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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

Yellow Band Mine; Dillon Ranger District; Beaverhead County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice, intent to prepare environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) to evaluate the environmental effects of a proposed mine operation, and to ensure that reasonable, practicable measures are incorporated into the mine plan for protection and reclamation of surface resources.

DATES: Initial comments concerning the scope of the analysis should be received in writing no later than September 11, 1998.

ADDRESSES: Send written comments to Deborah L.R. Austin, Forest Supervisor, Beaverhead-Deerlodge National Forest, 420 Barrett Street, Dillon, MT 59725-3572.

FOR FURTHER INFORMATION CONTACT: Katie Bump, Environmental Analysis Team Leader, Dillon Ranger District, at the above address, or phone: (406) 683-3955.

SUPPLEMENTARY INFORMATION: The Forest Service will process a proposed plan of operations for a small-scale open pit mine and cyanide heap leaching facility, subject to constraints given by applicable laws and policies, and in the 1986 Beaverhead National Forest Land and Resource Management Plan.

The EIS will examine the effects of the proposal and alternatives. The primary purpose of this analysis is to evaluate the environmental effects of the proposed mine operation, and ensure that reasonable, practicable measures are incorporated into the mine plan for protection and reclamation of surface resources. The Forest Service will

approve the proposal if it complies with applicable legal requirements.

The mine was proposed by Yellow Band Mines Inc. in T. 6 S. R. 11 W. Sec. 2 SE MPM, in the French Creek drainage of the southeast Pioneer Mountains, about 14 miles northwest of Dillon. The project would involve disturbing no more than 5 acres at a time in the mine area, and a cyanide heap leach facility on less than 5 acres.

Scoping for the proposed action began with parties on the Forest Service and State of Montana Dept. of Environmental Quality mailing lists being notified by mail, in addition to news releases. A public field tour of the mine site was held August 7. Copies of the proposed mining plan of operations are available on request.

Some potential issues have been identified to date. The mine is located within the municipal watershed of the City of Dillon. Possible contamination of underground and surface water by cyanide from the leaching process is a concern. Sediment from areas disturbed by mine operations is also a concern in the drainage; French Creek is habitat for a sensitive fish species, westslope cutthroat trout. The mine area is also habitat for a sensitive plant species, Lemhi beardtongue. Bats are present in at least one of the mine openings. Road safety on the Forest Road below the mine area is a concern. Noxious weeds are present in the mine area. French Creek Cave is just north of the mine area.

The operator has applied for a license to operate a cyanide facility, and a Montana Pollution Discharge Elimination System (MPDES) permit to the State of Montana Department of Environmental Quality.

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 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 is 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.

In addition to the proposed action, a range of alternatives will be developed in response to issues identified during scoping. One of these will be the "no action" alternative, in which the mine would not be developed. The Forest Service will analyze and document the direct, indirect, and cumulative effects of all alternatives.

The Forest Service 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 December, 1998. The final EIS is scheduled for completion in June, 1999.

The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability 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 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, 533 (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*, 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 those interested in this proposed action participate by the close of the 45-day comment period so 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.

The Beaverhead-Deerlodge Forest Supervisor is the responsible official who will make the decision. She 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: August 17, 1998.

Deborah L.R. Austin,

Forest Supervisor, Beaverhead-Deerlodge National Forest.

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DEPARTMENT OF AGRICULTURE

Forest Service

Upper Charley Subwatershed Ecosystem Restoration Projects Umatilla National Forest, Garfield County, Washington

AGENCY: Forest Service, USDA.

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

SUMMARY: The USDA Forest Service will prepare an environmental impact statement (EIS) on a proposed action to implement ecosystem restoration projects, designed to promote healthy watershed conditions, within the Upper Charley subwatershed. The project area is located on the Pomeroy Ranger District approximately 10 air miles southeast of Pomeroy, Washington.

Proposed project activities consist of in-channel fish habitat projects, hydrologic stability projects (road obliteration, road re-alignment/reconstruction), wildlife enhancement projects, range improvements, noxious

weed treatments, recreation opportunities, landscape prescribed fire, and restoration of forest stand structure/composition using a variety of silvicultural treatments including commercial timber harvest. The proposed action is designed to reduce risks to ecosystem sustainability, prevent further degradation of forest health, reduce risks of catastrophic wildfire, improve or maintain aquatic and terrestrial habitat, manage access to protect wildlife, and provide some economic return to local economies.

The EIS will tier to the 1990 Land and Resource Management Plan FEIS for the Umatilla National Forest, which provides overall guidance for forest management of the area.

DATES: Written comments concerning the scope of the analysis should be received on or before September 24, 1998.

ADDRESSES: Send written comments and suggestions to the Responsible Official, Monte Fujishin, District Ranger, Pomeroy Ranger District, 71 West Main Street, Pomeroy Washington, 99347.

FOR FURTHER INFORMATION CONTACT: Randall Walker, Project Team Leader, Pomeroy Ranger District. Phone: (509) 843-1891.

SUPPLEMENTARY INFORMATION: The decision area contains approximately 7,650 acres within the Umatilla National Forest in Garfield County, Washington. It is within the boundary of the Upper Charley subwatershed of the Asotin watershed. The legal description of the decision area is as follows: Sections 11-14, 22-28, and 33-36 Township 9 North, Range 42 East; and Sections 8, 17-20 and 30 Township 9 North, Range 43 East, and Sections 3 and 4 Township 8 North, Range 42 East, W.M. surveyed. All proposed activities are outside the boundaries of any roadless or wilderness areas.

Fish habitat projects include in-channel restoration, pond construction, and stabilization of streambanks. Proposed hydrologic stability projects include 14.04 miles of road obliteration, 13 miles of road realignment/reconstruction, and revegetation of cut and fill slopes. Snag creation, construction of cisterns for non-big game species and prescribed burning for elk habitat are proposed to enhance wildlife habitat. Noxious weed treatments to help restore biodiversity and productivity of native plant species are also included in the proposed action. A variety of silvicultural methods would treat approximately 4,492 acres within the area. Approximately 4.3 miles of temporary road construction is proposed to access

timber harvest areas (all temporary roads would be obliterated following completion of sale activities), and approximately 7.71 miles of existing non-system roads would be added to the transportation system for future project use. This proposal also includes prescribed burning within harvest units (3,554 acres) and outside of harvest units (2,000 acres) to reduce the potential for future wildfires, prepare sites for regeneration, enhance wildlife habitat and maintain forest health by bringing fuel levels closer to their historic levels.

An estimated 18.2 million board feet of timber would be commercially harvested on approximately 3,554 acres. Proposed silvicultural treatments are briefly described as follows:

Precommercial Thinned: Saplings would be thinned to a tree per acre variable spacing to promote growth and provide a sustainable species composition. This treatment is proposed on 938 acres.

Thin from Below: Thinning of stand to recommended stocking level (listed by residual square feet of basal area per acre). This would be accomplished by leaving the largest and healthiest trees on each microsite. This treatment is proposed on 885 acres.

Uneven-aged Management: Stand densities would be reduced to 60-100 square feet of basal area per acres by removing the least vigorous trees greater than 7 inches DBH. This treatment is proposed on 2,176 acres.

Shelterwood Group Selection: Windfirm trees favoring western larch and ponderosa pine would be retained as groups and individuals. Openings from one-half to four acres would occur in areas of insect and disease pockets and low vigor fir thickets. This treatment is proposed on 493 acres.

For all harvest treatments existing snags and large down wood would be left on site. Ponderosa pine and western larch would be the preferred species for leave trees. All trees greater than 21 inches DBH would be left in the ponderosa pine and Douglas-fir biophysical groups (both are below their historic range of variability). Thinning of saplings would occur after harvest.

The proposed action will tier to the FEIS and Umatilla Forest Plan, as amended, which provides goals, objectives, standards, and guidelines for the various activities and land allocations on the forest. In the project/analysis area there are eight designated management areas (MAs): A6, A9, C1, C3, C3A, C4, C5 and E2. Management area A6-Developed Recreation is managed to provide recreation opportunities that are dependent on the