

is scheduled for completion in March, 1999.

The comment period on the draft EIS will be 90 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service and BLM believe 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 proposal so 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 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*, 803F.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 those interested in this proposed action participate by the close of the 90-day comment period so substantive comments and objections are made available to the forest Service and BLM at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service and BLM 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.

The Beaverhead-Deerlodge Forest Supervisor and the Headwaters Resource Area Manager are the responsible officials who will make the decision. They will decide on this proposal after considering comments and responses, environmental consequences discussed in the Final EIS, and applicable laws, regulations, and policies. The decision and reasons

for the decision will be documented in a Record of Decision.

Dated: June 4, 1998.

**Thomas W. Heintz**,

*Acting Forest Supervisor, Beaverhead-Deerlodge National Forest.*

Dated: June 5, 1998.

**Merle Good**,

*Area Manager, Headwaters Resource Area.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Revised East Beaver and Miner's Creek Timber Sale and Prescribed Burning Project, Targhee National Forest, Clark County, Idaho**

**AGENCY:** Forest Service, USDA.

**ACTION:** Revised Notice of Intent to prepare environmental impact statement.

**SUMMARY:** This is a revised Notice of Intent for the East Beaver Creek Timber Sale and Prescribed Burning Project. A Notice of Intent was originally published on April 20, 1998 pages 19470 and 19471 of the **Federal Register**. The project is being revised to add the Miner's Creek Timber Sale as part of the environmental impact statement. The project will now be referred to as the East Beaver and Miner's Creek Timber Sale and Prescribed Burning Project. The Forest Supervisor of the Targhee National Forest gives notice of the agency's intent to prepare an environmental impact statement. The revised proposed action would harvest 7.4 million feet of timber from 2,145 acres and prescribe burn 2,220 acres with 518 acres of the burning in the timber sale harvest units. The remaining 1,702 acres of burning would be in nonforest types. Two miles of temporary roads would be built, 2.6 miles of existing roads reconstructed, and 4.4 miles of new specified roads would be constructed. Project area is located approximately 15 miles northeast of Dubois, Idaho. Alternatives will include the proposed action, no action, and any alternatives that respond to significant issues generated during the scoping process. A more detailed description is available from the Dubois Ranger District; see address below.

**DATES:** Send written comments and suggestions on the issues concerning the proposed action by July 20, 1998. Comments received in response to this solicitation, including names and

addresses of those who comment, will be considered part of the public record on the 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 a standing to appeal the subsequent decision under 39 CFR parts 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 the FOIA, confidentiality may be granted in only very 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 resubmitted with or without name and address within 15 days.

**ADDRESSES:** Send written comments to Clarence M. Murdock, District Ranger, Dubois Ranger District, P.O. Box 46, Dubois, ID 83423.

**FOR FURTHER INFORMATION CONTACT:** John Councilman, Interdisciplinary Team Leader, phone (208) 558-7301.

**SUPPLEMENTARY INFORMATION:** The revision to this project is being made to include the Miner's Creek Timber Sale. An environmental assessment was prepared for Miner's Creek in 1995 and the sale was sold in 1996. After sale, a lawsuit was filed by two environmental groups. The Forest Service's decision to log the sale was upheld at the local Federal court level but this decision was appealed to the 9th Circuit Court of Appeals. The 9th Circuit Court reversed the lower court's decision and directed the Forest Service to prepare an environmental impact statement. The Miner's Creek Timber Sale and the East Beaver Creek Timber Sale and Prescribed Burning Project are within the same watersheds, have similar issues and could be implemented at the same time. Therefore, it made sense to combine the projects into a single analysis.

The Targhee Revised Land Management Plan was approved in 1997. One of the decisions in the Revised Plan was to allow for the production and utilization of wood fiber from certain areas of the Forest. The geographic area where the proposed action would take place has primarily a prescription of timber management with emphasis on big game security (5.1.4b).

Prescriptions for other lands in the area are described below.

**Aquatic Influence Zones (2.8.3)**— Management emphasis is directed at the application of ecological knowledge to restore and maintain the health of these areas in ways that also produce desired resource values, products, protection, restoration, enhancement, interpretation, and appreciation of these areas.

**Visual Quality Maintenance (2.1.2)**— This prescription emphasizes maintaining the existing visual quality within major travel corridors with quality natural vistas, while allowing livestock production, and other compatible commodity outputs. There is no scheduled timber harvesting. No scheduled harvests means timber removed from these areas does not contribute toward the Forests annual allowable sale quantity.

Initial public involvement will include mailing maps and a project description to interested parties to solicit comments on the proposal. Preliminary issues include: water quality, fisheries, elk habitat, and motorized access by the public.

Additional opportunity to comment on the project will occur on the Draft Environmental Impact Statement (draft EIS). The draft EIS is expected to be filed with the Environmental Protection Agency and available for public review in October of 1998.

The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register**. At the same time, copies of the draft EIS will be distributed to interested and affected agencies, organizations, tribes, and members of the public for their review and comment. It is very important that those interested in the proposed action participate at that time.

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 reviewers' position and contentions.

*Vermont Yankee Nuclear Power Corp v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could have been raised at the draft 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*, (9th Circuit, 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. Comments may also address the adequacy of 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.

The final EIS is scheduled to be completed in January of 1998. In the final EIS, the Forest Service is required to respond to comments received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making the decisions on this proposal.

**Responsible Official**

Jerry B. Reese, Forest Supervisor, is the responsible official. As responsible official, he will document the selected alternative for the East Beaver and Miner's Creek Timber Sale and Prescribed Burning Project EIS and his rationale in a Record of Decision.

The decision will be subject to Forest Service Appeal Regulations (36 CFR Part 215).

Dated: June 9, 1998.

**Richard N. Rine,**

*Acting Forest Supervisor.*

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**DEPARTMENT OF AGRICULTURE**

**Forest Service**

**Committee of Scientists Meetings**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Committee of Scientists will hold three public teleconference calls: the first on Wednesday, July 8, 1998; the second on Friday, July 10, 1998; and the third on Wednesday, July 15, 1998. Each teleconference call will begin at 11:00 a.m. and end at 2:00 p.m. (eastern daylight time). The purpose of the telephone conference calls is for the Committee of Scientists to continue to discuss its report and recommendations to the Secretary of Agriculture and the Chief of the Forest Service. The public is invited to attend these teleconference calls and may be provided an opportunity to comment on the Committee of Scientists' deliberations during the teleconference, only at the request of the Committee.

**DATES:** The teleconference calls will be held on Wednesday, July 8, 1998; Friday, July 10, 1998; and Wednesday, July 15, 1998; each from 11:00 a.m. to 2:00 p.m. (eastern daylight time).

**ADDRESSES:** The first teleconference, on July 8, will be held at the USDA Forest Service headquarters, Auditor's Building, 201 14th Street, SW, Washington, DC in the Roosevelt Conference Room and at all Regional Offices of the Forest Service, which are listed in the table under Supplementary Information.

The second and third teleconferences will be held at the USDA Forest Service headquarters, Auditor's Building, 201 14th Street, SW, Washington, DC in the Chief's Conference Room and at all Regional Offices of the Forest Service.

Written comments on improving land and resource management planning may be sent to the Committee of Scientists, P.O. Box 2140, Corvallis, OR 97339. Also, the Committee may be accessed via the Internet at [www.cof.orst.edu/org/scicomm/](http://www.cof.orst.edu/org/scicomm/).

**FOR FURTHER INFORMATION CONTACT:**

For additional information concerning the teleconferences, contact Bob Cunningham, Designated Federal Official to the Committee of Scientists, at telephone: (703) 306-1023 or via the Internet at [rcunningansf.gov/](http://rcunningansf.gov/).

**SUPPLEMENTARY INFORMATION:** The public may attend the teleconference at the following field locations:

**USDA FOREST SERVICE REGIONAL OFFICE LOCATIONS**

|                                       |                        |                       |               |
|---------------------------------------|------------------------|-----------------------|---------------|
| Region 1: Northern Region .....       | Federal Building ..... | 200 E. Broadway ..... | Missoula, MT. |
| Region 2: Rocky Mountain Region ..... | 740 Simms St .....     | .....                 | Golden, CO.   |