

order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint (Form OSC-11) with the U.S. Office of Special Counsel at 1730 M Street NW., Suite 218, Washington, DC 20036-4505 or online through the OSC Web site—<http://www.osc.gov>.

#### *Retaliation for Engaging in Protected Activity*

A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protection laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

#### *Disciplinary Actions*

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee for conduct that is inconsistent with Federal Antidiscrimination and Whistleblower Protection Laws up to and including removal. If OSC has initiated an investigation under 5 U.S.C. 1214, however, according to 5 U.S.C. 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

#### *Additional Information*

For further information regarding the No FEAR Act regulations, refer to 5 CFR part 724, as well as the appropriate offices within SIGIR (e.g., human resources office or legal office) or Army (Washington Headquarters Service). Additional information regarding Federal antidiscrimination, whistleblower protection and retaliation laws can be found at the EEOC Web site—<http://www.eeoc.gov> and the OSC Web site—<http://www.osc.gov>.

#### *Existing Rights Unchanged*

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands or reduces any rights otherwise available to any employee, former employee or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).

[FR Doc. E9-21957 Filed 9-10-09; 8:45 am]

BILLING CODE 3710-8N-P

### **SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION**

#### **Privacy Act of 1974; Notice of Privacy Act Systems of Records**

**AGENCY:** Special Inspector General for Iraq Reconstruction.

**ACTION:** Notice.

**SUMMARY:** The Special Inspector for Iraq Reconstruction (SIGIR) has reviewed its management records to identify its Privacy Act systems and to ensure that all such systems are relevant, necessary, accurate, up-to-date, and covered by the appropriate legal or regulatory authority. This is the first notice published by this agency. It includes three SIGIR-wide systems of records including system managers, office titles, addresses, or locations. These are:

SIGIR-1—Investigative Files

SIGIR-2—Hotline Program Case Files

SIGIR-3—Freedom of Information Act and Privacy Act Request and Appeal Files

**DATES:** *Effective:* October 13, 2009.

**FOR FURTHER INFORMATION CONTACT:** Call or e-mail Kirt West, Deputy General Counsel, Telephone 703-604-0489; e-mail [kirt.west@sigir.mil](mailto:kirt.west@sigir.mil).

**ADDRESSES:** SIGIR Deputy General Counsel, Office of General Counsel, SIGIR, 400 Army Navy Drive, Arlington, VA 22202-4704.

**SUPPLEMENTARY INFORMATION:** SIGIR has undertaken an agency-wide review of its records to identify all Privacy Act systems of records. As a result of this review, SIGIR is publishing its first Privacy Act systems of records notice, which includes three of its systems.

**Kirt West,**

*Deputy General Counsel, Special Inspector General for Iraq Reconstruction.*

#### **Table of Contents**

##### **List of Notices**

In addition, the SIGIR (and/or the Army as SIGIR's Support Agent) maintains Systems of Records in accordance with the following government-wide Privacy Act Systems of Records Notices.

#### **Equal Employment Opportunity Commission**

EEOC/GOVT-1—Equal Employment Opportunity in the Federal Government Complaint and Appeal Records

#### **General Services Administration**

GSA/GOVT-3—Travel Charge Card Program

#### **Merit Systems Protection Board**

MSPB/GOVT-1—Appeal and Case Records

#### **Office of Government Ethics**

OGE/GOVT-1—Executive Branch Public Financial Disclosure Reports and Other Ethics Program Records

OGE/GOVT-2—Confidential Statements of Employment and Financial Interests

#### **Office of Personnel Management**

OPM/GOVT-1—General Personnel Records

OPM/GOVT-2—Employee Performance File System Records

OPM/GOVT-3—Records of Adverse Actions.

OPM/GOVT-5—Recruiting Records

OPM/GOVT-10—Employee Medical File System Records

#### **Blanket Routine Uses**

Certain "blanket routine uses" of the records have been established that are applicable to every record system maintained by SIGIR unless specifically stated otherwise within a particular record system.

#### **SIGIR Blanket Routine Uses**

##### *Legal and Law enforcement uses*

1. To any criminal, civil, or regulatory law enforcement authority (whether Federal, State, local, foreign, or international) when the information is relevant to the recipient entity's law enforcement responsibilities.

2. To any individual or entity when necessary to elicit information that will assist a SIGIR investigation, inspection, audit, or other inquiry.

3. To respond to subpoenas in any litigation or other proceeding.

4. To a court, magistrate, administrative tribunal, grand jury, or opposing counsel, in the course of presenting evidence in such proceedings or in settlement negotiations.

5. To attorneys representing subjects of criminal investigations, except when the SIGIR determines that release is inappropriate under Title 5, U.S. Code Sections 552a(j) and (k).

6. To the Integrity Committee of the Council of Inspectors General on

Integrity and Efficiency (CIGIE), another Federal Office of Inspector General, or other Federal law enforcement office in connection with an investigation, inquiry or review conducted pursuant to authorized CIGIE activity.

7. To a Federal agency responsible for considering debarment or suspension action if the record would be relevant to such action.

8. To inform complainants, victims, and witnesses of the status or results of an investigation or inquiry.

9. To inform another agency regarding the status of a case or matter that has been referred by that agency for investigation or other inquiry or that involves a case or matter within the jurisdiction of that agency to notify it of the status of the case or matter or of any decision that has been made or to respond to other inquiries and reports as necessary during the processing of the case or matter.

10. To the news media and the public when there exists a legitimate public interest (e.g., to provide information on events in the criminal process, such as an indictment) or when the IG determines that such disclosure is necessary to preserve confidence in the integrity of the Inspector General process, to demonstrate the accountability of SIGIR employees, officers or individuals covered by the system, or when necessary to prevent an imminent threat to life and property, unless it is determined that release of specific information would constitute an unwarranted invasion of personal privacy.

#### *Hiring and qualification*

11. To a Federal, State, local, foreign, or international governmental or self-regulatory agency which requires information relevant to a decision concerning the hiring, appointment or retention of an employee or contractor, disciplinary or other administrative action concerning an employee, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

12. To any individual or entity when necessary to elicit information relevant to an SIGIR decision concerning the hiring, appointment, or retention of an individual; the issuance, renewal, suspension or revocation of a security clearance; or the letting of a contract.

#### *Congress and Other Agencies*

13. To a Congressional office in response to an inquiry made at the

request of an individual but only from the record of that individual.

14. To the Department of Justice and/or any component thereof or to the Office of General Counsel of another government entity for the purpose of representing SIGIR or any officer or employee of SIGIR in pending or potential litigation to which the record is pertinent, or to obtain its advice on any matter.

15. To the Office of Management and Budget for the purpose of obtaining its advice on Privacy Act matters.

16. To the Office of Government Ethics (OGE) to comply with agency reporting requirements established by OGE in 5 CFR Part 2638, subpart F.

17. To the Equal Employment Opportunity Commission (EEOC) in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative action programs, compliance with Uniform Guidelines of Employee Selection Procedures, or other functions vested in the Commission by the President's Reorganization Plan of 1978.

18. To the Merit Systems Protection Board (MSPB), and Office of Special Counsel (OSC), if properly requested in connection with appeals, special studies of the civil service, and other merit system, reviews of rules or regulations, investigation of alleged or possible prohibited personnel practices, and such other functions promulgated in Title 5, U.S. Code Sections 1205 and 1206, or as may be authorized by law.

19. To a Federal, State, local, or foreign or international agency, or other public authority, for use in computer matching programs to prevent and detect fraud and abuse in any agency program and to collect debts and overpayments owed to any agency or its components.

20. To a foreign country pursuant to an international treaty or other agreement entered into or ratified by the United States, or to an Executive agreement.

#### *Contractors and Other Individuals*

21. To independent auditors or other qualified organizations or individuals with which the SIGIR has contracted or agreed to carry out an independent audit, or to provide support for audits, reviews, investigations, peer reviews, or other services. These contractors will be required to maintain Privacy Act safeguards with respect to such records.

22. To such agencies, entities and persons to whom disclosure is reasonably necessary to assist in SIGIR's efforts to respond to suspected or confirmed compromise of and prevent, minimize, or remedy any harm to the

security and confidentiality of an SIGIR system of records.

#### **SIGIR-1**

##### **SYSTEM NAME:**

SIGIR Investigative Files.

##### **SECURITY CLASSIFICATION:**

The majority of the information in the system is Sensitive but unclassified; however, there is some classified information as well.

##### **SYSTEM LOCATION:**

Office of the Assistant Inspector General for Investigations, SIGIR, 2011 Crystal Drive, Suite #1101, Arlington, VA 22202-4704. During the course of an investigation, records may also be kept in the investigative field office in Baghdad, Iraq. Contact information for Iraq may be found on <http://www.sigir.mil/contact/Default.aspx>.

##### **CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:**

In connection with its investigative duties, the SIGIR maintains records on the following categories of individuals:

a. Individuals or entities who are or have been the subject of investigations conducted by the SIGIR, including current and former employees of the SIGIR, Department of Defense (DOD), Department of State (DOS), the United States Agency for International Development (USAID) and other agencies in those areas where SIGIR has jurisdiction; current and former consultants, contractors, and subcontractors with whom the SIGIR or one of the above-mentioned agencies has contracted and their employees; and such other individuals or entities whose association with the SIGIR relates to alleged violation(s) of the Federal rules of conduct, the Civil Service merit system, and/or criminal or civil law, which may affect the integrity or physical facilities of the SIGIR and the agencies and entities in those areas where SIGIR has jurisdiction.

b. Individuals who are or have been witnesses, complainants, or informants in investigations conducted by the SIGIR.

c. Individuals or entities that have been identified as potential subjects of or parties to a SIGIR investigation.

##### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Information relating to investigations including:

a. Letters, memoranda, and other documents describing complaints or alleged criminal, civil, or administrative misconduct.

b. Investigative files which include: Reports of investigations and related

exhibits, statements, affidavits, and records obtained during an investigation.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

SIGIR's enabling legislation, § 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Pub. L. 108–106; 117 Stat. 1209, 1234–1238; 5 U.S.C. app. 8G note), as cumulatively amended, and the Inspector General Act of 1978, as amended, Public Law 95–452, 5 U.S.C. App. 3. Title 5 U.S.C. 552 and 552a. Title 5 U.S.C. 301.

**PURPOSE(S):**

The purpose of this system of records is to enable the SIGIR to carry out its mandate under its enabling legislation, as amended, and Inspector General Act, as amended. The system will consist of files and records compiled by the SIGIR on DOD, DOS, USAID, and other Federal employees or other persons who are of interest in an investigation for fraud and abuse with respect to the programs and operations for which SIGIR has jurisdiction.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act the records or information contained therein may specifically be disclosed outside the SIGIR as a "blanket" routine use pursuant to 5 U.S.C. 552a(b)(3) as described above.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

SIGIR Investigative Files consist of paper records maintained in folders, binders and logbooks; various records in electronic form; and an automated data base. The folders, binders and logbooks are stored in SIGIR's file cabinets and offices. The automated data base and electronic records are maintained on a file server and backup tapes in encrypted form.

**RETRIEVABILITY:**

The records are retrieved by the name of the subject of the investigation or inquiry, or by a unique control number assigned to each investigation or inquiry.

**SAFEGUARDS:**

These records are available only to those persons whose official duties require such access. The records are kept in limited access areas during duty

hours and in locked file rooms or locked offices at all other times.

**RETENTION AND DISPOSAL:**

The Investigative Files shall be kept in accordance with SIGIR's record retention schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Inspector General for Investigations, SIGIR, 400 Army Navy Drive, Arlington, VA 22202–4704.

**NOTIFICATION PROCEDURES:**

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to Kirt West, Deputy General Counsel, Office of General Counsel, SIGIR, 400 Army Navy Drive, Arlington, VA 22202–4704. The request should contain the individual's full name and address. Requests submitted on behalf of other persons must include their written authorization.

**RECORD ACCESS AND CONTESTING PROCEDURES:**

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of this record may contact Kirt West, Deputy General Counsel, Office of General Counsel, SIGIR, 400 Army Navy Drive, Arlington, VA 22202–4704.

**RECORD SOURCE CATEGORIES:**

Information in these records is supplied by: Individuals including, where practicable, those to whom the information relates; witnesses, corporations and other entities; records of individuals and of the various Federal agencies for which SIGIR has jurisdiction; records of other entities; Federal, foreign, State or local bodies and law enforcement agencies; documents and correspondence relating to litigation; transcripts of testimony; and miscellaneous other sources.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Pursuant to 5 U.S.C. 552a(j)(2), this system of records, to the extent it pertains to the enforcement of criminal laws, is exempted from all provisions of the Privacy Act of 1974, 5 U.S.C. 552a, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i).

Pursuant to 5 U.S.C. 552a(k)(2), this system of records to the extent it consists of investigatory material compiled for law enforcement purposes, is exempted from the following provisions of the Privacy Act of 1974, 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) other than material within the scope of the exemption at 5 U.S.C. 552a(j)(2).

**SIGIR–2**

**SYSTEM NAME:**

SIGIR Hotline Program Case Files.

**SECURITY CLASSIFICATION:**

The majority of the information in the system is Sensitive but unclassified.

**SYSTEM LOCATION:**

Office of the Deputy Assistant Inspector General for Inspections, SIGIR, 2011 Crystal Drive, Suite #1101, Arlington, VA 22202–4704.

**CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:**

Individuals filing hotline complaints; individuals alleged to have been involved in or witness to criminal or administrative misconduct, including, but not limited to, fraud, waste, or mismanagement.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

In connection with its investigative duties, the SIGIR maintains records resulting from the referral of, and inquiry into, hotline complaints, such as the date of the complaint; the hotline control number; the name of the complainant; the actual allegations; referral documents to other agencies requesting investigation into SIGIR Hotline complaints; referral documents from other agencies transmitting reports, which normally contains the name of the examining official(s) assigned to the case; background information regarding the investigation itself, such as the scope of the investigation, relevant facts discovered, information received from witnesses, and specific source documents reviewed; the investigator's findings, conclusions, and recommendations; and the disposition of the case; and internal SIGIR or other agency Hotline forms documenting review and analysis of SIGIR reports received from other agencies.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

SIGIR's enabling legislation, § 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Pub. L. 108–106; 117 Stat. 1209, 1234–1238; 5 U.S.C. app. 8G note), as cumulatively amended, and the Inspector General Act of 1978, as amended, Public Law 95–452, 5 U.S.C. App. 3. Title 5 U.S.C. 552 and 552a. Title 5 U.S.C. 301.

**PURPOSE(S):**

The purpose of this system of records is to record information related to official hotline investigations; to compile statistical information to disseminate to other agencies, including

the Council of Inspectors General for Integrity and Efficiency (CIGIE); to provide prompt, responsive, and accurate information regarding the status of ongoing cases; and to provide a record of complaint disposition.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act the records or information contained therein may specifically be disclosed outside the SIGIR as a "blanket" routine use pursuant to 5 U.S.C. 552a(b)(3), as set forth in SIGIR's System of Records Notice SIGIR-1-Investigative Files.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

SIGIR Hotline Files consist of paper records maintained in folders, binders and logbooks; various records in electronic form; and an automated data base. The folders, binders and logbooks are stored in SIGIR's file cabinets and offices. The automated data base and electronic records are maintained on a file server and backup tapes in encrypted form.

**RETRIEVABILITY:**

The records are retrieved by the name of the subject of the investigation or inquiry, the name of the complainant, if available, or by a unique control number assigned to each hotline allegation or inquiry.

**SAFEGUARDS:**

These records are available only to those persons whose official duties require such access. The records are kept in limited access areas during duty hours and in locked file rooms or locked offices at all other times. The automated system is password protected, and regular back-ups of data are performed.

**RETENTION AND DISPOSAL:**

Hotline case files are kept in accordance with SIGIR's record retention schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Assistant Inspector General for Inspections, SIGIR, 400 Army Navy Drive, Arlington, VA 22202-4704.

**NOTIFICATION PROCEDURES:**

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to Kirt West, Deputy General Counsel, Office of General Counsel, SIGIR, 400 Army Navy

Drive, Arlington, VA 22202-4704. The request should contain the individual's full name and address. Requests submitted on behalf of other persons must include their written authorization.

**RECORD ACCESS AND CONTESTING PROCEDURES:**

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of this record may contact Kirt West, Deputy General Counsel, Office of General Counsel, SIGIR, 400 Army Navy Drive, Arlington, VA 22202-4704.

**RECORD SOURCE CATEGORIES:**

Information in these records is supplied by: Individuals including, where practicable, those to whom the information relates; witnesses, corporations and other entities; records of individuals and of the various Federal agencies for which SIGIR has jurisdiction; records of other entities; Federal, foreign, State or local bodies and law enforcement agencies; documents and correspondence relating to investigations; and miscellaneous other sources.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Pursuant to 5 U.S.C. 552a(j)(2), this system of records, to the extent it pertains to the enforcement of criminal laws, is exempted from all provisions of the Privacy Act of 1974, 5 U.S.C. 552a, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i).

Pursuant to 5 U.S.C. 552a(k)(2), this system of records to the extent it consists of investigatory material compiled for law enforcement purposes, is exempted from the following provisions of the Privacy Act of 1974, 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) other than material within the scope of the exemption at 5 U.S.C. 552a(j)(2).

**SIGIR-3**

**SYSTEM NAME:**

Freedom of Information Act and Privacy Act Request and Appeal Files.

**SYSTEM LOCATION:**

Office of the Chief Freedom of Information Act Officer, SIGIR, 2011 Crystal Drive, Suite #1101, Arlington, VA 22202-4704.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All persons requesting information from SIGIR or filing appeals under the Freedom of Information Act (FOIA) or Privacy Act.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Copies of each FOIA or Privacy Act request received and of all correspondence related to the requests, including name, affiliation address, telephone numbers, e-mail addresses, and other information about a requester. A computerized index includes the name and affiliation of each requester, the request identification number, and the subject of the request.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 5 U.S.C. 552 and 552a.

**PURPOSE(S):**

To respond to FOIA and Privacy Act requests and to prepare reports on FOIA and Privacy Act activities.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, the records or information contained therein may specifically be disclosed outside the SIGIR as a "blanket" routine use pursuant to 5 U.S.C. 552a(b)(3), as set forth in SIGIR's System of Records Notice SIGIR-1-Investigative Files.

**RECORDS MAY ALSO BE DISCLOSED:**

1. To another Federal agency (a) with an interest in the record in connection with a referral of a Freedom of Information Act (FOIA) request to that agency for its views or decision on disclosure, or (b) in order to obtain advice and recommendations concerning matters on which the agency has specialized experience or particular competence that may be useful to SIGIR in making required determinations under the FOIA.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

SIGIR FOIA and Privacy Act request and Appeal files consist of paper records maintained in file folders; various records in electronic form; and an automated computer database.

**RETRIEVABILITY:**

The records are retrieved by name of requester and request identification number.

**SAFEGUARDS:**

These records are available only to persons whose official duties require such access. The records are kept in limited access areas during duty hours and in locked file rooms or locked offices at all other times. Computer records are maintained in a secure, password protected computer system.

**RETENTION AND DISPOSAL:**

FOIA and Privacy Act Request and Appeal Records are maintained in accordance with SIGIR's records retention schedule.

**SYSTEM MANAGER AND ADDRESS:**

Chief Freedom of Information Act Officer, SIGIR, 400 Army Navy Drive, Arlington, VA 22202-4704.

**NOTIFICATION PROCEDURES:**

Any individual who wants to know whether this system of records contains a record about him or her, who wants access to his or her record, or who wants to contest the contents of a record, should make a written request to the Chief Freedom of Information Act Officer.

**RECORD ACCESS AND CONTESTING PROCEDURES:**

Requesters will be required to provide adequate identification, such as a driver's license, employee identification card, or other identifying document. Additional identification procedures may be required in some instances. Requests for correction or amendment must identify the record to be changed and the corrective action sought.

**RECORD SOURCE CATEGORIES:**

Information in these records is supplied by Freedom of Information Act and Privacy Act requesters and related correspondence from the record subject(s) and from SIGIR offices.

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**DEPARTMENT OF AGRICULTURE****Forest Service****Six Rivers National Forest, Mad River Ranger District, Ruth, CA; Kelsey Peak Timber Sale and Fuelbreak Project**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The Forest Service is proposing the Kelsey Peak Timber Sale and Fuelbreak Project to provide timber products to local economies, reduce tree densities, improve watershed conditions and provide defensible space to improve fire protection and human safety. The Kelsey Peak planning area encompasses approximately 19,245 acres; 18,858 acres are National Forest System (NFS) lands and 398 acres are in private ownership. The project would treat approximately 4,789 acres of NFS lands by harvesting timber through thinning

on approximately 2,249 acres and create 2,540 acres of fuel corridors.

**DATES:** Comments concerning the scope of the analysis must be received by October 13, 2009. The Draft Environmental Impact Statement is expected March 2010 and the Final Environmental Impact Statement is expected June 2010.

**ADDRESSES:** Send written comments to Thomas Hudson, Mad River Ranger District, 741 State Highway 36, Bridgeville, CA 95526. Comments may also be sent via e-mail to *comments-pacificsouthwest-six-rivers-mad-river@fs.fed.us*, attention to the Kelsey Peak Project, or via facsimile to (707) 574-6273.

It is important that reviewers provide their comments at such times and in such a way that they are useful to the Agency's preparation of the EIS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the respondent with standing to participate in subsequent administrative or judicial reviews.

**FOR FURTHER INFORMATION CONTACT:**

Thomas Hudson; Mad River Ranger District, 741 State Highway 36, Bridgeville, CA 95526 or by telephone at (707) 574-6233.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The proposed project would take place within the Upper Mad River watershed on NFS lands administered by the Mad River Ranger District in Trinity County, California. The legal location includes portions of the following areas: T. 20 S., R. 8 E.; T. 30 S., R. 8 E.; and T. 28 N., R. 12 W.; and T. 27 N., R. 12 W.

The Kelsey Peak Project is designed to contribute timber commodity outputs in support of the Six Rivers Forest National Forest Land and Resource Management Plan (LRMP). One of the goals of the LRMP is to provide a stable supply of outputs and services that contribute to local, regional, and national social and economic needs. The Six Rivers National Forest seeks to

provide a sustainable, predictable, long-term timber supply for local economies.

Tree densities within many stands greatly exceed desired stocking levels. Overstocked stands can be unhealthy with low resistance to insect and disease outbreaks. Overstocked small young stands will take much longer to grow into larger mature trees, increasing the amount of time needed to balance size classes across the landscape.

The project area lies within the Mad River Watershed, which has been listed as water quality impaired. The primary sources of sediment are thought to be the current road conditions.

The project planning area occurs within portions of the wildland-urban interface for the communities of Ruth and Three Forks, CA. Numerous homes and several businesses contribute to the high economic value ranking in the area. Fuel hazards here are moderate, but fire risk is high due to the number of people in the area.

Sensitive wildlife and plant species and survey and manage botanical species are known to occur within the planning area.

**Purpose and Need for Action**

Given Forest goals, and environmental conditions within the planning area, the purpose and need for the proposed action is:

- Provide timber commodities that contribute towards the Forest's Allowable Sale Quantity as part of the Forest's obligation to sustain the local rural economy.
- Where stands are overstocked, reduce tree densities to increase stand vigor and resilience to fire and disease and increase growth rates that would lead to a more balanced age/size class distribution.
- Improve water quality within the watershed.
- Provide defensible space along strategic road corridors to improve fire protection and human safety for both the Forest and adjacent communities.

Within the context of meeting the purpose and need, there would be opportunities for fuelwood or biomass utilization associated with proposed activities.

**Proposed Action**

The proposed action is designed to meet the project's purpose and need while meeting the standards and guidelines of the LRMP. The Kelsey Peak Timber Sale and Fuelbreak Project would treat vegetation to meet the purpose and need.

1. Approximately 20 million board feet (MMBF) of timber would be harvested from approximately 2,249