

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

Office of the Secretary

National Agricultural Research, Extension, Education, and Economics Advisory Board Membership

The Secretary of Agriculture has established the National Agricultural Research, Extension, Education, and Economics Advisory Board pursuant to section 802 of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. 104-127), and has appointed members to the Advisory Board.

Terms of appointment are from one to three years. Each member will represent at least one of 30 areas of constituent interest, as specified in the legislation. The Advisory Board's first meeting is September 16-18, 1996 in Washington, DC. (Federal Register, Vol. 61, No. 170, page 45932, Friday, August 30, 1996).

Twenty-nine members selected so far are Frank Busta, St. Paul, MN, University of Minnesota; Zerle Carpenter, Bryan, TX, Texas A&M University; Gail Cassell, Birmingham, AL, University of Alabama-Birmingham; Mary Clutter, Washington, D.C., National Science Foundation; John Dillard, Leland, MS, self-employed farmer; Dan Dooley, Visalia, CA, self-employed farmer; Kirk Ferrell, Arlington, VA, National Pork Producers Council; Hector Garza, Silver Spring, MD, American Council on Education; David Gipp, Mandan, ND, United Tribes Technology College; Jerry Don Glover, Muleshoe, TX, Texas Corn Producers Board; I. Miley Gonzalez, Las Cruces, NM, New Mexico State University; Victor Lechtenberg, W. LaFayette, IN, Purdue University; Thomas Lyon, Shawano, WI, Cooperative Resources International; Sam Minor, Washington, PA, The Springhouse Co.; Janice Nixon, Sterling, CO, Colorado State University Cooperative Extension; Russ Notar, Wheaton, MD, National Cooperative Business Association; Ralph Paige,

LaGrange, GA, Federation of Southern Cooperatives; Skee Rasmussen, Belvidere, SD, self-employed rancher; Richard Ross, Ames, IA, Iowa State University; Barbara Schneeman, Davis, CA, University of California-Davis; Ann Sorensen, Oregon IL, American Farmland Trust; Dolores Spikes, Baton Rouge, LA, Southern University and A&M College System; Joe Stewart, Battle Creek, MI, Kellogg Co; Barbara Stowe, Manhattan, KS, Kansas State University; Larry Tombaugh, Cary, NC, North Carolina State University; Ann Vidaver, Lincoln, NE, University of Nebraska-Lincoln; Kaye Wachsmuth, Washington, D.C., USDA's Food Safety and Inspection Service; Ronald Warfield, Gibson City, IL, Illinois Farm Bureau; Steven Watts, Colfax, WA, The McGregor Co.; and Nancy Wellman, Miami, FL, Florida International University.

Ex-Officio Members of the Advisory Board are Agriculture Secretary, Dan Glickman; Acting Under Secretary of Agriculture for Research, Education, and Economics, Catherine Woteki; Administrator of Agricultural Research Service, Floyd Horn; Administrator of the Cooperative State Research, Education, and Extension Service, Bob Robinson; Administrator of the Economics Research Service, Susan Offutt; and Administrator of the National Agricultural Statistics Service, Don Bay. The Executive Director of the Advisory Board is Deborah Hanfman, who formerly served as the USDA Coordinator to the President's National Science and Technology Council. Questions should be directed to the Office of the Advisory Board; Research, Education, and Economics at (202) 720-3684.

Done at Washington, DC., this 11th day of September 1996.

Catherine E. Woteki,

Acting Under Secretary, Research, Education, and Economics.

[FR Doc. 96-24452 Filed 9-23-96; 8:45 am]

BILLING CODE 3410-22-M

Forest Service

Stillwater Mining Company Tailing Impoundment Expansion, Stillwater County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare an environmental impact statement.

SUMMARY: The USDA, Forest Service, as co-lead agency with the Montana Department of Environmental Quality (MT DEQ) will cooperatively participate in the preparation of an environmental impact statement (EIS). The EIS will disclose the environmental effects due to construction and operation of a new tailing impoundment facility located approximately 7 miles northeast of the present Stillwater Mine facility. The area involved in this proposal involves both federal land, administered by the Forest Service, and private lands over which the MT Department of Environmental Quality has jurisdiction.

The Director of the Montana Department of Environmental Quality and the Custer National Forest Supervisor are the officials responsible for approving SMC's proposal to construct and operate its tailing storage facility and other associated structures which are discussed in this Scoping Statement.

The Forest Supervisor has the authority for regulating all activities and uses of National Forest system lands. The Custer National Forest Supervisor will decide whether to approve Stillwater Mining Company's amendment to their approved Plan of Operations as detailed in the Proposed Action, or whether to approve an alternative to the Proposed Action. The Forest Supervisor also has the ability to prescribe mitigation measures as conditions of approval.

DATES: A public meeting will be held in Absarokee, MT on September 24, 1996 in order to identify issues to be addressed in this environmental analysis. Written comments concerning the scope of this analysis must be received by October 31, 1996.

ADDRESSES: Written comments concerning this analysis should be sent to Rand Herzberg, Beartooth District Ranger, Custer National Forest, HC 49, Box 3420, Red Lodge, MT 59068.

FOR FURTHER INFORMATION CONTACT:

Questions about the proposed action and EIS should be directed to Pat Pierson, Interdisciplinary Team Leader, Beartooth Ranger District. Phone (406) 446-2103.

SUPPLEMENTARY INFORMATION:**Purpose and Need for Action**

The Stillwater Mining Company has been in operation since 1986. SMC is currently in the process of expanding ore production from 1000 tons per day to 2000 tons per day. At the present rate of production, SMC's permitted tailings impoundment will reach its ultimate capacity by the year 2003.

Given the projected life of the current tailing facility, SMC must proceed with the permitting of an additional tailings storage options in order to provide the capacity needed to manage tailings and waste rock in the long term. The purpose of this Proposed Action is to permit an integrated waste management plan to provide for the long term management of SMC's waste stream.

SMC has submitted a proposal to amend its plan of operations in accordance with Federal and State regulations. The General mining law of 1872 grants all US citizens the right to explore, develop, and produce mineral resources on Federal lands open to mineral entry. SMC currently operates the only economically viable platinum/palladium mine in the western hemisphere, and accounts for five percent of world production. Thirty-five percent of US consumption of platinum/palladium is accounted for by the automotive industry in catalytic converters, required as a result of the Clean Air Act of 1990, 32 percent by electronics, nine percent is used for medical/dental purposes, six percent by the chemical industry, and 18 percent is used for a variety of purposes, based on their chemical inertness and refractory properties (USDI, 1991).

The purpose of this environmental analysis is to disclose the environmental effects of Stillwater Mining Company's Proposed Action and alternatives to that Proposed Action. Although effects of other potential activities within the Stillwater Complex are included in this analysis, the decision document resulting from this environmental analysis will make a decision only on the proposed expansion.

Description of Proposed Activity

The Stillwater Mining Company has submitted a proposal to the Forest Service and the Montana Department of Environmental Quality to construct and operate a new tailing impoundment at the Hertzler Ranch. The Hertzler Ranch is situated approximately seven miles northeast of the mine site. Construction of the Hertzler Impoundment would utilize local borrow materials, therefore this amendment proposes to store waste rock on permitted waste rock sites

located on the east side of the Stillwater River. This area is currently occupied by a part of the mine waste water disposal system, known as the Land Application and Disposal system (LAD). Once construction begins on the east side waste rock storage area, the LAD system would be moved. To insure that production levels can continue uninterrupted and that operational flexibility is maintained, SMC will continue to utilize the existing tailing impoundment. As currently proposed, the two impoundments would be operated in concert.

This amendment proposes to expand the current permit area to include the Hertzler Ranch. The existing mine permit area encompasses approximately 1,340 acres. Within this area, approximately 255 acres will ultimately be disturbed by permitted mining activities. Of this 255 acres of disturbance, well over 120 acres have been disturbed by past mining and exploration activities. This amendment will result in approximately 271 acres of additional disturbance and will increase the total permitted acreage by 1,112.

Past amendments to SMC's original Plan of Operation have utilized a defined production rate as a means to quantify and qualify the possible environmental impacts due to construction and operation of the mine facility. This approach has limited SMC's operational flexibility and made it difficult to take advantage of the economic scale inherent during mine expansion. Consequently, this amendment proposes to establish a project footprint within production rates, but will be variable as dictated by project economics and infrastructure capacity.

Tailing Impoundment

Construction of the proposed tailing embankments will incorporate staged expansion using local borrow materials, identified during the 1981 site investigation program. The embankment would be constructed using the centerline method to a height of approximately 155 feet (elevation 5,036 feet) at the deepest section and would accommodate storage of approximately 13 million cubic yards (12.3 million tons) of tailings. This facility will cover approximately 146 acres after construction.

SMC is proposing to utilize a high density polyethylene (HDPE) liner within the impoundment. A system of spine underdrains would be incorporated to promote consolidation of the tailings mass during operations. Seepage collected from the underdrains and from the embankment filter drains

would drain to recycle ponds situated around the perimeter of the facility. From the recycle ponds, this tailings water would be pumped back to the tailings impoundment for reuse in the milling and concentrating process.

Reclamation of the outer embankment slope will be conducted concurrently with operations of the facility, thereby minimizing impacts and fugitive dust. A minimum of 12 inches of soil and/or sub-soil will be stripped and stored for final reclamation prior to the excavation of the impoundment or borrow areas. Final reclamation of the waste storage site will incorporate waste rock and vegetation in a mosaic pattern similar to that permitted on the existing tailing impoundment.

Post closure settlement is predicted to vary between 1 to 10 feet, depending on the distribution and final depth of tailings within the impoundment. Therefore, an average surface capping layer of approximately five feet will be required (including two feet of topsoil).

Mine Waste Rock Production and Management

Waste rock from the mine which is not used for construction of portal pads, roads, mine backfill, or other uses, has typically been utilized in the construction of the tailing embankment. However, due to the long haul distance between the place of waste rock origin (mine location south of Nye) and the place of use (Hertzler location) waste rock will not be utilized in the construction of the new tailings impoundment. Therefore, this proposal includes provisions to increase the size of the east side waste rock pad and visibility berm permitted in the 2,000 tons per day Environmental Impact Statement and Record of Decision. Expansion of the East Side waste rock storage site would add approximately 10 million cubic yards of storage capacity and would encompass an area of approximately 80 acres.

The East Side waste rock facility would be constructed in a phased approach as outlined below:

Stage 1 Construction

Will consist of the placement of a visibility and containment berm to approximately the 5,000 feet elevation level. This visibility berm would be constructed to approximate a natural feature. Vertical and horizontal relief will vary in order to break up visual lines.

Once completed, the visibility and containment berm will be topsoiled and revegetated. The toe of the berm will be placed a minimum of 100 feet from riparian zones.

Embankment slopes will vary between 3h:1v to 2h:1v, with shallower slopes maintained along the Stillwater River corridor to minimize erosion during potential maximum flood (PMF) events. Erosion control will be provided through revegetation of the berm and by placing rip rap in drainage areas to prevent stormwater run-off. Existing monitoring wells and piezometer locations covered by the waste stockpile construction will be either relocated, capped, or extended.

A portion of the emergency pipeline containment pond, which was designed to contain stormwater and spillage from the pipelines crossing the Stillwater River, will be partially inundated by the Stage 1 berm. The remaining storage capacity in this area will exceed one million gallons and will provide over 41 hours of emergency storage at a pumping rate of 400 gallons per minute.

Stage 2 Construction

Construction would continue as in Stage 1. The berm would continue to be located a minimum of 100 feet from riparian vegetation. Construction would continue to resemble a natural feature by varying horizontal and vertical lines. Embankment slopes would vary between 3h:1v to 2h:1v. Monitoring wells, storm water collection ponds, and toe ditches will be added along the downstream slopes of the waste embankment. Montana Power's utility line would be relocated to the downstream toe of the embankment.

Stage 3 Construction

During the Stage 3 construction phase, the waste rock storage area will be raised to approximately the 5,050 feet elevation, with no further extension of the Stage 1 and Stage 2 toes. The visibility and containment berm would be constructed with slope gradients varying from 3h:1v to 2h:1v and revegetated. Waste rock placement would be conducted in lifts behind the berm and each lift would be graded and compacted by a dozer. The compaction of each lift will minimize fugitive particulate emissions from the pad and water infiltration due to precipitation. Selective shaping of the top cap will sculpture areas of the embankment to approximately the 5,080 ft. elevation. By varying the elevation of the cap, the final pad would blend with the natural terrain.

Pipeline Systems

The pipeline system will consist of five pipelines and extend for approximately 34,000 feet. Two pipelines will be dedicated for slurry transport, one pipeline for mine water

(LAD), one for return reclaim process water and one line will be utilized as a spare. The pipelines will range from 6 to 12 inches in diameter. The pipeline system will be located along Stillwater County roads 419 and 420 right-of-way and be buried at a depth of approximately five feet (below the frost line). The pipeline system will include flow, moisture, and pressure instrumentation along with inspection ports of physical pipe wear measurements. In areas of potential environmental concerns the pipeline system will be either double lined and/or placed in a conduit system. Emergency containment facilities will be placed on both sides of river or stream crossings and near any booster pumping station.

Pipeline material will be either steel or high density polyethylene (HDPE). HDPE offers advantages of lower friction, greater abrasion resistance, no corrosion problems, and generally lower installation and purchase cost. A HDPE pipeline would require the installation of a booster pump station due to the line pressure restrictions inherent to HDPE pipe.

Steel pipe offers an advantage over HDPE with its ability to support higher pressures. Use of an all steel pipeline could allow a single high pressure pump station to be installed at the thickener, eliminating the need for a booster pump station somewhere along the pipeline corridor. A collection pond together with a reclaim system would be required at the mid-point of the line. This facility would allow for a pipeline to be drained in the event of a line rupture.

Reclamation will be conducted concurrently with pipeline construction. Following compaction of fill over the pipelines, 12 inches of salvaged soil will be replaced and seeded. Seeding of the reclaimed pipeline trench will be conducted utilizing SMC's approved low elevation seed mix.

Forest Plan Direction

The area involved in this proposal is within Management Area E as described in the Custer National Forest Land and Resource Management Plan (1986). The management goal for Management Area E is as follows:

To facilitate and encourage the exploration, development, and production of energy and mineral resources for the National Forest System lands. Other resources will be considered and impacts will be mitigated to the extent possible through standard operating procedures, and on a limited basis, through special lease stipulation necessary to manage key surface resources. Energy/

mineral development will not be precluded by these resource concerns within legal constraints. Efforts will be made to avoid or mitigate resource conflicts. If the responsible official determines that conflicts cannot be adequately mitigated she/he will resolve the conflict in accordance with the management goal and, if necessary, in consultation with affected parties (Forest Plan, page 58).

Preliminary Issues

The Forest Service and Department of Environmental Quality Interdisciplinary Team (IDT) has preliminarily identified five issues which will be addressed in the environmental analysis. These issues have been identified due to the possibility that the existing environmental conditions related to these issue areas may change as a result of the construction, operation, and reclamation of the Hertzler Tailing Impoundment facility. These issue areas include;

Water Quality and Quantity; Aesthetics (Including Noise, Air Quality, and Visual Effects); Tailing Impoundment Stability; Social/Economic Effects; and Wildlife and Fisheries.

Preliminary Alternatives

Potential tailing impoundment locations for Stillwater Mining Company's mine have been explored since the early 1980's. These previous site investigations include those conducted by Wahler Associates (1981), the US Forest Service and the Montana Department of State Lands during development of the 1985 EIS, the US Forest Service and the Montana Department of State Lands during the development of the 1992 EIS, and recent investigations, undertaken by Knight Piesold for this proposed amendment to SMC's Plan of Operations.

After reviewing past studies, Knight Piesold (1996) concluded that the evaluation process should be expanded to include consideration for the disposal of both tailing and waste rock in the overall waste management strategy. As a result of the 1996 Knight Piesold investigation, four waste management alternatives were selected for further study by Knight Piesold. The four management alternatives, incorporating tailings impoundment options selected from the previous assessments are summarized below:

Option A: Expansion of the existing tailing impoundment by Modified Centerline construction, with concurrent development and operation of a new tailing facility at the Hertzler Ranch site.

Option B: Expansion of the existing tailing impoundment by Centerline construction and extension of the

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.
[FR Doc. 96-24444 Filed 9-23-96; 8:45 am]
BILLING CODE 3410-11-M

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.
[FR Doc. 96-24400 Filed 9-23-96; 8:45 am]

BILLING CODE 3410-11-M

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,