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DEPARTMENT OF AGRICULTURE

Forest Service

Off-Highway Vehicle (OHV) Management on the Daniel Boone National Forest, KY

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to prepare an environmental impact statement.

SUMMARY: The Daniel Boone National Forest (Agency) will prepare a draft and final environmental impact statement (EIS) to amend its Forest Land and Resource Management Plan (Forest Plan) to establish management direction Forest-wide to allow off-highway vehicles (OHV) only on routes designated in those areas of the Forest appropriate for that type of use on National Forest System lands. Management Areas (MA) identified as incompatible to OHV use are; MA-1; Beaver Creek Wilderness; MA-2, Clifty Wilderness; MA-4, Red River Gorge Geological Area; MA-9, Rock Creek Research Natural Area.

All future designated or constructed routes would undergo a separate, site-specific, environmental analysis, including the opportunity for public involvement. All designated routes should meet Forest Service Handbook 2309.18 (Trail Management Handbook) OHV route standards.

The existing Forest Plan, approved on September 27, 1985, has a policy of permitting OHV use Forest-wide except where prohibited to protect resources. Since the Forest Plan was approved, many changes have occurred that have prompted the Agency to consider changing this policy before the scheduled Forest Plan revision. Changes include, greater recreational OHV use than anticipated in analysis for the existing Forest Plan; an expanded variety of OHVs; the potential for adverse effects to threatened and endangered species found on the Daniel

Boone National Forest, and discoveries of additional populations of threatened and endangered species; and, appropriated funding below what was anticipated in the Forest Plan.

The Agency invites written comments and suggestions within the scope of the analysis described below. In addition, the Agency gives notice that a full environmental analysis and decision making process will occur on the proposal so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: Comments concerning the scope of this analysis should be received by February 14, 1997.

ADDRESSES: Submit written comments to Forest Supervisor, Daniel Boone National Forest, 1700 Bypass Road, Winchester, KY 40391.

FOR FURTHER INFORMATION CONTACT: Jorge Hersel, Dispersed Recreation Specialist, Daniel Boone National Forest, 1700 Bypass Road, Winchester, KY 40391, or by calling (606) 745-3182.

RESPONSIBLE OFFICIAL: The Forest Supervisor for the Daniel Boone National Forest, located at 1700 Bypass Road, Winchester, KY 40391, is the Responsible Official for this action.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

Current Forest policy permits OHV use Forest-wide except where prohibited to protect resource values (FLMP, IV-5). This use includes cross-country travel as well as trail and road use. Resource protection measures include closing or restricting either large areas or specific trails.

In recent years the Forest Service has noticed an increase in OHV use on the Forest with a corresponding increase in impacts on resources. The increased impacts include an increased potential for adverse effects to a number of threatened and endangered species. Because of this, and the fact that the process to complete a non-significant amendment to the Forest Plan should be completed faster than it takes to revise the entire Forest Plan, the Forest Service feels that it is essential to change management direction on this issue prior to the completion of the Forest Plan revision.

The Forest Service is legally directed to provide wise use of the resources as

long as it does not lead to the overall detriment of the resources. The Agency has noticed an increase in user-developed, cross-country trails and hill climbs. These types of general use seem to be contributors to much of the resource impacts we have identified on National Forest System lands. Although the impacts to a number of individual sites have been repaired, one of our concerns is that trail maintenance, land restoration, and enforcement of restrictions, have not kept up with the increased level of use and its corresponding impacts.

In recent contacts with the public with regards to the Forest Plan revision, the issue of OHV management on the National Forest was identified as one of the major issues. Due to the large number of OHVs in use on the Forest, the Forest Service has observed, and members of the public have brought to our attention, areas of soil erosion, sediment washed into streams and lakes, and possible direct and indirect impacts to federally threatened and endangered species. Specific areas of concern include the Cumberland River drainage, with its large numbers of federally-listed threatened and endangered aquatic species, and areas near federally-listed threatened and endangered bat hibernacula and maternity sites.

Our existing policy was based on conditions that existed at the time of the development of the present Forest Plan. Since that Plan was approved in 1985, many changes have occurred, such as:

- Increased interest in recreational OHV use.
- Increased dependence on OHVs as a means of transportation for day-to-day activities.
- An expanding variety of OHVs, such as 4X4s, quad runners, railcars, and motorcycles; and the difference between street legal vehicles and non-street legal vehicles.
- New information on threatened and endangered species, and the discoveries of additional populations of listed species.
- The appropriations of trail construction and maintenance funds have not kept pace with the increased OHV use.

Some factors that add to the complexity of managing OHV use on the Daniel Boone include, the lack of designated routes in the National Forest;

the difficulty Forest Service Law Enforcement Officers have enforcing restrictions on a large area of land; the scattered ownership pattern of the National Forest; the different types of OHVs with their different trail needs; the fact that some OHVs are legal for use on public roads and some are not; and, the use of small OHVs by local residents, hunters and anglers for general transportation in and around the National Forest.

Due to the complexities of this issue and the potential for adverse effects occurring related to the recreation activity, a change in management direction is needed to more effectively manage this use, prevent impacts to soil and water resources, and prevent possible adverse effects to aquatic threatened and endangered species.

Proposed Action

The Forest Service is proposing to amend the Forest-wide management direction to allow OHV use only on designated routes in areas of the Forest compatible with OHV use. Management Areas (MA) identified as incompatible to OHV use are: MA-1, Beaver Creek Wilderness; MA-2, Clifty Wilderness; MA-4, Red River Gorge Geological Area; MA-9, Rock Creek Research Natural Area.

All currently designated trails and roads where OHVs are designated as an appropriate use will be included in this analysis. However, all future routes to be designated or constructed will undergo a separate site-specific environmental analysis, including the opportunity for public involvement. All designations should meet Forest Service Handbook 2309.18 (Trail Management Handbook) OHV route standards.

Based on considerations of timing, and anticipated changes to Forest Plan goals, objectives, and outputs, this proposal is anticipated to result in a non-significant amendment to the Forest Plan that will incorporate new management direction for using OHVs on National Forest System lands. It is anticipated that decisions made in this study will be incorporated into the Forest Plan revision.

The scope of the proposed action does not include the following:

- Changes in management areas and land allocations associated with OHV use. They will be dealt with in the revision process.
- The designation of new OHV routes. Designation of additional routes would occur as a site specific analysis and decision-making process is completed for each route, and is outside the scope of this project.

- The use of OHVs on county or state roads. It is outside the jurisdiction of this agency to close or otherwise regulate such use on these roads.

- The use of "street legal" OHVs on Forest Development Roads open to the general public.

Preliminary Issues

The comments received in the contacts with the public and internal discussion indicated the following preliminary issues associated with OHV management on the Forest:

- Unacceptable resource impacts are occurring in some areas, due to unrestricted OHV use on the Forest.
- OHV use has increased in the last few years and indications are this that trend will continue.
- User developed trails are growing in number, some in inappropriate locations.
- Conflict among trail users is occurring.
- There is an extensive road system, existing on National Forest System lands, that is outside the jurisdiction of the Forest Service.
- Restrictions on OHV use on National Forest System lands may have an effect on local economies.
- Restrictions on OHV use in some areas may cause increased use in unrestricted areas, with additional impacts to resources in those areas.
- Funding appropriations for law enforcement, trail construction, and trail maintenance have not kept pace with the increase in OHV use on the Daniel Boone National Forest.
- Potential adverse effects to T&E species, especially aquatic-related species.

Public participation will be especially important at several points during the analysis. The first point is during the scoping process (40 CFR 1501.7). 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. This input will be used in preparation of the draft environmental impact statement (DEIS). The scoping process includes:

1. Identifying potential issues.
2. Identifying issues to be analyzed in depth.
3. Eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis.
4. Exploring additional alternatives.
5. Identifying potential environmental effects of the proposed action and alternatives (i.e., direct, indirect, and cumulative effects and connected actions).

Comments submitted during the scoping process should be in writing. They should be specific to the action being proposed and should describe as clearly and completely as possible any issues the commenter has with the proposal.

The DEIS is expected to be filed with the Environmental Protection Agency and to be available for public comment by May 1997. At that time, the Environmental Protection Agency will publish a notice of availability of the DEIS in the Federal Register. The comment period on the DEIS will be 60 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 several court rulings related to public participation in the environmental review process. First, reviewers of DEIS 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 DEIS stage but that are not raised until after the completion of the final Environmental Impact Statement (FEIS) 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, 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 60-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 FEIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the DEIS should be 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 DEIS 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.

After the comment periods ends on the DEIS, the comments will be analyzed, considered, and responded to by the Forest Service in preparing the

FEIS. The FEIS is scheduled to be completed in October, 1997. The responsible official will consider the comments, responses, environmental consequences discussed in the FEIS, and applicable laws, regulations, and policies in making a decision regarding this amendment to the Forest Plan. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to appeal in accordance with 36 CFR 217.

Dated: December 16, 1996.

Benjamin T. Worthington,
Forest Supervisor.

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Yellowstone Pipeline Missoula to Thompson Falls Reroute, Lolo National Forest; Mineral, Missoula, and Sanders Counties, MT

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) for a proposal by the Yellowstone Pipeline Company to build a new section of 10-inch or 12-inch petroleum products pipeline between Missoula and Thompson Falls, Montana.

DATES: Initial comments concerning the scope of the analysis should be received in writing no later than January 31, 1997.

ADDRESSES: Send written comments to Charles C. Wildes, Forest Supervisor, Lolo National Forest, Building 24, Fort Missoula, Missoula, MT 59804.

FOR FURTHER INFORMATION CONTACT: Terry Egenhoff, Environmental Coordinator, Lolo National Forest, as above, or phone: (406) 329-3833.

SUPPLEMENTARY INFORMATION: The Yellowstone Pipe Line Company (YPL) proposes to build a new pipeline section between Missoula and Thompson Falls, Montana. The new pipe would be 10-inch or 12-inch nominal diameter. YPL has submitted an application for a special-use permit for the proposed pipeline to the Forest Service. YPL's application proposes for study a primary corridor and two alternative corridors. The primary corridor is about 75 miles long, following the Clark Fork Valley bottom to Alberton, Montana, then along the Ninemile Divide ridges and crossing the upper Ninemile Valley to Siegel Mountain, then along the Clark Fork Valley bottom to Plains, Montana. The first alternative corridor runs along

the Clark Fork Valley bottom past St. Regis, Montana, then along ridges north to Plains for about 90 miles. The second alternative corridor is about 65 miles long, and is the same as the primary corridor except that it follows the Ninemile Valley bottom instead of the Ninemile Divide ridge. The proposed corridors could require the use of 18 to 35 miles of National Forest System lands. The Forest Service is the only Federal agency which manages lands within the proposed corridors.

The purpose of this proposal is to reconnect an existing pipeline which now has a section out of service. The Yellowstone Pipeline is a common carrier delivering petroleum products from refineries in Billings, Montana, to points west including Spokane, Washington. The pipeline terminates in Moses Lake, Washington. The proposed new section would replace an existing section through the Flathead Indian Reservation. That section has been decommissioned following expiration of an easement grant from the Bureau of Indian Affairs across trust lands situated on the Flathead Indian Reservation. Petroleum products are now transported west of Missoula by a variety of methods including railroad, highway, and pipeline systems. The proposed reroute would replace those current transportation methods with a fully functional pipeline, which may have economic, environmental, and safety advantages over the current transportation methods.

The decision to be made by the Forest Service is whether, and if so, under what terms and conditions, to authorize the use of National Forest System lands for constructing, operating, and maintaining a hazardous liquids pipeline section between Missoula and Thompson Falls. The Forest Service authority for this type of permit is Section 28 of the Mineral Leasing Act.

The responsible official who will make decisions regarding National Forest System lands based on this EIS is Charles C. Wildes, Forest Supervisor, Lolo National Forest, Building 24, Fort Missoula, Missoula, MT 59804. He will decide on this proposal after considering comments and responses, environmental consequences discussed in the Final EIS, and applicable laws, regulations, and policies. The decision and reasons for the decision will be documented in a Record of Decision.

The Forest Service is the lead Federal agency for preparing this EIS. Several other agencies may have permitting or licensing authority and may make separate decisions based on this EIS. The Forest Service will cooperate with State and local agencies to prepare a

single EIS to meet as best as possible all agencies' permitting and consultation needs. The Forest Service is developing a memorandum of understanding to that effect with several agencies. The Montana Department of Environmental Quality will be the lead State agency.

Other agencies which may have permit or license issuing authority over the proposed pipeline include:

Federal Agencies: Bureau of Land Management, Army Corps of Engineers, Federal Highway Administration, Federal Communications Commission;
State Agencies: Montana Department of Environmental Quality, Montana Department of Natural Resources;
Local Agencies: Missoula County Commission, Sanders County Commission, Mineral County Commission, Missoula Soil Conservation District, Eastern Sanders County Conservation District, Mineral County Conservation District.

Agencies or governments which may have consultation responsibilities or special expertise in this matter include the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, UDOT Research and Special Programs Administration Office of Pipeline Safety, Confederated Salish and Kootenai Tribes of the Flathead Nation, Montana Department of Transportation, Montana Department of Fish Wildlife and Parks, Montana State Historic Preservation Office, Missoula County Weed Control Board, Sanders County Weed Control Board, Mineral County Weed Control Board, Missoula City/County Office of Planning and Grants, and Missoula City/County Health Department.

Preliminary issues and alternatives have not yet been compiled. Issue identification and alternative development will be phases of the public scoping process.

Before public scoping begins, the Forest Service intends to select a third-party contractor to conduct scoping, analyze environmental effects, and prepare the EIS. The contractor will perform to Forest Service specifications, with funding from YPL. A schedule for public meetings or hearings will be developed later.

Public scoping and public participation will involve at least four phases: (1) Initial proposal review and comment, (2) preliminary issue identification and alternative development review and comment, (3) draft EIS review and comment, and (4) final EIS and Record of Decision review and appeal period. During the scoping process, the Forest Service is seeking