

eucalyptus trees) than would have been disturbed by UII–NI. The increased development acreage in UII–NII would occur in the eucalyptus grove and areas previously proposed as revegetated areas.

Notice is hereby given that on May 20, 2009, the Proposed Action (Alternative 1) was selected and a FONSI determination was made for the action as described in the final EA for the San Bruno Mountain HCP Amendment. As authorized by the provisions of the Act (16 U.S.C. 1531 *et seq.*), we issued an amended permit (TE–215574–5) to the Cities of Brisbane, South San Francisco, and Daly City, and the County of San Mateo, subject to certain conditions set forth in the permit. The permit amendment was granted only after we determined it was applied for in good faith, that granting the permit amendment would not be to the disadvantage of the listed species, and that granting the permit amendment was consistent with the purposes and policy set forth in the Act.

**John Enbring,**

*Acting Deputy Regional Director, Pacific Southwest Region, Sacramento, California.*  
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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLOR932000–L16100000–DF0000–  
LXSS062H0000; HAG 9–0209]

#### Notice of Availability of Draft Environmental Impact Statement for Vegetation Treatments Using Herbicides on Bureau of Land Management Lands, Oregon

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969 (NEPA), the Bureau of Land Management (BLM) has prepared a Draft Environmental Impact Statement (DEIS) for Vegetation Treatments Using Herbicides on BLM Lands in Oregon (Vegetation Treatments DEIS) and by this Notice is announcing the opening of the comment period.

**DATES:** To ensure comments will be considered, the BLM must receive written comments on the Vegetation Treatments DEIS within 60 days following the date the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**.

**ADDRESSES:** You may submit comments by any of the following methods:

- **Web site:** <http://www.blm.gov/or/plans/vegreatmentseis/>
- **E-mail:** [orvegtratments@blm.gov](mailto:orvegtratments@blm.gov).
- **Mail:** Vegetation Treatments EIS Team, P.O. Box 2965, Portland, OR 97208–2965.

Copies of the Vegetation Treatments DEIS are available on the Internet at: <http://www.blm.gov/or/plans/vegreatmentseis/>. Requests to receive printed or CD copies of the DEIS should be sent to one of the addresses listed above.

#### FOR FURTHER INFORMATION CONTACT:

Todd Thompson, EIS Project Manager, by mail at Bureau of Land Management—OR932, P.O. Box 2965, Portland, OR 97208; by telephone at (503) 808–6326; or by email to the EIS Team at the address listed above.

**SUPPLEMENTARY INFORMATION:** In 1984, the BLM was prohibited from using herbicides in Oregon by a U.S. District Court injunction issued in *Northwest Coalition for Alternatives to Pesticides, et al. v. Block, et al.* (Civ. No. 82–6273–E). Following completion of an EIS examining the use of four herbicides just on noxious weeds, the injunction was modified by the court in November 1987 (Civ. No. 82–6272–BU). For the subsequent 22 years, the BLM in Oregon has limited its herbicide use to the four herbicides analyzed and limited use of those four herbicides to the control and eradication of Federal-, state-, or county-listed noxious weeds. In that time, new herbicides have become available that can be used in smaller doses, are more target-specific, and are less likely to adversely affect people and other non-target organisms. These new herbicides are being used by adjacent cooperating agencies and landowners to achieve better invasive weed control. Further, there are limited additional native vegetation treatment needs that would be more feasibly met, and more efficiently accomplished with selected herbicides.

In 2007, the BLM Washington Office (WO220) completed the Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement (PEIS) and related Record of Decision making 18 herbicides available for a full range of non-commodity vegetation treatments in 17 western states including Oregon. Oregon cannot implement that decision, however, until and unless the District Court injunction is lifted. The DEIS being released today, Vegetation Treatments Using Herbicides on BLM Lands in Oregon, tiers to the PEIS,

incorporates additional detailed analysis regarding the potential for human and environmental risks specific to Oregon and addresses the issues in the 1984 District Court decision and other information specific to Oregon. The additional analysis is similar to that presented in a similar EIS completed by the Forest Service in Oregon in 2005. The DEIS is programmatic, addressing all 15.7 million acres in Oregon and addressing all 18 herbicides approved for use by the 2007 Record of Decision for the PEIS and being used in the other 16 western states. The DEIS analyzes one “no action” alternative, one “no herbicide” alternative, and 3 action alternatives which were shaped in part by the comments received during 12 public scoping meetings held throughout Oregon in July 2008. No projects will be authorized; site-specific projects will be subject to additional National Environmental Policy Act analysis.

The analysis indicates that by using BLM manual section and policy standard operating procedures, along with PEIS-adopted mitigation measures, human and environmental risk from the use of herbicides is both minimized and reduced from current levels. The proposed action would also slow the spread of noxious weeds on BLM lands by about 50 percent and result in 2.2 million fewer infested acres in 15 years than under current program capabilities.

Following the public comment period, the BLM will prepare a Final Environmental Impact Statement and Record of Decision. These are planned for release in mid-summer 2010.

The responsible official for the EIS is the BLM Oregon and Washington State Director. No public hearings or meetings are planned during the public comment period for the DEIS. Please note that public comments and information submitted; including the names, street addresses, and email addresses of respondents; will be available for public review and disclosure during regular business hours (8 a.m. to 4 p.m.), Monday through Friday, except holidays, at the following address: 333 SW. 1st Avenue, Portland, OR 97204.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

**Edward W. Shepard,**  
State Director, Oregon/Washington BLM.  
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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### National Mall and Memorial Parks, Washington, DC; Notice of Availability of a Finding of No Significant Impact for the Proposed West Potomac Park Levee Project

**AGENCY:** Department of the Interior,  
National Park Service.

**ACTION:** Notice of Availability of a  
Finding of No Significant Impact.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) and National Park Service (NPS) NEPA guidelines, NPS prepared and, from January 30 to March 2, 2009, made available for a 30-day public review an Environmental Assessment (EA) evaluating the potential impacts of proposed improvements to the existing West Potomac Park Levee System which extends from 23rd Street, NW., to the grounds of the Washington Monument in Washington, DC. The goal of this project is to improve the reliability of the existing levee in order to meet the current post-Hurricane Katrina standards for flood protection as required by the U.S. Army Corps of Engineers (USACE) and the Federal Emergency Management Agency (FEMA). The existing levee protects much of the monumental core and large portions of downtown Washington, DC.

After the end of the 30-day public review period, the NPS selected for implementation, the preferred alternative as described in the EA, and determined it will not have a significant impact on the quality of the human environment and that an Environmental Impact Statement is not required. In making that selection and determination, the NPS considered the information and analysis contained in the EA and the comments received during the public review period. The NPS has accordingly prepared a Finding of No Significant Impact (FONSI) for the proposed West Potomac Park Levee Project. The FONSI is also accompanied by an errata sheet that corrected some minor inaccuracies and updated some information. The errata did not result in any changes in the overall findings of the EA and had no bearing on its determination of no significant impact.

**FOR FURTHER INFORMATION CONTACT:** Mr. Doug Jacobs, Deputy Associate Regional Director for Lands, Resources and Planning, National Capital Region, National Park Service, 1100 Ohio Drive, SW., Washington, DC 20242, by telephone at (202) 619-7025 or by e-mail at [doug\\_jacobs@nps.gov](mailto:doug_jacobs@nps.gov).

**SUPPLEMENTARY INFORMATION:** Since the Potomac Park levee was constructed in the late 1930's, the levee system has relied upon a temporary earthen closure being built across 17th Street in the event of a flood emergency. Based on new policies since Hurricane Katrina (33 CFR 208.10), the USACE has deemed the temporary 17th Street closure unreliable and consequently gave the levee an unacceptable inspection rating. For this reason, FEMA's most recently proposed 100-year floodplain map for this area reflects a 100-year flood event as if the currently-designed 17th Street closure did not exist (44 CFR part 67, 72 FR 54631-54635). This new mapping would place portions of southeast and downtown Washington, DC, including the monumental core, within the 100-year flood insurance rate zone. The placement would require additional flood insurance and/or costly upgrades to comply with building standards for those facilities that would fall within the new 100-year floodplain. In addition, a number of projects that are currently in development on the National Mall would need to be revised and could be delayed in order to comply with these building codes. At the District of Columbia's request, FEMA agreed to delay issuance of the new floodplain map until November, 2009, in order to allow the District and the NPS time to design and implement a solution that will reliably stop a 100-year flood at 17th Street, NW., and therefore make re-mapping unnecessary.

In addition, the USACE requested that the solution be designed in such a manner as to allow for easy modification to meet the higher level of protection authorized by Congress in 1936 but never funded. The congressionally authorized level of protection is roughly equivalent to a 187-year storm. The District and NPS agreed that any improvements to the levee should be consistent with the current authorization so that the congressionally authorized level of protection can ultimately be achieved once funding is appropriated.

The EA evaluated five alternatives, all of which incorporate a permanent structure from Overlook Terrace in Constitution Gardens to the west side of 17th Street and another permanent

structure on the east side of 17th Street which extends into the natural rise of the Washington Monument Grounds. The intervening space across 17th Street will have footings designed to receive a temporary post and panel closure system that would be deployed only during a major flood event. The permanent structures on either side of 17th Street will be a combination of earthen berms and concrete walls/embankments which will be clad in stone during a subsequent phase of the project. Since full funding for the entire project was not certain, all of the alternatives in this EA are presented in a phased approach.

The NPS identified Alternative 1B as its Preferred Alternative and has selected it for implementation. During the completion of this EA, it became apparent that considerable costs and time of construction and, therefore, time of disturbance to the National Mall and visitors, could be avoided if the levee at 17th Street was constructed to the higher level of protection initially, if funding would be available. Under Phase 1 of the alternative, a levee closure structure will be constructed at 17th Street, approximately 253 feet south of the centerline of Constitution Avenue, NW. The closure structure will consist of two symmetrical curved concrete flood walls built to the height of the Congressionally-authorized solution and set back approximately 23 feet to the east and west of 17th Street. The flood walls will require the re-grading of both the northwest corner of the Monument Grounds as well as the eastern edge of Constitution Gardens between the Overlook Terrace and 17th Street. Tree planting and final landscaping will also be completed as the first phase of the project. In the second phase of implementation, the remaining visible sections of the levee wall at 17th Street will be clad in stone to match the historic character of the adjacent cultural landscapes and historic resources. The cladding will enhance the aesthetic quality and character of the landscape to mitigate against adverse effects associated with concrete walls.

Phase Two includes a pedestrian path and additional landscaping. Improvements to the other parts of the Potomac Levee will also occur as part of the second phase of implementation since the existing conditions at 23rd Street, NW. and the Reflecting Pool do not meet the Congressionally-authorized level of protection. At the southwest corner of 23rd Street and Constitution Avenue, NW., portions of the site will be re-graded and raised by approximately one to two feet. Along