

Notices

Federal Register

Vol. 60, No. 48

Monday, March 13, 1995

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

Animal and Plant Health Inspection Service

[Docket No. 92-190-5]

Animal Damage Control Program; Record of Decision Based on Final Environmental Impact Statement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice advises the public of the Animal and Plant Health Inspection Service's record of decision for the Animal Damage Control program. The decision is based on the final environmental impact statement for the program.

ADDRESSES: Copies of the final environmental impact statement on which the record of decision is based are available for review between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays, at the following locations:

APHIS Reading Room, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC;
Operational Support Staff, Animal Damage Control, APHIS, USDA, 4700 River Road, Riverdale, MD;
Eastern Regional Office, Animal Damage Control, APHIS, UDDA, Suite 370, 7000 Executive Center Drive, Brentwood, TN;
Denver Wildlife Research Center, Building 16, Denver Federal Center, Denver, CO; and
Western Regional Office, Animal Damage Control, APHIS, USDA, 12345 W. Alameda Parkway, Suite 313, Lakewood, CA.

Interested persons may obtain a copy of the final environmental impact statement by writing to Mr. William H. Clay at the address listed below under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: Mr. William H. Clay, Director, Animal and Plant Health Inspection Service, Animal Damage Control, Operational Support Staff, 4700 River Road Unit 87, Riverdale, MD 20737-1228, (301) 734-8281.

SUPPLEMENTARY INFORMATION:

Background

On June 18, 1990, the Animal and Plant Health Inspection Service (APHIS) published a notice in the **Federal Register** (55 FR 24597-24598, Docket No. 90-099) to inform the public of the availability of a draft environmental impact statement (EIS) for the Animal Damage Control program. The draft EIS evaluated environmental impacts associated with wildlife damage control activities.

On January 14, 1993, APHIS published a notice (58 FR 4404-4405, Docket No. 92-190-1) informing the public of our intention to make available a supplement to the draft EIS for the Animal Damage Control program; the supplement was made available through a **Federal Register** notice published on February 12, 1993 (58 FR 8252, Docket No. 92-190-2). We requested public comments on the supplement to the draft EIS for a 45-day period ending on March 29, 1993. On the last day of the comment period, we published a notice in the **Federal Register** (58 FR 16520, Docket No. 92-190-3) extending the comment period until April 28, 1993. All comments received on the draft EIS and its supplement were considered in the final EIS.

On May 6, 1994, APHIS published in the **Federal Register** (59 FR 23683-23684, Docket No. 92-190-4) a notice advising the public of the availability of the final EIS for the Animal Damage Control program. The final EIS addresses the function, methods of operation, and locations of the Animal Damage Control program and the biological, sociocultural, economic, and physical impacts of reasonable alternatives to the program.

This notice contains the agency's record of decision, based on the final EIS, for the Animal Damage Control program. This record of decision has been prepared in accordance with: (1) The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on

Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 7th day of March 1995.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

The agency record of decision is set forth below.

United States Department of Agriculture; Animal and Plant Health Inspection Service

Record of Decision: Animal Damage Control Program; Final Environmental Impact Statement

Introduction

This decision is the culmination of the environmental impact statement (EIS) process for the Animal and Plant Health Inspection Service (APHIS), Animal Damage Control (ADC) program. The final programmatic EIS document underlying this decision develops at great length and specific detail the strategies, methods, and processes through which the mission of ADC is accomplished. Numerous examples ("decision model" applications presented in Appendix N, for instance), of how the program has approached some of its environmental responsibilities in the past are provided. Information concerning categorizing classes of action and individual documentation requirements could not be specified in the final EIS because the development of APHIS regulations concerning compliance with the National Environmental Policy Act (NEPA) was not yet completed. Subsequently, the APHIS regulations have been published (60 FR 6000-6005, February 1, 1995) and became effective on March 3, 1995. ADC will fully comply with these implementation procedures and any amendments to those procedures.

The Council on Environmental Quality's (CEQ) regulations implementing NEPA tell decisionmakers what information must be included in records of decision. Section 1505.2 of the CEQ regulations provides that records of decision contain:

- A statement of what the decision is;
- The identification of all alternatives considered by the agency, including the environmentally preferable alternative(s);
- A discussion of factors (economic, technical, and agency statutory mission) and essential considerations of national policy balanced in the decisionmaking process and how each factor weighs in the decision; and
- An explanation of whether the decision (the alternative selected) is designed to avoid or minimize environmental harm and, if not, why not.

The final EIS prepared by ADC is programmatic in nature. The EIS process was undertaken to explore issues and alternatives associated with program implementation, to identify data elements and other information necessary to evaluate effects at the programmatic and project levels, and to assist in the development of a flexible framework within which effects of various alternatives may be considered in site-specific contexts that are consistent with the documentation and procedural requirements of NEPA.

Program Alternatives

The final EIS rigorously explored and objectively evaluated, in detail, five alternative strategies that may be utilized by program personnel in different site-specific settings. In addition, eight other alternatives that involved restructuring or broadly applied, single-focus approaches, were presented and briefly considered. The five alternative strategies considered in detail are:

- The current program (the integrated pest management alternative), which consists of various practices and techniques, including both nonlethal and lethal actions, that are available for formulating a damage control strategy consistent with applicable State and local requirements, cooperative agreements, and interagency arrangements
- A system of compensation, as a replacement for ADC program actions, to pay partially or fully, for agricultural losses due to damages by wildlife;
- No action, under which USDA-APHIS funded wildlife damage control activities would cease with no specified provisions for replacement measures—compensation or other;
- Use and recommendation of only nonlethal methods to control wildlife-caused damage, precluding the use or recommendation of any and all methods that are directly lethal to wildlife; and
- A requirement that practical nonlethal methods of wildlife damage

control be recommended or used in each situation prior to recommending or using any lethal methods.

Integrated pest management (the current alternative) has been identified by ADC as both its “preferred” alternative and the “environmentally preferable” alternative.

A principal function of an EIS is its use by Federal officials, in conjunction with other relevant materials, to plan actions and make decisions. As a practical matter, the integrated pest management alternative includes nearly all animal damage control options and tools available to ADC officials at the project level. How these or other options will be developed and integrated efficiently into program planning and decisionmaking consistent with NEPA and other environmental mandates are addressed in the new APHIS NEPA implementing procedures. Specifically, ADC reaffirms its intention that nonlethal control methods as the means of achieving project goals will be considered, recommended, and, when appropriate, applied prior to recommending or using lethal methods (ADC Directive 2.101).

The APHIS Framework for Environmental Decisionmaking

The starting point for environmental decisionmaking by agencies of the Federal Government is NEPA. The CEQ implementing regulations require agencies to integrate the NEPA process into their planning and to establish procedures to facilitate compliance with the Act. The final EIS prematurely asserted that APHIS had new, finalized NEPA compliance procedures. In fact, as stated above, APHIS only recently promulgated its new NEPA compliance procedures (60 FR 6000–6005, February 1, 1995). The ADC program has adapted its planning and decisionmaking practices to these new procedures. ADC, in compliance with the APHIS Regulations, is structuring a cost-effective environmental compliance system that will be published in the *APHIS Environmental Manual*.

The programmatic EIS process has functioned as a catalyst to focus on environmental issues raised both by the public and internally and to provide environmental information to public officials and citizens before decisions have been made. For its part, ADC has sought a useful decisionmaking “model” (outlined in Chapter 2 of the final EIS and assessed in Appendix N) that is compatible with both its mission and NEPA. ADC will use this “decision model” process, in conjunction with the general outline of NEPA compliance contained in the final EIS, the CEQ

regulations (40 CFR 1500, *et seq.*), the Department’s NEPA implementing regulations (7 CFR 1b and 3100.40), and the APHIS implementing regulations (7 CFR 372, *et seq.*, 60 FR 6000–6005), as its system for compliance with NEPA. In this process, ADC also will assure continued compliance with all other environmental statutes and regulations, including section 7 of the Endangered Species Act, at the local level. The program is cooperating with the Forest Service, the Bureau of Land Management, other Federal and State agencies, and the public, to coordinate the environmental assessment process through which use of the decision model will be appropriately documented and applied. CEQ recently agreed to assist in this endeavor.

The ADC program will continue to assure that its environmental compliance processes comply with the new APHIS NEPA procedures. Consistent with CEQ’s regulations implementing NEPA, the public has been informed and had ample opportunity to participate in the formation of APHIS’ and ADC’s overall environmental compliance system.

Decision and Rationale

Aspects of most of the alternatives analyzed in the final EIS are currently being used in specific situations in the United States or its Territories. Since this final EIS is programmatic in nature and national in scope, a single alternative as the sole, all-encompassing focus of the ADC program may not adequately cover all wildlife damage problems and situations. Therefore, my decision is to send forward to regional and local decisionmakers the viable alternatives discussed in the final EIS for consideration as management approaches, when appropriate, practical, and reasonable, in preparation of local and site-specific documents and actions. This approach provides a complete range of wildlife damage control strategies available as part of an overall integrated management approach. Application of appropriate methods will be determined following the processes defined in the ADC decision model (EIS, Chapter 2, pages 23–35) and completion of local analyses subject to the NEPA process.

Minimizing Environmental Harm

The final EIS developed a host of mitigation measures that would augment the numerous existing program policies, procedures, and continuing research efforts, to minimize or eliminate environmental impacts. These may be applied at virtually every level of consideration and for each

appropriate alternative strategy. Programmatically, ADC has proposed (and in some instances is already implementing) a number of measures, including:

- Environmental compliance training for supervisors and managers;
- The standardization of data collection and reporting;
- Consultation, monitoring, and periodic evaluations; and
- An outreach element, including publishing literature and providing training on the application of nonlethal wildlife damage control alternatives.

Many of the programmatic mitigation measures will be incorporated into ADC's site-specific environmental compliance documents and actions.

For possible mitigation at the local level, the final EIS listed 24 specific measures for consideration, for example:

- Placing greater emphasis on nonlethal animal damage control strategies and techniques;
- Insisting upon the use of more human capture devices and practices; and
- Proving nonlethal control tools to resource managers.

The complete listing provides a menu to which program decisionmakers may refer in various site-specific contexts.

Conclusions

In this decision, I have determined that:

- All currently feasible Animal Damage Control program alternatives have been adequately developed and explored, although the program intends to continue searching for other environmentally preferable means of achieving its mission;
- Program decisionmakers will appropriately consider any significant environmental impacts and the viable alternatives developed in the final EIS in the context of the NEPA process for local actions;
- An environmental compliance system, including APHIS' new NEPA compliance procedures and ADC's specific accommodation of such procedures, will be implemented immediately;
- ADC will use the decisionmaking model explained in Chapter 2 of the final EIS and will follow CEQ regulations and the USDA, APHIS, and ADC NEPA compliance procedures.
- A satisfactory environmental mitigation strategy at both the programmatic and local level has been developed and will be implemented, as appropriate.

Executed in Washington, D.C., this 7th day of March 1995.

Lonnie J. King,

Acting Administrator.

[FR Doc. 95-6097 Filed 3-10-95; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Intergovernmental Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Intergovernmental Advisory Committee (IAC) will meet on March 28 and 29, 1995, at the Sheraton Portland Airport Hotel, 8235 N.E. Airport Way, Portland, Oregon 97230. The purpose of the meeting is to discuss the role of the committee in the implementation of the Northwest Forest Plan. The meeting will begin at 1:30 p.m. on March 28 and continue until 4:30 p.m. It will resume at 8:30 a.m. on March 29, concluding at 3:00 p.m. Agenda items to be covered include: (1) background on the Northwest Forest Plan; (2) introduction of members and general orientation; (3) operating guidelines and ground rules; (4) a summary of actions taken by the federal agencies regarding plan implementation; and (5) a discussion of topics to be addressed at future meetings. The IAC meeting will be open to the public. Written comments may be submitted for the record at the meeting. Time will also be scheduled prior to adjourning on March 28 for brief oral public comments. Interested persons are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Questions regarding this meeting may be directed to Don Knowles, Executive Director, Regional Ecosystem Office, 333 SW 1st Avenue, P.O. Box 3623, Portland, OR 97208 (Phone: 503-326-6265).

Dated: March 7, 1995.

Donald R. Knowles,

Designated Federal Official.

[FR Doc. 95-6057 Filed 3-10-95; 8:45 am]

BILLING CODE 3410-11-M

Natural Resources Conservation Service

PME-6 Southwest White Lake Shore Protection Demonstration Project

AGENCY: Natural Resources Conservation Service, formerly Soil Conservation Service.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Southwest White Lake Shore Protection Demonstration Project, Vermilion Parish, Louisiana.

FOR FURTHER INFORMATION CONTACT:

Donald W. Gohmert, State Conservationist, United States Department of Agriculture, Natural Resources Conservation Service, 3737 Government Street, Alexandria, Louisiana 71302; telephone (318) 473-7751.

SUPPLEMENTARY INFORMATION: The environmental evaluation of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Donald W. Gohmert, State Conservationist, has determined that the preparation and review of an environmental impact statement are not necessary for this project.

This project concerns the stabilization and protection of the southwest shoreline of White Lake in Vermilion, Parish. The planned project work consists of planting emergent vegetation in shallow water at the lake's edge. As the vegetation becomes established, it will function as a buffer against the erosive wave energy created by the wide fetch of the lake and artificially high water levels. Shoreline erosion rates will be reduced and interior fresh marshes will remain protected from incorporation into White Lake.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental evaluation are on file and may be reviewed by contacting Donald W. Gohmert.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

This activity is being conducted under the provisions of Public Law 101-646—Coastal