

wide site-specific proposals to develop reserved and outstanding mineral rights within the Allegheny National Forest, with provisions to mitigate impacts to surface resources. The need to take such action includes:

1. To provide reasonable access to reserved and outstanding mineral rights beneath National Forest System lands of the Allegheny National Forest.
2. Mitigating impacts to surface resources of the Allegheny National Forest associated with providing reasonable access for development of reserved and outstanding mineral rights by applying Forest Plan design criteria and site-specific mitigations.

#### Proposed Action

The Forest Service is proposing to authorize reasonable access for site-specific proposals to develop reserved and outstanding mineral rights within the Allegheny National Forest, with provisions to mitigate impacts to surface resources.

We are also proposing to use design criteria and a site-specific review process through this decision to authorize reasonable access for future site-specific proposals to develop reserved and outstanding mineral rights within the Allegheny National Forest, with provisions to mitigate impacts to surface resources. We may approve future proposals consistent with the design criteria and review process, when and where appropriate, pursuant to 40 Code of Federal Regulations (CFR) 1506.3 and related regulations.

For purposes of scoping, this proposed action will be consistent with standards and guidelines in the 2007 Forest Plan Supplemental Environmental Impact Statement proposed action.

The 2007 Forest Plan proposed action standards and guidelines, as well as site-specific information such as maps, number of wells, and approximate road mileage for the proposed action, can be found at <http://www.fs.fed.us/r9/forests/allegheny/> and by clicking on the link for the Transition EIS.

#### Possible Alternatives

Alternatives are likely to include authorization of reasonable access for site-specific proposals to develop reserved and outstanding mineral rights within the Allegheny National Forest, using the alternative standards and guidelines that are being considered as part of the current Allegheny National Forest Plan Supplemental Environmental Impact process and other site-specific mitigations as provisions to mitigate impacts to surface resources. Alternative standards and guidelines that are being considered can be found

at <http://www.fs.fed.us/r9/forests/allegheny/> and by clicking on the link for the Transition EIS.

For the purpose of analysis and disclosure of environmental, social, and economic effects, denying reasonable access to reserved and outstanding mineral rights will serve as the No-action alternative. The No-action alternative will only serve as a baseline for comparing effects of other alternatives considered, as the Forest Service acknowledges that it lacks the legal authority to deny reasonable access to reserved and outstanding mineral rights without engaging in a taking of private property rights.

#### Lead and Cooperating Agencies

The lead agency for this proposal is the USDA Forest Service. The U.S. Environmental Protection Agency, U.S. Bureau of Land Management, and Pennsylvania Department of Environmental Protection will be invited to become cooperating agencies for this proposal.

#### Responsible Official

The Responsible Official for the decision is the Allegheny National Forest Supervisor, Leanne M. Marten.

#### Nature of Decision To Be Made

The decisions to be made by the Forest Supervisor are (1) what mitigations, if any, to apply in the authorization of reasonable access for site-specific proposals to develop reserved and outstanding mineral rights within the Allegheny National Forest; (2) what design criteria, review process, and mitigations, if any, to apply in the authorization of reasonable access for future site-specific proposals to develop reserved and outstanding mineral rights within the Allegheny National Forest.

#### Permits or Licenses Required

The Forest Service is not required to obtain any permits or licenses in order to implement this proposal.

#### Scoping Process

This Notice of Intent initiates the scoping process, which guides the development of the environmental impact statement. Public comment and involvement opportunities for this project can be found at <http://www.fs.fed.us/r9/forests/allegheny/>. Upon entering this Web site, there is a link for the Transition EIS that will provide information pertaining to this project.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the

environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. The submission of timely and specific comments can affect a reviewer's ability to participate in subsequent administrative appeal or judicial review.

Dated: June 16, 2009.

**Leanne M. Marten,**

*Forest Supervisor.*

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## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### Oglethorpe Power Corporation, Inc.: Notice of Intent To Hold Public Scoping Meetings and Prepare an Environmental Impact Statement

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice of intent to hold public scoping meetings and prepare two Environmental Impact Statements (EIS).

**SUMMARY:** The Rural Utilities Service (RUS) intends to hold public scoping meetings and prepare an Environmental Impact Statement (EIS) to meet its responsibilities under the National Environmental Policy Act (NEPA) and 7 CFR part 1794 in connection with potential impacts related to projects proposed by Oglethorpe Power Corporation (Oglethorpe) of Tucker, Georgia. The proposal consists of the construction of a 100-MW biomass power plant in Appling County near Baxley, Georgia. Oglethorpe is requesting RUS to provide financial assistance for the proposed action.

**DATES:** RUS will conduct a public scoping meeting in an open house format in order to provide information and solicit comments for the preparation of the EIS. The public meeting will be held on Wednesday, July 8, 2009 from 5:30-7:30 p.m. at Courthouse Annex at 69 Tippins Street, Baxley, Georgia 31513; telephone (912) 367-8100 in Baxley, Georgia. All written questions and comments must be received by RUS by July 22, 2009.

**ADDRESSES:** To send comments or for further information, contact Stephanie Strength, Environmental Protection Specialist, USDA Rural Development Utilities Programs, at 1400 Independence Avenue, SW., Stop 1571, Washington, DC 20250-1571, or e-mail [stephanie.strength@wdc.usda.gov](mailto:stephanie.strength@wdc.usda.gov).

An Alternatives Report (AR) prepared by Oglethorpe will be available at the

public scoping meeting, at the Agency's address provided in this notice, at the Agency's Web site: <http://www.usda.gov/rus/water/ees/eis.htm> at Oglethorpe Power Corporation, 2100 East Exchange Place, Tucker, Georgia, and at the following locations:

Appling County Public Library, 244 E. Parker Street, Baxley, GA 31513, Phone: (912) 367-8103.

Warren County Public Library, 10 Warren Street, Warrenton, GA 30828, Phone: (706) 465-2656.

#### SUPPLEMENTARY INFORMATION:

Oglethorpe proposes to construct a new 100-MW biomass power plant in Appling County near Baxley, Georgia. The proposal is to meet, in part, the future demand of Oglethorpe's Members to provide a reliable, long-term supply of renewable and sustainable energy. Oglethorpe is seeking financing from RUS for its investment. The proposal is classified in 7 CFR 1794.25 as requiring an EIS.

Prior to making a financial decision about whether to provide financial assistance for a proposal, RUS is required to conduct an environmental review under the NEPA in accordance with the Agency policies and procedures codified in 7 CFR part 1794. These regulations require the Agency to consider engineering alternatives including no action, load management, conservation measures, and reactive power supply.

Government agencies, private organizations, and the public, are invited to participate in the planning and analysis of the proposed projects. Representatives from the Agency and Oglethorpe will be available at the scoping meetings to discuss the environmental review process, describe the proposals, discuss the scope of environmental issues to be considered, answer questions, and accept comments. As part of its broad environmental review process, the Agency must take into account the effect of the proposal on historic properties in accordance with Section 106 of the National Historic Preservation Act and its implementing regulation, "Protection of Historic Properties" (36 CFR part 800). Pursuant to 36 CFR 800.2(d)(3), the Agency is using its procedures for public involvement under NEPA to meet its responsibilities to solicit and consider the views of the public during Section 106 review. Accordingly, comments submitted in response to scoping will inform Agency decision making in Section 106 review. Any party wishing to participate more directly with the Agency as a "consulting party" in Section 106

review may submit a written request to do so to the Agency contact at the above address.

Using information from the Alternatives Report and considering input provided by government agencies, private organizations, and the public, RUS and Oglethorpe, in consultation with the cooperating agencies, will determine the scope of the EIS. Notices announcing the availability of the Draft EIS will be published in the **Federal Register** and local newspapers.

Any final action by the Agency related to the proposal will be subject to, contingent upon, and in compliance with environmental review requirements and will be conducted as prescribed by the Agency's environmental policies and procedures (7 CFR part 1794).

Dated: June 12, 2009.

**Mark S. Plank,**

*Director, Engineering and Environmental Staff, USDA Rural Utilities Service.*

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