

○ Information on the life history, threats, habitat needs and population trends of a number of terrestrial and aquatic species contained in the forest planning records for ecosystem and species diversity assessments will continue to be used as a reference in the planning process as appropriate to meet the requirements of the 1982 planning rule. This is scientific information and is not affected by the change of the planning rule. This information will be updated with any new available information.

○ Public comments previously submitted in writing, or recorded at past public meetings, related to the revision of the Uwharrie's Forest Plan since 2005 will be used to help identify issues and concerns and to help develop alternatives to address these issues and concerns.

### I. Documents Available for Review

The proposed action, background reports, assessments, datasets, and public comments are posted on the Forest's Web site at: [http://www.cs.unca.edu/nfsnc/uwharrie\\_plan/index.htm](http://www.cs.unca.edu/nfsnc/uwharrie_plan/index.htm). As necessary or appropriate, this material will be further adjusted as part of the planning process using the provisions of the 1982 planning rule.

(Authority: 16 U.S.C. 1600–1614; 36 CFR 219.35 [74 FR 67073–67074]).

Dated March 3, 2010.

**Marisue Hilliard,**  
Forest Supervisor.

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Rogue River-Siskiyou National Forest; Mt. Ashland Ski Area Expansion, Jackson County, OR

**ACTION:** Notice of Intent to prepare a Supplemental Environmental Impact Statement to analyze and correct NFMA and NEPA violations found by the United States Court of Appeals for the Ninth Circuit in CV–05–03004–PA, to conditionally authorize expansion of the Mt. Ashland Ski Area.

**SUMMARY:** In September 2004, the Forest Service issued a Record of Decision (ROD) for the Mt. Ashland Ski Area (MASA) expansion, selecting Alternative 2 with some modifications adopted from Alternative 6. The Forest Service received twenty-eight notices of appeal to the ROD. In December 2004, the Forest Service denied all administrative appeals to the ROD. In

January 2005, Oregon Natural Resources Council (ONRC) filed suit against the Forest Service and Regional Forester Linda Goodman seeking declaratory and injunctive relief on the grounds that the MASA expansion project violated both the NEPA and the NFMA. On February 9, 2007, after considering cross motions for summary judgment, a United States District Court entered summary judgment against ONRC. ONRC filed a timely notice of appeal to the Ninth Circuit Court of Appeals. Upon review, the Court of Appeals remanded the case to the district court and instructed it to promptly enjoin the MASA expansion project contemplated in the 2004 ROD until the Forest Service corrected the NFMA and NEPA violations found in Opinion CV–05–03004–PA.

**DATES:** Under 40 CFR 1502.9(c)(4), there is no formal scoping period for this action. The Draft Supplemental Environmental Impact Statement (SEIS) is expected March 2010 and the Final Supplemental Environmental Impact Statement is expected May 2010.

**FOR FURTHER INFORMATION CONTACT:** Steve Johnson, Siskiyou Mountains Ranger District, Rogue River-Siskiyou National Forest, 645 Washington Street, Ashland, Oregon, 97520, Telephone (541) 552–2900; FAX (541) 552–2922.

**SUPPLEMENTARY INFORMATION:** The Court of Appeals identified several NFMA and NEPA claims, including failure to conduct a proper Biological Evaluation for the Pacific fisher that addresses the five steps referenced in the Land and Resource Management Plan (LRMP). The Court of Appeals found it necessary to understand the type of habitat the Pacific fisher requires for food, shelter and reproduction. A link between mapping of habitat and habitat needs must be made in order to use habitat as a proxy for population census. Potential impacts of displacing fisher and damaging habitat in the corridor between the Siskiyou and Southern cascades must be understood. Cumulative effects of foreseeable future projects on fisher habitat must be understood. The Court of Appeals also found failure to appropriately designate Riparian Reserve and Restricted Watershed land allocations and to properly analyze against LRMP standards and guidelines for soils. Landslide Hazard Zone 2 should have been designated as Riparian Reserve.

#### Purpose and Need for Action

The purpose and need for this supplemental document is to analyze and correct specific violations identified by the Ninth Circuit Court of Appeals which will allow a determination on

whether and to what extent analysis of supplemental information might alter the decision to allow ski area expansion. This action is needed to address the appropriateness of the previous decision and to be responsive to the Court of Appeals Opinion and district court injunction.

#### Responsible Official

The Rogue River-Siskiyou and Klamath National Forests are jointly responsible for public land management of the Special Use Permit area. The Rogue River-Siskiyou National Forest has been authorized to make decisions regarding implementation of ski area expansion activities at Mt. Ashland under the terms of a February 4, 2004 Intra Agency Agreement (No. 03–IA–11061002–005), between the Klamath National Forest and the Rogue River-Siskiyou National Forest and renewed on May 12, 2009 Intra Agency Agreement (09–IA–11061001–003).

#### Decision Framework

The Forest Service will use the results of supplemental analysis to determine if and how the violations identified by the Ninth Circuit will affect the 2004 decision. The Forest Service will decide whether to withdraw the 2004 decision, or issue a new or supplemental decision. If a new or supplemental decision is issued following preparation of the Final Supplemental Environmental Impact Statement, that decision will be subject to appeal in accordance with 36 CFR 215.

#### Early Notice of Importance of Public Participation in Subsequent Environmental Review

A Draft SEIS will be prepared for comment. Comments received on the Draft SEIS will be considered in the preparation of the Final SEIS. The Draft SEIS is now expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review in March 2010. The comment period on the Draft SEIS will be 45-days from the date EPA publishes the Notice of Availability in the **Federal Register**. At the end of the comment period on the Draft SETS, comments will be analyzed and considered by the Forest Service in preparing the Final SEIS. The Final SETS is scheduled to be completed by May 2010. The Forest Service believes it is important to give reviewers notice of several 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 reviewers 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. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this 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 SETS. To assist the Forest Service in identifying and considering issues and concerns, comments on the Draft SEIS 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 address 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 508.22; 36 CFR 220.5.

Dated: March 1, 2010.

**Scott D. Conroy**,  
Forest Supervisor.

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## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

#### Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products.

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice of public meeting.

**SUMMARY:** Notice is hereby given that the U.S. Department of Agriculture (USDA) will be holding a public meeting of the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural

Products (Consultative Group) on March 29, 2010. The sole purpose of the meeting is to solicit input from the public regarding the Consultative Group's statutory mandate to develop recommendations relating to a standard set of practices for independent, third-party monitoring and verification for the production, processing, and distribution of agricultural products or commodities to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor or child labor. The notice sets forth the process for requesting to appear at the meeting, and for submitting written statements. On June 18, 2008, the President signed into law the Food, Conservation, and Energy Act of 2008 (the Act), also known as the 2008 Farm Bill. The Act provides for the creation of the Consultative Group.

**DATES:** *March 18, 2010*—Due date for submission of requests to make an oral statement at the public meeting. (See Requirement for Submissions and Meeting Procedures below.)

*March 22, 2010*—Due date to notify intention to attend the public meeting without making a statement or to request special accommodations.

*March 29, 2010*—Public meeting for the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products, Room 104-A, Jamie L. Whitten Building, 12th and Jefferson Drive, SW., Washington, DC 20250, beginning at 9:30 a.m.

*April 30, 2010*—Final date for submission of written statements.

**ADDRESSES:** You may make written submissions by any of the following methods: by mail to the Office of Negotiations and Agreements, Foreign Agricultural Service, U.S. Department of Agriculture, Stop 1040, 1400 Independence Ave., SW., Washington, DC 20250; or by hand (including DHL, FedEx, UPS, etc.) to the Office of Negotiations and Agreements, Foreign Agricultural Service, U.S. Department of Agriculture, Room 4133-S, 1400 Independence Ave., SW., Washington, DC 20250; or by e-mail to: [Steffon.Brown@fas.usda.gov](mailto:Steffon.Brown@fas.usda.gov); or by fax to (202) 720-0340.

**FOR FURTHER INFORMATION CONTACT:** The Office of Negotiations and Agreements by phone on (202) 720-6219; by e-mail addressed to [Steffon.Brown@fas.usda.gov](mailto:Steffon.Brown@fas.usda.gov); or by mail addressed to the Office of Negotiations and Agreements, Foreign Agricultural Service, U.S. Department of Agriculture, Stop 1040, 1400 Independence Ave., SW., Washington, DC 20250.

**SUPPLEMENTARY INFORMATION:** In written submissions and statements to the

Consultative Group as part of this public meeting, parties are asked to provide information or comment on the following issues:

(a) Examples of identification, monitoring, verification, and/or certification systems, or other models, that have been successful in reducing child labor and/or forced labor in the global supply chains within the agricultural sector or other industries;

(b) The roles and responsibilities that may be appropriate for the business sector and other stakeholders (governments, unions, non-governmental organizations, and others) in establishing independent, third-party monitoring and verification systems for the production, processing, and distribution of agricultural products or commodities;

(c) Other information that would be useful to the Consultative Group in meeting its mandate to develop recommendations relating to a standard set of practices for independent, third-party monitoring and verification for the production, processing, and distribution of agricultural products or commodities imported into the United States are produced with the use of forced labor or child labor.

Section 3205 of the Food, Conservation, and Energy Act of 2008 (Farm Bill, Pub. L. 110-246) created the *Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products* to develop recommendations relating to a standard set of practices for independent, third-party monitoring and verification for the production, processing, and distribution of agricultural products or commodities to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor or child labor. Recommendations developed by the Consultative Group are to be submitted to the Secretary of Agriculture by June 18, 2010. By June 18, 2011, the Secretary is required to release guidelines for a voluntary initiative to enable entities to address issues raised by the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*). The guidelines must be published in the **Federal Register** and made available for public comment for a period of 90 days. The Consultative Group will terminate on December 31, 2012.

On September 23, 2009, Secretary of Agriculture Thomas J. Vilsack appointed 13 members to the Consultative Group. The group consists of both government and non-government members, including