

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601-612) and thus is exempt from the provisions of that Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), no new recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

This action is exempted from review by the Office of Management and Budget under Executive Order 12866.

National School Lunch, School Breakfast and Special Milk Programs are listed in the Catalog of Federal Domestic Assistance under No. 10.555, No. 10.553 and No. 10.556, respectively, and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and the final rule related notice published at 48 FR 29114, June 24, 1983.)

Authority: Sections 4, 8, 11 and 17A of the National School Lunch Act, as amended, (42 U.S.C. 1753, 1757, 1759a, 1766a) and sections 3 and 4(b) of the Child Nutrition Act, as amended, (42 U.S.C. 1772 and 42 U.S.C. 1773(b)).

Dated: July 2, 1999.

Samuel Chambers, Jr.,
Administrator.

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DEPARTMENT OF AGRICULTURE

Forest Service

Long Clear Project, Boise National Forest, Boise County, ID

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare environmental impact statement.

SUMMARY: The Boise National Forest will prepare an environmental impact statement (EIS) to document the analysis and disclose the environmental impacts of a proposed timber sale, and road and dispersed-campsite treatments (including road closures), in the Lower Clear Creek subwatershed of the Clear Creek drainage. During the winter months of 1996-97, heavy snows and saturated soils caused blow down of trees within the Clear Creek drainage of the Lowman Ranger district. The blown down trees were subsequently attacked by Douglas-fir beetles in the spring and summer of 1997. Pure, dense stands of Douglas-fir stressed by drought and previous insect or disease attack are particularly susceptible to Douglas-fir beetle infestations that can kill large

forested areas. Because there are dense, stressed Douglas-fir stands within the project area, many of these areas are at risk of insect and disease infestation. Some areas also remain less resistant and resilient to unnaturally severe wildfire. These areas need to be thinned, and in some cases, seral species need to be restored, to improve their resistance and resilience to uncharacteristic events. Some trees are infested with bark beetles or infected with mistletoe and other disease, and are expected to die. Prompt salvage of these trees is needed if their economic value is to be captured. In addition, many roads within the project area are contributing sediment, and need to be reconstructed, rehabilitated and/or closed to enhance water quality, protect native fish habitat and help restore healthy aquatic conditions in the Clear Creek watershed. The ford on the Long Clear road (Forest road 545), and dispersed campsites, need to be treated to reduce impacts to water quality and fish habitat.

During the winter and spring of 1998, the Lowman District prepared an environmental assessment (EA) for this proposed timber sale and a Decision Notice and Finding of No Significant Impact was signed in May 1998. Subsequently, American Wildlands and the Idaho Sporting Congress filed suit in Federal District Court. The District Court's decision found the EA did not contain or refer to the "hard data" supporting the project's purpose and need, and directed the Forest Service to prepare adequate National Environmental Policy Act (NEPA) documentation for the proposed project. The Forest Service has determined an EIS is the appropriate form of documentation for the proposed Long Clear Timber Sale.

The Lowman Ranger District of the Boise National Forest proposes to treat about 5,700 acres through commercial thinning, precommercial thinning, salvage harvest, and reforestation, to reduce stand density and improve resistance and resilience to uncharacteristic events, and to capture the economic value of dead and dying trees. No timber harvest would occur in Riparian Habitat Conservation Areas or in the Deadwood or Red Mountain Inventoried Roadless Areas. Twelve pheromone bait stations have been established to attract Douglas-fir bark beetles into easily accessible concentrations of trees. These bait stations resulted in Douglas-fir bark beetle infestations in approximately 400 trees. These 400 trees would be harvested as a portion of this proposal. Activity (harvest-related) fuels would be

burned on about 4,600 acres to reduce fuel buildup and the potential for unnaturally intense wildfires. Prescribed fire would be undertaken on about 500 acres, to burn natural fuels in areas where natural fire has not occurred as often as could be historically expected. Ten dispersed-recreation sites along Clear Creek would be treated to reduce impacts on water quality and fish habitat resulting from recreational use. A total of 6.9 miles of currently open but impassable road would be closed year long to full-sized motorized vehicles and converted to a seasonal motorized trail. A total of 3.6 miles of currently open roads would be closed and revegetated, and 2.1 miles of currently closed roads would be revegetated. The Long Creek road (Forest road 545) bridge across Clear Creek would be reconstructed, eliminating use of the current ford. Additionally, approximately 20 miles of existing road (mostly along the Long Creek road) would be reconstructed to facilitate harvest activities and reduce sediment delivery, in accordance with INFISH guidelines.

DATES: Written comments concerning the scope of the analysis described in this Notice should be received by July 23, 1999 to ensure timely consideration. No scoping meetings are planned at this time.

ADDRESSES: Send written comments to Jackie Andrew, Project Coordinator, Lowman Ranger District, 7359 Highway 21, Lowman, ID 83637.

FOR FURTHER INFORMATION CONTACT: Questions concerning the proposed action and EIS should be directed to Jackie Andrew at 208-259-3361.

SUPPLEMENTARY INFORMATION: The Forest Service is seeking information and comments from Federal, State, and local agencies, as well as individuals and organizations who may be interested in, or affected by, the proposed action. The Forest Service invites written comments and suggestions on the issues related to the proposal and the area being analyzed.

Information received will be used in preparation of the draft EIS and final EIS. For the most effective use, comments should be submitted to the Forest Service within 30 days from the date of publication of this Notice in the **Federal Register**. The Responsible Official is David D. Rittenhouse, Forest Supervisor, Boise National Forest. The decision to be made is whether to thin and harvest National Forest System timber, treat roads and dispersed campsites, and reduce natural and activity fuels through prescribed fire. The draft EIS is expected to be available

for public review in September 1999, with a final EIS estimated to be completed in November 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, 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 EIS's 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 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 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 chapter 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 draft EIS. 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. 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. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR 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 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 the comments may be resubmitted with or without name and address within 10 days.

Dated: June 29, 1999.

David Rittenhouse,
Forest Supervisor.

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DEPARTMENT OF AGRICULTURE

Forest Service

Meadow Smith Project Environmental Impact Statement; Flathead National Forest, Swan Lake Ranger District, Lake and Missoula Counties, State of Montana

AGENCY: Forest Service, USDA.

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

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) for a proposal to harvest timber, commercial and pre-commercial tree thinning, burn brush fields or forest understory trees, reclaim and construct roads, change road access, improve fish passages, wet land restoration, and reduce sediment sources within the Meadow Smith Project area. The project area is located in the upper Swan Valley and is approximately 35 miles air miles southeast of Bigfork, Montana in the vicinity of the community of Condon.

The Forest Service is seeking further information and comments from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed actions. These comments will be used to prepare the draft EIS.

DATES: The draft EIS is expected to be filed with the Environmental Protection Agency and made available for public review in August, 1999. No date has yet been determined for filing the final EIS.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

ADDRESSES: You may request to be placed on the project mailing list or

direct questions, comments, and suggestions about the proposed action and EIS to Keith Soderstrom, EIS Team Leader, or Chuck Harris, District Ranger, Swan Lake Ranger District, 200 Ranger Station Road, Bigfork, MT 59911. Phone: (406) 837-7500.

The proposal's actions listed above are being considered together because they represent either connected or cumulative actions as defined by the Council on Environmental Quality (40 CFR 1508.25).

The Forest Service believes the current forest conditions resulting from large wildfires that occurred near the turn of the century and subsequent management decisions are causing adverse effects. Specifically, the encroachment of shade tolerant tree species on dry sites historically dominated by open-grown, large-tree communities has caused an overall reduction of individual tree health; increased risk of property damage on both national forest and adjacent private land from large and intense wildfires; and, a decrease in the presence of open-grown, large tree ponderosa pine and western larch forests. The Forest Service also believes implementing a no action alternative will further increase these effects in the future. The proposed actions may have short term significant effects on wildlife, but long term benefits to the function of the ecosystem are more desirable.

The EIS will tier to the Flathead National Forest Land and Resource Management Plan (LRMP) and EIS of January, 1986, and its subsequent amendments, which provide overall guidance of all land management activities on the Flathead National Forest.

Decision To Be Made

Should the Forest Service implement the proposed action or any action to meet the purpose and need or to defer any action at this time within the Meadow Smith Project area? The deciding official for this project is Chuck Harris, Swan Lake District Ranger, Flathead National Forest.

Preliminary Issues and Alternatives

Public and internal scoping which has already occurred for this project includes two public meetings, four public field trips; three mailings to Federal, State, and local agencies and other individuals or organizations; personal conversations with interdisciplinary team members and members of the public, and news media releases. An Environmental Assessment has been completed for this proposal and made available for public comment;