

# 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

### Agricultural Marketing Service

[Docket No. FV97-357]

#### Information About Legislative Changes in Civil Penalties for a Misrepresentation or Misbranding Violation Under the Perishable Agricultural Commodities Act (PACA)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

**SUMMARY:** In accordance with the Debt Collection Improvement Act of 1996 (Public Law 104-134), this document gives notice to the public of a 10 percent increase in the civil penalties found in § 46.45 of the PACA regulations which outlines the procedures for administering the misrepresentation or misbranding provisions under section 2(5) of the PACA (7 U.S.C. 499b(5)).

#### VIOLATION:

1st .....	.....
2nd .....	.....
3rd .....	\$220 .....
4th .....	\$385 .....
5th .....	\$550 .....
6th .....	\$1,100 .....
7th .....	\$2,200 .....

The informal disposition of misrepresentation violations is not limited to seven occurrences and will be considered for further violations.

Dated: December 3, 1997.

**Robert C. Keeney,**  
Deputy Administrator,  
Fruit and Vegetable Programs.

[FR Doc. 97-32244 Filed 12-9-97; 8:45 am]

BILLING CODE 3410-02-P

DATE: December 10, 1997.

**ADDITIONAL INFORMATION:** Contact Charles W. Parrott, Assistant Chief, PACA Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Room 2095-South, Washington, D.C. 20090-6456; telephone (202) 720-4180; fax (202) 690-4413.

**SUPPLEMENTARY INFORMATION:** Public Law 104-134, the Debt Collection Improvement Act of 1996, which amended the Federal Civil Penalties Inflation Act of 1990 (Public Law 101-410), requires that all civil monetary penalties be increased periodically to keep pace with inflation. The first adjustment to a penalty may not exceed 10 percent of the original penalty and applies only to those violations occurring after the effective date of the increase, September 2, 1997.

The PACA establishes a code of fair trading practices covering the marketing of fresh and frozen fruits and vegetables in interstate and foreign commerce. The PACA protects growers, shippers, distributors, and retailers dealing in those commodities by prohibiting unfair and fraudulent practices. The Department of Agriculture's Agricultural Marketing Service (AMS) enforces the PACA.

Under section 2(5) of the PACA, it is a violation a commission merchant,

dealer, or broker to misrepresent by word, act, mark, stencil, label, statement, or deed, the character, kind, grade, quality, quantity, size, pack, weight, condition, degree, or maturity, or State, country, region of origin of any perishable agricultural commodity received, shipped, sold, or offered to be sold in interstate or foreign commerce. Provided the violations are not repeated or flagrant, the dealer, commission merchant, or broker who violated the misbranding provisions may admit to the violation, or violations, and pay a monetary penalty in lieu of a formal proceeding for the suspension or revocation of its license.

By regulation published in the **Federal Register** (62 FR 40924) on July 31, 1997, the maximum penalty was increased by 10 percent, from \$2,000 to \$2,200, effective September 2, 1997. In addition to the \$2,200 maximum penalty, the PACA regulations (7 CFR 46.45(c)) set forth the sanction policy that includes informal warning letters and lesser monetary penalties that AMS may assess against a dealer, commission merchant or broker for a misbranding violation, depending on the seriousness of the violation and the number of previous violations committed by the violator company. The amended schedule for informal disposition of these violations is as follows:

#### DISPOSITION:

Warning Letter  
Warning Letter

#### IF SERIOUS VIOLATION:

#### IF VERY SERIOUS VIOLATION:

3rd .....	\$220 .....	\$275
4th .....	\$385 .....	\$550
5th .....	\$550 .....	\$1,100
6th .....	\$1,100 .....	\$2,200
7th .....	\$2,200 .....	\$2,200

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Eagle Bird Project; Idaho Panhandle National Forests, Shoshone County, ID

AGENCY: Forest Service, USDA.

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

**SUMMARY:** The St. Joe Ranger District of the Idaho Panhandle National Forest is considering vegetation, road and trail activities in the Eagle Bird Project. The

project area is located approximately 13 miles east of the town of Avery on the St. Joe River.

The interdisciplinary team has reviewed the current conditions which indicated the project area could benefit from treatment. The purpose and need is summarized below.

1. Restore properly functioning hydrologic conditions.
2. At the project level, implement the Idaho Governor's Bull Trout Plan.
3. Move vegetation toward historical conditions.
4. Reduce the risk of mountain pine beetle in the

lodgepole pine forest type. 5. Meet wildlife security needs. 6. Restore rare vegetation communities and habitat. 7. Provide a spectrum of recreation opportunities that are appropriate for the National Forest System lands within the area. 8. Provide quality dispersed camping, single-track trail, all terrain vehicle (ATV) route, hunting and fishing opportunities in a roaded natural setting. 9. Promote fire use and control strategies for safety, efficiency of suppression, resource values, and reduce risks. To create a trend toward allowing fires to play a role as a disturbance mechanism. Reduce the risk of stand replacing fires through vegetation management and promote beneficial fire effects. 10. Where feasible and cost effective, contribute to the timber supply by using timber harvest (one or more timber sales) to achieve this and other project objectives. Inasmuch as it is compatible with other objectives, harvest activities will maintain or improve the long term growth and production of commercially valuable wood products from the sites.

The project consists of three main parts. One part is vegetation management, including timber harvesting and associated road construction and prescribed burning. Another part is restoration of stream channel conditions and fish habitat. The third part is recreational trail development.

**DATES:** Comments should be postmarked on or before January 9, 1998. Please include your name and address and the name of the project you are commenting on.

**ADDRESSES:** Submit written comments and suggestions on the proposed management activities or request to be placed on project mailing list to Brad Gilbert, District Ranger, St. Joe Ranger District, HC Box 1, Avery ID 83802. Brad Gilbert is the Responsible Official.

**FOR FURTHER INFORMATION CONTACT:** Cameo Flood, Project Team Leader, St. Joe Ranger District, (208) 245-4517.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR parts 215 or 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of

Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality may be granted in only very limited circumstances, such as to project trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be submitted with or without name and address within 10 days.

#### **SUPPLEMENTARY INFORMATION:**

##### **Vegetation Management**

Vegetation management under this proposal is designed to meet several needs, including providing timber projects to local markets, protecting and enhancing wildlife forage and cover needs, providing for long term growth and yield as directed in the Idaho Panhandle National Forests Forest Plan, increasing fire resiliency, reducing fire hazards, and moving the vegetation to the conditions the area historically had in terms of tree species composition and density. Treatments include:

Approximately 4,900 acres of commercial timber harvesting including commercial thinning, shelterwood preparation and seed cuttings, group shelterwoods, irregular group shelterwoods, and clearcuts. The attached map shows proposed treatment areas by regeneration and intermediate harvest. Regeneration treatments (1850 acres total) would be clearcuts or some of the shelterwood cuts that would take most of the trees off the units, leaving room to regenerate the stands to other species. Intermediate harvests (3056 acres total) are the commercial thinning and irregular cuts that remove some of the undesirable trees and favor the size and types of trees needed to meet vegetation goals.

Approximately 691 acres of brush field burning for maintenance of large, open spaced douglas-fir, ponderosa pine reestablishment and wildlife habitat. Although these areas are not well stocked, commercial harvesting is proposed prior to burning where feasible.

Approximately 15 acres of broadcast burning for white bark pine.

Approximately 218 acres would be treated to create a hazard reduction zone. This treatment would include thinning out the canopy for a width of 150 to 300 feet along a ridge, and removing small trees from the understory.

Approximately 8.4 miles of road construction to access timber harvesting units.

##### **Stream Channel and Fish Habitat Restoration**

The St. Joe District is considering elimination of either the Eagle Creek or Bird Creek roads, or both, and active work instream to restore natural channel function. In the case of both of the roads being eliminated, an alternative road would be provided to allow recreational access to portions of both streams. If one road is eliminated, recreational and management access would be routed over the other remaining road.

##### *Eagle Creek Road*

This is the most likely road to eliminate, rehabilitate the riparian area and restore riparian function, because bull trout are currently using this stream and improvements in conditions made there would benefit the fish sooner. The road from the West Fork of Eagle Creek down stream to the St. Joe River would be eliminated and alternate access would be provided by improving a connecting road from the Bird Creek System. Vehicle and ATV access to this 3.5 mile section would be eliminated. Foot, horse, bicycle and most likely motorcycle access would be provided.

##### *Bird Creek Road*

This stream has been more affected by the riparian road system than Eagle Creek. No bull trout were found here in surveys done this summer, but cutthroat trout are abundant. The upper reaches of the stream would be good bull trout spawning habitat and the lower could be good rearing habitat if the road was removed and instream improvements implemented. If the 2.8 miles of streamside road from the upper bridge to the St. Joe were removed, alternate access would be provided by improving a connecting road from the Eagle Creek system. Vehicle and ATV access to this section would be eliminated. Foot, horse, bicycle and most likely motorcycle access would be provided.

##### *Both Roads*

If both riparian system roads were removed, alternate access into the area would be developed. This could be over the Turner road system (Road 1281) connected into the upper portion of the Bird Creek system and on into the Eagle Creek System, or some other appropriate access.

There are additional roads that have caused watershed problem that are not in riparian areas. These include specifically, Road 1281 (Turner Peak), Road 1286 (Bluebird) and Road 3638 (Mirror Creek). These roads will be reconstructed where necessary to reduce the hazard of future road failures that would adversely impact the stream.

Part of this portion of the project will be to eliminate or close other roads in the area. These roads are currently closed to public use. Most roads that will not be needed for timber management within ten years or more would have hazardous fills pulled back to the contour, drainage structures removed and be barricaded with a permanent structure. Many of them have been overgrown with brush and trees.

#### ATV Trail Development

The district would like to look at the possibility of designating or developing acceptable ATV routes to provide this recreation opportunity. The Eagle Bird area offers several miles of potential ATV opportunities along existing roads, if those roads were closed to general vehicle traffic and managed as ATV routes. When used in conjunction with open system roads, these routes could offer loop opportunities, as well as connections to the Coeur d'Alene River and Superior Ranger Districts to the north. The attached maps show potential ATV routes on both open and restricted system roads. Following management activities within the area, identified system roads would be closed to general vehicle traffic to provide ATV opportunities. Approximately one mile of single-track trail would also be widened to provide an additional ATV loop opportunity.

#### Single-Track Trail Management

The area would continue to provide single-track trails for mixed use by hikers, horseback riders, mountain bicyclists and motorcyclists. These routes are identified on the attached map.

#### Float Trailhead Development

A float trailhead would be developed on the St. Joe River Road to provide river access for Skookum Canyon, a popular destination for whitewater enthusiasts during high spring runoff. Located at an existing roadside parking area northeast of Tourist Creek, the trailhead would provide a pathway to the river and singing.

#### Preliminary Issues

We expect issues and concerns with this project to include the impacts on wild-life, fish, water quality, and recreation, as well as road construction, clearcutting and economic feasibility. Issues will be developed and analyzed based on public comment and the interdisciplinary team's analysis of effects on resources. Alternatives will be developed to modify or eliminate the

impacts from proposed activities and still meet the purpose for this project.

Additionally, some of the vegetation treatment may result in openings of over 60 acres. While we would like comments that would affect alternatives early, comments on the size of openings and their effects will be accepted for 60 days after publication of this notice.

The draft environmental impact statement is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in March 1998. The final environmental impact statement is expected to be completed in May 1998.

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, 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 and agency to the 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 statement stage but that are not raised until after completion of the final environmental 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 concern 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. Reviews 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.

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To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, DC 20250, or call 1-800-245-6340 (voice) or 202-720-1127 (TDD). USDA is an equal employment opportunity employer.

Dated: December 1, 1997.

#### Bradley Burmark,

*St. Joe Deputy District Ranger.*

[FR Doc. 97-32313 Filed 12-9-97; 8:45 am]

BILLING CODE 3410-11-M

### DEPARTMENT OF AGRICULTURE

#### Grain Inspection, Packers and Stockyards Administration

#### Amendment to Certification of Central Filing System—Idaho

The Statewide central filing system of Idaho has been previously certified, pursuant to Section 1324 of the Food Security Act of 1985, on the basis of information submitted by the Idaho Secretary of State, for farm products produced in that State (52 FR 49056, December 29, 1987).

The certification is hereby amended on the basis of information submitted by Pete T. Cenarrusa, Secretary of State, for additional farm products produced in that State as follows:

herbs

This is issued pursuant to authority delegated by the Secretary of Agriculture.

**Authority:** Sec. 1324(c)(2), Pub. L. 99-198, 99 Stat. 1535, 7 U.S.C. 1631(c)(2); 7 CFR 2.18(e)(3), 2.56(a)(3), 55 FR 22795.

Dated: December 3, 1997.

#### Tommy Morris,

*Acting Deputy Administrator, Packers and Stockyards Programs.*

[FR Doc. 97-32321 Filed 12-9-97; 8:45 am]

BILLING CODE 3410-KD-P