

standards established for scenic designations.

- The construction, operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may affect wildlife, plant and aquatic populations, habitat and livestock because (1) habitats are created, changed or eliminated; (2) herbicides are used and herbicides may be toxic; (3) the transmission line presents a flight hazard to birds; (4) electromagnetic fields and induced voltage may be injurious.

The following significant issues were added by the federal agencies in 1995:

- The construction of the 765kV transmission line and the associated access roads and right-of-way may have a disproportionately high and adverse human health or environmental effects on minority and low income populations as indicated in Executive Order 12898.
- The construction and operation of the 765kV transmission line may adversely affect astronomical observation activities at the Martin Observatory (VPI) due to the introduction of obstructions to the sky (lines and towers), the introduction of light from coronal discharge, and the disruption of sensitive electronic equipment by electromagnetic fields.
- The construction and operation of the 765kV transmission line may adversely affect seismological observation activities at the VPI seismic stations located near Forest Hill and Potts Mountain.
- The construction and maintenance of the 765kV transmission line and the associated access roads and right-of-way may affect the cultural attachment that residents have for the valley between Blacksburg and Catawba, Craig County, Mercer County and portions of Montgomery County.

The following permits and/or licenses would be required to implement the proposed action:

- Certificate of Public Convenience and Necessity (Virginia State Corporation Commission)
- Certificate of Public Convenience and Necessity (West Virginia Public Service Commission)
- Special Use Authorization (Forest Service)
- Right-of-Way Authorization (National Park Service)
- Section 10 Permit (US Army Corps of Engineers)
- Right-of-Way Easement (US Army Corps of Engineers)
- Consent to Easement (US Army Corps of Engineers)

Other authorizations may be required from a variety of Federal and State agencies.

Public participation will occur at several points during the federal analysis process. The first point in the analysis was the scoping process (40 CFR 1501.7). The Forest Service obtained information, comments, and assistance from Federal, State and local agencies, the proponent of the action, and other individuals or organizations who are interested in or affected by the electric transmission line proposal. This input will be utilized in the preparation of the draft environmental impact statement. The scoping process included, (1) identifying potential issues, (2) identifying issues to be analyzed in depth, (3) eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis.

Public participation was solicited through contacts with known interested and/or affected groups, and individuals; news releases; direct mailings; and/or newspaper advertisements. Public meetings were also held to hear comments concerning the Appalachian Power Company proposal and to develop the significant issues to be considered in the analysis.

A similar process of public involvement was implemented by the federal agencies for the Preliminary Alternative Corridors announced in July of 1995.

Other public participation opportunities will be provided throughout the federal analysis process.

The Forest Service will be publishing a number of reports in 1995 regarding the federal agencies' analysis of the transmission line proposal. In February a newsletter was published to update those interested in the federal agencies' analysis of the transmission line proposal. Similar newsletters are scheduled for publication in May and July of 1995. In March a report describing the public comments received by the federal agencies was published and distributed to a number of public repositories. An update to this report will be published and similarly distributed in May of 1995.

The draft environmental impact statement is expected to be filed with the Environmental Protection Agency (EPA) and available for public review by October 20, 1995. This revises the February 28, 1995 date previously announced. At that time, EPA will publish a notice of availability of the draft environmental impact statement in the **Federal Register**. The comment period on the draft environmental impact statement will be 90 days from

the date the EPA publishes the notice of availability in the **Federal Register**. This changes the 45-day comment period previously announced.

Reviewers need to be aware of several court rulings related to public participation in the environmental impact statement 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 90-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.)

After the comment period ends on the draft environmental impact statement, the comments will be analyzed, considered, and responded to by the three federal agencies in preparing the final environmental impact statement. The federal agencies have decided to await the decisions of the Virginia State Corporation Commission and the West Virginia Public Service Commission on the Appalachian Power Company proposal before publishing the final environmental impact statement. It is not known when the two Commission's will issue their decisions. When these decisions are made the federal agencies