(w) revisions to WS 35–11–406(j) concerning public notice procedures for permit applications, as submitted to OSM on June 2, 1995, are approved effective September 14, 1995.

[FR Doc. 95–22864 Filed 9–13–95; 8:45 am]
BILLING CODE 4310–05–M

National Park Service

36 CFR Part 7

RIN 1024–AC28

Pictured Rocks National Lakeshore; Hunting Closure

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: This rule closes certain developed and high visitor use areas of the lakeshore to hunting in the interest of public safety. Hunting in these developed and high visitor use areas constitutes a hazard to the safety of the visiting public.

EFFECTIVE DATE: This final rule becomes effective October 16, 1995.

FOR FURTHER INFORMATION CONTACT: Larry Hach, Chief of Visitor Services and Land Management, Pictured Rocks National Lakeshore, P.O. Box 40, Munising, MI 49862. Telephone (906) 387–2607.

SUPPLEMENTARY INFORMATION:

Background

Pictured Rocks National Lakeshore's legislative authority, Public Law 89–668 (80 Stat. 922), states ''The Secretary, after consultation with the Michigan Department of Conservation, may designate zones and establish periods where and when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment.'' Pictured Rocks National Lakeshore has already consulted with the Michigan Department of Natural Resources on this issue, as well as with other interested groups including the Michigan United Conservation Clubs, area hunters, and other interested local individuals.

The National Park Service's Management Guidelines (specifically Chapter 8, ''Use of the Parks'') state that the protection of park visitors and providing for visitor safety is a primary goal of park management, and that the Service may establish regulations or closures that are more restrictive than applicable State regulations based on a finding that such restrictions are necessary for public safety, resource protection, or visitor enjoyment. With the increased amount of visitors to the lakeshore in recent years (CY 94 visitation was 583,131) and the increase of hunting activities within lakeshore boundaries, an increased possibility exists of hazards to the safety of the public due to hunting activity in the developed and high visitor use areas.

Hunting in the lakeshore is managed according to the State of Michigan Department of Natural Resources hunting regulations, Federal migratory waterfowl regulations, and those specific hunting regulations contained in the Superintendent's Compendium (Orders). Continuing under the existing guidelines is dangerous from a safety point of view. At the same time, a total ban on hunting is neither practical nor necessary. This limited hunting closure is in accordance with stated overall management objectives for the administration of lands of the National Park System.

Much of the high public use area at the western end of the lakeshore is situated within the corporate limits of the City of Munising where the discharge of a firearm is already prohibited. The lakeshore's developed areas, such as campgrounds, parking lots, and overlooks, are heavily used by the visiting public. Hunting in such heavily used areas constitutes a hazard to the safety of the visiting public. While State of Michigan regulations currently permit hunting within road rights-of-way (ROW's), the heavy volume of traffic on National Park Service (NPS)-owned paved roads within the lakeshore makes hunting within these ROW's not conducive to the promotion of visitor safety and enjoyment. The heaviest public use period for the lakeshore occurs between April 1 and Labor Day when the lakeshore receives approximately 73 percent of its annual visitation. During this period, the regulation would prohibit hunting within the lakeshore.

On January 23, 1995, the NPS published proposed regulations that would close developed and high visitor use areas of the lakeshore to hunting in the interest of public safety (60 FR 4394). Public comment was invited. The comment period closed March 24, 1995.

Summary of Comments Received

During the public comment period, the NPS received eight written comments regarding the proposed rule. Four comments supported the closures, some asking for increased closures. Four were opposed to the closures, either in part or in whole. An analysis was made of the public comments. After considering all public comments, the NPS has decided to proceed with a final rule on the hunting closures.

A summary of specific comments by broad subject and the agency's response to these comments follows.

1. *Comment: Hunting closure areas are already restricted to hunting by local or state regulations.* A few respondents felt that the closure areas were already restricted to hunting activities by current local or state regulations. They felt that peak hunter density never exceeds a fraction of a hunter per square mile and there has never been an accident in the lakeshore involving hunters.

Response: A City of Munising ordinance prevents the discharge of a firearm within the city limits. However, the city does not enforce this ordinance in the forested areas of the lakeshore, within the city limits. Because the lakeshore does not have the authority to enforce the city's ordinance, it goes unenforced. Each year hunting activity takes place in the Becker Field, Munising ski trails and on Sand Point. All of these areas are within the city limits of Munising.

Michigan DNR hunting regulations define a Safety Zone within 450 feet of occupied dwellings (residences) or associated buildings. This regulation has no correlation to the developed public use areas of the lakeshore, such as drive-in campgrounds, overlooks, parking lots or other high use visitor buildings. Despite heavy public use, none of these lakeshore facilities serve as a ''dwelling or associated building.'' The DNR regulation, therefore, does not apply.

While State of Michigan regulations currently permit hunting within road rights-of-way, the heavy volume of traffic on NPS-owned paved roads within the lakeshore makes hunting within these ROW's not conducive to the promotion of visitor safety and enjoyment. Several conflicts between hunters and non-hunters occur each hunting season within these ROW's that could directly affect the safety of the visiting public.

Although there has not been a documented accident in the lakeshore involving hunting, there have been several documented incidents in each of the past few years, in the developed areas, involving hunter and non-hunter contacts signed by one or both parties as constituting a safety hazard. With the increased number of visitors to the lakeshore, and the increase of hunting activities within the lakeshore boundaries, contacts between hunters and non-hunters directly affect the safety of the visiting public in the developed and high visitor use areas.

Although hunter density per square mile throughout the entire lakeshore is

fairly low, having hunting activity in such close proximity to developed and high visitor use areas constitutes a public safety hazard.

2. *Comment: Impact on hunters by the closured areas.* A few commenters stated that these closures could have minimal impact on current hunting groups, but were worried about the lakeshore closing down other areas in the future. They were also concerned that hunters would not be able to access legal hunting areas through these closure areas.

Response: There is no guarantee that future developed and high visitor use lakeshore areas would not be closed to hunting, based on a finding that such restrictions are necessary for public safety, resource protection or visitor enjoyment. Future park developments and visitor areas that attain higher public use could also be closed to hunting for the same public safety reasons.

The closure areas were closely scrutinized to include only those areas where hunting restrictions were necessary for public safety. The closures are not an attempt to slowly close off the entire lakeshore to hunting because the park's enabling legislation mandates that hunting shall be permitted in administering the lakeshore. The legislation also states that, after consultation with the Michigan DNR, the lakeshore may designate zones and establish periods where and when no hunting shall be permitted for reasons of public safety.

Hunters would be allowed access to legal hunting areas through the closure areas, but they could not conduct any hunting while in the closure areas.

3. *Comment: The hunting closure process was handled very openly and fairly.* One respondent stated that the hunting closure process was very open. The person also appreciated that discussions were held with various public groups so that the proposal could be tailored to serve all constituencies fairly.

Response: The lakeshore consulted with the Michigan Department of Natural Resources on this issue, as well as with other interested groups, including the Michigan United Conservation Clubs, area hunters and other local individuals. These various groups were consulted and kept well informed throughout the entire rulemaking process. Information gained from these consultations greatly aided in defining the specific closure areas. Throughout the rulemaking process, treating all constituencies (general public and hunting groups) fairly was a high concern of lakeshore management.

4. *Comment: A need to postpone the opening hunting date to October 15 or later.* One reviewer wanted the opening date for lakeshore hunting postponed to October 15, rather than the day after Labor Day. He also felt there was a need to close more than 2 percent of the lakeshore to hunting during the fall visitor season.

Response: The heaviest public use period occurs between April 1 and Labor Day when the lakeshore receives approximately 73 percent of its annual visitation. Visitor use after Labor Day decreases dramatically and contacts rarely occur between hunters and non-hunters that could affect the safety of the visiting public. Opening the lakeshore to hunting the day after Labor Day allows hunters to pursue bear during Michigan's bear hunting season within the Upper Peninsula.

The developed and high visitor use areas of the lakeshore, which constitute approximately 2 percent of park land, are where an increased possibility exists of contacts between hunters and non-hunters, directly affecting the safety of the visiting public. Over the last several years the lakeshore has witnessed both an increase in total park visitation and hunting activities. Throughout the rest of the lakeshore, in the more undeveloped and less used areas, the possibility of these same safety hazards occurring decreases dramatically.

5. *Comment: Expand the hunting closure areas to include other areas of the lakeshore.* Two respondents felt that the proposed closure areas should also include all backcountry campgrounds, lakeshore hiking trails and the groomed cross-country ski trails.

Response: The lakeshore's developed areas, such as drive-in campgrounds, parking lots and overlooks, are the areas most heavily used by the public. The backcountry areas of the lakeshore, such as backcountry campgrounds, hiking trails, and cross-country ski trails, receive only a fraction of the annual visitor use. Hunter/non-hunter contacts occur very infrequently in the backcountry areas. These backcountry areas were considered for closure, but the potential hazard to the safety of the public was considered minimal and insufficient to warrant closure. The increases in park visitation over the last several years have occurred primarily in the more developed and high use areas of the lakeshore. Closing these backcountry areas to hunting would have little effect on public safety.

6. *Comment: Disagreement with the summer hunting closure and comparing the lakeshore with Michigan State Parks.* A few commenters disagreed with the closing of the lakeshore to hunting from April 1 to Labor Day. They also felt it was not fair to compare the lakeshore hunting closure period with that of Michigan State Parks.

Response: The heaviest public use period for the lakeshore occurs between April 1 and Labor Day, when the lakeshore receives approximately 73 percent of its annual visitation. There is very little hunting activity during this period, since the only legal hunting for game species that can be done is for coyote and for certain animals for which there is ''no closed season.'' With the high visitor use during the summer period in the developed areas, even allowing this level of hunting activity constitutes a public safety hazard.

Michigan DNR hunting regulations close all state parks to hunting from April 1 through September 14. Michigan State Parks have developed and high visitor use areas, similar to the national lakeshore, that are closed to hunting during the summer visitor use season. The lakeshore closure period would be through Labor Day, to allow for the start of the Michigan bear hunting season in the Upper Peninsula. This closure would be similar to Michigan State Park hunting management, with the exception of opening the national lakeshore to hunting earlier in September than in the State parks.

State park acreage closed to hunting in developed areas amounts to less area closed than what would be closed in the lakeshore. This is primarily due to the fact that most state parks are appreciably smaller in total land size when compared with the national lakeshore. Pictured Rocks has more land and therefore more total acreage that would be closed to hunting for public safety reasons.

Effective Date

The final rule establishes regulations that will close developed and high visitor use areas of the lakeshore to hunting in the interest of public safety. The lakeshore will maintain a list of these closed areas, and specific descriptions of the same, for the information of the general public. This rule becomes effective 30 days from the date of publication in the **Federal Register**.

Drafting Information

The author of these regulations is Larry Hach, Chief of Visitor Services and Land Management, Pictured Rocks National Lakeshore.

Paperwork Reduction Act

This final rule does not contain information collection requirements that require approval by the Office of

Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*). The economic effects of this rulemaking are local in nature and negligible in scope.

The National Park Service has determined that this rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce non-compatible uses that may compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent land owners or occupants.

Based on this determination, the regulation is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA; 42 USC 4321, et seq.) and by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 7

National parks; Reporting and record keeping requirements.

In consideration of the foregoing, 36 CFR chapter I is amended as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation for part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k); sec. 7.96 also issued under D.C. Code 8–137 (1981) and D.C. Code 40–721 (1981).

2. Section 7.32 is amended by adding paragraph (c) to read as follows:

§ 7.32 Pictured Rocks National Lakeshore

* * * * *

(c) Hunting. The following lakeshore areas are closed to hunting:

(1) Sand Point area. All that portion of Sand Point described as the area below the top of the bluff in Sections 19 and 30, T47N, R18W, and that area situated within the corporate limits of the City of Munising, including the Sand Point Road.

(2) Developed public use areas.

(i) The area within 150 yards of any campsite located within the Little Beaver, Twelvemile Beach, and Hurricane River Campgrounds.

(ii) The area within 150 yards of the Miners Castle overlooks, paved walkways and vehicle parking lot. Also 100 feet from the centerline of the paved Miners Castle Road and the area within 100 feet of Miners Falls parking lot, trail and associated platforms.

(iii) The area within 100 feet of: the Chapel Falls parking lot; the Little Beaver backpacker parking lot; the Twelvemile Beach picnic area parking lot; the Log Slide parking lot, platforms and walkways; the Grand Sable Lake picnic area and parking lot; the Grand Sable Lake boat launch and parking lot; the Grand Sable Lake overlook parking lot.

(iv) The area within 150 yards of any structure at the Au Sable Light Station, and within 100 feet of the trail between the lower Hurricane River Campground and the light station.

(v) The area within 150 yards of the Sable Falls parking lot and building, including the viewing platforms and associated walkway system to the mouth of Sable Creek. Also included is the area 100 feet from the centerline of the paved Sable Falls Road.

(vi) The area within 150 yards of: the Grand Sable Visitor Center parking lot and barn; the structures comprising the Grand Marais quarters and maintenance facility.

(vii) The 8.6 acre tract comprising structures and lands administered by the National Park Service on Coast Guard Point in Grand Marais.

(3) Hunting season. Hunting is prohibited parkwide during the period of April 1 through Labor Day.

Dated: August 17, 1995.

Robert P. Davison,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95–22747 Filed 9–13–95; 8:45 am]

BILLING CODE 4310–70–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93–13; RM–8156, RM–8234]

Radio Broadcasting Services; Blanchard, LA and Stephens, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule; application for review.

SUMMARY: The Commission denies an application for review filed by Arkansas Wireless Company (''Wireless'') of the action taken by the Assistant Chief of the Allocations Branch in MM Docket No. 93–13, allotting Channel 271C3 to Blanchard, Louisiana and denying Wireless' competing counterproposal to allot Channel 271A to Stephens, Arkansas (58 FR 51787, October 5, 1993). The Commission denies the application for review because the underlying decision followed applicable legal precedent in allotting the channel to the more populous community. The Commission also dismisses as moot a motion for stay filed by Wireless seeking a stay of the application filing window.

EFFECTIVE DATE: September 14, 1995.

FOR FURTHER INFORMATION CONTACT: Mania K. Baghdadi, Mass Media Bureau, (202)776–1653.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order,* MM Docket No. 93–13, adopted July 31, 1995, and released on September 11, 1995. The full text of this Commission decision is available for public inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–22834 Filed 9–13–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 86–388; RM–5385]

Television Broadcasting Services; Kenansville, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On application for review, the Commission affirmed the grant of the request of the Meredith Corporation (RM–5835) to allot UHF television Channel 31 to Kenansville, Florida for the provision of its first local television