

was used in development of the DEIS. CEQ NEPA regulations exclude scoping from the procedures for supplementing environmental impact statements (40 CFR 1 502.9(c)(4)).

In addition to inviting public comments on the DSEIS, the public may visit Forest Service officials familiar with this project, at any time during the analysis and prior to the decision. To facilitate public participation, additional opportunities may include public meetings and/or field trips. Dates of meetings and field trips are yet to be determined.

#### Responsible Official

The responsible officials will be John Allen, Forest Supervisor, Deschutes National Forest, 1230 NE. 3rd, Suite A-262, Bend, OR 97701 and Jeff Walter, Forest Supervisor, Ochoco National Forest, 3160 NE. 3rd Street, Prineville, OR 97754.

#### Comments

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 the 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 objectives that could be raised at the draft EIS stage but that are not raised until after the 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 Heritage, Inc. v. Harris*, 490 F. Supp. 1334 [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 the 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 alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provision of the National

Environmental Policy Act (40 CFR 1503.3) in addressing these points.

Comments received in response to this solicitation, 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 may 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.

Comments on the draft SEIS will be analyzed, considered, and responded to by the Forest Service in preparing the final SEIS. The final SEIS is scheduled to be completed in May 2006. There will be two responsible officials for this multi-Forest SEIS. Duties of the Responsible Official will be shared between John Allen, Forest Supervisor of the Deschutes National Forest, and Jeff Walter, Forest Supervisor of the Ochoco National Forest. They will consider comments, responses, and environmental consequences discussed in the final SEIS, and applicable laws, regulations, and policies in making a decision regarding this proposed action. The responsible officials will document the decision and rationale for the decision in the Record of Decision. It will be subject to Forest Service Appeal Regulations (36 CFR Part 215).

Dated: October 2, 2008.

**John Allen,**

*Deschutes National Forest Supervisor.*

Dated: October 14, 2008.

**Jeff Walter,**

*Ochoco National Forest Supervisor.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Notice of Meeting; Federal Lands Recreation Enhancement Act, (Title VIII, Pub. L. 108-447)

**AGENCY:** Pacific Northwest Region, USDA Forest Service.

**ACTION:** Notice of meeting.

**SUMMARY:** The Pacific Northwest Recreation Resource Advisory Committee will meet in Portland, OR. The purpose of the meeting is to review and provide recommendations on recreation fee proposals for facilities and services offered on lands managed by the Forest Service and Bureau of Land Management in Oregon and Washington, under the Federal Lands Recreation Enhancement Act of 2004.

**DATES:** The meeting will be held on October 30, 2008 from 8:30 a.m.-5 p.m. and October 31, 2008 from 8:30 a.m.-4 p.m. A public input session will be provided at 10:30 a.m. on both days of the meeting. Comments will be limited to three minutes per person. The Designated Federal Official has discretion to not convene the committee on October 31, 2008, if necessary.

**ADDRESSES:** The meeting will be at the Residence Inn by Marriott, Lloyd Center, 1710 NE. Multnomah St., Portland, Oregon 97232. Send written comments to Dan Harkenrider, Designated Federal Official for the Pacific Northwest Recreation RAC, 902 Wasco Street, Suite 200, Hood River, OR 97031, 541-308-1700 or [dharkenrider@fs.fed.us](mailto:dharkenrider@fs.fed.us).

**FOR FURTHER INFORMATION CONTACT:** Dan Harkenrider, Designated Federal Official, 902 Wasco Street, Suite 200, Hood River, OR 97031, 541-308-1700.

**SUPPLEMENTARY INFORMATION:** The meeting is open to the public. Recreation RAC discussion is limited to Forest Service and Bureau of Land Management staff and Recreation RAC members. However, persons who wish to bring recreation fee matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. The Recreation RAC is authorized by the Federal Land Recreation Enhancement Act, which was signed into law by President Bush in December 2004.

Dated: October 10, 2008.

**Calvin N. Joyner,**

*Acting Regional Forester, Pacific Northwest Region, USDA Forest Service.*

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