

fishing trips from Lobster Creek to Watson Creek. There is no limit to the number of days the permit can be used, but the permit is valid only for the permittee and the trips can be by either motorboats or float craft such as drift boats. There can be no employees operating under the permit. Of these 46 guides, nine guides can also operate on the lower Illinois River.

There are get guides currently operating the wild Section who originally authorized by the Oregon State Marine Board in 1976 or who bought a guide business that was authorized by the State. Their current permits authorize use on the Rogue River from Lobster Creek to the pool below Blossom Bar Rapids with a motorboat or float craft. These guides are limited to the number of trips and user days (number of clients) they are permitted on an annual basis. These permittees can operate year-round with a maximum of 394 trips a year in the Wild Section, cumulatively. Six of the permittees can hire employees, but any trips the employees make are counted towards the total number of trips and user days the permittee is allowed. Two of the permittees operate a livery service (transporting people and freight), scenic trips (maximum 32 trips), whitewater boat training, and guided raft trips from Foster Bar to Agness (maximum 31 trips). Three of the permittees can operate on the lower Illinois River. All of these various trips count towards the total annual number of trips and user days that the permittee is authorized.

Nine fishing guides who originally operated under the jointly managed Bureau of Land Management and Forest Service permits are now operating under Forest Service permits as described in the Supplementary Information section. These guides can use both float craft and motorboats. Of these nine guides, four can guide fishing trips in the Wild Section year-around as described above. Three guides can operate in the Wild Section from November 15 to May 14 with a maximum of 57 trips a year, cumulative. Six guides can operate from Foster Bar to Watson Creek and Foster Bar downstream to Lobster Creek for a cumulative maximum of 197 trips a year and eight guides can operate from Foster Bar to Watson Creek and Foster Bar downstream to Quosatana Creek for a cumulative maximum of 285 trips a year.

*Commercial transport of lodge guests.* There is one permit to transport lodge guest from Foster Bar to Paradise Lodge which is located approximately 10 miles upstream of Foster Bar. A trip is defined as a round-trip from Foster Bar to the

lodge and return. The maximum number of trips is 365 annually. Trips not used in the summer season can be carried over into the winter season, but trips not used in the winter season cannot be carried over into the summer season. The number of trips by season are: (1) *Summer Season*—May 1 to October 31. A maximum of two round trips per day, not to exceed 180 trips for the season, and not to exceed 15 total passengers (commercial and non-commercial combined) upstream in any one day, and not to exceed 15 total passengers (commercial and non-commercial) downstream in any one day; and (2) *Winter Season*—November 1 to April 30. No daily limit of trips, but not to exceed 185 trips for the season. There is no daily limit of passengers, but there is a limit of 18 total passengers and one operator on any one trip.

#### Preliminary Alternatives

In addition to the Proposed Action, the No Action alternative will be analyzed. With the No Action alternative, the special use permits would not be reissued. The development of any other alternatives will be completed following the public response to initial scoping.

#### Scoping Process

Scoping is an ongoing process throughout the planning process. A scoping letter will be mailed to those people and organizations on the Gold Beach Ranger District's mailing list that have indicated an interest in Rogue River management. A press release announcing the filing of this Notice of Intent will be sent to local newspapers and media. The public will be notified of any meetings regarding this proposal by mailings and press release sent to the local newspapers and media.

#### Comment Requested

This notice of intent initiates the scoping process under NEPA, which will guide the development of the draft EIS. The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public comment by January 2004. The comment period for the draft EIS will be 45 days from the date EPA publishes the Notice of Availability in the **Federal Register**.

At the end of this period, comments submitted to the Forest Service, including names and addresses of those who responded, will be considered part of the public record for this proposal and, as such, will be available for public review. Comments submitted anonymously will be accepted and considered; however, those who submit

anonymous comments will 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 if 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.

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 draft EISs 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, 533 (1978). Also, environmental objections that could be raised at the draft EIS stage, but that are not raised until 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 Heritages, Inc., v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is 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 comments refer to specific pages or chapters of the draft EIS. 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 at 40 CFR 1503.3 in addressing these points.

Comments on the draft EIS will be analyzed, considered, and responded to