

preliminary results to no later than March 30, 2000.

Dated: October 18, 1999.

Joseph A. Spetrini,

Deputy Assistant Secretary for Enforcement Group III.

[FR Doc. 99-27835 Filed 10-25-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[I.D. 101599J]

Availability of an Environmental Impact Statement and Receipt of an Application for Incidental Take Permits for the Simpson Timber Company, Northwest Operations, Habitat Conservation Plan, Thurston, Mason, and Grays Harbor Counties, Washington

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

ACTION: Notice of application and availability for public comment.

SUMMARY: This notice advises the public that Simpson Timber Company, Northwest Timber and Wood Products (STC), has submitted an application to the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (together, the Services) for 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, the applicant 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 on approximately 261,575 acres of Simpson's fee-owned timberlands in Thurston, Mason, and Grays Harbor Counties, Washington. The proposed Permits would authorize the take of the following endangered or threatened species incidental to otherwise lawful management activities: marbled murrelet (*Brachyramphus marmoratus marmoratus*), bald eagle (*Haliaeetus leucocephalus*), Puget Sound chinook salmon (*Oncorhynchus tshawytscha*), and Hood Canal summer run chum salmon (*Oncorhynchus keta*). STC is

also seeking coverage for 48 currently unlisted species (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 50 years.

The Permit application includes: (1) the proposed Plan; and, (2) a 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 Implementing Agreement must be received from interested parties no later than December 27, 1999.

ADDRESSES: Comments and requests for information should be directed to Linda Saunders, Project Biologist, FWS, 510 Desmond Drive, SE., Suite 102, Lacey, Washington, 98503-1273, (telephone: 360/753-5826; facsimile: 360/534-9331), and Mike Parton, Project Biologist, NMFS, 510 Desmond Drive, SE., Suite 103, Lacey, Washington, 98503-1273 (telephone: 360/753-4650; facsimile: 360/753-9517). Comments and materials received will also be available for public inspection, by appointment, at the above offices 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. Hardbound copies are also available for viewing, or partial or complete duplication, at the following libraries: Olympia Timberland Library, Reference Desk, 313 8th Avenue SE, Olympia, WA, (360)352-0595; William G. Reed Library, Reference Desk, 710 West Alder Street, Shelton, WA, (360)426-1362; Hoodport Timberland Library, 40 North Schoolhouse Hill Road, Hoodport, WA, (360)877-9339; Elma Timberland Library, Information Desk, 118 North 1st Street, Elma, WA, (360)482-3737; W.H. Abel Public Library, Information Desk, 125 Main

Street South, Montesano, WA, (360)249-4211; and, Aberdeen Timberland Library, Reference Desk, 121 East Market Street, Aberdeen, WA, (360)533-2360. The documents are also available electronically on the World Wide Web at <http://www.r1.fws.gov/>.

FOR FURTHER INFORMATION CONTACT: Linda Saunders, FWS, 360/753-5826; or Mike Parton, NMFS, 360/753-4650.

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

Simpson Timber Company owns and manages approximately 261,575 acres of commercial timberland in Thurston, Mason and Grays Harbor counties, Washington. These properties are located from just south of Highway 8, north into the southern foothills of the Olympic Mountains, and west across the Wynoochee River valley to the City of Aberdeen's Wishkah watershed. Management activities on the tree farm include forest management and timber harvest.

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 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 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

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,

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