

Determination

As required by section 126(b) of the Internal Revenue Code of 1954, as amended, I have examined the authorizing legislation, regulations, and operating procedures regarding the Mill and Deer Creeks Water Exchange Projects. In accordance with the criteria set out in 7 CFR Part 14, I have determined that all program payments for implementation of these projects made under the Delta Pumps Fish Protection Agreement are primarily for the purposes of protecting or restoring the environment and providing a habitat for wildlife. Subject to further determination by the Secretary of the Treasury, this determination permits program payment recipients to exclude from gross income, for Federal income tax purposes, all part of such program payments made under said project.

Signed at Washington, D.C. on February 5, 1999.

Dan Glickman,

Secretary, United States Department of Agriculture.

[FR Doc. 99-4725 Filed 2-23-99; 11:08 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket #AMS-OA-99-1]

Notice of a Public Meeting of the USDA Research and Promotion (R&P) Task Force

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: Pursuant to the Secretary of Agriculture's formation of an interagency R&P Task Force in December 1998, the task force announces a forthcoming meeting with all R&P Boards, their staffs, primary contractors, and other interested parties. **DATES:** March 8, 1999 at 8:15 a.m. to 4:15 p.m.; and March 9, 1999 at 8:30 a.m. to 4:00 p.m., Eastern Standard Time (EST), in Room 107A Whitten Bldg, USDA Headquarters, 14th and Independence Ave, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Barbara Robinson, Staff Director, Room 3069 South Bldg, U.S. Department of Agriculture, AMS, OA, Washington, D.C. 20250; telephone (202) 720-4276; fax (202) 690-3967; email: Barbara_C_Robinson@usda.gov.

SUPPLEMENTARY INFORMATION: The agenda of the meeting will follow a structure that includes 45 minutes of

discussion with each board; a list of topics that the R&P task force would like to discuss with boards is included below. Boards are requested to call and schedule specific time on the agenda for discussion with the task force. Slotted times are available by contacting Dr. Barbara Robinson at the telephone listed above. Other interested parties are welcome to address these same topics in their oral statements, or in written statements sent to the above address. Media may attend, but may not request time for oral statements. Interested parties must call Dr. Robinson, in order to schedule oral statements not to exceed five (5) minutes before the task force on the afternoon of March 9, commencing at approximately 1 p.m. Oral statements will be accommodated on a "first come-first serve basis," and will not extend beyond the scheduled adjournment time of 4:00 p.m. on March 9, 1999. Any party may submit written statements within 30 days of publication of this notice in the **Federal Register**, to: Dr. Barbara Robinson/ AMS/ Room 3069 South Bldg/Washington, D.C. 20250 or, via electronic mail to: Barbara_C_Robinson@usda.gov.

Selected Topics To Discuss at March 8-9 Meeting

1. Nominations Procedures—methods to ensure that nominations are solicited from the broadest groups for board representation; reaching out to a diverse group of members, such as limited resource/small/minority producers, handlers, importers, public consumer representatives, minorities, etc.

2. Continuance Referendum Procedures—most programs require that calls for referenda must occur with some specified percentage of signatures. In some cases volume thresholds are also used. Are the procedures/thresholds adequate to ensure that programs have majority support? Some programs call for automatic referenda on a periodic basis (e.g., every two years)—should there be consistent procedures across all programs? What is the best way to ensure that there is continued support for programs?

3. Financial Management Issues: two areas of discussion here might be in: 1) the areas of financial controls, reviews, and audit procedures by Boards—are there consistent procedures used across the boards; relatedly, are there sufficient enforcement authorities to boards to ensure proper financial controls, or to ensure prompt payment of assessments; 2) the role of USDA in overseeing financial management by boards, and audits by USDA—can USDA be of better, more effective assistance in this

area, to minimize problems with boards' financial management? How?

4. Other Items * * * e.g., evaluation of effectiveness—how do boards ensure that their paying members (as well as the public, in some cases) are knowledgeable about the use of funds, and the effectiveness of promotion and research activities carried out by boards? Can USDA be of more assistance here? E.g., do boards engage in publishing their accomplishments, plans, or use such means as focus groups to solicit input and demonstrate planned activities and intended accomplishments?

Dated: February 19, 1999.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 99-4726 Filed 2-23-99; 11:08 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

Middle Fork John Day Range Planning on the Long Creek/Bear Valley and Prairie City Ranger Districts, Malheur National Forest, Grant County, Oregon

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 update range management planning on 8 livestock (cattle and horse) grazing allotments and three (3) administrative use pastures which will result in the development of new Allotment Management Plans (AMPs). The allotments are called Austin, Bear Creek, Camp Creek, Lower Middle Fork, Elk, Blue Mountain, Upper Middle Fork on the Long Creek/Bear Valley Ranger District, and Sullens on the Prairie City Ranger District of the Malheur National Forest. The administrative use pastures are called Sunshine, Bear Creek and Blue Mountain. The range planning area is located approximately 20 to 25 air miles north and east of John Day, Oregon. The allotments, combined, are called the Middle Fork John Day Range Planning Area. Small portions of the Umatilla and Wallowa-Whitman National Forest System lands that are within the allotments, will also be considered in the proposal. Management actions are planned to be implemented beginning in the year 2000. The agency gives notice of the full environmental analysis and decision-making process that will occur on the proposal so that interested

and affected people may become aware of how they may participate in the process and contribute to the final decision.

DATES: Comments concerning the scope of the analysis should be received in writing by March 26, 1999.

ADDRESSES: Send written comments and suggestions concerning this proposal to F. Carl Pence, Forest Supervisor, Malheur National Forest, P.O. Box 909, John Day, Oregon 97845.

FOR FURTHER INFORMATION: Direct questions about the proposed action and EIS to Paul Bridges, Interdisciplinary Team Leader, Wallowa-Whitman National Forest, Baker Ranger District, 3165 10th Street, Baker City, Oregon 97814, phone (541) 523-1950.

SUPPLEMENTARY INFORMATION: The proposed action is to continue to permit livestock grazing on National Forest System lands. The proposed action is designed to continue the improving trends in vegetation, watershed conditions, and in ecological sustainability relative to livestock grazing within the eight allotments of the Middle Fork John Day, Galena and Camp Creek Watersheds. The action is needed to develop new AMPs which incorporate results of recent scientific research, analysis and documentation at the sub-basin level.

The Malheur Forest Plan as amended, recognized the continuing need for forage production from the Forest and recognized the eight allotments of the Middle Fork John Day, Galena and Camp Creek watersheds as containing lands which are capable and suitable for grazing by domestic livestock. This action is needed to continue this historic use.

The eight allotments encompass approximately 185,886 acres of National Forest System lands, with Bureau of Land Management (BLM) and private land included in some allotments. Forest Plan Management Areas (MAs) include MA1 (general forest), MA2 (rangeland), MA3 (riparian zones), MA4 (big game winter range maintenance), MA7 (scenic area), MA13 (dedicated/replacement old growth), MA14 (visual corridors), MA19 (administrative sites) and MA21 (wildlife emphasis area with non-scheduled timber harvest). The administrative pastures make up approximately 490 acres.

Four species of anadromous and resident salmonid fish species inhabit the Middle Fork John Day Range Planning Area for all or part of their life history. Both resident and/or anadromous forms of inland redband trout/summer steelhead, fluvial and resident bull trout, spring chinook

salmon, summer steelhead and mountain whitefish are found within the watershed. Two of these species are listed under the Endangered Species Act, the bull trout are threatened, and the summer steelhead are proposed to be listed as threatened. Spring chinook salmon are regionally listed as sensitive. The planning area contains habitat for two listed animal species, American peregrine falcon (endangered) and northern bald eagle (threatened), and one proposed species, North American lynx. Habitat for many other wildlife species including management indicator species (MIS) is also present in the planning area. These species include California wolverine, North American lynx, Rocky Mountain elk, marten, pileated woodpecker, and goshawk. Since 1992, mitigations associated with the Endangered Species Act and other issues, have addressed many of the areas of past concern on allotments within this planning area.

Preliminary issues include: (1) The effects of livestock grazing on riparian conditions (including water quality, water temperature and stream bank stability); (2) the ability to maintain ecological sustainability and continue watershed restoration with continued livestock grazing; (3) the effects of livestock grazing on threatened, endangered, proposed, or sensitive (TES) species; and (4) the effects of no grazing or reduced grazing on the local economy.

A detailed public involvement plan has been developed, and an interdisciplinary team has been selected to do the environmental analysis, prepare and accomplish scoping and public involvement activities.

The proposed action is intended to provide the analysis needed to prepare new AMPs that meet all the Forest Plan amended requirements of Interim strategies for managing Pacific anadromous fish-producing watersheds in eastern Oregon and Washington, Idaho, and portions of California (PACFISH), Inland Native Strategies for Managing Fish-producing Watersheds in Eastern Oregon and Washington, Idaho, Western Montana, and Portions of Nevada (INFISH), and are consistent with the scientific findings of the Interior Columbia Basin Ecosystem Management Program (ICBEMP). Consultation with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, as required under the ESA, will be completed for all proposed activities.

Public involvement will be especially important at several points during the analysis, beginning with the scoping process. The Forest Service will be

consulting with Indian Tribes and seeking information, comments, and assistance from Federal, State, local agencies, tribes, and other individuals or organizations who may be interested in or affected by the proposals. The scoping process includes:

1. Identifying and clarifying issues.
2. Identifying key issues to be analyzed in depth.
3. Exploring alternatives based on themes which will be derived from issues recognized during scoping activities.
4. Identifying potential environmental effects of the proposals and alternatives (i.e., direct, indirect, and cumulative effects and connected actions).
5. Determining potential cooperating agencies and task assignments.
6. Developing a list of interested people to keep apprised of opportunities to participate through meetings, personal contacts, or written comments.
7. Developing a means of informing the public through the media and/or written material (e.g., newsletters, correspondence, etc.).

Public comments are appreciated throughout the analysis process. The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and be available for public review by September 1999. The comment period on the draft EIS will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register**. The final EIS is scheduled to be available March 2000.

The Forest Service believes it is important to give reviewers notice of this early stage of public participation and of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS 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 have been raised at the draft stage may be waived or dismissed by the court if not raised until after completion of the final EIS. *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 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 EIS 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 EIS 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.)

In the final EIS, the Forest Service is required to respond to substantive comments and response 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.

The Responsible Official is F. Carl Pence, Forest Supervisor for the Malheur National Forest. The Responsible Official will document the decision and rationale for the decision in the Record of Decision. That decision will be subject to appeal under 36 CFR Part 215.

Dated: February 12, 1999.

F. Carl Pence,

Forest Supervisor, Malheur National Forest.

[FR Doc. 99-4645 Filed 2-24-99; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Ashland Watershed Protection Project, Rogue River National Forest, Jackson County, Oregon

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

SUMMARY: The USDA, Forest Service, will prepare an environmental impact statement (EIS) for the Ashland Watershed Protection Project on the Rogue River National Forest. The overall goal for the management of the Ashland Creek Watershed is to continue to provide high quality drinking water for the City of Ashland and to maintain large areas of late-successional habitat by creating a landscape relatively resistant to large-scale stand replacing wildfires. The objectives of this project is to manage vegetation in a manner that reduces the current fire hazard and restores fire dependent ecosystems to conditions where the chance for large-

scale, stand replacing wildfires is reduced. The Forest Service gives notice of the full analysis and decision-making process so that interested and affected peoples are made aware as to how they may participate and contribute to this supplemental analysis and decision.

DATES: Comments concerning the scope of this analysis should be received by March 19, 1999.

ADDRESSES: Submit written comments to Linda Duffy, District Ranger, Ashland Ranger District, Rogue River National Forest, 645 Washington Street, Ashland, Oregon, 97520.

FOR FURTHER INFORMATION CONTACT:

Kristi Mastrofina, Ashland Ranger District, Rogue River National Forest, 645 Washington Street, Ashland, Oregon, 97520, Telephone (541) 482-3333; FAX (541) 858-2402.

SUPPLEMENTARY INFORMATION: The Ashland Creek Watershed supplies the City of Ashland with its domestic water. A Cooperative Agreement between the City of Ashland and the Forest Service for the management of the Ashland Watershed was originally approved in 1929. A Memorandum of Understanding drafted in 1985 and updated in 1996, defines the roles and responsibility of both the City of Ashland and the Forest Service in the management of the watershed. In accordance with these agreements and the Rogue River National Forest Land and Resource Management Plan, the Forest Service is responsible for providing fire protection for the Ashland Watershed through appropriate fire management strategies.

The project area is located within the Mt. Ashland Late-Successional Reserve (LSR), which is located mostly within the Ashland Creek Watershed, and partially within the Hamilton and Tolman Creek sub-watersheds (tributaries of Bear Creek). The legal location description for all actions is T. 39 S., R. 1 E., in sections 17, 19, 20, 21, 27, 28, 29, 32, 33, and 34; T. 40 S., R. 1 E., in sections 4 and 5; W.M., Jackson County, Oregon.

As required by the April 1994 Amended Rogue River Land and Resource Management Plan, an LSR Assessment was completed prior to planning for vegetation manipulation activities. The Mt. Ashland LSR Assessment identified the need for this fire hazard reduction strategy, which has been reviewed by the Regional Ecosystem Office.

The Proposed Action for the Ashland Watershed Protection project would treat vegetation and dead and down fuels on an estimated 1,500 acres using a variety of treatment methods. Treatment methods that will be

considered include prescribed fire, mechanical manipulation of vegetation (cutting with chainsaws and handpiling for burning), and tree (canopy) removal through commercial means. About 1,000 acres would be treated with underburning or non-commercial mechanical methods, and about 500 acres would be treated using commercial tree removal. This Proposed Action would also include the reconstruction of .25 mile of road, and the construction of one new helicopter landing. Preliminary issues include: maintenance of water quality within a domestic supply watershed; protection of LSR characteristics; maintenance of long-term site productivity; economic feasibility associated with the removal of large amounts of small trees and shrubs; protection of terrestrial habitat, aquatic habitat, and rare plant and animal species; aesthetics and social considerations; and the effectiveness of various fire management strategies proposed. Preliminary alternatives of the Proposed Action include options to: reduce fire hazard using only non-commercial mechanical treatment methods; economically efficient non-commercial and commercial removal techniques; and treatment methods that would focus on minimizing the changes in late-successional stand structures.

In March of 1998, following extensive environmental analysis and community involvement that started in July of 1996, a Decision Notice authorizing the implementation of the Ashland Interface Fire Hazard Reduction (HazRed) project was signed. Appeals to that decision were filed with the Regional Forester that resulted in the decision being reversed in July of 1998. Reversal was based on the finding by the Regional Forester that an additional 30-day Notice and Comment period was warranted following an Environmental Assessment (EA) revision process.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by April 1999. The comment period on the draft EIS will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register**. The draft and final EIS will be prepared and circulated in accordance with 40 CFR 1502.9. Comments received on the draft EIS will be considered in the preparation of the final EIS. The final EIS is scheduled to be completed July 1999.

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 the draft structure their