

Notices

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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

Alaska Region; Legal Notices Required Under 36 CFR Part 215

AGENCY: USDA Forest Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with 36 CFR Part 215, Deciding Officers in the Alaska Region will publish Notices of Proposed Actions and Notices of Decisions Subject to Administrative Appeal in the Legal Notice Section of the newspapers listed in the Supplementary Information Section of the Notice. As provided in 36 CFR 215.5, such notices shall constitute legal evidence that the agency has given timely and constructive Notice of Proposed Actions and Notice of Decisions Subject to Administrative Appeal. Newspaper publication of Notices of Proposed Actions and Notices of Decisions is in addition to direct notice to persons who have requested notice in writing and to persons known to be interested in or affected by a specific proposal or decision.

DATES: Use of these papers for purposes of publishing Legal Notices of Proposed Actions and Notices of Decisions Subject to Administrative Appeal shall begin October 2, 1995.

FOR FURTHER INFORMATION CONTACT: Cherie Shelley, Regional Appeals Coordinator, Alaska Region, USDA Forest Service, EPB, P.O. Box 21628, Juneau, Alaska 99802, Telephone (907) 586-8855.

SUPPLEMENTARY INFORMATION: Deciding Officers in the Alaska Region will give Legal Notices of Proposed Actions and Notices of Decisions Subject to Administrative Appeal 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 Proposed Actions and Notice of Decisions Subject to Administrative Appeal. As provided at 36 CFR 215.6, the timeframe for public comment on proposed actions shall be based on the date of publication of a Notice of Proposed Action in the primary newspaper. As provided at 36 CFR 215.13, 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

"Juneau Empire," published daily except Saturday and official holidays in Juneau, Alaska, for decisions affecting National Forest System lands in the State of Alaska and for any decision of Region-wide impact. "Anchorage Daily News," published daily in Anchorage, Alaska, for decisions affecting National Forest System lands in the State of Alaska and for any decisions of Region-wide impact.

Decisions by the Chugach Forest Supervisor and the Glacier District Ranger, Chugach National Forest

"Anchorage Daily News," published daily in Anchorage, Alaska.

Decisions by the Cordova District Ranger, Chugach National Forest

"Anchorage Daily News," published daily in Anchorage, Alaska. "Cordova Times," published weekly in Cordova, Alaska.

Decisions by the Seward District Ranger, Chugach National Forest

"Anchorage Daily News," published daily in Anchorage, Alaska. "Seward Phoenix Log," published weekly in Seward, Alaska. "Peninsula Clairion," published daily except Saturday, Sunday, and official holidays in Kenai, Alaska.

Decisions by the Chatham Area Forest Supervisor, the Yakutat District Ranger, the Hoonah District Ranger, the Juneau District Ranger, and the Admiralty National Monument Ranger, Chatham Area of the Tongass National Forest

"Juneau Empire," published daily except Saturday and official holidays in Juneau, Alaska.

Decisions by the Sitka District Ranger, Chatham Area of the Tongass National Forest

"Daily Sitka Sentinel," published daily except Saturday, Sunday, and official holidays in Sitka, Alaska.

Decisions by all Deciding Officers of the Ketchikan Area of the Tongass National Forest

"Ketchikan Daily News," published daily except Sunday and official holidays in Ketchikan, Alaska.

Decisions by the Stikine Area Forest Supervisor and the Petersburg District Ranger, Stikine Area of the Tongass National Forest

"Petersburg Pilot," published weekly in Petersburg, Alaska.

Decisions by the Wrangell District Ranger, Stikine Area of the Tongass National Forest

"Wrangell Sentinel," published weekly in Wrangell, Alaska.

Dated: October 3, 1995.

Phil Janik,

Regional Forester.

[FR Doc. 95-25496 Filed 10-3-95; 8:45 am]

BILLING CODE 3410-11-M

Pine Creek Evaporation Pond

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Department of Agriculture, Forest Service, will prepare an environmental impact statement for a proposal to construct a 115 acre foot evaporation pond on a Federal mill site claim in Pine Creek, Inyo County, California. The agency invites written comments and suggestions on the scope of the analysis. In addition, the agency gives notice of the full environmental analysis and decision-making process that will occur on the proposal so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: Comments concerning the scope of the analysis must be received by November 1, 1995.

ADDRESSES: Submit written comments and suggestions concerning the scope of the analysis to Dennis W. Martin, Forest Supervisor, Inyo National Forest, 873 N. Main Street, Bishop, California 93514.

FOR FURTHER INFORMATION CONTACT:

Direct questions about the proposed action and environmental impact statement to Vernon McLean, Forest Geologist, Inyo National Forest, 873 N. Main Street, Bishop, California 93514, phone 619-873-2424.

SUPPLEMENTARY INFORMATION:

U.S. Tungsten Corporation has submitted a plan of operations, as directed by 36 CFR 228, to construct an evaporation pond on a Federal mill site. The evaporation pond will facilitate meeting water quality requirements while increasing production from the U.S. Tungsten facility.

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 construction of the pond.

Dennis W. Martin, Forest Supervisor, Inyo National Forest, Bishop, California, is the responsible official.

The Forest Service is 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 draft environmental impact statement (DEIS) is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by October 31, 1995. At that time EPA will publish a notice of availability of the DEIS in the Federal Register.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the Federal Register.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements 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). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so 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 environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

After the comment period ends on the DEIS, the comments will be analyzed and considered by the Forest Service in preparing the final environmental impact statement (FEIS). The FEIS is scheduled to be completed by September 1996. The Forest Service is required to respond in the FEIS to the comments received (40 CFR 1503.4). The responsible official will consider the comments, responses, disclosure of environmental consequences, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and rationale in the Record of Decision. That decision will be subject to appeal under 36 CFR 215.

Dated: October 6, 1995.

Dennis W. Martin,

Forest Supervisor.

[FR Doc. 95-25484 Filed 10-13-95; 8:45 am]

BILLING CODE 3410-11-M

Seed Orchard Pest Management Program in the Oconto River Seed Orchard, Nicolet National Forest, Oconto County, WI

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: The Department of Agriculture, Forest Service, will prepare a draft and final environmental impact statement (EIS) on a proposed action to develop an integrated pest management program at the Oconto River Seed Orchard near White Lake, Wisconsin. The Forest Service invites written comments on the scope of the analysis. In addition, the Forest Service gives notice of the environmental analysis and decisionmaking process that will occur on the proposed action so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATE: Comments concerning the scope of the analysis should be received in writing, on or before November 15, 1995, to ensure timely consideration.

ADDRESS: Send written comments to: Seed Orchard EIS Project, Oconto River Seed Orchard, 18100 Saul's Spring Road, White Lake, WI 54491.

FOR FURTHER INFORMATION CONTACT: Bill Sery, Oconto River Seed Orchard Manager, (715) 276-7400.

SUPPLEMENTARY INFORMATION: The Oconto River Seed Orchard is managed for the production of Jack pine, white pine, red pine, white spruce, black spruce, and tamarack seed. The seed is used to produce seedlings for the National Forests in the Lake States region. The primary objective of the orchard is to produce seed of high quality and sufficient quantity to meet Forest Service needs. A portion of the seed orchard is under management of a special use permit for the production of agricultural crops and seed. Use of current pest management technology and products is necessary in order to achieve these goals.

The Forest Service will conduct an environmental analysis to determine what type of integrated pest management program will be used at the Oconto River Seed Orchard near White Lake, Wisconsin, to produce seed for the National Forests in Wisconsin, Michigan, and Minnesota, and to protect agricultural investments. The pest management practices that will be analyzed include, but are not limited to, control of unwanted vegetation by mechanical and chemical methods; control of diseases using sanitation and biological control organisms; control of