

### Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft environmental impact statement will be prepared for comment. 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 an 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 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.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: January 15, 2008.

**Clifford J. Dils,**

*Forest Supervisor.*

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## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### East Texas Electric Cooperative: Notice of Availability of an Environmental Assessment

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice of availability of an Environmental Assessment for public review.

**SUMMARY:** The Rural Utilities Service (RUS), an agency delivering the United States Department of Agriculture (USDA) Rural Development Utilities Programs, hereinafter referred to as Rural Development, is issuing an Environmental Assessment (EA) related to possible financial assistance to East Texas Electric Cooperative (ETEC) of Nacogdoches, Texas, for the proposed construction of approximately 168 MW simple cycle combustion turbine generation station in Hardin County, Texas. ETEC is requesting USDA Rural Development to provide financial assistance for the proposed project.

**DATES:** Written comments on this Notice must be received on or before February 16, 2008.

**ADDRESSES:** To send questions and comments or for further information, contact: Dennis Rankin, Environmental Protection Specialist, USDA, Rural Development Utilities Programs, Engineering and Environmental Staff, 1400 Independence Avenue, SW., Stop 1571, Washington, DC 20250-1571, telephone (202) 720-1953, or e-mail: [dennis.rankin@wdc.usda.gov](mailto:dennis.rankin@wdc.usda.gov). The EA will be available for public review at the USDA Rural Development, Utilities Programs, 1400 Independence Avenue, SW., Washington, DC 20250-1571; at the USDA Rural Development's Web site—<http://www.usda.gov/rus/water/ees/ea.htm>; at ETEC's Web site—<http://www.etc.coop/projects.html>; and the Kountze Public Library, 800 South Redwood Avenue, Kountze, TX 77625.

**SUPPLEMENTARY INFORMATION:** The ETEC is constructing the Hardin County Peaking Facility (HCPF), a 168 MW simple cycle combustion turbine generation station, in Hardin County, Texas. The proposal is located approximately 6 miles southeast of

Kountze and one-half mile west of U.S. Highway 69/287, and will be adjacent to an existing Entergy electrical substation. Construction on the proposal is expected to commence in June 2008 with an expected completion date of May 2009. The generation facility will be constructed, owned, operated, and maintained by ETEC.

The generation units at the HCPF will consist of two (2) natural gas fired combustion turbines that have a net output of 84 MW each. The proposal will require the construction of a 1,200 foot 230 kV transmission line to interconnect with Entergy's existing Cypress substation. The output of the HCPF will be used to meet ETEC's power and energy requirements in east Texas, along with providing added reliability and stability to the region's power and transmission system.

Alternatives considered by USDA Rural Development and ETEC included: (a) No action; (b) alternate generation alternatives, and (c) other electrical alternatives. An Environmental Report (ER) that described the proposal in detail and discusses its anticipated environmental impacts has been prepared by ETEC. The USDA Rural Development has accepted the ER as its EA for the proposal. The EA is available for public review at the addresses provided above in this Notice.

Written comments received by the due date will be considered in the environmental impact determination.

Should USDA Rural Development determine, based on the EA of the proposal, that the impacts of the construction and operation of the proposal would not have a significant environmental impact, it will prepare a Finding of No Significant Impact. Public notification of a Finding of No Significant Impact will be published in the **Federal Register** and in newspapers with circulation in the project area.

Any final action by USDA Rural Development related to the proposal will be subject to, and contingent upon, compliance with all relevant federal, state and local environmental laws and regulations and completion of the environmental review procedures as prescribed by USDA Rural Development Environmental Policies and Procedures (7 CFR 1794).

Dated: January 14, 2008.

**Mark S. Plank,**

*Director, Engineering and Environmental Staff, USDA/Rural Development/Utilities Programs.*

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