

Dated: March 14, 1995.

**Arthur S. Briggs,**

*Acting Deputy Regional Forester,  
Southwestern Region.*

[FR Doc. 95-6773 Filed 3-17-95; 8:45 am]

BILLING CODE 3410-11-M

### Southwest Washington Provincial Advisory Committee Meeting

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Southwest Washington Provincial Advisory Committee will meet on April 20, 1995 in Kelso, Washington, at the Red Lion Inn, near Interstate 5 at Exit No. 39. The meeting will begin at 9 a.m. and continue until 4 p.m. Meeting purpose is to orient new Advisory Committee members to the President's Northwest Forest Plan and the Advisory Committee process.

Agenda items to be covered include: (1) Introductions of Committee members; (2) context of the Advisory Committee, including background on the Forest Plan; (3) mission and purpose of the Province Advisory Committee; (4) overview of Federal agency missions; (5) Advisory Committee roles; (6) Public Involvement strategy; (7) Decision Process and Criteria; (8) Travel Requirements; (9) Public Open Forum.

All Southwest Washington Provincial Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend. The "open forum" provides opportunity for the public to bring issues, concerns, and discussion topics to the Advisory Committee. The "open forum" is scheduled near the conclusion of the meeting. Interested speakers will need to register at the door. The Committee welcomes the public's written comments on committee business at any time.

**FOR FURTHER INFORMATION CONTACT:** Direct questions regarding this meeting to Mark Maggiora, Public Affairs Officer, at (360) 750-5007, or write Forest Headquarters Office, Gifford Pinchot National Forest, 6926 E Fourth Plain Blvd., PO Box 8944 Vancouver, WA 98668.

Dated: March 10, 1995.

**Ted C. Stubblefield,**

*Forest Supervisor.*

[FR Doc. 95-6710 Filed 3-17-95; 8:45 am]

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RIN 0596-AA

### Use of Bait in Hunting

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice; adoption of final policy.

**SUMMARY:** The Forest Service gives notice of its final policy on the use of bait in hunting resident game on National Forest System lands. This policy has been issued to Agency employees as an amendment to the Forest Service Manual 2640. The intended effect of the final policy is to clarify the Agency's role with regard to baiting in relation to the role of the States and, thus, to provide a consistent approach to the regulation of baiting resident game on National Forest System lands.

**EFFECTIVE DATE:** This policy is effective March 20, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Questions about this policy should be addressed to Robert Nelson, Wildlife, Fish, and Rare Plants Staff, Forest Service, USDA, P.O. Box 96090, Washington, D.C. 20090-6090, (202) 205-1205.

**SUPPLEMENTARY INFORMATION:**

**Background**

On April 14, 1994, the Forest Service published a proposed policy on the Agency's role in regulating the placement of bait to attract resident game on National Forest System lands (59 FR 17758). Public comment was invited. The comment period closed June 13, 1994.

The focus of the proposed policy was that the Forest Service would continue to honor State regulations of fish and wildlife populations, including hunting and hunting practices. Where baiting is allowed by States, the practice would continue on National Forest System lands unless the authorized officer was to determine on a site-specific basis that the use of bait conflicts with Federal laws or regulations, forest plan direction, or other uses or users. In such case, the authorized officer could prohibit or restrict use of bait, in an area, by issuing a closure order. However, the authorized officer would first consult with the State fish and wildlife agency to see if the conflict could be resolved without a closure or restrictive order.

During the public comment period, the Forest Service received 1,249 comments on the proposed policy. Comments were received from 76 groups and private organizations, 29 State fish and wildlife agencies, 1 American Indian Tribal government, 1 Federal agency, and from private citizens located in 46 States and the District of Columbia. Of the total comments received, 86 percent were from individuals representing themselves. Forty-five percent of the comments agreed with the proposed

policy either in its entirety or with suggested modifications, while fifty-one percent did not support the proposed policy. The analysis of the public comments was accomplished using standard Forest Service procedures designed to ensure an objective and systematic analysis. The Agency has considered these comments and, in response, where appropriate the Agency is adopting modifications in the final policy. A summary of the comments received and the Agency's response to them follows.

### Summary of Comments Received

Form letters and modified form letters made up 61 percent of the 1,249 total comments. The majority of these letters were not directed at specific provisions of the policy; rather, most of these comments objected to the practice of baiting in hunting but did not address State and Federal roles in the administration of a hunting practice. These respondents simply stated that they were against the use of bait in hunting and that this practice should not be allowed on National Forest System lands. Among reasons cited were that bait is detrimental to the non-hunting recreation experience; and bait may cause pollution or may be a risk to human health and safety. Other topics addressed were the need for environmental documentation under the National Environmental Policy Act, State versus Federal jurisdiction over wildlife resources, population decimation and species viability, threatened and endangered species being killed, conditioning of wildlife to human food sources, and disruption of biological diversity and ecological processes.

A summary of specific comments by broad subject and the Agency's response to these comments follows.

1. *Comment:* Impact of Baiting on Recreation. A number of respondents feel that baiting causes a garbage problem, is detrimental to recreation experience, is a source of pollution, and poses health and safety risks. The reviewers feel that baiting has a negative impact on the majority of forest users and, therefore, grants a small group "special advantages on land meant to be enjoyed by all."

*Response:* The fact that an activity is enjoyed by a minority of forest users does not mean that the activity should be banned. The Forest Service has consistently cooperated with State agencies to help them develop regulations that minimize conflict between hunters using baits and other forest users. Under the proposed policy, the Forest Service would close specific

areas to baiting if conflicts cannot be resolved with the State agencies regarding the protection of Federal resources and uses, including recreation. This has been retained in the final policy.

2. *Comment:* Retention of Baiting Practices. Many reviewers characterized bear baiting as "disgusting," "offensive," "revolting," "repulsive," "inhumane," "unsporting," and "unethical." These persons feel strongly that the practice of baiting should be outlawed on National Forest System lands.

*Response.* While the Agency respects the reviews of those who object to baiting, the final policy is not intended to determine whether or not the practice of using bait in hunting is to be allowed on National Forest System lands, but whether the use of bait needs regulation by the Forest Service beyond that required by the State. The practice of placing bait (food or scent to attract wildlife) is a hunting activity subject to State law and regulations. Federal land management statutes acknowledge the States' traditional role in managing fish and wildlife; see the National Forest System Organic Administration Act at 16 U.S.C. 480, the Multiple Use-Sustained Yield Act at 16 U.S.C. 528, the Sikes Act at 16 U.S.C. 670h, and the Federal Land Policy and Management Act, at 43 U.S.C. 1732. Generally, the use of bait in hunting is not contrary to Federal interests. The final policy acknowledges the State fish and wildlife agencies' authority to adopt hunting regulations and provides for Federal action if State regulations do not protect Federal interests.

3. *Comment:* Clarity of Policy. Several reviewers felt that the reasons for closing an area to baiting were not clearly stated in the proposed policy. In addition, concerns were raised that the policy would not require review of State regulation and that Forest Service officers therefore would not identify problems that would be the basis for closure actions.

*Response.* In consideration of these comments, the Forest Service has modified the April 14, 1994 proposal to emphasize the Agency's intent to monitor State regulations. Such monitoring is a routine practice under Agency Memorandums of Understanding (MOUs) with State wildlife agencies. Direction to Forest Service employees on entering into and operating under such MOU's is set out in a different chapter of FSM 2600 than the use of bait policy. Nevertheless, Forest Service monitoring of State regulations has been emphasized in the FSM 2640 baiting use policy as a show

of good faith to those who raised the concern about Forest Service review of State regulations. It should also be pointed out that, in the day-to-day monitoring of activities on National Forest System lands, Agency employees will be aware of practices under those regulations that appear to conflict with land and resource management plan standards and guidelines, which must be consistent with Federal law. The final policy makes explicit the circumstances under which the authorized officer must close an area to baiting as follows:

a. The State laws and regulations on placement of bait are not adequate to protect forest land or other resources or users in a particular location. The determination of the adequacy of State laws and regulations shall be based on consideration of the likely impact of baiting on such matters as water quality, public health and safety, the potential for litter, sanitation problems, or the potential to threaten the viability of wildlife;

b. The effects of baiting are inconsistent with direction in the applicable forest plan; or

c. The State laws and regulations conflict with Federal law, such as the Endangered Species Act.

2. Where the authorized officer determines that baiting should be restricted or prohibited, the following actions are necessary:

a. The officer shall immediately inform the State fish and wildlife agency of the determination; and

b. If, after consultation and coordination, the State is unable to resolve the matter with the Forest Service, the authorized officer shall close the area to baiting or otherwise restrict baiting by issuing an order pursuant to Part 261 of Title 36 of the Code of Federal Regulations (36 CFR Part 261)."

4. *Comment:* Impact on American Indians. Two reviewers specifically asked what impact the proposed policy would have on American Indian Tribes and their treaty rights regarding hunting and fishing.

*Response.* The final policy will not affect valid treaty rights reserved to American Indian Tribes on National Forest System lands. An explicit statement to this effect has been added to the final policy.

5. *Comment:* Impact on Protection of Inventoried Resources. Some reviewers expressed the view that the proposed policy would not allow the Forest Service to adequately "protect inventoried resources" required by the National Forest Management Act.

*Response.* The Multiple-Use Sustained-Yield Act (MUSYA) and the National Forest Management Act (NFMA) directs the Forest Service to manage and conserve the land and resources of the National Forest System for multiple uses. The Multiple-Use Sustained-Yield Act (MUSYA) specifically maintains the States' traditional wildlife management roles with regard to fish and wildlife on National Forest System lands. Accordingly, the final policy (2643.12) establishes the conditions under which Federal action will be taken when State regulations are not sufficiently protective and incorporates procedures for consulting with the responsible State agencies to ensure that Federal interests are protected.

6. *Comment:* National Environmental Protection Act (NEPA) Compliance. The Forest Service, has made a preliminary finding using a Categorical Exclusion, but a number of respondents believe that an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required because the proposed policy is highly controversial, and in the view of these respondents, a major Federal action of wide scope that will have a significant impact on wildlife.

*Response.* In publishing the proposed policy, the Agency indicated that its preliminary conclusion was that the proposal should be categorically excluded from documentation in an EA or EIS. However after reviewing the public comments received during the 60-day comment period, the Forest Service prepared an Environmental Assessment and based on a Finding of No Significant Impact (FONSI), has determined that an EIS is not needed. A copy of the environmental assessment, decision notice and FONSI may be obtained by calling the number listed earlier in this notice under **FOR FURTHER INFORMATION CONTACT.**

7. *Comment:* Use of Special Use Permits. Several reviewers indicated that the agency should issue special use permits for baiting and that this process would alleviate some of the problems associated with bear baiting, such as litter.

*Response.* As noted in the preamble to the proposed policy, some Forest Service units have used special use permits in the past to regulate baiting. However, the policy review that has been undertaken over the past few years has clearly shown that the issuance of special use permits is not appropriate. Specifically, the Forest Service special use authorization regulations at 36 CFR 251.50 exempt certain noncommercial use and occupancy, including

“hunting.” from the special use authorization requirement.

This was the basis for the provision in the April 14, 1994 proposed policy stating, “Special use authorizations shall not be issued for placing bait on National Forest System lands for hunting purposes (36 CFR 251.50(c)).” However, since the final policy now clearly indicates the circumstances and process by which the authorized officer may restrict or prohibit baiting through the use of closure orders, the explicit prohibition on the issuance of special use permits to regulate baiting is unnecessary and, therefore, has not been retained in the final policy.

8. *Comment:* State Jurisdiction Over National Forest System Land. Many reviewers felt that State wildlife agencies should not be given control over hunting practices on NFS lands.

*Response.* As noted in the notice of proposed policy, Federal land management statutes acknowledge the States’ traditional role in managing fish and wildlife. The Forest Service, therefore, is generally reluctant to override State fish and wildlife regulation, except where Federal interest, such as protection of forest land, resources, and users, require Federal intervention. The practice of placing bait is a hunting activity subject to State laws and regulations and the final policy retains the explicit statement to this effect.

9. *Comment:* Impact on Grizzly Bear and Other At Risk Species. One group indicated that it was greatly concerned about the direct and indirect danger of mortality posed to grizzly bear and other at-risk, threatened, and endangered species in the Greater Yellowstone Ecosystem by the practice of baiting for bear.

*Response.* States as well as Federal agencies have extensive responsibilities under the Endangered Species Act to conserve resident species determined to be endangered or threatened. If State regulations are adequate to protect grizzly bears or any other threatened or endangered species, no action is needed by the Forest Service. The final policy will not allow any practices that would endanger any species. By interagency agreement, and the policy already stated in FSM, 2676.16b, for baiting for black bear hunting is as follows:

“Reduce the potential for preventable mortality on National Forest System lands by enforcing the Inter-agency [Grizzly Bear] Guidelines which specify no baiting for black bear hunting in areas designated as Management Situation 1 (FSM 2676.11, ex. 1). Make this information available to hunters at Forest Service offices and at campsites in black bear hunting areas. Work with

appropriate State wildlife law enforcement officials to ensure compliance.

Work with State wildlife agencies toward the elimination of baiting for black bear hunting in Management Situation 2 areas where grizzlies are known or are likely to occur. Inform black bear hunters in Management Situation 2 areas about the risk of shooting a grizzly bear (as a result of mistaking it for a black bear) that may be attracted to the bait.”

10. *Comment:* Human Health and Safety. A number of reviewers felt that baiting will cause an increase in conflicts between bears and people, creating human health and safety issues.

*Response.* There is no evidence that baiting increases human-wildlife conflicts; moreover, the final policy specifically provides that the Forest Service, may close an area to baiting in cases where a threat to human health and safety from conflicts with bears, are likely to arise.

11. *Comment:* Impact on Other Wildlife. One frequently raised concern is that other species will be attracted to bait stations only to be shot or otherwise harmed. These respondents assert that baiting practices will lead to wildlife being conditioned to search for unnatural food sources, thereby increasing the prevalence of campsite raids and other conflicts.

*Response.* It is possible that wildlife species other than black bears could be attracted to baits. Such an occurrence does not necessarily mean that the species would be either shot or harmed. Baiting actually improves the chance that the hunted species is clearly identified before being shot, and therefore should improve the chances that other species are not shot accidentally.

Bears do not become conditioned to baits. Bear baits are temporary features. Once the bait is removed, bears revert to natural foods. However if the authorized officer determined that the State law and regulations on placement of bait are not adequate to protect other wildlife in a particular location, the area could be closed to baiting. The policy provides explicitly that the determination of the adequacy of State laws and regulations shall be based on consideration of the likely impact of baiting on such matters as water quality, public health and sanitation, the potential for litter, or the potential to threaten the viability of wildlife.

12. *Comment:* Ecosystem Management. A number of respondents commented that bear baiting has negative implications for ecosystem management and disrupts the social and ecological balance of the forest environment.

*Response.* Where properly regulated, baiting is not known to affect ecological processes. Forest Service management of the National Forest System is aimed at promoting the sustainability of ecosystems. The Agency’s land ethic is to promote the sustainability of ecosystems by ensuring their health, diversity, and productivity. Ecosystem management is based on resource sustainability and recognizes that people are part of ecosystem management. The Agency believes this is fully consistent with its purpose and mission and therefore no change is made to the policy in response to this concern.

## Conclusion

Having considered the comments received, the Forest Service is adopting a final policy on the use of bait on National Forest System lands. The policy retains the long-standing reliance on State regulation of baiting resident game. Where State law and regulation permit baiting the practice is permitted on National Forest System lands unless the authorized officer determines on a site specific basis that the practice conflicts with Federal laws or regulations, or forest plan direction, or would adversely affect other forest uses or users. The text of the final policy as it is being issued to Forest Service employees is set out at the end of this notice.

## Environmental Analysis

An environmental assessment was prepared to identify the environmental effects of this policy and three alternative baiting policies. A finding of no significant impact (FONSI) was made, documenting that there are no direct, indirect or cumulative significant impacts to the human environment arising from the implementation of this policy. A copy of the environmental assessment, finding of no significant impact, and decision notice will be sent to interested publics upon request.

## Controlling Paperwork Burden On The Public

This policy will not result in additional paperwork. Therefore, the review provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507) and implementing regulations at 5 CFR part 1320 do not apply.

## Regulatory Impact

This policy has been reviewed under USDA procedures and Executive Order 12888 on Federal Regulations. It has been determined that this is not a significant policy.

Dated: March 15, 1995.

**David G. Unger,**  
Associate Chief.

### Forest Service Manual

#### Chapter 2640—Stocking and Harvesting Amendment No. 95-2600

(Note: The Forest Service organizes its directive system by alpha-numeric codes and subject headings. Only those sections of the Forest Service Manual that are relevant to this notice are set out here. The final policy also includes minor revisions to existing codes and subject headings. The audience for this direction is Forest Service employees responsible for coordinating wildlife management on National Forest System lands with State fish and wildlife agencies.)

**2643—Applicability of State Fish and Wildlife Laws and Regulations.** The Forest Service actively cooperates in the development of State fish and wildlife laws and regulations and may assist in the enforcement of State fish and wildlife laws on National Forest System lands. Pursuant to FSM 2610, Regional Foresters shall ensure that memorandums with State fish and wildlife agencies recognize the role of the Forest Service in cooperating in the development of State fish and wildlife laws and regulations, especially those addressing hunting, fishing, and trapping as they would apply to occupancy and use of National Forest System lands.

**2643.1—Hunting, Fishing, and Trapping Regulations.** Hunting, fishing, and trapping of fish and wildlife and associated practices on National Forest System lands are subject to State fish and wildlife laws and regulations, unless one or both of the following apply:

1. State fish and wildlife laws and regulations conflict with Federal laws; or
2. State laws and regulations would permit activities that conflict with land and resource management responsibilities of the Forest Service or that are inconsistent with direction in forest plans.

**2643.12—Use of Bait for Resident Game Hunting.** The use of bait for the purpose of taking resident game on National Forest System lands in a hunting practice.

The practice is prohibited on National Forest System lands where State hunting regulations prohibit its use. Where States permit the use of bait for attracting resident game, this activity is allowed on National Forest System lands, subject to State hunting laws and regulation, unless the authorized officer determines on a site-specific basis that there is a need to prohibit or restrict the practice.

1. The authorized officer shall continually monitor State hunting regulations with regard to the use of bait. A site-specific restriction or prohibition on baiting shall occur when the authorized officer determines that one or more of the following circumstances exists:

- a. The State laws and regulations on placement of bait are not adequate to protect forest land, other resources, or users in a particular location. The determination of the adequacy of State laws and regulations shall be based on consideration of the likely

impact of baiting on such matters as water quality, public health and safety, the potential for litter, sanitation problems, or the potential to threaten the viability of wildlife;

- b. The effects of baiting are not consistent with direction in the applicable forest plan; and

- c. The State laws and regulations conflict with Federal law, such as the Endangered Species Act.

2. Where the authorized officer determines that baiting must be restricted or prohibited, the following actions are necessary:

- a. The officer shall immediately inform the State fish and wildlife agency of the determination; and

- b. If, after consultation and coordination, the State is unable to resolve the matter with the Forest Service, the authorized officer shall close the area to baiting or otherwise restrict baiting by issuing an order pursuant to Part 261 of Title 36 of the Code of Federal Regulations (36 CFR Part 261).

3. Where the hunting season is underway and it would be impracticable to issue an order to close an area to baiting, the authorized officer shall take such measures as appropriate and practicable to ensure consistency with forest plan management direction; compliance with Federal laws, orders, and regulations; and protection of forest users and resources. For example, the officer might close a road or gate to restrict access.

Closure of an area to baiting is not the only way to address the practice of baiting. It is expected that land managers as part of their day-to-day management of National Forest System lands and resources will be cognizant of the effects of hunting activities and take such proactive measures as may be necessary to ensure resource protection. Also hunter education programs could be implemented in consultation with the State agencies.

The policy in this section, in and of itself, does not compel an authorized officer to undertake a specific decision to allow baiting on National Forest System lands in those States where the practice is permitted. Nothing in this section shall be construed to affect valid existing treaty rights of American Indian Tribes. For the purposes of this section and to assure consistency in coordination of national forest wildlife matters with State agencies, the authorized officer is the Regional Forester or Forest Supervisor responsible for executing memorandums of understanding with the State wildlife agency (FSM 2610).

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### Grain Inspection, Packers and Stockyards Administration

#### Designation of Keokuk (IA) and Springfield (IL) for the Former Quincy (IL) Area

**AGENCY:** Grain Inspection, Packers and  
Stockyards Administration (GIPSA).

**ACTION:** Notice.

**SUMMARY:** GIPSA announces the designation of Keokuk Grain Inspection Service (Keokuk) and Springfield Grain Inspection, Inc. (Springfield), to provide official services under the United States Grain Standards Act, as amended (Act) in the former Quincy area.

**EFFECTIVE DATES:** April 1, 1995.

**ADDRESSES:** Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454.

**FOR FURTHER INFORMATION CONTACT:** Janet M. Hart, telephone 202-720-8525.

#### SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the October 3, 1994, **Federal Register** (59 FR 50221), GIPSA asked persons interested in providing official services in the geographic area assigned to Quincy to submit an application for designation. Applications were due by November 1, 1994. There were three applicants; all designated official agencies: Keokuk; Quincy Grain Inspection & Weighing Service, Inc. (Quincy); and Springfield. Keokuk applied for the entire Quincy area or any part which includes Adams and/or Pike Counties. Quincy applied for the entire area currently assigned to them. Springfield applied for the entire Quincy area or any part thereof.

GIPSA requested comments on the applicants in the December 2, 1994, **Federal Register** (59 FR 61869). Comments were due by December 30, 1994. GIPSA received four comments postmarked by the due date. Two of Keokuk's current customers supported designation of Keokuk for the Quincy area. Two of Quincy's current customers supported designation of Quincy for the area they currently serve. There were no comments regarding Springfield.

GIPSA evaluated all available information regarding the designation criteria in Section 7(f)(1)(A) of the Act; and according to Section 7(f)(1)(B), determined that Keokuk is better able than Quincy and Springfield to provide official services in the northern portion of the Quincy geographic area, as follows: Adams, Brown, and Pike (northwest of a line bounded by U.S. Route 54 northeast to State Route 107; State Route 107 northeast to State Route 104; State Route 104 east to the eastern Pike County line) Counties, Illinois. GIPSA also evaluated all available information regarding the designation