

# 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

## DEPARTMENT OF INTERIOR

### Bureau of Land Management

#### Whitetail-Pipestone Recreation Management Strategy; Site-specific Deerlodge Forest Plan Amendment; Butte and Jefferson Ranger Districts; Silver Bow and Jefferson Counties, Montana

**AGENCY:** Forest Service, USDA and Bureau of Land Management, USDI.

**ACTION:** Notice; intent to prepare environmental impact statement.

**SUMMARY:** The Forest Service and BLM will prepare an environmental impact statement (EIS) to create a recreation management strategy for the Whitetail-Pipestone area and amend site-specifically the Deerlodge Forest Plan and the Headwaters Resource Management Plan to include further recreation direction. The Forest Service and the BLM will be joint lead agencies for this EIS (40 CFR 1501.5). The purpose is to determine what network of roads and trails will best provide a variety of recreation opportunities while protecting resources from soil erosion, spread of noxious weeds, and disturbance of wildlife habitats and heritage resources.

**DATES:** Initial comments concerning the scope of the analysis should be received in writing no later than July 19, 1998.

**ADDRESSES:** Send written comments to Deborah L.R. Austin, Forest Supervisor, Beaverhead-Deerlodge National Forest, 1820 Meadowlark, Butte, MT, 59701.

**FOR FURTHER INFORMATION CONTACT:** Jocelyn Dodge, Environmental Analysis Team Leader, Butte Ranger District, 1820 Meadowlark, Butte, MT, 59701, or phone: (406)494-2147, Eric Tolf, Jefferson Ranger District, 3 Whitetail Road, Whitehall MT, 59759, or phone

(406)287-3223 or Darrell McDaniel, BLM, 106 North Parkmont, Butte, MT, 59701, or phone (406)-494-5059.

**SUPPLEMENTARY INFORMATION:** The Forest Service and BLM propose to create a recreation management strategy for federal lands in the Whitetail-Pipestone Area. Five sub-units would be managed with an area restriction with non-motorized and/or motorized travel allowed on various designated roads and trails. Different sub-units would emphasize different recreation opportunities. The proposed strategy also includes construction of trailhead and camping facilities and an interpretive site, and allows for future trail construction to meet resource and recreation objectives. This proposal would result in non-significant amendments to the Deerlodge Forest Plan and the Headwaters Resource Management Plan.

The analysis area lies between Butte, Boulder, and Whitehall, Montana. It includes all National Forest and Bureau of Land Management lands within an area defined by Interstate 15 from Butte to Boulder, Whitetail Road from Boulder to Whitehall (including Hadley Park), and Montana Highway 2 from Whitehall to Butte. The project area totals 276,234 acres including private lands.

The Forest Service and BLM land management plans include goals to provide areas for quality motorized and non-motorized recreation and to provide a wide variety of suitable recreation experiences. Since these plans were adopted about ten years ago, monitoring shows large increases in use and changes in type of recreation activities. A recreation management strategy for the area must address changes in recreation activities in the last 10 years, address current and anticipated travel demands on public land, and manage recreation use while protecting resources, including historic and prehistoric sites.

Potential issues identified are the effects of the proposal on watershed function, recreation, road and trail safety, fish and wildlife, heritage resources, and roadless character.

Public participation is important to the analysis. Part of the goal of public involvement is to identify additional issues and to refine the general, tentative issues identified above. People may visit with Forest Service and BLM officials at any time during the analysis

and prior to the decision. Two periods are specifically designated for comments on the analysis: (1) During the scoping process and (2) during the draft EIS comment period.

During the scoping process, the Forest Service and BLM are seeking information and comments from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. The United States Fish and Wildlife Service will be consulted concerning effects to threatened and endangered species. The agencies invite written comments and suggestions on this action, particularly in terms of identification of issues and alternative development.

Analysis of this proposed action began in an environmental assessment (EA). Public involvement for the EA started in July, 1995. Since then, the public has participated in formulating issues and developing alternatives through responding to large mailings and attending periodic public meetings and field trips.

In addition to the proposed action, a range of alternatives has been developed in response to issues identified during scoping. One of these is the "no action" alternative, in which no changes would be made to current travel management direction for the analysis area. A second alternative identified proposes to reduce secondary road densities from the present condition by 50 to 90 percent, while maintaining general forest access for traditional non-motorized recreation. Class I primary motorized road access would remain the same as the existing condition. A third alternative proposes to increase the number of trails, trailheads, campgrounds, view points, and tables, and identify historic points more than identified in the proposed action. The Forest Service and BLM will analyze and document the direct, indirect, and cumulative effects of all alternatives.

The Forest Service and BLM will continue to involve the public and will inform interested and affected parties as to how they may participate and contribute to the final decision. Another formal opportunity for response will be provided following completion of a draft EIS.

The draft EIS should be available for review in October, 1998. The final EIS

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).