

not appreciably reduce the likelihood of the survival and recovery of the species in the wild. In addition, the applicant must prepare and submit to the Services for approval, a Plan containing a strategy for minimizing and mitigating all take associated with the proposed activities to the maximum extent practicable. The applicant must also ensure that adequate funding for the Plan will be provided.

Simpson Timber Company has developed a Plan with technical assistance from the Services, to obtain Permits for their activities on the subject lands. Activities proposed for Permit coverage include the following: all aspects of mechanized timber harvest, log transportation, road construction, road maintenance and abandonment, site preparation, tree planting, fertilization, silvicultural thinning, experimental silviculture, controlled burns, wild fire suppression, stream restoration, and the management, harvest, and sale of minor forest products. The Permits and Plan would also cover certain monitoring activities and related scientific experiments in the Plan area. The duration of the proposed Permits and Plan is 50 years.

The Services formally initiated an environmental review of the project through a Notice of Intent to prepare an EIS in the Federal Register on February 9, 1999 (64 FR 6325). This notice also announced a 30-day public scoping period, during which other agencies, tribes, and the public were invited to provide comments and suggestions regarding issues and alternatives to be included in the EIS. Following this scoping period a draft EIS was prepared which considers the No Action alternative, the Proposed Action, and three additional action alternatives.

Under the No Action Alternative, Permits would not be issued and Simpson would continue a forest management program which avoids take of federally listed species. Under the Proposed Action, the Services would issue Permits and Simpson would implement their proposed Plan on 261,575 acres of Simpson's Washington timberlands. Under a Modified Northwest Forest Plan Alternative, the Services would issue Permits, and Simpson would implement a Plan with riparian conservation measures approximately mid-way between the Northwest Forest Plan (NFP) and the Proposed Action. Current (1999) Washington Forest Practices would be applied where NFP guidelines are not available.

Alternatives considered during scoping but which were not analyzed in detail include an alternative based on

the Washington State Forestry Module (new proposed revisions to the Washington State Forest Practices Act), and a NFP Alternative. The Forestry Module Alternative, would have involved issuing Permits for an undetermined number of species and developing and implementing a Plan based on the Forestry Module guidelines for riparian, wetlands, unstable slopes, and road management. This alternative was not analyzed because it would result in similar riparian conservation to the Proposed Action. The NFP Alternative would have involved issuing a Permit for all threatened and endangered species that occur on the property and developing a Plan with mitigation measures similar to those found in the NFP. This alternative was not analyzed because it would restrict harvestable acres to approximately 68 percent of current levels, thereby resulting in excessive direct and indirect costs to the Applicant.

The No Action, Proposed Action, and Modified NFP alternatives are analyzed in detail in the draft EIS. The Forestry Module Alternative and NFP Alternative were dismissed from detailed analysis.

This notice is provided pursuant to section 10(a) of the ESA, and NEPA regulations.

Dated: October 18, 1999.

Wanda L. Cain,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

Dated: October 18, 1999.

Don Weathers,

Acting Regional Director, Fish and Wildlife Service, Region 1, Portland, Oregon.

[FR Doc. 99-27695 Filed 10-25-99; 8:45 am]

BILLING CODE 3510-22-F, BILLING CODE 4310-55-F

Commerce; Fish and Wildlife Service (FWS), Interior.

ACTION: Notice of application and availability for public comment.

SUMMARY: This notice advises the public that Crown Pacific, Ltd., has submitted an application to FWS and NMFS (together, the Services) for an Incidental Take Permits (Permits) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA). As required by section 10(a)(2)(B) of the ESA, Crown Pacific has also prepared a Habitat Conservation Plan (Plan) designed to minimize and mitigate any such take of endangered or threatened species. The Permit application is related to forest management and timber harvest, recreational activities, installation and operation of communication towers, and military training operations, on approximately 84,689 acres of Crown Pacific lands located in Whatcom and Skagit counties, Washington. The proposed Permits would authorize the take of the following endangered or threatened species incidental to otherwise lawful activities: northern spotted owl (*Strix occidentalis caurina*), marbled murrelet (*Brachyramphus marmoratus marmoratus*), bald eagle (*Haliaeetus leucocephalus*), grizzly bear (*Ursus arctos*), gray wolf (*Canis lupus*), and chinook salmon (*Oncorhynchus tshawytscha*). Crown Pacific is also seeking coverage for 22 currently unlisted species of concern (including anadromous and resident fish) under specific provisions of the Permits, should these species be listed in the future. One of these, the coastal-Puget Sound population of the bull trout (*Salvelinus confluentus*), is currently in the final stages of the listing process. A determination will soon be made as to whether the bull trout will be listed as threatened. The duration of the proposed Permits and Plan is 100 years.

The Permit application includes: (1) the proposed Plan; and, (2) the proposed Implementing Agreement. The Services also announce the availability of a draft Environmental Impact Statement (EIS) for the Permit application.

This notice is provided pursuant to section 10(a) of the ESA, and National Environmental Policy Act (NEPA) regulations. The Services are furnishing this notice in order to allow other agencies and the public an opportunity to review and comment on these documents. All comments received will become part of the public record and will be available for review pursuant to section 10(c) of the ESA.

DATES: Written comments on the permit application, EIS, Plan, and

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[I.D. 101599H]

Availability of an Environmental Impact Statement and Receipt of an Application for an Incidental Take Permit for the Crown Pacific, Ltd., Hamilton Tree Farm Habitat Conservation Plan, Whatcom and Skagit Counties, Washington

AGENCIES: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration,

Implementing Agreement must be received from interested parties no later than December 27, 1999.

ADDRESSES: Comments and requests for information should be directed to Brian Bogaczyk, Project Biologist, FWS, 510 Desmond Drive, SE., Suite 102, Lacey, Washington, 98503-1273, (telephone: (360)753-5824; facsimile: (360)534-9331), and Matt Longenbaugh, Project Biologist, NMFS, 510 Desmond Drive, SE., Suite 103, Lacey, Washington, 98503-1273 (telephone: (360)753-7761; facsimile: (360)753-9517). Comments and materials received will also be available for public inspection, by appointment, during normal business hours by calling (360)534-9330.

Requests for documents on CD ROM should be made by calling FWS at (360)534-9330. Hard bound copies are also available for viewing, or partial or complete duplication, at the following libraries: Sedro-Woolley Public Library, 802 Ball Street, Sedro Woolley, WA, (360)855-1166; Bellingham Public Library, Reference Desk, 210 Central Avenue, Bellingham, WA, (360)676-6860; Seattle Public Library, Government Publications Desk, 1000 4th Avenue, Seattle, WA, (206)386-4636; and, Olympia Timberland Library, Reference Desk, 313 8th Avenue SE, Olympia, WA, (360)352-0595. The documents are also available electronically on the World Wide Web at <http://www.r1.fws.gov/>.

SUPPLEMENTARY INFORMATION: Section 9 of the ESA and Federal regulations prohibit the taking of a species listed as endangered or threatened. The term take is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Harm has been defined by FWS to include "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering." NMFS' proposed definition of harm includes "significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, feeding, and sheltering."

The Services may issue permits, under limited circumstances, to take listed species incidental to, and not the purpose of, otherwise lawful activities. FWS regulations governing permits for endangered species are promulgated in 50 CFR 17.22; and, regulations governing permits for threatened species are promulgated in 50 CFR 17.32. NMFS

regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

Background

Crown Pacific, Ltd., owns and manages the Hamilton Tree Farm, located in Whatcom and Skagit Counties, Washington. The Tree Farm is composed of several parcels, totaling 84,689 acres, and is located north and south of State Highway 20, roughly between Sedro-Woolley and Marblemount, Washington. Management activities on the tree farm include forest management and timber harvest. A portion of the proposed Plan area, Arlecho Creek, a 2,246-acre basin, is in the process of being transferred to the Nature Conservancy and the Lummi Indian Nation, with the understanding that the property will be managed as a natural/cultural area. The transfer is expected to be completed in late 1999.

Some forest management and timber harvest activities have the potential to impact species subject to protection under the ESA. Section 10 of the ESA contains provisions for the issuance of Incidental Take Permits (Permits) to non-Federal land owners for the take of endangered and threatened species, provided the take is incidental to otherwise lawful activities, and will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. In addition, the applicant must prepare and submit to the Services for approval, a Habitat Conservation Plan (Plan) containing a strategy for minimizing and mitigating all take associated with the proposed activities to the maximum extent practicable. The applicant must also ensure that adequate funding for the Plan will be provided.

Crown Pacific has developed a Plan with technical assistance from the Services, to obtain Permits for their activities on the Hamilton Tree Farm. Activities proposed for Permit coverage include the following: harvest of trees; silvicultural treatments; site preparation; tree planting; timberland inventory and monitoring; construction, maintenance, and use of logging roads and landings; quarrying stone and gravel; communication sites; recreation activities; fire prevention and suppression; habitat restoration; use of low-flying aircraft; tribal access; and, military training operations. The Permits and Plan would also cover certain monitoring activities and related scientific experiments in the Plan area. The duration of the proposed Permits and Plan is 100 years.

The Services formally initiated an environmental review of the project

through a **Federal Register** notice on August 20, 1998 (63 FR 44634), which announced a 30-day public scoping period. A second **Federal Register** notice was published following the scoping period on February 5, 1999 (64 FR 5775), announcing the decision to prepare an EIS. Following this announcement a draft EIS was prepared.

Under Alternative A, the No Action Alternative, no Permit would be issued and take would be avoided for any and all threatened and endangered species on the property. Alternative B, the Proposed Action Alternative, involves issuing Permits for seven threatened and endangered species on the property (bald eagle, marbled murrelet, northern spotted owl, grizzly bear, gray wolf, and Puget Sound chinook salmon), with provisions for 22 unlisted species. The Plan details minimization and mitigation measures for the same six threatened and endangered species and 22 unlisted species. Alternative C, the Late-Successional Dependent Species and Anadromous Fish Alternative, involves issuing Permits for northern spotted owl, marbled murrelet, and chinook salmon, with provisions for 7 unlisted fish species. The Plan would have minimization and mitigation measures for northern spotted owl, marbled murrelet, and chinook salmon, and 7 unlisted fish species.

Alternatives considered during scoping but which were not analyzed in detail included a Candidate Conservation Agreement (CCA) Alternative, and a Northwest Forest Plan (NFP) Alternative. The CCA Alternative, would have involved developing and implementing a CCA with minimization and mitigation measures for a discreet list of species that are candidates for listing as threatened or endangered, or are expected to be candidates in the near future (specifically anadromous salmonids and bull trout), and take avoidance for any and all threatened and endangered species on the property. This alternative was not analyzed in detail because Crown Pacific included listed species in their proposal, as well as other unlisted species for which listing is not anticipated in the near future. This eliminates the implementation of a CCA as a management tool, because, by definition, the targets of CCAs are proposed and candidate species of fish, wildlife, and plants; and species likely to become candidate species in the near future (64 FR 32706, June 17, 1999). The NFP Alternative, would have involved issuing a Permit for all threatened and endangered species that occur on the property and developing a Plan with

mitigation measures similar to those found in the NFP. This alternative was not analyzed in detail because it would result in excessive direct and indirect costs to Crown Pacific. These excessive costs do not meet the purpose in this Federal action, which is to provide protection and conservation to listed and proposed species and their habitats to the extent intended under 10(a)(1)(B) of the ESA, while allowing Crown Pacific to fulfill its forest management and timber harvest mission in a practical manner.

The No Action, Proposed Action, Late-Successional Dependent Species and Anadromous Fish alternatives are analyzed in detail in the draft EIS. The CCA Alternative and NFP Alternative were dismissed from detailed analysis.

This notice is provided pursuant to section 10(a) of the ESA, and NEPA regulations. The Services will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the ESA and NEPA. If it is determined that the requirements are met, Permits will be issued for the incidental take of listed species. The final permit decision will be made no sooner than 60 days from the date of this notice.

Dated: October 8, 1999.

Donald Weathers,

Regional Director, Fish and Wildlife Service, Region 1, Portland, Oregon.

Dated: October 19, 1999.

Wanda L. Cain,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99-27696 Filed 10-25-99; 8:45 am]

BILLING CODE 3510-22-F, 4310-55-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[I.D. 101599]

Cancellation of Notice of Intent to Prepare an Environmental Impact Statement for Issuance of an Incidental Take Permit to the Louisiana-Pacific Corporation.

AGENCIES: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce; Fish and Wildlife Service (FWS), Interior.

ACTION: Cancellation Notice.

SUMMARY: FWS and NMFS hereby cancel their Notice of Intent to prepare an Environmental Impact Statement (EIS) for approval of a Habitat Conservation Plan, and issuance of an incidental take permit, pursuant to section 10(a) of the Endangered Species Act of 1973, as amended, as published August 28, 1997 (62 FR 45676). The Notice is canceled because the timberland to be addressed in the EIS has been sold by the Louisiana-Pacific Corporation to new landowners.

FOR FURTHER INFORMATION CONTACT: Ms. Amedee Brickey, 125 16th Street, Arcata, California, 95521.

Dated: October 8, 1999.

Donald Weathers,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service, U.S. Fish and Wildlife Service, Portland, Oregon.

Dated: October 19, 1999.

Wanda L. Cain,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99-27705 Filed 10-25-99; 8:45 am]

Billing Codes: 3510-22-F, 4310-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 102199A]

New England Fishery Management Council; Public Meeting

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

ACTION: Public meeting; cancellation.

SUMMARY: The New England Fishery Management Council (Council) has canceled a public meeting of its Habitat Committee scheduled for November, 1999. This was to be a joint meeting with the Council's Habitat Advisory Panel.

DATES: The meeting was to be held on Tuesday, November 9, 1999, at 9:30 a.m.

ADDRESSES: The meeting was to be held at the Sheraton Ferncroft Hotel, 50 Ferncroft Road, Danvers, MA 01923, telephone (978) 777-2500.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (781) 231-0422.

SUPPLEMENTARY INFORMATION: In the October 20, 1999, issue of the **Federal Register** the announcement of the New England Fishery Management Council's

notice of public meetings was published (64 FR 56487). The Habitat Committee meeting scheduled for November 9, 1999, has been canceled.

Dated: October 21, 1999.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99-27962 Filed 10-25-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF DEFENSE

Department of the Air Force

Presidential Determination on Classified Information Concerning the Air Force's Operating Location Near Groom Lake, Nevada

AGENCY: Department of the Air Force, DOD.

ACTION: Notice.

SUMMARY: Notice is hereby given that the President has exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information to any unauthorized persons.

FOR FURTHER INFORMATION CONTACT: Mr. W. Kipling At Lee, Jr., Deputy General Counsel (Military Affairs), Office of the Secretary of the Air Force, Washington DC 20330; telephone (703) 695-5663.

SUPPLEMENTARY INFORMATION: 42 U.S.C. Section 6961 makes each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any solid waste management facility or disposal site, or (2) engaged in any activity resulting, or which may result, in the disposal or management of solid waste or hazardous waste subject to all Federal, State, interstate, and local requirements, both substantive and procedural (including any requirement for permits or reporting or any provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such relief), respecting control and abatement of solid waste or hazardous waste disposal and management in the same manner, and to the same extent, as any person is subject to such requirements, including the payment of reasonable service charges. 42 U.S.C. Section 6961 also states that the President may exempt any solid waste management facility of any department, agency, or instrumentality in the executive branch from compliance with such a