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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Pipestone Forest Health Project, Kootenai National Forest, Lincoln County, MT

AGENCY: Forest Service, USDA.

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

SUMMARY: The USDA, Forest Service, will prepare an Environmental Impact Statement (EIS) to disclose the environmental effects of vegetation management through timber harvest and prescribed burning; road maintenance, reconstruction and construction; and habitat improvement projects such as instream fisheries habitat enhancement in that portion of the Pipestone landscape assessment area which encompasses the Pipe and Bobtail Creek drainages. The southern and northernmost extent of the landscape assessment area are located approximately 1 and 20 air miles, respectively, from Libby, Montana.

The proposed activities are being considered together because they represent either connected or cumulative actions as defined by the Council on Environmental Quality (40 CFR 1508.25). The purposes of the project are to improve forest health, improve watershed and fisheries habitat, and contribute to a sustained yield of timber.

The EIS will tier to the Kootenai National Forest Land and Resource Management Plan as amended by the Inland Native Fish Strategy (INFS), Final Environmental Impact Statement (FEIS), and Record of Decision (ROD) of September, 1987, which provides overall guidance for forest management of the area.

DATES: Written comments and suggestions should be received on or before January 18, 2000.

ADDRESSES: The Responsible Official is Bob Castaneda, the Kootenai National Forest Supervisor, 1101 U.S. Hwy 2 West, Libby, Montana 59923. Written comments and suggestions concerning this analysis may be sent to Malcom Edwards, Libby District Ranger, 12557 U.S. Hwy 37, Libby, Montana 59923.

FOR FURTHER INFORMATION CONTACT: Kirsten Kaiser, Project Coordinator, Libby Ranger District. Phone: (406) 293-7773.

SUPPLEMENTARY INFORMATION: The portion of the landscape assessment area being analyzed is approximately 81,300 acres; approximately 68,000 acres are under Forest Service ownership and approximately 13,200 acres are under private ownership. All proposed activities would occur on National Forest lands within the assessment area that includes all or parts of T34N, R32W, Section 36; T34N, R31W, Sections 11, 14, 15, 21-36; T34N, R30W, Section 1; T33N R32W, Sections 1, 12, 23-25, 36; T33N, R31W, Sections 1-36; T33N, R30W, Sections 18-20, 29-33; T32N, R32W, Sections 1, 12-13, 24, 25, 36; T32N, R31W, Sections 1-36; T32N, R30W, Sections 5-10, 15-21, 29-32; T31N, R31W, Sections 1-22, 29, 30; T31N, R30W, Sections 4-9, 17, 18; Principal Montana Meridian.

The assessment area includes the Gold Hill West Roadless Area. Prescribed burning is proposed in this roadless area. All remaining proposed activities are outside the boundaries of any inventoried roadless area or any areas considered for inclusion to the National Wilderness System as recommended by the Kootenai National Forest Plan or by any past or present legislative wilderness proposals.

The Kootenai National Forest Land and Resource Management Plan provides overall management objectives in individual delineated management areas (MAs). Most of the proposed timber harvest activities encompass five predominant MAs: 11, 12, 15, 16, 17. Briefly described, MA 11 is managed to maintain or enhance the winter range habitat effectiveness for big game species and produce a programmed yield of timber. MA 12 is managed to maintain or enhance the summer range habitat effectiveness for big game species and produce a programmed yield of timber. MA 15 focuses upon timber production using various silvicultural practices while providing

for other resource values. MA 16 is managed to produce timber while providing for a pleasing view. MA 17 is managed to maintain or enhance a natural appearing landscape and produce a programmed yield of timber. Minor amounts of timber harvest and/or other proposed activities such as prescribed burning are found in other MAs, including 6, 13, 14, 18, 19.

Purpose and Need

The primary purpose and need for the project is to: (1) Improve forest health by reducing tree densities, changing species composition, stimulating natural processes, reducing insect and disease, and improving visual condition; (2) improve watershed health and fisheries habitat by improving habitat conditions, stabilizing stream segments, and reducing road effects; (3) contribute to a sustained yield of timber through improvement of forest health.

Proposed Activities

The Forest Service proposes to harvest approximately 18,000 CCF (hundred cubic feet), equivalent to 7.5 MMBF (million board feet) of timber through the application of a variety of harvest methods on approximately 1738 acres of forestland. Silvicultural systems include 378 acres of regeneration harvest, 1103 acres of commercial thinning type applications, 206 acres of salvage, and 51 acres of removal of small diameter material. Some treatments would feather or thin stands adjacent to existing units with abrupt edges to improve the visual setting for outdoor recreation.

The proposal also includes approximately 325 acres of prescribed burning in association with commercial timber harvest and approximately 3695 acres of prescribed burning without commercial timber harvest. Prescribed burning without timber harvest is proposed within management area 13 (designated old growth) and the Gold Hill West Roadless Area.

The Interdisciplinary Team (IDT) and District Ranger will consider firewood gathering opportunities for the public on roads to be opened for logging activities and/or on roads to be decommissioned will be considered by the IDT and District Ranger.

The proposal includes constructing an estimated 0.68 miles of specified permanent road to access vegetation treatment areas. A temporary increase in

open road densities (ORDs) associated with proposed management activities may result in the need for a site-specific Forest Plan ORD amendment in MA 12 (big game summer range).

The proposal includes expansion of the Upper Pipe Creek Gravel Pit to provide for mineral material necessary to maintain, reconstruct, construct and/or improve roads in the assessment area.

The proposal includes creation of cavity habitat through tree inoculation (inoculation kills the tree) resulting in habitat for cavity nesting species where cavity habitat is limited by past management activities.

In addition to the above activities, the following watershed and fisheries improvement activities are proposed which would include: (1) Placement of large woody debris in Deception Creek; (2) instream habitat enhancement work (placement of structures) in Pipe Creek; (3) habitat and stream stability improvement projects in Bobtail Creek; (4) approximately 30 miles of road reconstruction and maintenance; (5) maintenance and improvement of the East Fork Pipe Creek Road; (6) decommissioning approximately 56 miles of road.

Range of Alternatives

The Forest Service will consider a range of alternatives. A "no action" alternative in which none of the proposed activities would be implemented would be considered. Additional alternatives may be considered to achieve the project's purpose and need and to respond to specific resource issues and public concerns.

Preliminary Issues

Tentatively, several issues have been identified during the initial and informal communication phase with the public and internal communication with Forest Service personnel. These issues are briefly described below:

Cumulative Effects. What are the effects to various resource value of past and foreseeable activities on public and private lands within the project area?

Road Access and Decommissioning. What effect would decommissioning efforts have on public access?

Grizzly Bear. What effect would proposed activities have on the threatened grizzly bear?

Water Quality and Fisheries Habitat. What effects would the proposed actions have on water quality and bull trout habitat?

Noxious/invasive weeds. What effect will the proposed activities have on the control or spread of noxious weeds?

Timber Supply and Economics. How will the proposed activities affect timber supplies and produce economic benefits to local communities?

Public Involvement and Scoping

Beginning in March of 1997, preliminary efforts were made to involve the public in looking at opportunities for restoration and management of the Pipestone landscape assessment area. Public participation has consisted of a series of informational mailings, notices in local and regional newspapers, field trips, local television advertisements, a radio address, and an open house. Taking into account the comments received and information gathered during the preliminary analysis, it was decided to prepare an EIS for the Pipestone landscape assessment area. Comments received prior to this notice will be included in the documentation for the EIS.

This environmental analysis and decisionmaking process will enable interested and affected people to participate and contribute to the final decision. The public is encouraged to take part in the process and is encouraged to visit with Forest Service officials at any time during the analysis and prior to the decision. The Forest Service will be seeking information, comments, and assistance from Federal, State, Tribes, 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 and final EIS. The scoping process will assist in identifying potential issues, identifying issues to be analyzed in depth, identifying alternatives to the proposed action, and considering additional alternatives which will be derived from issues identified during scoping activities.

Estimated Dates for Filing

While public participation in this analysis is welcome at any time, comments received within 30 days of the publication of this notice will be especially useful in the preparation of the Draft EIS. The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by July, 2000. At that time, EPA will publish a Notice of Availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS will be a minimum of 45 days from the date the EPA publishes the Notice of Availability in the **Federal Register**.

The Final EIS is scheduled to be completed by October of 2000. In the

Final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the Draft EIS and applicable laws, regulations, and policies considered in making a decision regarding the proposal.

Reviewers Obligations

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). Also, environmental objections that could be 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 and respond to them in the Final EIS.

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 discussed. 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.

Responsible Official

The Responsible Official, Kootenai Forest Supervisor Bob Castaneda, will decide which, if any, of the proposed projects will be implemented. This decision will document reasons for the decision in the Record of Decision. That decision will be subject to Forest Service Appeal Regulations.

Dated: December 6, 1999.

Bob Castaneda,

Forest Supervisor, Kootenai National Forest.
[FR Doc. 99-32606 Filed 12-15-99; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Emergency Watershed Protection Program

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of Availability of the Draft Programmatic Environmental Impact Statement.

SUMMARY: The Natural Resources Conservation Service (NRCS) announces the availability of the Draft Programmatic Environmental Impact Statement (PEIS), in compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*) for the Emergency Watershed Protection (EWP) Program. The draft PEIS assesses the potential environmental impacts of alternatives for administration of the EWP Program, which provides funding and assistance to localities requesting EWP assistance to address watershed impairments, caused by a natural disaster, which pose an immediate threat to life and property.

The original PEIS for the EWP Program was prepared in 1975. NRCS has conducted a comprehensive review of the program that has resulted in changes to improve the environmental, economic, and technical soundness of activities conducted under the program. This draft PEIS supports management decisions on how best to revise the EWP Program to continue to effectively and efficiently meet EWP statutory requirements. It analyzes a range of reasonable alternatives to ensure compliance with all applicable laws and regulations while minimizing, to the greatest extent practicable, any potential adverse environmental or socioeconomic impacts.

Comments Invited

To ensure that the full range of issues and alternatives related to the EWP Program have been addressed, NRCS invites comments on this draft PEIS. Written comments should be postmarked by close of business on February 14, 2000, to ensure consideration. Comments postmarked after this date will be considered to the extent practicable.

WHERE TO COMMENT: Written comments on the draft PEIS and requests for copies of the draft PEIS should be directed to: EWP-PEIS, Post Office Box 745, Falls Church, Virginia 22040-0745; telephone (toll free): 1-877-534-8692; or e-mail at ewp@mangi.com.

FOR FURTHER INFORMATION CONTACT: For matters relating to the EWP Program, please contact the Director, Watersheds and Wetlands Division, USDA-NRCS, Post Office Box 2890, Washington, DC 20013-2890; telephone: (202) 720-3527.

For matters relating to USDA/NRCS compliance with NEPA, please contact: Andree DuVarney, National Environmental Specialist, Ecological Sciences Division, USDA-NRCS, Post Office Box 2890, Washington, DC 20013-2890; telephone: (202) 720-4925.

Information may also be obtained from the NRCS Worldwide website at: <http://www.ftw.nrcs.usda.gov/BCS/enviro/nepa.htm> (general NEPA compliance information); <http://www.ftw.nrcs.usda.gov/programs.html> (EWP Program).

SUPPLEMENTARY INFORMATION: The EWP Program funds and provides technical assistance to sponsoring organizations (entities of government) to implement emergency measures for runoff retardation and soil erosion prevention to assist in relieving imminent hazards to life and property from floods, drought, and the products of erosion created by natural disasters that have caused or are causing sudden impairment of a watershed. The program is authorized by Section 216 of the Flood Control Act of May 17, 1950 (Pub. L. 81-516; 33 U.S.C. 701b-1) and by Section 403 of Title IV of the Agricultural Credit Act of 1978, (Pub. L. 95-334), as amended by Section 382 of the Federal Agricultural Improvement and Reform Act of 1996 (Pub. L. 104-127) 16 U.S.C. 2204. NRCS regulations implementing the EWP Program are set forth in 7 CFR part 624.

NEPA only requires a PEIS be prepared for major Federal actions significantly affecting the environment. It is NRCS' preliminary opinion that the programmatic decisions being made about the EWP Program do not constitute such action, particularly when considered on a nation-wide basis. Nonetheless, NRCS considers NEPA and the PEIS process to be a useful tool to assist decision makers under certain circumstances. Therefore, the agency has made the decision to prepare a PEIS in this case to take full advantage of NEPA's public participation provisions, as a means of considering the concerns of individual members of the public and the State and

local government sponsors who play a critical role in the EWP Program and to fully consider the impacts of alternative EWP Program policies and activities.

The final PEIS on the EWP Program will supersede the PEIS prepared on the program in 1975. The purpose of the draft PEIS is to assess the impacts of a range of EWP programmatic alternatives. It will also factor in changes that are being proposed to the administrative rule, such as the use of floodplain easements to address recurring hazards. NRCS expects that States may desire to tier to the national programmatic NEPA analysis to facilitate rapid response to EWP Program emergency requirements in the future, while maintaining adequate environmental review coverage for the necessary decision making.

Proposed Action Alternative

The proposed action is for NRCS to continue administering the EWP Program but with some revision for efficiency and effectiveness in program delivery, and to continue providing funding and technical assistance to aid appropriately sponsored entities in restoring watershed components to pre-disaster conditions.

Some of the changes NRCS is proposing action include:

1. Eliminate the terms "exigency" and "non-exigency";
2. Stipulate that "Urgent and Compelling" situations be addressed immediately upon discovery;
3. Set priorities for funding EWP sites;
4. Establish a cost-share rate of up to 75 percent for all EWP projects (except for projects in limited resource areas, where sponsors may receive up to 90 percent);
5. Stipulate that measures be economically, environmentally, and socially defensible;
6. Improve pre-disaster recovery readiness through interagency coordination, training, and planning;
7. Allow repair of impairments to agricultural lands using sound engineering alternatives;
8. Limit repair of sites to twice in a 10-year period;
9. Eliminate the requirement that multiple beneficiaries (property owners) be threatened before a site would be eligible for EWP Program repairs;
10. Apply principles of natural stream dynamics and bioengineering to the design of EWP practices;
11. Simplify the purchase of agricultural easements;
12. Repair enduring (structural or long-life) conservation practices;
13. Fund part of improved solutions;