

downstream toe, and concurrently development and operation of a new tailings facility at the Hertzler Ranch site.

Option C: Expansion of the existing tailing impoundment by Modified Centerline construction, and concurrent development and operation of a new tailings facility located on the East Side of the Stillwater River.

Option D: Development of a new tailings facility at the Hertzler Ranch site, with some tailings disposal into the existing permitted impoundment when required to facilitate ease of operations (Proposed Action).

Each of these alternatives includes development of a new tailings impoundment and expanded waste rock storage capacity in order to provide sufficient storage for long term operations.

EIS Availability

The draft environmental impact statement (DEIS) is expected to be available for public review during the spring of 1997. After a 45 day public comment period, the comments received will be analyzed and considered by the Forest Service and Montana Department of Environmental Quality during the preparation of the final environmental impact statement (FEIS). The FEIS is scheduled to be completed by the fall of 1997. The regulatory agencies will respond to the comments received in the FEIS. The Custer National Forest Supervisor and the Director of the Montana Department of Environmental Quality are the responsible officials for this EIS and will make a decision regarding this proposal considering the comments and responses, environmental consequences discussed in the FEIS, and applicable laws, regulations and policies. The decision and reasons for the decision will be documented in a Record of Decision.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability 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 draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts the agencies to reviewer's 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.

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.)

Dated: September 11, 1996.
Nancy T. Curriden,
Forest Supervisor, Custer National Forest.
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Olympic Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Olympic PIEC Advisory Committee will meet on October 18, 1996 at the Olympic National Forest Headquarters Office, 1835 Black Lake Blvd. S.W. Olympia, Washington. The meeting will begin at 9:30 a.m. and end 3:30 p.m. Agenda Topics are: (1) Introduction of New Members; (2) Review of Field Trip; (3) Watershed Restoration Program for FY97; (4) Wynoochee Watershed Analysis Summary; (5) Late Successional Reserve Assessments Discussion; (6) Open Forum; and (8) Public Comments. All Olympic Province Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Kate Snow, Province Liaison, USDA, Quilcene Ranger District, P.O. Box 280, Quilcene, WA 98376, (360) 765-2211 or Ronald R. Humphrey, Forest Supervisor, at (360) 956-2301.

Dated: September 18, 1996.
David M. Yates,
Land Management Planning Staff Officer.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091296D]

Marine Mammals; Permit No. 898 (P772#65)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of amendment to permit 898.

SUMMARY: Notice is hereby given that on August 19, 1996 permit no. 898, issued to The National Marine Fisheries Service, Southwest Fisheries Science Center, La Jolla, CA 92038, was amended.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Suite 13130 Silver Spring, MD 20910 (301/713-2289);

Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213 (310/980-4001); and

Coordinator, Pacific Area Office, Southwest Region, National Marine Fisheries Service, 2570 Dole Street, Room 106, Honolulu, HI 96822-2396 (808/973-2987).

SUPPLEMENTARY INFORMATION: The subject amendment has been issued under the authority of the Marine Mammal Protection Act of 1972 (MMPA), as amended (16 U.S.C. 1361 *et seq.*), the provisions of § 216.39 of the regulations governing the taking and importing of marine mammals (50 CFR Part 216), the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), and the provisions of § 222.25 of the regulations governing the taking,