

Authority: 7 U.S.C. 1621-1627.

Dated: November 2, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

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DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Intent To Prepare Environmental Impact Statement, South Fourth of July Timber Sale

SUMMARY: The Salmon-Challis National Forest will prepare an Environmental Impact Statement to document the analysis and disclose the environmental impacts of a proposed timber sale in the South Fourth of July subwatershed in the Panther Creek drainage.

The Salmon/Cobalt Ranger District is proposing to manage forested vegetation on approximately 1,855 acres through commercial timber harvest practices and associated pre-commercial thinning. The Interdisciplinary Team also reviewed the effectiveness of travel management closures in meeting the Forest Travel Plan; the Team recommended some road closure changes or modifications in order to better meet the Travel Plan objectives. It will take approximately three to five years to complete the harvest, firewood gathering, slash disposal and post sale pre-commercial thinning. No timber harvest would occur within PACFISH defined riparian habitat conservation areas. The analysis area is approximately 47,600 acres and is located Township 18 North, Range 18 East; Township 19 North, Ranges 17 and 18 East; Township 20 North, Ranges 17 and 18 East; Township 21 North, Ranges 17 and 18 East; Boise Meridian, Lemhi County, Idaho. The analysis area is completely within the Panther Creek drainage. None of the harvest units are within inventoried roadless areas identified in the Salmon National Forest Land and Resource Management Plan.

DATES: Written comments concerning the project described in this notice should be received by December 15, 1999, to ensure timely consideration. No scoping meetings are planned at this time.

ADDRESSES: Send written comments to District Ranger Terry Hershey, Salmon/Cobalt Ranger District, RR2, Box 600, Salmon, ID 83467.

FOR FURTHER INFORMATION CONTACT: Questions concerning the proposed action and Environmental Impact

Statement should be directed to Wayne Hecker at 208-756-5100.

SUPPLEMENTARY INFORMATION: The Forest Service is seeking information and comments from the Federal, State and local agencies, as well as individuals and organizations who may be interested in, or affected by, the proposed action. The Forest Service invites written comments and suggestions on the issues related to the proposal and the area being analyzed.

Information received will be used in preparation of the Draft Environmental Impact Statement and Final Environmental Impact Statement. For the most effective use, comments should be submitted to the Forest Service within 30 days from the date of publication of this notice in the **Federal Register**. The Responsible Official is George Matejko, Forest Supervisor, Salmon-Challis National Forest. The decision to be made to whether to harvest National Forest System timber and improve conditions for growth and regeneration of ponderosa pine and lodgepole pine stands. The draft is expected to be available in March of 2000, with a Final Environmental Impact Statement estimated to be completed in June of 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 Statement 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 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 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 chapter of the Draft Environmental Impact Statement. Comments may also address the adequacy of the Draft Environmental Impact Statement or the merits of the alternatives formulated and discussed in the Draft Environmental Impact 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. 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 permits such confidentiality. Persons requesting such confidentiality should be aware that, under the Freedom of Information Act, confidentiality may 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 that the comments may be submitted with or without name and address within 10 days.

Dated: October 8, 1999.

George Matejko,

Forest Supervisor.

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DEPARTMENT OF AGRICULTURE

Forest Service

Klamath Provincial Advisory Committee (PAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.