

# Notices

Federal Register

Vol. 60, No. 201

Wednesday, October 18, 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

### Forest Service

#### Supplement to the Draft Environmental Impact Statement for Eagle Creek Timber Sales, Mt. Hood National Forest, Clackamas County, OR

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to supplement a draft environmental impact statement.

**SUMMARY:** The USDA, Forest Service, will prepare a supplement to the draft environmental impact statement (EIS) for Eagle Creek Timber Sales on the Estacada Ranger District of the Mt. Hood National Forest. The draft EIS was released in July 1993. Following the release of the draft EIS, the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (Northwest Forest Plan) was signed on April 13, 1994. This new direction will require changes to the alternatives in the draft EIS. The alternatives will be revised to be in compliance with the new direction and be re-analyzed as a supplement to the existing analysis.

**ADDRESSES:** Submit written comments and questions about this supplement to the Estacada Ranger District, Mt. Hood National Forest, 595 NW Industrial Way, Estacada, Oregon 97023, Phone: (503) 630-6861.

**FOR FURTHER INFORMATION CONTACT:** John Berry, Estacada District Ranger, Mt. Hood National Forest, Mt. Hood National Forest, 595 NW Industrial Way, Estacada, Oregon 97023, Phone: (503) 630-6861.

**SUPPLEMENTARY INFORMATION:** The original proposed action was developed in accordance with the direction contained in the Mt. Hood National Forest Land and Resource Management Plan (1991). The Northwest Forest Plan has resulted in new circumstances and

substantial changes to the original proposed action. The Northwest Forest Plan has designated this area as a Key Watershed and also allocated portions of the area to Late Successional and Riparian Reserves. Changes to the proposed action include: (1) No road building in the roadless area and no timber harvest within the Late Successional Reserve; (2) designing the harvest units consistent with the Standards and Guidelines in the Northwest Forest Plan; and (3) incorporating the results of the watershed analysis. Comments received from the draft EIS will be considered in the preparation of the supplement.

The supplement will be prepared and circulated in the same manner (exclusive of scoping) as the draft EIS (40 CFR 1502.9). The supplement to the draft EIS is expected to be available for public review and comment in February 1996. The comment period on the draft supplement will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the Federal Register.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of the draft supplement to the EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer position and contentions. *Vermont Yankee Nuclear Power Corp. versus NRDC*, 435 U.S. 519, 553 (1978). Also environmental objections that could be raised at the draft supplement stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon versus Hodel*, 803 F.2d. 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. versus Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Due to 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 EIS.

To assist the Forest Service in identifying and considering issue and concerns on the proposed action, comments on the supplement to the

draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft supplement. Comments may also address the adequacy of the supplement or the merits of the alternatives formulated and discussed in the supplement. (Reviewer 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 45 day comment period ends on the supplement to the draft EIS, the comments will be analyzed and considered by the Forest Service in preparing the final EIS. The final EIS is scheduled to be completed by June 1996. In the final EIS, the Forest Service is required to respond to the comments received (40 CFR 1503.4). The Responsible Official, Forest Supervisor Roberta Moltzen will consider the comments, responses, environmental consequences discussed in the final EIS, and applicable laws, regulations, and policies in making a decision and reasons for the decision in the Record of Decision.

That decision will meet the criteria of Section 2001(e) of Public Law 104-19 and is not appealable. This decision is subject to judicial review only in the United States court for the district of Oregon. As required under Section 2001(f)(1) of Public Law 104-19, any challenge to this project must be filed in the district court within 15 days after the advertisement of the sale.

Dated: October 5, 1995.

Roberta Moltzen,

Forest Supervisor.

[FR Doc. 95-25798 Filed 10-17-95; 8:45 am]

BILLING CODE 3410-11-M

## DEPARTMENT OF COMMERCE

### Bureau of the Census

#### National Employers Survey II; Notice and Request for Comments

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the