecast. The potential loss of this resource presents serious concerns that should be addressed before a final decision is made in the limitation of the Redding facility."

The third comment, a letter to Secretary Daley, dated August 30, 1999, was signed by Senator Dianne Feinstein, and stated in part, "I am writing with great concern over the proposed closure of the Interagency Fire Forecast and Warning Unit in Redding which is operated under the National Weather Service * * *. At this very moment, more than 10,000 fire fighters are battling over 100 blazes across Northern California * * *. The smoke is so dense, one can barely see our state's Capitol building. All this points clearly to the need to maintain effective fire weather forecasters that can assist fire fighters on the ground with exact climatic predictions and assistance * * *."

Specific Comments on Riverside: A summary of the two letters follows. A letter, dated August 19, 1999, was signed by Scott Goodwin, Battalion Chief, City of Santa Fe Springs Headquarters Fire Station. The comment was, "This letter is in response to the request for public comment regarding the closure of the Riverside California FWO. We are opposed to this action and believe that closure of this office will be detrimental to planning and fire ground operations during major wildland fires that threaten our area. We encourage you to reconsider this action in the interest of public safety. We appreciate the opportunity to comment on this matter."

The second comment, dated August 26, 1999, was signed by William R. Bamattre, Chief Engineer and General Manager, City of Los Angeles. He stated in part, "* * * the Los Angeles City Fire Department's position is to oppose any changes which would result in a loss of staffing or expertise in the present method of fire weather forecasting * * *. The Los Angeles Fire Department depends on the highly specialized skills of the fire weather forecasters * * *. I am concerned that the National Weather Service proposal would result in a fragmented degradation of the fire weather forecasting currently provided when specialization, coordination, and communication should be the preeminent factors * * *. Please be advised that the Los Angeles City Fire Department fully supports the position of the CWCG [California Wildlife Coordinating Group]."

NWS Response: The NWS explained the process for closing the Redding WSO and Riverside Fire Weather offices and reiterated that current NWS fire weather support to the Redding and Riverside Geographical Area Coordination Centers (GACCs) will not be impacted. On November 18, 1999, the NWS met with the California Wildlife Coordinating Group (CWCG) and began negotiations to outline a plan for transfer of fire weather services to other NWS forecast offices. The meeting included discussion on renegotiation of the interagency agreement, development of a dynamic transition plan, and creation of a NWS/CWCG User Assessment Team to validate the success of implementing the transition plan. The NWS and CWCG agreed the transition plan must demonstrate NWS services to CWCG satisfaction before transferring fire weather services from Redding and Riverside WSOs to other NWS forecast offices. The target date for transfer of fire weather services to NWS forecast offices is the end of 2002. The CWCG accepted this plan and agreed to the proposed closure of the Redding and Riverside WSOs. On December 8, 1999, the MTC endorsed the proposed closures of the Redding and Riverside WSOs with the stipulation, "In addition, the NWS must honor the Interagency Agreement with the California Wildfire Coordination Group and not transfer personnel or fire weather responsibilities from the Redding and Riverside GACCs until a mutually acceptable transfer plan has been developed and implemented."

The Fairbanks certifications were proposed in the September 29, 1999, FR for public comment. The 60-day public comment period closed on November

29, 1999. No public comments were received. The MTC endorsed closure certification at its December 8, 1999, meeting.

After consideration of the public comments received and the MTC endorsements, the Acting Under Secretary of Commerce for Oceans and Atmosphere approved these six consolidation and/or automation and closure certifications and transmitted notice of approval to Congress on March 26, 2001. Certification approval authority was delegated from the Secretary of Commerce to the Under Secretary in June 1996. The NWS is completing the certification requirements of Pub. L. 102-567 with respect to the six NWS offices identified herein by publishing this final consolidation and/or automation and closure certification notice in the FR.

Dated: March 26, 2001.

John J. Kelly, Jr.,

Assistant Administrator for Weather Services.

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DEPARTMENT OF COMMERCE

National Oceanic Atmospheric Administration

Amendments to the Area To Be Avoided Off the Olympic Coast National Marine Sanctuary

AGENCY: National Oceanic Atmospheric Administration, Commerce

ACTION: Notice.

SUMMARY: The National Oceanic Atmospheric Administration (NOAA) is notifying the public of its intention to submit a proposal to International Maritime Organization (IMO) to extend the scope of the existing Area to Be Avoided (ATBA) off the Washington Coast to include all vessels of 1,600 gross tons and above solely in transmit and to increase the size of the ATBA to reflect changes in the adjacent Strait of Juan de Fuca traffic separation scheme. NOAA is taking this action in response to information gathered during the development of the Port Access Routing Study for the Strait of San Juan de Fuca and Approaches (PARS) by the U.S. Coast Guard, Coast Guard docket USCG 1999-4974.

FOR FURTHER INFORMATION CONTACT: George Galasso, Assistant Manager, Olympic Coast National Marine Sanctuary, phone (360) 457-6622 ext. 26, email: george.galasso@noaa.gov.

SUPPLEMENTARY INFORMATION: An Area to Be Avoided (ATBA) is defined by IMO as an area that all ships or certain

classes of ships should avoid because navigation is particularly hazardous or it is exceptionally important to avoid casualties within the area. On December 7, 1994, the Maritime Safety Committee of the IMO adopted at ATBA proposed by the U.S. Government off the Olympic Coast National Marine Sanctuary. Since implementation in June 1995, the United States has been monitoring compliance through the use of Canadian Coast Guard radar data from the Tofino Marine Communications and Traffic System. Compliance with the ATBA is estimated to be between 90-95%, due to the excellent cooperation by the maritime community, vigorous education and outreach efforts by the Olympic Coast National Marine Sanctuary staff and the U.S. Coast Guard, and the sending of educational letters to those ships found to be in non-compliance.

The U.S. Coast Guard has recently completed a Port Access Route Study to critically review all aspects of vessel movements in the area. As presently configured, the inbound traffic lane originating from the southwest may bring traffic within close proximity to Duntze and Duncan Rocks and the rocky shoreline of Cape Flattery. The configuration also presents a potential for collisions between fishing and recreational vessels and transiting ships. It is customary practice for smaller, slower traffic to transit inbound and outbound south of the designated Traffic Separation Scheme (TSS) lanes when on coastwise voyages to and from the south. Thus, this traffic is navigating even closer to these hazards. The PARS Study recommends that the TSS at the entrance to the Strait of Juan de Fuca be extended approximately 10 miles further offshore, that the separation zone at the entrance to the Strait of Juan de Fuca be centered on the International Boundary, that a recommended route be established south of the TSS to accommodate existing traffic patterns, and to expand the ATBA boundaries to the north and west. The U.S. Coast Guard and NOAA have adopted these recommendations. The U.S. Coast Guard is developing proposals to the IMO to change the TSS and adopt recommended routes. NOAA has developed the proposal to amend the ATBA.

NOAA's proposal to amend the existing ATBA off the Olympic Coast National Marine Sanctuary has two elements. First, it proposes to increase the size of the ATBA to the north and west, to accommodate the Coast Guard's proposed amendment of the TSS. This increased size will enhance maritime safety because it provides for a greater

distance and margin of safety from the navigational hazards of Duntze and Duncan Rocks and Tatoosh Island. Second, NOAA proposes to expand the class of ships to which the ATBA applies to include commercial ships of 1,600 gross tons and above. These ships carry substantial amounts of bunker fuel, which, if spilled, would have a devastating impact on the unique, valuable, and sensitive resources of Olympic Coast National Marine Sanctuary.

The area contains economically important fishery resources, including a variety of baitfish, shellfish, and salmon. The resources in this area are also critical to the cultural activities and subsistence living of Native American Indian tribes. Important archaeological sites of these peoples are found on the shoreline and they are likely to be affected by an oil spill from a ship. In addition, the area has been designated as an UNESCO Biosphere Reserve and World Heritage Site and overlaps with three National Wildlife refuges and one National Park. With the extensive wilderness shoreline and natural beauty, recreation and tourism are critical and vital economic forces in the region.

The coastal rocks and islands provide important breeding, nesting, and roosting areas for marine birds. Marbled murrelets, which use offshore waters for feeding, are listed by the United States as a threatened species and are of special concern due to their high vulnerability to oil spills. Common murre nest on offshore islands and their populations have been seriously affected by past oil spills, including the 1991 Tenyo Maru oil spill. Bald eagles, listed as a threatened species, are also important to the marine ecosystem in the region. Twenty-nine species of whales, dolphins, and other marine mammals regularly inhabit the area, including recovering populations of sea otters, which are the most vulnerable to oil spills. The Olympic Coast also contains some of the most productive kelp beds and intertidal areas on the U.S. West Coast.

When viewed in conjunction with the U.S. Coast Guard proposal to amend the TSS and establish recommended tracks, the expansion of the ATBA is necessary for protection of natural resources from maritime casualty and for general maritime safety. Moving the northern border of the ATBA to a consistent distance south of the southernmost edge of the TSS will provide an improved safety buffer for those smaller, slower moving vessels that choose to transit south of the TSS. Continuing this buffer area parallel to the TSS to a point at