

practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to Bonnie Poli, Chief, Pesticide Records Branch, Science and Technology, AMS, 8700 Centreville Road, Suite 202, Manassas, VA 20110. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: February 2, 1999.

William J. Franks, Jr.,

Deputy Administrator, Science and Technology.

[FR Doc. 99-2947 Filed 2-5-99; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 98-118-1]

Availability of an Environmental Assessment and Strategy: Risk Reduction in the Florida Medfly Eradication Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that a final environmental assessment has been prepared by the Animal and Plant Health Inspection Service (APHIS) to explore risk reduction strategies relative to Medfly program activities in the State of Florida. Additionally, APHIS has prepared a strategy regarding risk reduction in the Florida Medfly eradication program. This notice announces the availability of both documents for public inspection.

ADDRESSES: The environmental assessment and the strategy are available for public inspection 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 those documents are requested to call ahead on (202) 690-2817 to facilitate entry into the reading room. To request copies of the environmental assessment or the strategy, write to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the title of the environmental assessment or strategy when requesting copies.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236; (301) 734-8247.

SUPPLEMENTARY INFORMATION: The Mediterranean fruit fly, *Ceratitis capitata* (Wiedemann), (Medfly) is one of the world's most destructive pests of fruit and vegetables. The Medfly has been introduced into Florida a total of 13 times, including its first introduction in 1929. Because of the Medfly's potential for rapid range expansion, Medfly outbreaks in Florida represent major threats to agriculture, the environment, and the quality of life in Florida and other U.S. mainland States. The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture cooperates with the Florida State Department of Agriculture to eradicate Medfly and to prevent future infestations. All Medfly outbreaks in Florida have been successfully eradicated using a combination of nonchemical and chemical control methods.

Consistent with our continued goal of preventing and eradicating Medfly infestations, we are committed to reexamining the Florida Medfly program for the purpose of achieving maximum risk reduction, including minimizing risks to the environment and human health. As part of that commitment, we have prepared environmental analyses and risk assessments, held a number of public meetings, and analyzed comments from the public regarding the Florida Medfly program in order to establish a final Florida Medfly program risk reduction strategy. This notice announces the availability of two documents that identify various means to potentially reduce risk in the Florida Medfly program:

- Risk Reduction Strategy, Florida Medfly Program, Environmental Assessment, June 1998.
- Strategy: Risk Reduction in Florida Medfly Eradication Programs, January 1999.

The environmental assessment has been prepared in accordance with: (1) The National Environmental Policy Act

of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500-1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 2nd day of February 1999.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99-2939 Filed 2-5-99; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Forest Service

Threatened and Endangered Species Management on the Allegheny National Forest, Warren, McKean, Elk and Forest Counties, Pennsylvania

AGENCY: Forest Service, USDA.

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

SUMMARY: The Forest Service will prepare a Draft and a Final Environmental Impact Statement to disclose the environmental consequences of amending the Forest Plan to include various strategies for managing federally listed threatened and endangered species on the Allegheny National Forest. Species to be considered include the Indiana bat (*Myotis sodalis*), the clubshell mussel (*Pleurobema clava*) and the northern riffleshell mussel (*Epioblasma torulosa rangiana*), which are federally listed as endangered, and the small whorled pogonia (*Isotria medeoloides*) and the bald eagle (*Haliaeetus leucocephalus*) which are federally listed as threatened. The proposed action is to amend and supplement the standards and guides in the Allegheny Land and Resource Management Plan (Forest Plan).

The purpose and need for this proposal is to maintain and enhance habitat to ensure the continued existence of the aforementioned threatened and endangered species in light of new information recently acquired. There is a need to adjust some of the existing standards and guides and provide some additional direction in the Forest Plan to ensure their conservation. Based on a review of the regulations (36 CFR 219.10f) and of the Forest Service Manual and Handbook direction (FSM 1922.51 and FSH Chapter 5.32) the proposed action is a non-significant amendment to the Forest Plan. The

proposed action does not significantly alter the long term goals and objectives nor management area designations of the current plan. The decision to amend the plan will extend until the Forest Plan is revised, which is planned for the year 2001.

The Allegheny National Forest Land and Resource Management Plan, at the time it was completed in 1986, considered pertinent threatened and endangered species and appropriate mitigation measures. This amendment will consider the new information which has come out since 1986. Forest Plan direction will be amended, where necessary, to ensure standards and guidelines incorporate currently available knowledge concerning these species.

Any modification required will be based on the range of site-specific conditions that exist on the Allegheny National Forest and will be designed to mitigate impacts from the ongoing and future projects and to enhance the recovery of the threatened and endangered species.

As an initial step in completing this new Draft and Final Environmental Impact Statement, Allegheny National Forest personnel have completed a biological assessment which has been submitted to the USDI-Fish and Wildlife Service for their consideration in preparing the biological opinion. This biological assessment contains suggested terms and conditions which relate to managing these threatened and endangered species. Many of these are already part of the standards and guidelines in the Forest Plan.

Allegheny National Forest personnel invite written comments and suggestions on the scope of this analysis and environmental impact statement. That is, the Allegheny National Forest would like comments on what issues and possible alternatives should be considered and analyzed. 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. This environmental impact statement will result in an amendment to the Allegheny National Forest Land and Resource Management Plan.

DATES: Comments and suggestions concerning the scope of the analysis should be submitted in writing and postmarked by March 10, 1999, to ensure timely consideration.

ADDRESSES: Send written comments to Endangered Species Management,

Allegheny National Forest, P. O. Box 847, Warren PA 16365.

FOR FURTHER INFORMATION, CONTACT: Brad Nelson, Allegheny National Forest at 814/723-5150.

SUPPLEMENTARY INFORMATION:

Forest Plan Background

The Allegheny National Forest Land and Resource Management Plan (Forest Plan), approved in 1986, provides for the management of forest resources. The Forest Plan was developed to maintain or enhance the species composition, structure, and functioning of Allegheny plateau ecosystems on the Allegheny National Forest, while providing a variety of goods and services to the American people.

Analysis documented in the Final Environmental Impact Statement evaluated potential effects on threatened and endangered species inhabiting the Allegheny National Forest and determined actions Allegheny National Forest personnel should implement which would contribute toward their recovery.

As part of the planning process, Federal agencies are required to comply with provisions of the Endangered Species Act of 1973, as amended. This includes a requirement to consult with the U. S. Department of Interior, Fish and Wildlife Service on proposals which may affect species federally listed as threatened, endangered, or proposed. In February 1986, consultation was completed for the newly-developed Forest Plan.

Since then, the Fish and Wildlife Service and the Allegheny National Forest have continued consulting when three different Environmental Impact Statements proposed amendments to the Forest Plan, when new issues have arisen, and when new species were added to the endangered species list.

New Information Related to Threatened and Endangered Species

In July 1998, based on additional new information, Allegheny National Forest personnel began informal consultation again with the Fish and Wildlife Service. That information included the following: Bald eagle populations have increased, with three new nests located on or near the Allegheny National Forest; the Indiana bat was found on the Allegheny National Forest; and two species of fresh water mussels had been added to the Federal list of threatened and endangered species.

Continuing research and inventory of threatened and endangered species populations on the Allegheny National Forest, as well as refinement of our

knowledge of these species' habitat requirements, prompts us to update the potential effects of continued implementation of the existing Forest Plan, as amended, on these five Federally listed species.

Allegheny National Forest personnel completed a biological assessment for the five species and transmitted it to the Fish and Wildlife Service on December 17, 1998. The Biological Assessment includes proposed terms and conditions, and any modifications issued by the Fish and Wildlife Service in the biological opinion, would provide the basis for the Forest Plan amendment. These terms and conditions constitute the proposed action.

Proposed Action: Measures to Minimize Potential Adverse Effects to Threatened And Endangered Species

Indiana Bat

Current Forest Plan standards and guidelines provide protection to Indiana bat habitat and populations. The following measures are proposed to strengthen the Allegheny National Forest's ability to protect and manage habitat for this species. To understand these measures, distinctions are made between green units and salvage units. Green units are stands consisting primarily of live trees. Salvage units are where conditions such as insect and disease infestations or other catastrophic events have created a stand where the amount of dead and dying trees predominate (<40% of relative stand density in live trees).

The Allegheny National Forest standard of retaining 5-10 snags per acre will remain in effect for all salvage units, while most snags will be retained in green units. The modified standards would add a size requirement for some of the retained snags. Retention of clumps of existing trees in stands to be final harvested remains an important component of bat habitat.

Caves

1. Continue working with universities, Pennsylvania Game Commission, and local Allegheny National Forest users to locate and survey caves that may contain Indiana bats. If an Indiana bat hibernaculum is found on the Allegheny National Forest, consult with the Fish and Wildlife Service to determine standards and guidelines necessary to protect and manage the hibernaculum.

Potential Roosting/Foraging Habitat

1. Retain shagbark and shellbark hickories regardless of size in partial and final harvest cutting units.

2. For green units (both partial and final harvests) retain snags that do not pose a safety hazard to the sawyer or the public. Retain at least 8–15 live trees per acre greater than 9 inches diameter at breast height in all final harvest units and retain at least 16 live trees per acre greater than 9 inches diameter at breast height in partial cuts.

3. For salvage units in partial cuts retain at least 5–10 snags per acre greater than or equal to 9" diameter at breast height and of these 1 tree for each 2 acres greater than or equal to 20" diameter at breast height. Retain at least 16 live trees per acre greater than or equal to 9" diameter at breast height and 3 live trees for each acre greater than or equal to 20" diameter at breast height as recommended by the Indiana Bat Recovery Team.

4. When planning partial cuts, strive to reduce canopy closure to 60–80 percent.

5. For salvage units in final harvest cuts and clearcuts, retain at least an average of 3 snags for each acre greater than or equal to 9" diameter at breast height, of these snags retain 1 for each 10 acres greater than or equal to 12" diameter at breast height. Retain at least 8–15 live trees/acre greater than or equal to 9" diameter at breast height and at least 1 tree for each acre greater than or equal to 20" diameter at breast height.

6. Avoid removal of known roost trees. In the unlikely event that a known roost tree must be removed, such removal will be conducted through consultation with the Fish and Wildlife Service.

7. Known maternity roosts may be removed at any time, after consultation with Fish and Wildlife Service, if they constitute an immediate threat to public safety. However, such removal will be as a last resort, after other alternatives (such as fencing the area, etc.) have been considered and deemed unacceptable.

8. Demolition or removal of buildings or other man-made structures that harbor bats should occur while the bats are hibernating and a bat box should be installed in a proper location to provide an alternate roosting site. If public safety is threatened and the building must be removed while bats are present, a bat expert should examine the building to determine if Indiana bats are present. If Indiana bats are present, consultation with Fish and Wildlife Service is required before removal. If none are present, demolition can proceed.

9. If new planned road and trail construction, wildlife opening construction, gravel pit development, federally owned oil and gas development, or other non-forest uses create conditions where the amount of

forested acres drop below 30 percent of the watershed, consultation with the Fish and Wildlife Service will be initiated to determine how best to provide habitat for the Indiana bat.

Water Sources

1. Create or renovate bat drinking water sources where none are currently available (a minimum of one per square mile).

2. Allow water filled road ruts to remain where they do not compromise soil and water quality.

Inventory, Monitoring, and Research

1. Follow interagency working group and/or Indiana Bat Recovery Plan recommendations for research, inventory and monitoring habitat and populations across the Allegheny National Forest.

2. Pursue additional funding and partnership opportunities to complete needed research, inventory, and monitoring work.

3. Monitor snags, den trees, and reserve live trees on 10 final harvest units and 10 partial cuts annually across the Allegheny National Forest.

4. Where opportunities arise, work with land owners, general public, and other agencies to promote education and information about endangered bats and their conservation.

Clubshell And Northern Riffleshell Mussels

Current Forest Plan standards and guidelines provide protection to clubshell and northern riffleshell populations and habitat. The following measures are proposed to strengthen the Allegheny National Forest's ability to correct erosion and sedimentation problems that may result from past road and trail problems:

Continue to identify erosion and sedimentation problems associated with Forest Service activities (primarily old roads and trails) with particular attention to the 13 percent of the Allegheny National Forest that drains directly into the Allegheny River. Where necessary implement practices such as:

(1) Using less erosive road surfacing material (limestone) along sections of roads, and/or stream crossings to the first cross-drain on either side of the crossing; (2) placing rip rap at the outlet of those cross-drains on steep fill-slopes; (3) placing additional cross-drains to dissipate runoff more frequently to avoid concentrating more flow which could lead to formation of a new channel to a stream, (4) placing additional cross-drains before a stream crossing, (5) restricting use on problem roads (change from "open" to

"restricted", and (6) obliterate roads no longer needed for management activities that have potential for sediment input into a stream course.

Bald Eagle

The following measures are proposed to strengthen the Allegheny National Forest's ability to protect and manage habitat for this species.

1. Change the seasonal restriction from February 1 to January 15 and re-write the Forest Plan standards and guidelines to be compatible with the Bald Eagle Recovery Plan.

2. For any new access sites on Allegheny National Forest land within the Allegheny Wild and Scenic River corridor, or requiring federal funding or authorization, bald eagle use will be assessed within the section of river corridor where human use will likely increase.

3. The Forest Service will consult with Fish and Wildlife Service on any Forest Service activities within the buffer zones around each nest.

4. The Forest Service will collect data necessary to determine the level of potential effects to nesting eagles on the Allegheny Reservoir by determining the level of boating activity and the behavior of the nesting pair while foraging and nesting before and after Memorial Day. If any harassment is noted or suspected, the Fish and Wildlife Service will be contacted.

5. Continue discussions with the Pennsylvania Game Commission, U.S. Army Corps of Engineers and USDI-Fish and Wildlife Service to determine if boat access needs to be restricted in Cornplanter Bay.

6. The new contract for operating recreation areas and boat launches on the Allegheny Reservoir will stipulate that discarded fishing line along the shoreline developed for access will be cleaned up monthly during the summer.

7. Signing and/or news releases to educate hunters not to shoot eagles will be developed and distributed by Allegheny National Forest personnel.

Small Whorled Pogonia

1. The survey of potential habitat within 227,000 acres of the Allegheny National Forest has not found the small whorled pogonia. Since no small whorled pogonias have been found, a new survey approach is worth testing. The new proposed survey strategy would identify the habitat with the highest potential for finding small whorled pogonia and survey those areas each year. This would substitute for the current practice of surveying for each individual project. By surveying the highest potential habitat, the likelihood

of finding the species on the Allegheny National Forest will be increased. If found, a better understanding of its habitat needs can be assessed.

2. If a small whorled pogonia is found on the Allegheny National Forest, consultation with the Fish and Wildlife Service will be re-initiated.

The Allegheny National Forest entered into formal consultation with the Fish and Wildlife Service on December 18, 1998. During formal consultation, the Fish and Wildlife Service may elect to change or delete some of these proposed terms and conditions, or they may add new terms and conditions. We expect the Fish and Wildlife Service to issue a biological opinion with the final terms and conditions early in the first half of 1999.

Proposed Forest Plan Amendment and Draft Environmental Impact Statement

Once the biological opinion is issued, Allegheny National Forest personnel will complete the Draft Environmental Impact Statement and send it out for review and comment.

The analysis documented in Draft Environmental Impact Statement will consider a range of alternatives. One of these alternatives will evaluate no change to the current Forest Plan (No Action). A second alternative would be the proposed action which is to amend the Forest Plan to incorporate the terms and conditions proposed in the Biological Assessment, as modified by the Biological Opinion to be issued. Issues which are generated through the scoping process may generate additional alternatives.

Federal, State, and local agencies, and other individuals or organizations who may be interested in or affected by the decision are invited to participate in the scoping process. This process includes the following: (1) Identification of potential issues; (2) identification of issues to be analyzed in depth; and (3) elimination of insignificant issues, those outside the scope of this analysis, or those which have been covered by a previous environmental review. At this point in the process, we would appreciate your comments on what issues and possible alternatives should be considered and analyzed. Comments directed toward the substance of the project, as opposed to the scope of the analysis, are more appropriately submitted during the comment period following release of the draft environmental impact statement.

Preliminary issues identified include the following:

1. What are the effects of implementing current Forest Plan direction on threatened and endangered

species known to exist on or near the Allegheny National Forest (and their habitat), given current knowledge?

2. Are there additional actions Allegheny National Forest personnel should implement that would contribute toward the recovery of these species?

3. What are the changes to the current Forest Plan activities, outputs, and environmental effects from implementing any additional actions?

The Draft Environmental Impact Statement is expected to be filed with the Environmental Protection Agency and to be available for public review during April or May of 1999. At that time, the Environmental Protection Agency (EPA) will publish in the **Federal Register** a notice of availability of the draft environmental impact statement. The comment period on the draft will be 45 days from the date the EPA notice appears in the **Federal Register**.

Related Court Rulings

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 and Decision

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 August of 1999. In the final Environmental Impact Statement, 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 217.

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

Dated: February 2, 1999.

John E. Palmer,

Forest Supervisor.

[FR Doc. 99-2907 Filed 2-5-99; 8:45 am]

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COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New Jersey Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene at 11:00 a.m. and adjourn at 5:30 p.m. on February 26, 1999, at the Newark City Council Chambers, 920 Broad Street, Newark, New Jersey 07102. The Committee will (1) discuss a project on "Civil Rights Enforcement in New Jersey: An Evaluation of the State's Division of Civil Rights", (2) review subcommittee work on employment discrimination against Asian American State government employees, (3) conduct planning for upcoming activity, and (4) listen to invited speakers give their views on significant civil rights issues affecting the Newark area and New Jersey.

Persons desiring additional information, or planning a presentation