

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 092198B]

**Notice of Availability of Draft Environmental Impact Statement/ Environmental Impact Report for the Headwaters Forest Acquisition, Habitat Conservation Plan and Sustained Yield Plan**

**AGENCY:** Fish and Wildlife Service, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice of availability for public comment.

**SUMMARY:** This notice announces the availability of a joint draft Environmental Impact Statement/ Environmental Impact Report (DEIS/ EIR) for several proposed actions by the Secretary of the Interior, Fish and Wildlife Service (FWS), the National Marine Fisheries Service (NMFS) (collectively, FWS and NMFS are "the Services"), California Wildlife Conservation Board, the California Department of Forestry and Fire Protection (CDF), and the California Department of Fish and Game (CDFG), and alternatives to those actions intended to achieve the following: to protect in accordance with the Federal and state Endangered Species Acts (ESAs), species listed as threatened or endangered under one or both of the ESAs; to provide permanent protection for the Headwaters Forest and Elk Head Springs Forest through their transfer into public ownership; to provide for sustained production of timber products, consistent with federal and state laws, on lands owned by The Pacific Lumber Company and its wholly owned subsidiaries, Scotia Pacific Company, L.L.C., and Salmon Creek Corporation (hereafter collectively referred to as "PALCO"); and to reduce public controversy regarding PALCO's management of its timberlands, particularly the Headwaters Forest.

**DATES:** Written comments on the DEIS/ EIR must be received on or before November 16, 1998. The dates, locations, and times of four public hearings are as follows:

Tuesday, October 27, 1998, Radisson Hotel Los Angeles West, Pacifica Ballroom, 6161 West Centinela, Culver

City, CA; from 1:00 p.m. to 4:00 p.m., and from 6:00 p.m. to 9:00 p.m.

Thursday, October 29, 1998, Sacramento Convention Center, 1030 15th Street, Rooms 307-308, Sacramento, CA; from 1:00 p.m. to 4:00 p.m., and from 6:00 p.m. to 9:00 p.m.

Thursday, November 5, 1998, Oakland Marriott Convention Center, West Hall, 550 Tenth Street, Oakland, CA; from 1:00 p.m. to 4:00 p.m., and from 6:00 p.m. to 9:00 p.m.

Tuesday, November 10, 1998, Redwood Acres Fairground, Franceschi Hall, 3750 Harris Street, Eureka, CA; from 9:00 a.m. to 11:00 a.m., from 1:00 p.m. to 4:00 p.m., and from 6:00 p.m. to 9:00 p.m.

**ADDRESSES:** Comments regarding the DEIS/EIR should be addressed to Mr. Bruce Halstead, Field Supervisor, Fish and Wildlife Service, 1125 16th Street, Room 209, Arcata, CA 95521-5582. Written comments may be sent by facsimile to (707) 822-8411. Please see Additional Addresses in the **SUPPLEMENTARY INFORMATION** section for additional information on the availability of the DEIS/EIR.

**FOR FURTHER INFORMATION CONTACT:** Bruce Halstead, Fish and Wildlife Service, (707) 822-7201, or Craig Wingert, National Marine Fisheries Service, (562) 980-4020.

**SUPPLEMENTARY INFORMATION:** The Secretary of the Interior, California Wildlife Conservation Board, FWS, NMFS, CDF and CDFG propose the following actions:

(1) Acquisition by the United States and the State of California from PALCO of the approximately 4,500-acre Headwaters Forest, which includes 2,700 acres of old-growth redwood trees, and the approximately 1,125-acre Elk Head Springs Forest, which includes about 425 acres of old-growth redwood trees;

(2) Funding by the United States and the State of California of the purchase of approximately 9,600 acres of Elk River Timber Company property, about 7,755 acres of which will be transferred to PALCO as part of the consideration to PALCO for the Headwaters and Elk Head Springs Forests, and 1,845 acres of which will be transferred to the United States and the State of California and preserved as a buffer for the Headwaters Forest. The combined area of the acquired Headwaters and Elk Head Springs Forests, plus the Elk River property to be transferred to the United States and the State of California, is approximately 7,500 acres;

(3) Payment by the United States and the State of California of up to \$380 million to PALCO and the Elk River

Timber Company as payment for the Headwaters Forest, Elk Head Springs Forest and the Elk River Property;

(4) Issuance by FWS and NMFS of federal incidental take permits covering take of threatened and endangered species on PALCO's timberlands based on a habitat conservation plan (HCP) that meets the requirements of the federal ESA and other applicable laws and regulations;

(5) Approval by CDF of PALCO's Sustained Yield Plan (SYP), including measures and plans addressing state-listed and federally listed species;

(6) Issuance by CDFG of a state incidental take permit that meets the requirements of the California ESA and other applicable laws and regulations; and

(7) Execution by CDFG of a streambed alteration agreement pursuant to Fish and Game Code Section 1600 to 1607.

On December 27, 1996, a notice was published in the **Federal Register** (61 FR 68285) announcing the intent to prepare a joint EIS/EIR on actions associated with the Headwaters transaction, including issuance of incidental take permits under the Federal ESA, and inviting comments on the scope of the EIS/EIR. Comments were received and considered and are reflected in the DEIS/EIR made available for comment through this notice.

By a **Federal Register** Notice dated July 14, 1998 (63 FR 39700), the Services announced the availability for public review and comment of applications for federal incidental take permits filed by PALCO under Section 10(a) of the Federal ESA. The applications include a proposed HCP and a proposed Implementation Agreement (IA) that address species conservation and ecosystem management on approximately 211,700 acres of land, primarily in the coastal redwood zone of Humboldt County, California, currently owned by PALCO or to be acquired as part of the Headwaters transaction. PALCO requests permits to incidentally take six federally listed species: the northern spotted owl (*Strix occidentalis caurina*), marbled murrelet (*Brachyramphus marmoratus*), American peregrine falcon (*Falco peregrinus anatum*), bald eagle (*Haliaeetus leucocephalus*), western snowy plover (*Charadrius alexandrinus nivosus*), and coho salmon (*Oncorhynchus kisutch*) and requests that 30 currently proposed and other unlisted species be included on the permits.

The proposed HCP, among other things, is also intended to satisfy the requirements for a SYP under California state law and the requirements for an

incidental take permit under section 2081(b) of the California ESA.

In a subsequent September 23, 1998, **Federal Register** notice, the Services announced that the public comment period on PALCO's proposed HCP and SYP, scheduled to close on October 13, 1998, had been extended until November 16, 1998, to coincide with the public comment period on the DEIS/EIR.

Because the issuance of an incidental take permit is a Federal action, it is subject to review under the National Environmental Policy Act (NEPA). An EIS is a document required under NEPA for major Federal actions or legislative proposals significantly affecting the human environment. The EIS is a decision-making tool that describes reasonable alternative actions and the positive and negative effects of those actions and of the proposed action.

Approval of an SYP is a CDF action requiring environmental review under the California Environmental Quality Act (CEQA) pursuant to Forest Practice Rules promulgated under the Z'berg-Nejedly Forest Practices Act. These rules are a certified regulatory program under CEQA. Under these rules, the CDF need not prepare an EIR but may prepare a functionally equivalent document. Although not legally required, the CDF has elected to prepare an EIR on the SYP.

Impacts considered under NEPA and CEQA are not limited to species listed under the Federal ESA, but include all those affecting the human environment. The joint DEIS/EIR also addresses the potential acquisition of the lands of a third party, the Elk River Timber Company, a portion of which will be transferred to PALCO as part of the consideration for PALCO's property.

The DEIS/EIR analyzes the environmental impacts of the proposed HCP submitted by PALCO and four alternatives to the HCP, including the "no action" alternative. The draft EIS/EIR also analyzes the impacts of the SYP submitted by PALCO.

The DEIS/EIR is intended to accomplish the following:

- (1) Inform the public of the proposed action and alternatives;
- (2) Address public comments received during the scoping period;
- (3) Disclose the direct, indirect, and cumulative environmental effects of the proposed action and each of the alternatives; and
- (4) Indicate any irreversible commitment of resources that would result from implementation of the proposed action.

The Services invite the public to comment on the DEIS/EIR. All

comments received will become part of the public record and may be released. The public will have 45 days to review and comment on this DEIS/EIR. Oral or written comments on this DEIS/EIR may be provided at any of the four public hearings. Public Law 105-83 specifies a deadline of March 1, 1999, for completion of the Headwaters transaction. In order to meet the deadline, the Services anticipate that they will not be able to extend the public comment period. This notice is provided pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500-1508).

#### Additional Addresses

Copies of the DEIS/EIR, or portions thereof, can be obtained at the following copy centers for duplication and mailing charges: Sir Speedy, 601 North Market Boulevard, 350, Sacramento, California 95834, (916) 927-7171; Kinko's, 2021 Fifth Street, Eureka, California 95501, (707)-445-3334; Kinko's, Stanyan Street and Geary Boulevard, San Francisco, California 94118, (415) 750-1193; and Kinko's, 835 Wilshire Boulevard, Suite 100, Los Angeles, California 90017, (213) 892-1700. The DEIS/EIR will be available at The California Environmental Resources Evaluation System website at <http://ceres.ca.gov/> and through the Fish and Wildlife Service website at <http://www.r1.fws.gov/text/species.html>. Copies of the DEIS/EIR will be available on compact disc which, along with a summary, can be obtained by contacting the Fish and Wildlife Service, 1125 16th Street, Room 209, Arcata, California 95521-5582, (707) 822-7201. The documents are also available for review at the following government offices and libraries:

#### Government Offices

California Department of Forestry and Fire Protection, Humboldt-Del Norte Ranger Unit, 118 South Fortuna Boulevard, Fortuna, California 95540, (707) 725-4413; California Department of Forestry and Fire Protection, Coast-Cascade Region Headquarters, 135 Ridgeway Avenue, P.O. Box 670, Santa Rosa, California 95401, (707) 576-2959; California Department of Forestry and Fire Protection, State Headquarters, P.O. Box 9442446, Sacramento, California 94244-2460, (916) 653-5843; Fish and Wildlife Service, Coastal California Fish and Wildlife Office, 1125 16th Street, Room 209, Arcata, California 95521-5582, (707) 822-7201; Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 3310 El Camino Avenue, Suite

120, Sacramento, California 95821-6310, (916) 979-2710; National Marine Fisheries Service, 777 Sonoma Avenue, Room 325, Santa Rosa, California 95404-6515, (310) 980-4001; and California Department of Fish and Game, 619 Second Street, Eureka, California 95501, (707) 441-5672.

#### Libraries

Alameda Free Library, 2264 Santa Clara Avenue, Alameda, California 94501-4506, (510) 748-4669; Alameda County Library, 2450 Stevenson Boulevard, Fremont, California 94538-2326, (510) 505-7001; Anaheim Public Library, 500 W. Broadway, Anaheim, California 92805-3699, (714) 765-1810; Berkeley Public Library, 2090 Kittredge Street, Berkeley, California 94704-1491, (510) 644-6100; California State Library, Information and Reference Center, 914 Capitol Mall, Room 301, Sacramento, California 95814, (916) 654-0261; Colusa County Free Library, 738 Market Street, Colusa, California 95932-2398, (530) 458-7671; Contra Costa County Library, 1750 Oak Park Boulevard, Pleasant Hill, California 94523-4497, (510) 646-6423; Del Norte County Library District, 190 Price Mall, Crescent City, California 95531-4395, (707) 464-9793; Humboldt County Library, 1313 Third Street, Eureka, California 95501-1088, (707) 269-1900; Humboldt State University Library, Humboldt State University, Arcata, California 95521, (707) 826-4939; Lake County Library, 1425 N. High Street, Lakeport, California 95453-3800, (707) 263-8816; Long Beach Public Library, 101 Pacific Avenue, Long Beach, California 90822-1097, (562) 570-6291; Los Angeles Public Library, 630 W. Fifth Street, Los Angeles, California 90071-2097, (213) 228-7515; County of Los Angeles Public Library, 7400 E. Imperial Highway, Downey, California 90242-7011, (562) 940-8462; Marin County Free Library, 3501 Civic Center Drive, San Rafael, California 94903-4188, (415) 499-6051; Mendocino County Library, 105 N. Main Street, Ukiah, California 95482-4482, (707) 463-4491; Menlo Park Public Library, 800 Alma Street, Menlo Park, California 94025-3460, (650) 858-3460; Mountain View Public Library, 585 Franklin Street, Mountain View, California 94041-1998, (650) 903-6335; National City Public Library, 200 E. 12th Street, National City, California 91950-3314, (619) 336-4280; Newport Beach Public Library, 1000 Avocado Avenue, Newport Beach, California 92660, (714) 717-3800; Oakland Public Library, 125 14th Street, Oakland, California 94612-4397, (510) 238-3633; Ontario City Library, 215 E. C Street, Ontario, California 91764-4198, (909) 988-8481;

Orange Public Library (under renovation), El Modena Branch Library (alternative), 380 S. Hewes, Orange, California 92869, (714) 288-2471; Orange County Public Library, 1501 E. St. Andrew Place, Santa Ana, California 92705, (714) 566-3000; Oxnard Public Library, 251 South A Street, Oxnard, California 93030-5750, (805) 385-7500; Palo Alto City Library, 1213 Newell Road, Palo Alto, California 94303-2999, (650) 329-2516; Pasadena Public Library, 285 E. Walnut Street, Pasadena, California 91101-1598, (626) 744-4033; Redwood City Public Library, 1044 Middlefield Road, Redwood City, California 94063-1868, (650) 780-7061; Sacramento Public Library, 828 I Street, Sacramento, California 95814-2589, (916) 264-2770; San Bruno Public Library, 701 Angus Avenue W., San Bruno, California 94066-3490, (650) 877-8878; San Francisco Public Library, 100 Larkin Street, San Francisco, California 94102-4796, (415) 557-4400; San Jose Public Library, 180 W. San Carlos Street, San Jose, California 95113-2096, (408) 277-4822; San Mateo Public Library, 55 W. Third Avenue, San Mateo, California 94402-1592, (650) 377-4685; San Mateo County Library, 25 Tower Road, San Mateo, California 94402-4000, (650) 312-5258; San Rafael Public Library, 1100 E Street, San Rafael, California 94901-1907, (415) 485-3323; Santa Barbara Public Library, 40 E. Anapamu Street, Santa Barbara, California 93101, (805) 962-7653; Santa Clara Public Library, 2635 Homestead Road, Santa Clara, California 95051-5322, (408) 984-3236; Santa Clara County Library, 1095 N. Seventh Street, San Jose, California 95112-4446, (408) 293-2326; Santa Cruz Public Library, 224 Church Street, Santa Cruz, California 95060-3873, (408) 429-3532; Santa Monica Public Library, 1343 Sixth Street, Santa Monica, California 90401-1610, (310) 458-8608; Shasta County Library, 1855 Shasta Street, Redding, California 96001-0460, (530) 225-5769; Siskiyou County Free Library, 719 Fourth Street, Yreka, California 96097-3381, (530) 842-8175; Sonoma County Library, Third and E Streets, Santa Rosa, California 95404-4400, (707) 545-0831; South San Francisco Public Library, 840 W. Orange Avenue, South San Francisco, California 94080-3124, (650) 829-3872; Tehama County Library, 645 Madison Street, Red Bluff, California 96080-3383, (530) 527-0607; Trinity County Free Library, 211 N. Main Street, Weaverville, California 96093-1226, (530) 623-1373; Ventura County Library Services, 800 S. Victoria Avenue, Ventura, California 93009, (805) 662-6756; Central Library, 801 SW. 10th

Avenue, Portland, Oregon 97205, (503) 248-5123; Houston Public Library, 500 McKinney Street, Houston, Texas 77002, (713) 247-2222; National Clearinghouse Library, 624 Ninth Street, NW, 600, Washington, D.C. 20425, (202) 376-8110; and New York Public Library, 455 Fifth Avenue, New York, New York 10016, (212) 340-0849.

Dated: September 21, 1998.

**Cynthia U. Barry,**

*Acting Manager, California Nevada Operation Office, Fish and Wildlife Service, Region 1, Sacramento, California.*

Dated: September 24, 1998.

**Kevin Collins,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 98-26306 Filed 10-1-98; 8:45 am]

BILLING CODE 3510-22-F

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Issuance of Permit for Marine Mammals

On May 29, 1998, a notice was published in the **Federal Register**, Vol. 63, No. 103, Page 29422, that an application had been filed with the Fish and Wildlife Service by Gerald L. Warnock, Portland, OR, for a permit (PRT-842970) to import a sport-hunted polar bear (*Ursus maritimus*) trophy, taken from the McClintock Channel, Northwest Territories population, Canada.

Notice is hereby given that on July 29, 1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On June 18, 1998, a notice was published in the **Federal Register**, Vol. 63, No. 117, Page 33383, that an application had been filed with the Fish and Wildlife Service by Ronald Guire for a permit (PRT-843828) to import a sport-hunted polar bear (*Ursus maritimus*) trophy, taken from the McClintock Channel population, Canada.

Notice is hereby given that on July 31, 1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On October 17, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 197, Page 53016, that an

application had been filed with the Fish and Wildlife Service by the Arrowhead Bluffs Museum, Wabash, MN for a permit (PRT-826912) to import a polar bear hide and skull sport-hunted in Canada and donated to the facility for the purpose of public display.

Notice is hereby given that on August 7, 1998, following reconsideration of the denial of the permit request, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On May 20, 1998, a notice was published in the **Federal Register**, Vol. 63, No. 97, Page 27744, that an application had been filed with the Fish and Wildlife Service by Mark Cary Connor for a permit (PRT-842222) to import a sport-hunted polar bear trophy from the McClintock Channel population, Northwest Territories, Canada.

Notice is hereby given that on July 30, 1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On May 29, 1998, a notice was published in the **Federal Register**, Vol. 63, No. 103, Page 29422, that an application had been filed with the Fish and Wildlife Service by Wade Marshall for a permit (PRT-842766) to import a sport-hunted polar bear trophy from the McClintock Channel population, Northwest Territories, Canada.

Notice is hereby given that on August 6, 1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On June 18, 1998, a notice was published in the **Federal Register**, Vol. 63, No. 117, Page 33383, that an application had been filed with the Fish and Wildlife Service by Leroy M. Wurst for a permit (PRT-843726) to import a sport-hunted polar bear (*Ursus maritimus*) trophy, taken from the McClintock Channel population, Northwest Territories, Canada, for personal use.

Notice is hereby given that on August 18, 1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.