

**DATES:** Comments concerning the scope of this proposal should be received in writing by May 15, 1999.

**ADDRESSES:** Send written comments and suggestions to Fred C. Gonzalez, District Ranger, 12641 Sullivan Lake Road, Metaline Falls, Washington 99153.

**FOR FURTHER INFORMATION CONTACT:** Questions about this EIS should be directed to Tim Bertram, Interdisciplinary Team Leader, 12641 Sullivan Lake Road, Metaline Falls, Washington 99153 (phone: 509-446-7500).

**SUPPLEMENTARY INFORMATION:** The Proposed Action is to grant an easement to Stimson Lumber Company authorizing the construction, reconstruction, and use of seven segments of road, totaling approximately 2.69 miles, to access their property. Sections of land to be accessed are surrounded by NFS lands and no legal road access to the sections currently exists. Stimson Lumber Company seeks access pursuant to the Alaska National Interest Lands Conservation Act, (ANILCA). The ANILCA directs the Forest Service to grant access to inholdings of non-Federal land within the National Forest boundary for the reasonable use and enjoyment of those lands by the landowner. Stimson has stated that it intends to manage the lands to be accessed for long-term timber production utilizing conventional ground based logging systems. The applicant intends to build roads on the easement sufficient to support the intended use of the land.

The proposed Action may result in an amendment to the Forest Plan to provide additional standards and guidelines for the LeClerc Grizzly Bear Management Unit. The standards and guidelines would be based upon recommendations provided in the Interagency Grizzly Bear committee Task Force Report (as revised July 29, 1998).

This analysis will evaluate a range of alternatives for granting access for Stimson's inholdings. The access involves approximately 2.69 miles of road on 22 acres of NFS lands.

Analysis of effects will include both the project area on NFS lands as well as effects on non-federal Stimson lands accessed by the roads. Analysis areas will differ based on resource being assessed (watershed boundaries, grizzly bear management units, etc.).

The Draft EIS will be tiered to the Colville National Forest Land and Resource Management Plan. The Land and Resource Management Plan's Management Area direction for this

project area is approximately 3 percent Old Growth Dependent Species Habitat (Management Area 1), 30 percent Wood/Forage Emphasis (Management Area 7), and 67 percent Winter Range (Management Area 8).

Preliminary issues include: (1) Under ANILCA and its implementing regulations, what would constitute reasonable access to Stimson land; (2) What would be the effects of granting access to Stimson land on natural resources including proposed, threatened, and endangered species habitat; and (3) Where is access mutually needed by both Stimson and the Forest Service to meet both economic concerns and natural resource objectives?

A range of alternatives will be considered, including a no-action alternative. Initial scoping began in May 1992 with notice and mailings to interested parties. An Interdisciplinary team was assigned on May 28, 1992 to identify and clarify issues, to explore and develop alternatives based on key issues, and to review and analyze potential environmental effects. An Environmental Assessment (EA), called the Stimson Cost-Share EA, was issued to the public for comment from July 16, 1997 to August 15, 1997. A Decision Notice/Finding of No Significant Impact was issued on March 6, 1998. The decision document was appealed and reversed by the Appeal Deciding Officer on June 15, 1998. comments from the EA comment period and the appeals have been incorporated in the preparation of this Notice and the Proposed Action.

The Environmental Protection Agency (EPA) will publish a Notice of Availability of the draft EIS in the **Federal Register**. The draft EIS is expected to be available by June, 1999. The comment period on the draft EIS will be 45 days from the date the EPA notice appears in the **Federal Register**. It is important that those interested in the management of the Colville National forest participate at that time.

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 the draft EIS 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 EIS stage but that are not raised until after completion of the final EIS 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 EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS 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 final EIS is scheduled to be available by September 1999. In the final EIS, the Forest Service is required to respond to substantive comments received during the comment period for the draft EIS. The Lead Agency is the USDA Forest Service. The responsible official is Colville National Forest Supervisor, Robert L. Vaught, 765 South Main, Colville, WA 99114. The responsible official will decide which, if any, of the alternatives will be implemented. The decision and the rationale for the decision will be documented in the record of Decision, which will be subject to Forest Service Appeal Regulations (36 CFR Part 215).

Dated: March 30, 1999.

**Robert L. Vaught,**  
Forest Supervisor.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 031599B]

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rocket Launches

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of issuance of a letter of authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that a 1-year letter of authorization to take small numbers of seals and sea lions was issued on April 2, 1999, to the 30<sup>th</sup> Space Wing, U.S. Air Force.

**ADDRESSES:** The letter of authorization and supporting documentation are available for review during regular business hours in the following offices: Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, and the Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713-2055, or Christina Fahy, NMFS, (562) 980-4023.

**SUPPLEMENTARY INFORMATION:** Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued. Under the MMPA, the term "taking" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill marine mammals.

Permission may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of seals and sea lions incidental to missile and rocket launches, aircraft flight test operations, and helicopter operations at Vandenberg Air Force Base, CA were published on March 1, 1999 (64 FR 9925), and remain in effect until December 31, 2003.

Issuance of this letter of authorization is based on a finding that the total

takings will have no more than a negligible impact on the seal and sea lion populations off the Vandenberg coast and on the Northern Channel Islands.

Dated: April 2, 1999.

**Art Jeffers,**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 033099D]

#### Marine Mammals; File No. 945-1499-00

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Receipt of application.

**SUMMARY:** Notice is hereby given that Glacier Bay National Park and Preserve, has applied in due form for a permit to take humpback whales (*Megaptera novaeangliae*), minke whales (*Balaenoptera acutorostrata*), and killer whales (*Orcinus orca*) for purposes of scientific research.

**DATES:** Written or telefaxed comments must be received on or before May 10, 1999.

**ADDRESSES:** The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289); and

Regional Administrator, Alaska Region, 709 W. 9<sup>th</sup> Street, Federal Building, Room 461, P.O. Box 21668, Juneau, Alaska 99802 (907/586-7012).

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

**FOR FURTHER INFORMATION CONTACT:** Jeannie Drevenak, 301/713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222.23).

The applicant is requesting authorization to inadvertently harass up to 200 humpback whales (*Megaptera novaeangliae*) 20 minke whales (*Balaenoptera acutorostrata*) and 75 killer whales (*Orcinus orca*) annually for scientific research purposes during observational, photo-identification, prey assessment and acoustic monitoring activities, and collection of sloughed skin samples for export to New Zealand. Research will be conducted in the waters of Glacier Bay and Icy Strait, Alaska over a five year period. The applicant proposes to initiate this work on May 1, 1999.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 30, 1999.

**Ann Hochman,**

*Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 032599C]

#### Marine Mammals; File No. 881-1443 and File No. 633-1483

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and