

**Authority:** 7 U.S.C. 1621–1627.

Dated: July 21, 2000.

**Kathleen A. Merrigan,**

*Administrator, Agricultural Marketing Service.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### McKean County, PA; Intent To Prepare Environmental Impact Statement

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent.

**SUMMARY:** The Forest Service, Allegheny National Forest, Bradford Ranger District will prepare a Draft Environmental Impact Statement to disclose the environmental consequences of the proposed Lewis Run Project. The Forest Service is proposing to move from the existing condition towards the Desired Future Condition, as detailed in the Allegheny National Forest Land and Resource Management Plan.

Proposed activities to meet the Desired Future Condition are: (1) Regeneration harvest consisting of shelterwood/removal cuts, removal cuts, 2-age harvest, and salvage shelterwood/removal cut; (2) Intermediate harvest consisting of thinning and salvage; (3) Reforestation treatment consisting of herbicide application, site preparation, fertilization, and cleaning and weeding (non-commercial timber stand improvement); (4) Wildlife habitat improvement consisting of conifer/mast underplanting, commercial release, opening construction/seeding, apple trees pruning, planting in openings, non-commercial release, and enhancing vernal pond; (5) Transportation activities consisting of road reconstruction, closing roads and seeding, limestone surfacing, installing gates, and pit expansion.

**DATES:** Comments and suggestions concerning the scope of the analysis should be submitted (postmarked) by August 28, 2000 to ensure timely consideration.

**ADDRESSES:** Submit written, oral, or e-mail comments by: (1) mail—Lewis Run Project, ID Team Leader, Star Route 1 Box 88, Bradford, PA 16701; (2) phone—814–362–4613; (3) e-mail—anf/r9\_allegheny@fs.fed.us (**Please note:** when commenting by e-mail be sure to list Lewis Run EIS in the subject line and include a US Postal Service address so we may add you to our mailing list).

#### FOR FURTHER INFORMATION CONTACT:

Andrea Hille or Ruth Miller, Bradford Ranger District, at 814–362–4613.

**SUPPLEMENTARY INFORMATION:** The Allegheny Forest Plan provides for management of forest resources. 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, and the Lewis Run Project is located entirely within Management Area 3.0, which emphasizes timber harvest as a means for making desired changes to forest vegetation and satisfying the public demand for wood products.

Preliminary Issues were developed based on past projects in the area (environmental assessments), issues developed for similar projects, and Forest Service concerns and opportunities identified in the Project Area. These issues are listed below:

1. Road Management—The Forest Service will complete a Roads Analysis, which includes evaluating all roads in the Project Area for effects to the ecosystem. The proposed action requires examining the road system to determine if the existing road system is adequate (or if improvements are needed), and if any roads need to be closed for resource protection or other reasons (*e.g.*, water quality, wildlife, or recreation opportunities).

2. Even-Aged/Uneven-Aged Management—The Forest Plan provides direction regarding the primary silvicultural system to be used in each management area; for Management Area 3.0 it is even-aged management. Uneven-aged management is an option considered for inclusions such as riparian areas, wet soils, or visually sensitive areas. A court decision (10/15/97) determined that the Forest should more fully explore the use of uneven-aged management techniques.

3. Threatened and Endangered Species—The Forest Service is mandated to protect all proposed, threatened, endangered and sensitive (PETS) species. Suitable Indiana and Northern long-eared bat habitat was sampled within the project area in 1999; although no bats were detected or captured, the project area is assumed to provide occupied habitat for both species. All treatments in the proposed action would adhere to terms and conditions set forth in the 6/1/99 Biological Opinion issued by the US Fish and Wildlife Service.

*Commenting:* A range of alternatives will be considered after public

comments are received and analyzed. One of these will consider No Action for the Project Area. The Draft EIS is expected to be filed with the Environmental Protection Agency and available for public review by January 2001. At that time the Environmental Protection Agency will publish a Notice of Availability of the document in the **Federal Register** (this will begin the 45-day comment period on the Draft EIS). After the comment period ends on the Draft EIS, the comments will be analyzed and considered by the Forest Service in preparing the final environmental impact statement. The Final EIS is scheduled for release in June 2001.

Comments received, including names and addresses of those who comment, will be considered part of the public record and may be subject to public disclosure. Any person may request the Agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality.

The Forest Service believes it is important to give reviewers notice at this early stage of several court ruling 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 proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions (*Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519 553 [1978]). Also, environmental objection that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement stage may be waived or dismissed by the courts (*City of Angoon v. Hodel*, 803 f.2nd 1016, 1022 [9th Cir. 1986] and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 [E.D. Wis. 1980]).

Because of the above 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 are made available to the Forest Service at a time when they can be meaningfully considered and responded to 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, sections, 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 Council on Environmental Quality *Regulations for implementing the procedural provisions of the National Environmental Policy Act* at CFR 1503.3 in addressing these points.

This decision will be subject to appeal under 36 CFR 215. The responsible official is John R. Schultz, Bradford Ranger District, Star Route 1 Box 88, Bradford, PA 16701.

Dated: July 17, 2000.

**John R. Schultz,**

*District Ranger.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Sixshooter Project, Boise National Forest, Valley County, Idaho

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Intent to prepare an Environmental Impact Statement.

**SUMMARY:** The Emmett Ranger District of the Boise National Forest will prepare an environmental impact statement (EIS) for project in the Six Mile subwatershed, a tributary to the Middle Fork Payette River drainage. The project area is located about 70 road miles north of Boise, Idaho.

The Forest Service is seeking information and comments from Federal, State, tribal, and local agencies, as well as individuals and organizations who may be interested and/or affected by the proposed action. The agency invites written comments and suggestions on the issues related to the proposal and the area being analyzed. The information received will be used in preparing the draft and final EIS.

**Proposed Action:** Three objections have been identified for the project: (1) Reduce forest susceptibility to damaging insects and/or pests and to severe wildfire; (2) reduce management induced sediment in Six Mile and West Fork Creek by up to 9 percent over current levels; and (3) provide forest products (*i.e.*, commercial timber) that support local sawmills, employment opportunities, and economies.

The proposal action would treat, with timber harvest, about 9,000 acres, through ground-based (2,300 acres), skyline/cable (4,500 acres), or helicopter (2,000 acres) yarding systems. The proposed action would employ a variety of silvicultural systems. Silvicultural prescriptions for the proposed action are clearcut with reserve (32 acres),

commercial thinning (3,474 acres), and shelterwood (5,469 acres).

The existing transportation system would be improved to facilitate the harvest operation and reduce sedimentation. Changing the existing transportation system would require 16 miles of road relocation, 15 miles of new road construction, reconstruction of over 30 miles of existing road by adding drainage structures and additional hard surfacing, relocating Six Mile road (No. 670) and closing over 30 miles of existing roads. The proposed haul route would be up West Fork Creek (No. 600) road and Six Mile Creek (No. 670) road to the 662 road and then out the 417B road to Highway 55. Portions of the following roads would be closed: 600C (3.2 miles), portions of 621, (1.4 miles), and portions of 670A, (2.9 miles). Portions of the 670 road would be relocated (5.3 miles). This change in the road system targets those areas that contribute the greatest amount of sediment delivery to the watershed. The motorized access to the following roads would be maintained during the snow free season: West Fork Creek 600, Six Mile-Round Valley 670, and Middle Fork Payette Ridge 662.

**Preliminary Issues:** None have been identified at this time.

**Possible Alternatives to the Proposed Action:** The following alternative to the proposed action has been discussed thus far and will be considered in the draft environmental impact statement: a no action alternative.

**Decisions to be made:** The Boise National Forest Supervisor will decide the following: (1) Should roads be constructed and reconstructed and timber harvested within the Sixshooter project area at this time; and if so, where within the project area, and how many miles of road should be constructed and/or reconstructed; and (2) should other roads be relocated and/or closed to meet watershed restoration objectives.

**Public Involvement and Comments:** Written comments concerning the proposed project should be postmarked within 30 days from the day after publication of this announcement in the **Federal Register**.

Comments received in response to this solicitation, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available to public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR 215 or 217. Additionally,

pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under FOIA, confidentiality might be granted in only limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester the comments may be resubmitted with or without name and address within 10 days.

**ADDRESSES:** Comments should be addressed to Morris Huffman, District Ranger, Emmett Ranger District, 1805 Highway 16, Emmett, ID 83617.

**FOR FURTHER INFORMATION CONTACT:** Jeffery Clark, Project Team Leader, at the address above or by telephone at 208-365-7000.

**Schedule:** The draft EIS is anticipated to be available for public review and comment in November 2000; the final EIS is anticipated to be available in the spring of 2001.

**SUPPLEMENTARY INFORMATION:** The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the draft EIS must structure their participation in the environmental review of the proposal so it is meaningful and alerts an agency to the reviewer's position and contentions, (*Vermont Yankee Nuclear Corp. v. NRDC*, 435 U.S. 519, 533 (1978)). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts, (*City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) 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 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.