

Notices

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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

Forest Service

Wild and Scenic River Suitability Study for the Chewaucan River, Fremont National Forest, Lake County, OR

AGENCY: Forest Service, USDA.

ACTION: Cancellation of an environmental impact statement.

SUMMARY: The USDA, Forest Service gave notice that an environmental impact statement (EIS) and wild and scenic river study would be prepared to determine the suitability or non-suitability of the Chewaucan River for inclusion into the National Wild and Scenic River System. The Notice of Intent (NOI) was published in the April 27, 1990 *Federal Register* (55 FR 17773). The Forest Service completed the Chewaucan River Report and determined that the Chewaucan River did not meet the minimum criteria for eligibility for possible inclusion into the Wild and Scenic River System. Therefore, the preparation of this EIS is not needed and this NOI is rescinded.

FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this cancellation to Catherine Callaghan, Acting Recreation Officer, Fremont National Forest, 524 North G Street, Lakeview, Oregon 97630, phone 541-947-2151.

Dated May 27, 1998.

Richard A. Ferraro,

Deputy Regional Forester.

[FR Doc. 98-14954 Filed 6-6-98; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

Grade-Dukes Timber Sale Within the Cuddy Mountain Roadless Area, Payette National Forest, Washington County, Idaho

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a Supplemental Environmental Impact Statement.

SUMMARY: The USDA Forest Service proposes to harvest and regenerate timber in the Grade-Dukes Timber Sale area. This sale is under court injunction pending further analysis on the part of the Forest Service.

The sale lies partially within the Cuddy Mountain Roadless Area, Washington County, Idaho. Within the sale area, drainages include Grade, Dukes, Camp, and East Fork Brownless Creeks which are tributaries of the Snake River.

The road system developing this area was completed, and 70% of the 826 acres originally proposed for harvest were logged, prior to a Ninth Circuit Court of Appeals injunction arising from an appeal of the District Court's decision allowing this sale. The Court of Appeals found three specific deficiencies in the Forest Service analysis supporting the decision to proceed with this sale.

The Forest Service expects to release a Draft Supplemental Environmental Impact Statement addressing the above deficiencies in August 1998. A Final Environmental Impact Statement is scheduled to be released in November 1998.

The agency will accept written comments and suggestions on the scope of the analysis. The agency urges that any comments be concise and specific to the focus of the supplement.

DATES: Comments on the scope of the analysis must be received by July 8, 1998.

ADDRESSES: Send written comments to David Alexander, Forest Supervisor, Payette National Forest, P.O. Box 1026, McCall, Idaho 83638.

FOR FURTHER INFORMATION CONTACT:

Questions about the proposed action should be directed to Curtis Spalding, Environmental Coordinator, (208) 634-0796; or John Baglien, District Ranger, phone (208) 549-4201.

SUPPLEMENTARY INFORMATION: The USDA Forest Service published a notice of intent for the Grade-Dukes Timber Sale in the *Federal Register* April 7, 1988 (Vol. 53, No. 67, page 11523). The Forest Service published a revised notice of intent on June 2, 1989 (Vol. 54, No. 105, pages 23679-23680).

The Forest Service released a Draft Environmental Impact Statement (DEIS) on August 11, 1989. It released the Final Environmental Impact Statement (FEIS) on September 10, 1990, and the Record of Decision for that FEIS on August 6, 1991.

On January 21, 1992, the Intermountain Region of the Forest Service remanded the decision to the Payette National Forest Supervisor in response to an administrative appeal. The Forest Service published a notice of intent to prepare a supplemental environmental impact statement on February 20, 1992 (Vol. 57, No. 34, pages 6087-6088). It published a revised notice of intent to prepare a supplemental environmental impact statement on December 24, 1992 (Vol. 57, No. 248, page 61393).

On July 29, 1993, the Forest Service released a Draft Supplemental Environmental Impact Statement for the Grade-Dukes Timber Sale. On February 15, 1994, it released the Final Environmental Impact Statement and Record of Decision.

On December 20, 1996, Idaho Sporting Congress and Neighbors of Cuddy Mountain filed a complaint in the district court for the District of Idaho seeking declaratory and injunctive relief. In May 1996, the District Court for the District of Idaho ruled in favor of the Forest Service. Plaintiffs in that case appealed to the Court of Appeals for the Ninth Circuit. On March 4, 1998, the Court of Appeals reversed the District Court and remanded the case to the Forest Service. The Court of Appeals made the followings:

1. The Forest Service failed to establish that the Grade-Dukes sale would be consistent with the Payette Forest Plan in terms of the sale's impact on old growth within the affected "Theoretical home range circle (s)" of pileated woodpeckers.

2. The Forest Service failed to provide a sufficient cumulative effects analysis as to the combined effect of several other proposed timber sales on old growth in that same theoretical pileated woodpecker home range circle.