

Notices

Federal Register

Vol. 63, No. 79

Friday, April 24, 1998

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

East Side Project, McKean, Elk, and Forest Counties, PA

AGENCY: Forest Service, USDA.

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

SUMMARY: The Forest Service will prepare a Draft Environmental Impact Statement to disclose the environmental consequences of the proposed East Side Project. The Forest Service is proposing to harvest timber on approximately 8,206 acres of National Forest land distributed over a 141,000 acre area located on the eastern half of the Allegheny National Forest. Forest health is the driving concern in this project proposal. Growth loss and mortality are occurring as a result of extensive insect defoliation and drought which occurred from 1991 through 1994.

Reforestation treatments and commercial timber harvest will be used in stands which have experienced considerable tree mortality. Harvest treatments will consist of clearcuts, overstory removals, two-age, shelterwood seed/removals, thinnings, group selection, individual tree selections and improvement cuts. Reforestation treatments will consist of herbicide application, area fencing, planting, site preparation and fertilization. In addition to commercial timber harvest, the proposed action will consider approximately 606 acres of wildlife habitat improvement. These treatments will consist of creating openings, planting warm season grasses, planting shrubs and trees, fencing, aspen regeneration and pruning. Four fish structures will also be created. Additional transportation requirements for this project include 17.2 miles of new road construction, 19.5 miles of road reconstruction (betterment), 53.8 miles of road reconstruction

(restoration) and 7.1 miles of road obliteration. It is anticipated that 7 existing stone pits and 12 new pits will be used as a source of material for road construction and reconstruction.

The Agency invites written comments and suggestions on the scope and substance of the analysis and the environmental impact statement. In addition, the Agency gives notice that the environmental impact statement preparation process will be conducted so that interested and affected people are aware of how they may participate in and contribute to the final decision.

DATES: Comments and suggestions concerning the scope of the analysis should be submitted in writing and postmarked by May 17, 1998, to ensure timely consideration.

ADDRESSES: Send written comments to East Side Project, Allegheny National Forest, 222 Liberty Street, P.O. Box 847, Warren, PA 16365.

FOR FURTHER INFORMATION CONTACT: Lois M. DeMarco, Allegheny National Forest at 814/723-5150 about the Environmental Impact Statement.

SUPPLEMENTARY INFORMATION: The Allegheny National Forest Land and Resource Management Plan, approved in 1986, provides for the management of forest resources. Vegetative management objectives include producing a sustainable supply of high-quality sawtimber and wood products, developing and maintaining a wide array of wildlife habitats, and providing a range of recreation settings and experiences. Specific objectives are defined for each Management Area.

From 1991 through 1994, a series of defoliations linked to elm spanworm and forest tent caterpillar occurred over a wide area of the northern tier of Pennsylvania. One or more defoliations occurred on 374,305 acres of the Allegheny National Forest. A series of droughts also occurred in 1988, 1991, and 1995. In 1994 scattered areas of tree mortality and decline were observed by Forest Service personnel. Additional mortality has resulted in large areas of the Forest which will not meet the long-term vegetative management objectives stated in the Forest Plan.

An environmental analysis was performed in 1996 which was documented in the Mortality II Environmental Assessment and Decision Notice signed on February 5, 1997. The Mortality II Decision and

Environmental Assessment were litigated. The outcome of the litigation requires the Forest Service to prepare an Environmental Impact Statement (with consideration of a broad range of reasonable alternatives) and a reconsideration of the optimality and appropriateness of even-aged management decisions within the project area.

Four additional environmental analyses were at various stages of completion when Judge William Standish of the Third Judicial District issued a ruling on the Mortality II litigation. We have reviewed the requirements of NEPA (40 CFR 1508.25) to define the scope of the EIS and have determined that it should include the areas previously presented as Mortality II and should be expanded to consider areas previously identified as Thomas Rock, Coal Mine, Rocket John and Forest Road (FR) 446.

We reviewed the comments received on each of the projects now included in the EIS and have identified the following preliminary issues: 1. The use of even-aged vs. uneven-aged management; and 2. The construction of additional roads and improvements to existing roads.

A range of alternatives will be considered. One of these will consider No Action for the project area. Another alternative will consider the use of uneven-aged management on a broader scale than does the proposed action. Issues which are generated through the scoping process may generate additional alternatives.

The Draft EIS is expected to be filed with the Environmental Protection Agency and to be available for public review by October 1, 1998. At that time, the Environmental Protection Agency will publish a notice of availability of the draft environmental impact statement in the **Federal Register**. The comment period on the draft will be 45 days from the date the EPA notice appears in the **Federal Register**.

It is very important that those interested in the management of the Allegheny National Forest participate at that time. To be most helpful, comments on the draft environmental impact statement should be as specific as possible, and may address the adequacy of the statement or the merits of the alternatives discussed (see the Council on Environmental Quality Regulations

(CEQ) for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

The Forest Service believes it is important to give reviewers notice at this early stage 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 proposals so that it is meaningful and alerts an agency to the reviewers 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 if not raised until after completion of the final environmental impact statement, *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1988), 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.

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 CEQ Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points). After the comment period ends on the draft environmental impact statement, the comments received will be analyzed and considered by the Forest Service in preparing the final environmental impact statement.

The final environmental impact statement is scheduled to be completed in February 1999. In the final EIS, the Forest Service is required to respond to the comments received (40 CFR 1503.4). The responsible official will consider the comments, responses, environmental consequences discussed in the environmental impact statement, and applicable laws, regulations and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in a Record of Decision.

That decision will be subject to appeal under 36 CFR part 215.

The responsible official is John E. Palmer, Forest Supervisor, Allegheny National Forest, 222 Liberty Street, P.O. Box 847, Warren PA 16365.

Dated: April 16, 1998.

John E. Palmer,
Forest Supervisor.

[FR Doc. 98-10895 Filed 4-23-98; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Revised Land and Resource Management Plans, Boise National Forest and Payette National Forest, Idaho. Significant Amendment Land and Resource Management Plan, Sawtooth National Forest, Idaho

AGENCY: Forest Service.

ACTION: Notice of intent to prepare an environmental impact statement in conjunction with revision of the Land and Resource Management Plans for the Boise and Payette National Forests, and significant amendment to the Land and Resource Management Plan for the Sawtooth National Forest located in Ada, Adams, Blaine, Boise, Camas, Canyon, Cassia, Custer, Elmore, Gem, Gooding, Idaho, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, Valley and Washington Counties, Idaho; Box Elder County, Utah, and Malheur County, Oregon.

SUMMARY: The Forest Service will prepare an Environmental Impact Statement in conjunction with revision and significant amendment of its Land and Resource Management Plans (hereafter referred to as Forest Plans) for the Boise, Payette and Sawtooth National Forests (hereafter referred to as the Southwest Idaho Ecogroup).

This notice describes the specific portions of the current Forest Plans to be revised and amended, environmental issues considered, estimated dates for filing the Environmental Impact Statement, information concerning public participation, and the names and addresses of the agency officials who can provide additional information. The purpose of the notice is to begin the scoping phase of public involvement in the revision and amendment process.

DATES: Comments concerning the scope of analysis should be received in writing by June 24, 1998. The agency expects to file a Draft Environmental Impact Statement in the Fall of 1999 and a Final Environmental Impact Statement in the Fall of 2000.

ADDRESSES: Send written comments to: Joey Pearson, Administrative Assistant, Southwest Idaho Ecogroup Planning Team, Payette National Forest, P.O. Box 1026, McCall, ID 83638.

FOR FURTHER INFORMATION CONTACT: Faye Krueger, Planning Team Leader—Payette National Forest (208) 634-0700; Jeff Foss, Planning Team Leader—Boise National Forest (208) 373-4100; or Sharon LaBrecque, Planning Team Leader—Sawtooth National Forest (208) 737-3200.

Responsible official: Jack Blackwell, Intermountain Regional Forester at 324 25th Street, Ogden, UT 84401.

SUPPLEMENTARY INFORMATION: Pursuant to part 36 Code of Federal Regulations (CFR) 219.10 (f) and (g), the Regional Forester for the Intermountain Region gives notice of the agency's intent to prepare an Environmental Impact Statement for the revision and significant amendment efforts described above. According to 36 CFR 219.10(g), Land and Resource Management Plans shall ordinarily be revised on a 10 to 15 year cycle. The existing Forest Plan for the Boise National Forest was approved on April 27, 1990, the Payette Forest Plan was approved on May 6, 1988, and the Sawtooth Forest Plan was approved on September 16, 1987.

On November 14, 1997, the Department of the Interior and Related Agencies Appropriations Act of 1998, H.R. 2107, was passed. Language in section 333 of the law specifically prohibits the expenditure or obligation of funds for new revisions of national forest land management plans until new final or interim final rules for forest plan revision are published in the **Federal Register**. Forests that had formally published a Notice of Intent to revise prior to October 1, 1997, or have been court-ordered to revise are exempt from this section and may proceed to complete forest plan revision. The Payette is under court order (*Wilderness Society, et al. v. U.S. Forest Service*, Civ. No. 94-0193-S-MHW) to complete Forest Plan revision by December 31, 2000, and thereby meets the exemption criteria to proceed with revision in accordance with 36 CFR 219.10(g). The Boise and Payette Forests were the subject of the Idaho Sporting Congress suit (Civ. No. 95-0025-S-BLW). On September 25, 1996, District Court Judge B. Lynn Winmill affirmed the Forest Service in part because the two Forests had initiated the forest plan revision process. Judge Winmill's opinion was affirmed by the Ninth Circuit Court of Appeals on August 21, 1997. Judge Winmill's decision in the Idaho Sporting Congress suit meets the intent