

# Notices

Federal Register

Vol. 5, No. 11

Tuesday, January 18, 2000

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

#### Saltwater Shoreline-based Outfitter Guide Capacity Environmental Impact Statement

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement (EIS) to authorize outfitter/guide (O/G) activities within four Ranger Districts of the Tongass National Forest for a period of five years. The analysis will consider saltwater shoreline-based commercial recreation use on Admiralty Island National Monument and Juneau, Hoonah and Sitka Ranger Districts. The decision to prepare an EIS is a result of initial public involvement that began with a scoping letter in October 1998. During 1998 and 1999 meetings were held with six communities and three organizations within the affected area. A letter summarizing the results of this public involvement and requesting additional comments will be distributed January 2000. The Record of Decision will disclose how the Forest Service has decided to allocate saltwater shoreline-based recreation capacity for O/G and noncommercial recreation uses. The Assistant Forest Supervisor will also decide whether or not to amend the Tongass Land and Resource Management Plan to allocate use levels for long-term management of commercial outfitting and guiding.

The total recreation capacity of the study area has been determined via an analysis of available shoreline capacity based on the Recreation Opportunity Spectrum, Tongass Forest Plan standards and guidelines dealing with encounters, and physical conditions such as anchorages, shoreline facilities, and resource concerns. Proposed

allocations are based on a percentage of the total recreation carrying capacity of individual Use Areas, or subunits within the Use Areas. Use Areas are geographic areas that correspond to Guide Use Areas defined by the Alaska Department of Fish and Game for the administration of guided hunting. Under the Proposed Action, allocation of commercial guided use during the summer season would range from 10 to 40 percent of the total recreation carrying capacity and would depend on considerations such as distance from communities, subsistence use and potential impacts to resources. The Proposed Action would allocate up to 80 percent of this commercial capacity to brown bear hunting guides during both spring and fall hunts, and the remaining commercial capacity to other non-hunting O/G's. A No Action Alternative and other alternatives which respond to significant issues will be developed, analyzed and compared in the Draft EIS.

**DATE:** To be most useful comments concerning the scope of this project should be received by the end of February 2000.

**ADDRESSES:** Please send written comments to: Alaska Regional Office, Ecosystem Planning Attn.: Julie Schaefer, Shoreline-based O/G Capacity EIS, P.O. Box 21628, Juneau, AK 99802-1628.

**FOR FURTHER INFORMATION CONTACT:** Julia Schaefer, Planning Team Leader, Alaska Regional Office, P.O. Box 21628, Juneau, AK 99802-1628, telephone (907) 586-8796 or Marti Marshall, Recreation Specialist, Tongass National Forest, 204 Siginaka Way, Sitka, AK 99835, telephone (907) 747-4234.

**SUPPLEMENTARY INFORMATION:** During January and February of 2000 the Forest Service will be seeking information, comments, and assistance from Federal, State and local agencies, tribal organizations, individuals, and organizations that may be interested in, or affected by the proposed activities. Comments received as a result of both the earlier public involvement and the current scoping will be included in this analysis. All comments will be analyzed to identify issues to be considered in the Draft EIS. Issues currently identified for analysis in the EIS include potential effects of the allocation to economic opportunities, conflicts between commercial operations, displacement of

resident users, impacts to wildlife habitat, and the effect on subsistence uses.

Based on the results of scooping, alternatives will be developed, analyzed, and compared in the Draft EIS. The Draft EIS will be filed with the Environmental Protection Agency (EPA) in September 2000. Comments on the DEIS will be considered and responded to in the Final EIS, to be completed by January 2001.

The comment period on the draft environmental impact statement 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 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 objections 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 maybe 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. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, 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 the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

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

**Responsible Official:** Fred Salinas, Assistant Forest Supervisor, Tongass National Forest, 204 Signaka Way, Sitka, Alaska 99835-7316, is the responsible official. In making the decision, the responsible official will consider the comments, responses, disclosure of environmental consequences, and applicable laws, regulations, and policies. The responsible official will state the rationale for the chosen alternative and the Record of Decision.

Dated: January 4, 2000.

**Fred S. Salinas,**

*Assistant Forest Supervisor.*

[FR DOC. 00-1108 Filed 1-14-00; 8:45am]

[BILLING CODE 3410-11-M]

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Woodpecker Project Area Environmental Impact Statement

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement (EIS) to provide timber for the Tongass National Forest timber sale program, to enhance recreational opportunities, to develop a road management plan for the project area, and to perform watershed restoration work. The Record of Decision will disclose where, if any, the Forest Service has decided to provide timber harvest units, roads, associated timber harvesting facilities, dispersed recreation sites, and watershed improvements. The proposed action for timber harvest is to provide multiple timber sale opportunities for a total of approximately 13 million board feet (mmbf) of timber. Timber harvest will be accomplished using a variety of

silvicultural prescriptions to meet the standards and guidelines of the Forest Plan. Recreation opportunity enhancement includes dispersed sites for camping and picnicking, and improved turnouts for parking. Watershed improvements includes cordoning exposed roadside banks and decommissioning roads where drainage problems exist. A range of alternatives responsive to significant issues will be developed and will include a no-action alternative. These activities were first identified during the public involvement and analysis for the Mitkof Landscape Design. The proposed 33,000 acre project area is located on parts of Value Comparison Units 447, 448, and 452 on Mitkof Island, Alaska on the Petersburg Ranger District of the Tongass National Forest. Part of this project area is within an Inventoried Roadless Area (Crystal #224 as identified by the Tongass Land and Resource Management Plan).

**DATES:** Comments concerning the scope of this project should be received by February 7, 2000.

**ADDRESSES:** Please send written comments to the Petersburg Ranger District, Tongass National Forest, Attn: Woodpecker Project Area EIS, PO Box 1328, Petersburg, AK 99833. The FAX number is (907) 772-5995.

**FOR FURTHER INFORMATION CONTACT:**

Questions about the proposal and EIS should be directed to Patricia Grantham, District Ranger, Petersburg Ranger District, Tongass National Forest, PO Box 1328, Petersburg, AK 99833; telephone (907) 772-3871 or Cynthia Sever, Interdisciplinary Team Leader, Petersburg Ranger District, PO Box 1328, Petersburg, AK 99833; telephone (907) 772-3871.

**SUPPLEMENTARY INFORMATION:** Public participation has been an integral component of the study process and will be especially important at several points during the analysis. The proposed activities were first identified during the Mitkof Landscape Design in 1995, which incorporated aspects of collaborative stewardship. During the last year, the Forest Service has been seeking information, comments, and assistance from Federal, State, and local agencies, Federally-recognized Indian tribes, and individuals and organizations that may be interested in, or affected by, the proposed activities. Written scoping comments have been solicited through an informal scoping package that was sent to the project mailing list and available at open houses in Petersburg, AK, and Kake, AK. The scoping process will include: (1) Identification of potential issues; (2)

identification of issues to be analyzed in depth; and, (3) elimination of insignificant issues or those which have been covered by a previous environmental review. For the Forest Service to best use the scoping input, comments should be received by February 7, 2000.

Based on results of scoping and the resource capabilities within the project area, alternatives including a "no action" alternative will be developed for the Draft Environmental Impact Statement. The Draft Environmental Impact Statement is projected to be filed with the Environmental Protection Agency (EPA) in March 2000. Subsistence hearings, as provided for in Title VIII, Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA), will be provided, if necessary, during the comment period on the Draft Environmental Impact Statement. The Final Environmental Impact Statement and Record of Decision are anticipated to be published in July 2000.

The comment period on the Draft Environmental Impact Statement 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 Draft Environmental Impact Statements must structure their participation in the environmental review of the proposed 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). Environmental objections that could have been raised at the Draft Environmental Impact Statement stage 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 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.

To assist the Forest Service in identifying and considering issues and concerns of the proposed action, comments during scoping and comments on the Draft Environmental