

based on comments received, the Forest Service has decided to prepare an Environmental Impact Statement. Through public and internal scoping, the following significant issues emerged:

SUPPLEMENTARY INFORMATION:

Nature and Scope of the Proposed Action

Ponderosa pine and western larch forests in the Swan Valley were once a mosaic of open, park like stands that supported large trees. Fire suppression and timber harvesting in this century have changed these forests. Many of the remaining stands of ponderosa pine and western larch have become densely overgrown with mid-story and understory Douglas-fir, subalpine fir, spruce, and grand fir trees. These shade tolerant species are growing into the crowns of the older ponderosa pine and western larch. This creates "fuel ladders" that put ponderosa pine and western larch at increased risk should a fire occur. Historically, the low intensity ground fires will have thinned out these shade tolerant species. Trees in these dense stands are also susceptible to insects and pathogens. Dead or diseased trees increase the risk of fire. The closed forest canopy is also shading and reducing the vigor of shrub, grass, and forb populations associated with open forest conditions.

This proposal addresses the need to restore old growth forest characteristics within the Upper Swan Valley. The proposed management actions are intended to increase the presence of open-grown, large-tree ponderosa pine and western larch forests; lower the risks of loss of mature large trees from insects, disease, and lethal fire; and return fire, in the form of prescribed fire, as a process of forest succession.

The proposed action outlines 2,090 acres of vegetation treatments which include prescribed burning, pre-commercial thinning, and varying intensities of timber harvest with associated fuels treatments and preparation for reforestation. The proposed action includes 2.9 miles of road reclamation, 3.3 miles of temporary road construction and subsequent restoration, improved fish passages at 3 sites, culvert replacement at one site, wetland restoration (filling a man-made ditch) at one site, and approximately 5.5 miles of fuel breaks on upland sites adjacent to private lands. In addition, road access changes are proposed for 3.0 miles, and establishing approximately 5.5 miles of fuel breaks on upland sites adjacent to private lands.

1. Effects of vegetation treatments on big game winter range habitat.

2. Effects of vegetation treatments on existing and future old growth forest communities. The interdisciplinary team has developed alternatives to the proposed action that respond to these significant issues.

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 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 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 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 environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement 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.

Following this comment period, the comments received will be analyzed, considered, and responded to by the Forest Service in the final environmental impact statement (FEIS). Chuck Harris, District Ranger, Swan Lake Ranger District, 200 Ranger Station Road, Bigfork, MT 59911 is the responsible official for the preparation of the EIS and will make a decision regarding this proposal considering the comments and responses, environmental consequences discussed

in the FEIS, and applicable laws, regulations, and policies. The decision and rationale for the decision will be documented in a Record of Decision. That decision will be subject to appeal under applicable Forest Service regulations.

Dated: July 2, 1999.

Chuck Harris,

District Ranger, Swan Lake Ranger District, Flathead National Forest.

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DEPARTMENT OF AGRICULTURE

Forest Service

Threemile Timber Harvest, Tongass National Forest; Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Revision of the Notice of Intent to Prepare an Environmental Impact Statement for the Threemile Timber Harvest as published in **Federal Register** page 13766-13767, on March 22, 1999. This revision includes changes in the proposed action, the size of the project area, as well as changes in the project schedule.

SUMMARY: The Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement (EIS) to provide timber for the Tongass National Forest timber sale program. The Record of Decision will disclose how the Forest Service has decided to provide harvest units, roads, and associated timber harvesting facilities. The revised proposed action is to harvest timber in the Threemile Project area on Kuiu Island with associated road construction as well as a new log transfer facility at Threemile Arm.

A range of alternatives responsive to significant issues will be developed including a no-action alternative. The proposed timber harvest is located in the Tongass National Forest, Petersburg Ranger District, on Kuiu Island, Alaska, within the Threemile Arm area. The *Tongass Land and Resource Management Plan* (1999) provides the overall guidance (land use designations, goals, objectives, management prescriptions, standards and guidelines) to achieve the desired future condition for the area in which this project is proposed. The Forest Plan allocates portions of the project area into three management prescriptions: Timber Production, Modified Landscape, and Old-growth Habitat Land Use Designations.

DATES: For the Forest Service to best use the scoping input, comments should be received by August 1, 1999; however, scoping comments will be accepted at any time. Comments received in response to the original Notice of Intent are also accepted.

ADDRESSES: Please send written comments to Petersburg Ranger District; Tongass National Forest, Attn: Threemile Timber Harvest EIS; PO Box 1328, Petersburg, AK., 99833.

INFORMATION CONTACT: Questions about the proposal and EIS should be directed to Everett Kissinger, Interdisciplinary Team Leader, PO Box 1328, Petersburg, AK, 99833, phone (907) 772-3841.

SUPPLEMENTARY INFORMATION: Public participation will be part of the planning process and will be especially important at several points during the analysis. The first is during the scoping process. The Forest Service will be seeking information, comments, and assistance from federal, tribal, state, and local agencies, and from individuals and organizations that may be interested in, or affected by, the proposed activities. The scoping process will include: (1) Identification of potential issues; (2) identification of issues to be analyzed in depth; and (3) elimination of insignificant issues or those which have been covered by a previous environmental review. Written scoping comments will be solicited through a scoping package sent to a project mailing list. For the Forest Service to best use the scoping input, comments should be received by August 1, 1999; however, scoping comments will be accepted at any time. Tentative issues identified for analysis in the EIS include subsistence, wildlife habitat, road development and access management, and timber sale economics and timber supply. Based on the results of scoping and the resource capabilities within the project area, alternatives including a no-action alternative will be developed for a Draft Environmental Impact Statement (Draft EIS). The Draft EIS is projected to be filed with the Environmental Protection Agency (EPA) in January 2000. Subsistence hearings, as provided for in Title VIII, Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA), may be conducted during the comment period on the Draft EIS if the analysis indicates a significant effect to subsistence uses. The Final EIS is anticipated by July, 2000.

The comment period on the Draft EIS will be 45 days from the date the Environmental Protection Agency publishes a 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 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 reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553, (1978). Environmental objections that could have been raised at the draft environmental impact statement stage 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 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 environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns of the proposed action, comments during scoping and comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific areas with the project area are 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 Regulation for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received in response to this solicitation, including names and address of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. 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 parts 215 or 217. 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. Requests should be

aware that, under 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 where 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 7 days.

Permits: Those required for implementation include the following:

1. U.S. Army Corps of Engineers
 - Approval of discharge of dredged or fill material into the waters of the United States under Section 404 of the Clean Water Act;
 - Approval of the construction of structures or work in navigable waters of the United States under Section 10 of the Rivers and Harbors Act of 1989;
2. Environmental Protection Agency
 - National Pollutant Discharge Elimination System (402) Permit;
 - Review Spill Prevention Control and Countermeasure Plan;
3. State of Alaska, Department of Natural Resources
 - Tideland Permit and Lease or Easement;
4. State of Alaska, Department of Environmental Conservation
 - Solid Waste Disposal Permit;
 - Certification of Compliance with Alaska Water Quality Standards (401 Certification)
5. State of Alaska, Division of Governmental Coordination
 - Coastal Zone Consistency Determination concurrence

RESPONSIBLE OFFICIAL: Carol J. Jorgensen, Assistant Forest Supervisor, Stikine Area, Tongass National Forest, PO Box 309, Petersburg, AK 99833, is the responsible official. The responsible official will consider the comments, responses, disclosure of environmental consequences, and applicable laws, regulations, and policies in making the decision and stating the rationale in the Record of Decision.

Dated: June 21, 1999.

Carol J. Jorgensen,

Assistant Forest Supervisor.

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DEPARTMENT OF AGRICULTURE

Forest Service

Southwest Washington Provincial Advisory Committee Meeting; Notice

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.