requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard M. Parry, Jr.,

Assistant Administrator.

[FR Doc. 99–3501 Filed 2–11–99; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Forest Service

Environmental Impact Statement Preparation for the Big Run Project, Allegheny National Forest, Elk County, PA

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: In accordance with the National Environmental Policy Act, notice is hereby given that the Forest Service, Allegheny National Forest will prepare an Environmental Impact Statement to disclose the environmental consequences of the proposed Big Run Project.

The purpose of this project is to move from the Existing Condition towards the Desired Future Condition (DFC) as detailed in the Allegheny National Forest Land and Resource Management Plan (Forest Plan). The Forest Plan allocates land to management where wood production is one of the featured objectives (Management Area 3.0). The Big Run project is located entirely within this management area.

In order to move towards the DFC, the early successional age class (0–20 year age) needs to increase; healthy forested stands capable of producing high quality, high value sawtimber need to be maintained; and understories dominated by fern, grass or undesirable woody vegetation need to develop seedling vegetation. Project proposals include timber havesting as a means for making desired changes to forest vegetation and satisfying the demonstrated public need for wood products. Our proposed action to meet the purpose and need includes 410 acres of regeneration harvests to bring the onset of a new forest; herbicide, fertilizer, fencing, mechanical site preparation, and planting to ensure seedling establishment and growth in understories; and 476 acres of thinning in immature stands to reduce the competition for light and nutrients, thereby improving the health and vigor of residual trees. Associated with these silvicultural activities includes approximately one mile of new road construction, six miles of road restoration, 12 miles of road betterment, approximately one half mile of road obliteration, and additional stone pit development to provide an adequate long-term transportation system. Wildlife habitat improvement measures in the form of plantings, fish habitat improvements and stocking, and wood duck nest box placement serve to supplement the existing conditions.

After completion of the analysis, the responsible official will select an alternative that maximizes net public benefits for the Big Run Project area.

DATES: The public is asked to provide comments, suggestions, and recommendations for achieving the purpose and need for the Big Run Project. The public comment period will be for 30 days from the date the Environmental Protection Agency publishes this notice of availability in the **Federal Register**. Comments and suggestions should be submitted in writing and postmarked by March 9, 1999 to ensure timely consideration. To assist in commenting, a scoping letter providing more detailed information on the project proposal has been prepared and is available to interested parties.

FOR FURTHER INFORMATION CONTACT: Submit written comments and suggestions concerning the proposed action to: ''Big Run Project'', attention Mary Schoeppel—ID Team Leader, Marienville Ranger District, HC2 Box 130, Marienville, PA 16239. For further information, contact Mary Schoeppel@(814) 927–6628.

SUPPLEMENTARY INFORMATION: The issue of uneven-aged management often arises during the scoping process for projects such as this. We will therefore include at least one alternative to the Proposed Action which will evaluate the effects of applying uneven-aged management techniques. Issues which are generated through the scoping process may generate additional alternatives.

Comments considered beyond the scope of this project and which will *not* be evaluated include whether or not commercial timber harvest should occur on National Forest System lands; the validity of the science of silviculture and forest management; and whether or not to allow the use of herbicides on the Allegheny National Forest on a programmatic level.

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. In a recent legal opinion, the Forest Service's Office of General Council (OGC) has determined that names and addresses of people who respond to a Forest Service solicitation are not protected by the Privacy Act and can be released to the public. The Forest Service routinely gives notice of and requests comments on proposed land and resource management actions accompanied by environmental documents, as well as on proposed rules and policies. Comments received in response to such solicitations, including names and addresses of those who comment, will be considered part of the public record and will be available for such inspection, upon request. 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 opinion states that such confidentiality may be granted in only very limited circumstances, such as to protect trade secrets.

The Draft EIS is expected to be filed with the Environmental Protection Agency and to be available for public review during June of 1999. At that time, the Environmental Protection Agency (EPA) will publish in the **Federal Register** a notice of availability of the draft environmental impact statement. The comment period on the draft will be 45 days from the date the EPA notice appears in the **Federal Register.**

The Forest Service believes 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 proposals 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 be raised at the draft environmental impact statement stage may be waived if not raised until after completion of the full environmental impact statement, City of Angoon v. Hodel, 803 F.2d 1016, 1022 (9th Cir. 1988), 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.

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 CEQ Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points). After the comment period ends on the draft environmental impact statement, the comments received will be analyzed and considered by the Forest Service in preparing the final environmental impact statement.

The final environmental impact statement is scheduled to be completed in October, 1999. In the final EIS, the Forest Service is required to respond to the comments received (40 CFR 1503.4). The responsible official will consider the comments, responses, environmental consequences discussed in the environmental impact statement, and applicable laws, regulations and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in a Record of Decision. That decision will be subject to appeal under 36 CFR part 215.

The responsible official is Leon Blashock, District Ranger, Allegheny National Forest, HC2 Box 130, Marienville, PA 16239.

Dated: February 2, 1999.

Leon Blashock,

District Ranger.

[FR Doc. 99–3447 Filed 2–11–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Trout Slope East Timber Project; Ashley National Forest, Uintah County, UT

AGENCY: Forest Service, DOA.

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

SUMMARY: The Ashley National Forest has proposed to harvest live and dead timber within the Trout Slope East area of the Vernal Ranger District. After completing an environmental assessment (EA), the Responsible Official, Forest Supervisor Bert Kulesza, has determined this proposal will be a major federal action which *may* affect the quality of the human environment, requiring the preparation of an EIS (Environmental Impact Statement).

The objectives of the project are to improve ecosystem function by improving forest structure and pattern characteristics. Treatments are proposed that will recover wood products, reduce fuel loads, salvage the dead tree component to prevent a likely future forest condition of blown down and jackstrawed timber, improve long term scenic quality along primary access routes and at popular recreation sites while protecting the integrity of the productive land base.

DATES: To be most useful, comments concerning the scope of the analysis should be received in writing by March 15, 1999.

ADDRESSES: Written comments and questions should be sent to: Brad Exton, District Ranger, Vernal Ranger District, Ashley National Forest, 355 N. Vernal Avenue, Vernal, Utah 84078, or e-mail at bexton/r4__ashley@fs.fed.us.

FOR FURTHER INFORMATION CONTACT: Specific questions about the proposed project and analysis should be directed to Greg Clark, ID Team Leader, Vernal Ranger District, 355 N. Vernal Ave., Vernal, Utah, (435) 789–1181.

SUPPLEMENTARY INFORMATION: This proposal arose out of the Vernal Ranger District's Trout Slope Landscape Assessment (1996) which described the existing condition of an 80,000 acre area between East Park and Leidy Peak. The assessment suggested a desired condition for the area, and recommended resource management strategies to move the area toward the desired condition as a more area-specific complement to the broad direction of the Ashley National Forest Land and Resource Management Plan (1986).

The Trout Slope East analysis area is approximately 18,650 acres and lies between East Park and Oaks Park reservoirs and extends to the divide of this part of the eastern Uinta Mountains.

The project area begins about six miles from Highway 191 on the East Park Highway. There are over 38 miles of system roads and numerous miles of non-system roads which provide access into the area. Approximately 20 miles have been gated (five gates) to secure big game habitat and provide non-motorized recreation. Access would be provided by controlled access of gated road systems, opening some existing roads and by possible construction of temporary roads. After harvest, opened roads would be closed and temporary roads obliterated.

The proposed action was developed during the initial environmental analysis and documented in the Trout Slope East Timber EA released for public comment in spring, 1998. For continuity, this alternative will be carried through this analysis as the proposed action. However, based on the comments we received on the EA, we have developed two additional alternatives in order to respond to some of the issues raised. These are summarized briefly below.

Proposed Action (Alternative 1): Harvest from existing roads and construct short segments of temporary roads. This alternative would better access some treatment areas and reduce skidding distances.

- Dead-only salvage on approximately 2,600 acres for approximately 15 million board feet (MMBF) and overstory removal or clearcut 475 acres of leave strips for approximately 4 MMBF.
- Dead-only salvage on approximately 850 acres for 5 MMBF to improve the East Park Campground viewshed.
- Approximately 18 miles of temporary road would be constructed.
- Approximately 26 miles of existing roads would be opened to access all harvest units. In general, a minimal amount of work is needed to make these roads serviceable for hauling.
- A ford crossing would be replaced with a temporary bridge on a [West Fork] tributary of Little Brush Creek in the Round Park area.
- Timber stand improvement including precommercial thinning of overstocked sapling stands would occur within the project area. There are approximately 500 acres of sapling stands in the project area scheduled for surveys and possible thinning within the next five years. In addition, stands in this proposed action would be evaluated after treatment for further work in the remaining seedling/sapling understory.

The proposed timber management actions are based on the following:

The timber resource in this area is primarily even-aged lodgepole pine with small pockets of uneven-aged mixtures of lodgepole pine, Engelmann spruce, Douglas-fir, subalpine fir and aspen. The lodgepole pine stands are comprised of about 70% to 90% dead trees due to a mountain pine beetle epidemic in the late 1970s to early 1980s. Currently, the landscape looks gray with stands or strips of timber containing dead trees surrounding 10 to 40 acre seedling or sapling stands (regenerated clearcuts).

The project area was selected from the Trout Slope Assessment area by using existing stand level data, areas with existing roads and areas with primarily dead lodgepole pine. Environmental conditions considered were sensitive soils, geologic hazard zones, riparian