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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

Animal and Plant Health Inspection Service

[Docket No. 97-072-1]

Supplemental Environmental Impact Statement for the Importation of Logs, Lumber, and Other Unmanufactured Wood Articles

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service will prepare a supplement to the environmental impact statement, issued in July 1994, for the rulemaking proceeding entitled "Importation of Logs, Lumber, and Other Unmanufactured Wood Articles." Supplementation of the impact statement is in response to a Federal district court's finding that the final environmental impact statement does not completely satisfy applicable requirements of the National Environmental Policy Act and the Council on Environmental Quality's implementing regulations. Comments on the proposed scope of the supplement are welcome.

DATES: Consideration will be given only to comments received on or before September 25, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97-072-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 97-072-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW.,

Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Orr, Entomologist, Risk Analysis Systems, PPD, APHIS, 4700 River Road Unit 117, Riverdale, MD 20737-1238; (301) 734-8939.

SUPPLEMENTARY INFORMATION: In a final rule published in the **Federal Register** on May 25, 1995 (60 FR 27665-27682, Docket No. 91-074-6) and effective August 23, 1995, the Animal and Plant Health Inspection Service (APHIS) established comprehensive regulations concerning imported unmanufactured wood articles. That final rule was supported, in part, by a final environmental impact statement (FEIS) issued in July 1994 that addressed the potential impacts on the human environment, including possible risks to human health, impacts on forestry resources, impacts on biodiversity, impacts from the use of methyl bromide, and impacts on global climate change, cultural resources, and endangered and threatened species. A Federal court has found (*Oregon Natural Resources Council v. Animal and Plant Health Inspection Service*, Nos. C 95-4066 CW and C 96-1541 CW [N.D. Cal. Feb. 27, 1997]) that the FEIS, which examined alternative means of protecting domestic forests from pests or disease that could accompany imported logs, lumber, and other unmanufactured wood articles, is deficient in three areas.

First, the court found that the FEIS "assumes without examination that individually ineffective control measures [to minimize pest risks associated with the importation of logs, lumber, and unmanufactured wood articles] will be effective collectively." The impact statement, according to the court, should highlight "the considerable uncertainty about the effectiveness of different mitigation measures" when used in combination.

Second, the court found that the FEIS "omits significant information concerning uncertainties expressed in the [pest] risk assessments, concerning compliance [with certification

requirements] by exporting countries, and concerning the health consequences of measures to mitigate infestations that may occur." The impact statement, the court observed, must discuss "in a significant manner the uncertainties about the risks of infestation and the adequacy of control measures." With this change, the FEIS will provide a less biased portrayal of the risks associated with the preferred alternative—i.e., to allow the importation of logs, lumber, and unmanufactured wood articles under the conditions set forth in the May 1995 final rule—and improve its usefulness to the public and the decisionmaker. The court also found that the FEIS must more thoroughly consider the issue of "how compliance problems abroad may limit the effectiveness of the preferred alternative." Furthermore, the range of human health consequences associated with pesticide applications that might be required to eradicate any pests that control measures fail to exclude must be included in the supplement to the FEIS.

Third, the court found that the FEIS "fails to discuss adequately the different environmental impacts of the various alternatives." The court stated that "[r]ather than sharply defining the issues and providing a clear basis for choice among the alternatives, the [F]EIS obscures the differences by labeling them all a matter of degree." The court called for a clear comparison of the issues and environmental effects among the alternatives.

The supplement will address the three areas which the court found that APHIS failed to adequately address in the FEIS. Comments regarding the proposed scope of the supplement to the FEIS are welcome and will be fully considered. When the draft of the supplement is completed, a notice announcing its availability and an invitation to comment on it will be published in the **Federal Register**.

Done in Washington, DC, this 20th day of August 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

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