

Responsible Official

S.E. "Lou" Wolterling, Forest Supervisor, Six Rivers National Forest, USDA Forest Service, 1330 Bayshore Way, Eureka, CA 95501-3834, is the Responsible Official for any decision to authorize grazing, manage rangelands, or close any allotment on affected National Forest System lands within the Six Rivers National Forest. His decisions and rationale will be documented in a Record of Decision.

Nature of Decision To Be Made

The Forest Supervisory will make the following decisions: Whether or not to authorize cattle grazing in allotments considered in this analysis and, if so, the terms and conditions required for the term grazing permits and AMPs; and, whether or not to close the Soldier Creek Allotment, thereby removing its rangeland from the LRMP suitable forage base.

Scoping Process

Scoping is the procedure by which the Forest Service identifies important issues and determines the extent of analysis necessary for an informed decision on a proposed action. The public is encouraged to comment on this proposal and is encouraged to visit with Forest Service Officials at any time during the analysis and prior to the decision. The Forest Service will be seeking information, comments and assistance from Federal, State and local agencies and other individuals or organizations who may be interested in, or affected by, the proposed action. While public participation in this analysis welcome at any time, comments received within 14 days of the publication of this notice will be especially useful in the preparation of the Draft EIS

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of service court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements 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 environmental impact statement stage but that are not raised until after completion of the final environmental impact statement 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. 1344, 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 re made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

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 environmental impact statement 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.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: July 30, 2003.

William D. Metz,

Deputy Forest Supervisor, Six Rivers National Forest.

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ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR part 1500); and the Natural Resources Conservation Service Regulations (7 CFR part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the rehabilitation of Floodwater Retarding Structure No. 5 of the Martinez Creek Watershed, Bexar County, Texas.

FOR FURTHER INFORMATION CONTACT:

Larry D. Butler, State Conservationist, Natural Resources Conservation Service, 101 South Main, Temple, Texas 76501-7682, Telephone (254) 742-9800.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Larry D. Butler, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project will rehabilitate Floodwater Retarding Structure No. 5 to maintain the present level of flood control benefits and comply with the current performance and safety standards.

Rehabilitation of the site will require the dam to be modified to meet current performance and safety standards for a high hazard dam. The modification will consist of raising the top of dam 3.7 ft and installing a roller compacted concrete (RCC) curtain in the auxiliary spillway. The RCC curtain will be constructed near the upstream level section of the auxiliary spillway. A splitter dike will also be installed in the auxiliary spillway to decrease the bay width. All disturbed areas will be planted to plants that have wildlife values. The proposed work will not affect any prime farmland, endangered or threatened species, wetlands, or cultural resources.

Federal assistance will be provided under authority of the Small Watershed Rehabilitation Amendments of 2000 (Section 313, Pub. L. 106-472). Total project costs is estimated to be \$1,166,000, of which \$842,900 will be paid from the Small Watershed Rehabilitation funds and \$323,700 from local funds.

The notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental

DEPARTMENT OF AGRICULTURE**Natural Resources Conservation Service****Rehabilitation of Floodwater Retarding Structure No. 5 of the Martinez Creek Watershed, Bexar County, TX**

AGENCY: Natural Resources Conservation Service.