

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

Forest Service

North Star Inc. Mine Operating Plan

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare an environmental impact statement.

SUMMARY: Notice is hereby given that the United States Forest Service will prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts that may be associated with development of the proposed North Star Project. North Star, Inc., previously known as Right Star, Inc. a California Corporation, has filed a plan of operation with the Big Bear Ranger Station, San Bernardino National Forest to expand and develop a high grade locatable limestone deposit in San Bernardino County, California. The North Star Project is located approximately 80 miles due east of Los Angeles, and approximately 3.5 miles northeast of Big Bear City. The Project will ultimately affect approximately 37 acres, and includes the following activities: mining, limestone trucking, vegetation and soil removal, blasting, loading, crushing, screening, and reclamation of disturbed land. The quarry will extend to a depth of approximately 40 feet below the level of Forest Road 3N03. Access to the site is via State Highway 18 and Forest Road 3N03. Approximately 200 tons of limestone per day would be transported to markets in California and Arizona. The USDA Forest Service is the lead Federal Agency for NEPA compliance in the preparation of the Environmental Impact Statement (EIS) for the proposed project. The following issues have been preliminarily identified for analysis: Visual quality, cultural resources, traffic, recreation, threatened, endangered and sensitive plant and wildlife species, health and safety,

economics, mineral development, air quality, and other land uses. In accordance with the National Environmental Quality Act requirements, the EIS will also consider alternatives to the proposed action. Alternatives and additional issues may be identified as a result of the public scoping process.

This notice is a request for environmental information that you or your organization feels should be addressed in the EIS. Detailed information may be included in your response. Written comments should be sent to the address below no later than June 30, 1995.

SUPPLEMENTARY INFORMATION: The General Mining Law of 1872 (May 10, 1872) as amended, authorizes the location and extraction of minerals, including limestone, subject to regulations prescribed by law.

Mining regulations for the Forest Service are found in 36 CFR Part 228, Subpart A, first issued on August 28, 1974.

In preparing the environmental impact statement, the Forest Service will identify and consider a range of alternatives for this site. One of these will be no development of the site. Other alternatives will consider the company proposal, and environmentally modified proposal and an environmentally constrained proposal. Alternative locations for overburdened dumps, roads, and support facilities also will be considered.

Gene Zimmerman, Forest Supervisor, San Bernardino National Forest, San Bernardino, California is the responsible official.

Public participation will be especially important at several points during the analysis. The first point is during the scoping process (40 CFR 1501.7). The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the draft environmental impact statement (DEIS). The scoping process includes:

1. Identifying potential issues.
2. Identifying issues to be analyzed in depth.
3. Eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis.

4. Exploring additional alternatives.

5. Identifying potential environmental effects of the proposed action and alternatives (i.e. direct, indirect, and cumulative effects and connected actions).

6. Determining potential cooperating agencies and task assignments.

The mining of limestone is a significant activity on the north slope of the San Bernardino Mountains and is important to the economy of the Lucerne Valley Community. In excess of 3.5 million tons of limestone material are removed annually from quarries on both private and Federal lands. An additional 1.8 million tons of uneconomic materials are removed but re-deposited in waste dumps. The limestone mining operations on the northslope have been carried on for many years through various approvals (Plans of Operations and a variety of amendments to those plans). The need for a consolidation of plans and amendments and a need to emphasize reclamation and advanced planning has been identified.

North Star, Inc., has been bulk-sample mining at the edge of the 11 acre site. Approximately .6 of an acre has been mined to date. Mining equipment (e.g. drills, crushers, loaders) has not been left on the site. North Star proposes to expand from the current bulk sample to an anticipated 200,000 tons of product in the next 5 years, based upon market demands.

North Star Minerals, Inc., a California corporation, holds leases for Smart Ranch Carbonate Placer Mining Claims 11 and 16 from Don Fife and Associates in Lone Valley, Big Bear Ranger District (Sec 32, T3N, R2E, SBBM) all within San Bernardino County. Right Star proposes to develop a quarry on the 11 acres and conduct operations that will yield high quality screened limestone products. Access to the site is via SH 18 and Forest road 3N03. Approximately 8 trucks per day would transport 200 tons of limestone to markets in the Lucerne Valley area. The 11 acres will be used for soil stockpiles, processing facility and a benched quarry. Operations will include vegetation and soil removal, blasting, loading, hauling, crushing and screening. The quarry will extend to a depth of approximately 40 feet below the level of FS 3N03. Waste material would also be deposited on-site. Electrical power would be supplied by

a diesel generator. The staging area would be set up to accommodate a guard's camper trailer and chemical toilet for the crew. A 20 foot air-sea cargo container (for storage of small tools) and a 500 gallon diesel fuel storage tank would be in the same general location.

During a preliminary environmental analysis, it was determined that an area of Forest Service sensitive plants and their habitat exists on the North Star limestone area, and that the plants and habitat would be impacted by any developmental alternative. For the reason, it was determined that the proposal could have significant effects on the environment, and an EIS is needed.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by September 1995. At that time EPA will publish a notice of availability of the draft EIS in the **Federal Register**.

The comment period on the draft EIS will be 45 days from the date that the EPA's notice of availability appears in the **Federal Register**. It is very important that those interested in the management of the north slope of the San Bernardino Mountains participate at that time. To be the most helpful, comments on the draft EIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of draft EISs must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions, *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978), and that environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334 (E.D. Wis. 1980). The reason for this is to ensure 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.

After the comment period ends on the draft EIS, the comments will be analyzed and considered by the Forest Service in preparing the final environmental impact statement. The final EIS is scheduled to be completed

by December 1995. In the final EIS, the Forest Service is required to respond to the comments received (40 CFR 1503.4). The responsible official will consider the comments, responses, environmental consequences discussed in the EIS, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to appeal under 36 CFR 211.18.

DATES: Comments are requested on this notice concerning the scope of the analysis of the draft EIS. Comments must be received within 30 days of the publication date of this notice.

ADDRESSES: Submit written comments and suggestions concerning the scope of the analysis to Gene Zimmerman, Forest Supervisor, San Bernardino National Forest, 1824 S. Commercercircle Circle, San Bernardino, CA 92408-3430.

FOR FURTHER INFORMATION CONTACT: Raj Daniel, District Minerals Officer, San Bernardino National Forest, Mill Creek Station, 34701 Mill Creek Road, Mentone, CA 92359, telephone: (909) 794-1123.

Dated: May 26, 1995.

Gene Zimmerman,
Forest Supervisor.

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Eastern Region; Illinois, Indiana, and Ohio, Michigan, Minnesota, Missouri, New Hampshire, and Maine, Pennsylvania, Vermont, and New York, West Virginia, and Wisconsin; Legal Notice of Appealable Decisions

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: Deciding Officers in the Eastern Region will publish notice of decisions subject to administrative appeal under 36 CFR Part 217 in the legal notice section of the newspaper listed in the Supplementary Information section of this notice. As provided in 36 CFR 217.5, such notice shall constitute legal evidence that the agency has given timely and constructive notice of decisions that are subject to administrative appeal. Newspaper publication of notices of decisions is in addition to direct notice to those who have requested notice in writing and to those known to be interested in or affected by a specific decision.

DATES: Use of these newspapers for purposes of publishing legal notices of decisions subject to appeal under 36

CFR 217 and 36 CFR 215 shall begin June 1, 1995.

FOR FURTHER INFORMATION CONTACT: James Smalls, Regional Appeals and Litigation Coordinator, Eastern Region, Reuss Federal Plaza, 310 West Wisconsin Avenue, Milwaukee, Wisconsin 53203, Area Code 414-297-1371.

SUPPLEMENTARY INFORMATION: Deciding Officers in the Eastern Region will give legal notice of decisions subject to appeal under 36 CFR Part 217 and 36 CFR Part 215 in the following newspapers which are listed by Forest Service administrative unit. Where more than one newspaper is listed for any unit, the first newspaper listed is the primary newspaper which shall be used to constitute legal evidence that the agency has given timely and constructive notice of decisions that are subject to administrative appeal. As provided in 36 CFR 217.8(2) and 36 CFR 215.13(a), the timeframe for appeal shall be based on the date of publication of a notice of decision in the primary newspaper.

Decisions by the Regional Forester:

JOURNAL/SENTINEL, published daily in Milwaukee, Milwaukee County, Wisconsin, for decisions affecting National Forest System lands in the States of Illinois, Indiana and Ohio, Michigan, Minnesota, Missouri, New Hampshire and Maine, Pennsylvania, Vermont and New York, West Virginia, Wisconsin and for any decision of Region-wide impact.

Allegheny National Forest,
Pennsylvania

Forest Supervisor Decisions:

Warren Times Observer, Warren,
Warren County, Pennsylvania

District Ranger Decisions:

Bradford District: Bradford Era,
Bradford, McKean County,
Pennsylvania

Marienville District: Oil City Derrick,
Oil City, Venango, Pennsylvania
Sheffield District: Warren Times
Observer, Warren, Warren County,
Pennsylvania

Ridgway District: Ridgway Record,
Ridgway, Elk County, Pennsylvania

Chequamegon National Forest,
Wisconsin

Forest Supervisor Decisions:

Milwaukee Journal Sentinel,
published daily in Milwaukee,
Milwaukee County, Wisconsin

District Ranger Decisions:

Glidden/Hayward District: The
Glidden Enterprise, published