

# Exhibit 11

TESTIMONY OF LESTER RANDALL, CHAIRMAN, KICKAPOO TRIBE IN KANSAS, IN  
SUPPORT OF S. 2154, THE KICKAPOO TRIBE IN KANSAS WATER RIGHTS SETTLEMENT  
AGREEMENT ACT

COMMITTEE ON INDIAN AFFAIRS UNITED STATES SENATE  
JULY 18, 2018

Federal Register dated April 8, 1994 (59 FR 16807).

#### Draft EISs

**ERP No. D-AFS-J65215-MT Rating EC2**, Elk Creek Land Exchange and Granting an Easement to Plum Creek, Implementation, Flathead National Forest, Swan Lake Ranger District, MT.

**Summary:** EPA expressed environmental concerns about adverse impacts which may occur on the Forest Service land to be given to the Plum Creek Timber Company (i.e., wildlife habitat, old growth, visual, fisheries impacts). EPA also expressed concerns about the uncertainty of future activities (i.e., subdivision development, oil and gas leasing, and mining) on the exchanged parcels. EPA recommended that the Forest Service require a conservation easement prohibiting future subdivision development on the Forest Service land to be given to Plum Creek Timber Company.

**ERP No. D-AFS-J65216-UT Rating LO1**, Pacer Timber Harvest and Timber Sale, Implementation, Dixie National Forest, Escalante Ranger District, Garfield County, UT.

**Summary:** EPA had no objections to the proposed action.

**ERP No. D-BIA-J39020-SD Rating EC1**, Crow Creek Dam Project, Crow Creek Dam and Reservoir (Lake Bedashosha) Improvements, Crow Creek Indian Reservation, near Fort Thompson, Buffalo County, SD.

**Summary:** EPA expressed environmental concerns with sediment impacts which should be avoided to fully protect the environment and which may require changes to alternatives or mitigation measures.

**ERP No. D-BLM-J02029-WY Rating EC2**, Enron Burly Field Oil and Gas Leasing, Permit to Drill, Temporary Use Permits, COE Section 404 Permit and Right-of-Way, Grants, Pinedale Resource Area, Sublette County, WY.

**Summary:** EPA had environmental concerns based on potential impacts to groundwater quality, which should be avoided in order to fully protect its high quality.

**ERP No. D-BLM-L60100-ID Rating EC2**, Twin Falls County Solid Waste Landfill Facility Construction and Operation, Land Acquisition, Twin Falls County, ID.

**Summary:** EPA had environmental concerns that BLM had not demonstrated that the land transfer and subsequent solid waste facility will result in no adverse consequences to ground water, surface water, and air quality. EPA requested additional information about how hazardous waste in the waste stream will be handled,

how leachate and surface runoff will be disposed, the liner system and how it will be installed, the landfill gas collection and disposal system, and future implementation and operation of the facility.

#### Final EISs

**ERP No. F-AFS-J65205-MT**, Upper Sunday Timber Sales, Harvest Timber, Implementation, Kootenai National Forest, Fortine Ranger District, Flathead County, MT.

**Summary:** EPA had no concerns but recommended that the sediment regime model be tested.

#### Regulations

**ERP No. R-NRC-A09818-00**, 10 CFR part 71, Petition for Regulations Governing Packaging and Transportation of Radioactive Materials, Docket No. PRM-71-11, FR 59.8143.

**Summary:** Review of the Regulation has been completed and the project found to be satisfactory. No formal comment letter was sent to the preparing agency.

Dated: May 9, 1994.

**Marshall Cain**,  
Senior Legal Advisor, Office of Federal Activities.

[FR Doc. 94-11603 Filed 5-12-94; 8:45 am]

BILLING CODE 6560-60-U

[ER-FRL-4711-2]

#### Environmental Impact Statements; Availability

**RESPONSIBLE AGENCY:** Office of Federal Activities, General Information (202) 260-5076 or (202) 260-5075. Weekly receipt of Environmental Impact Statements Filed May 2, 1994 through May 6, 1994 Pursuant to 40 CFR 1506.9.

**EIS No. 940166, FINAL EIS, SCS, KS**, Upper Delaware River and Tributaries Watershed Plan, Flood Prevention and Watershed Protection, Funding, COE Section 404 and NPDES Permits, Atchison, Brown, Jackson and Nemaha Counties, KS, Due: June 13, 1994, Contact: James N. Habiger (913) 823-4565.

**EIS No. 940167, FINAL EIS, AFS, AK**, Main Bay Salmon Hatchery Expansion, Implementation, Special-Use-Permit and COE Section 404 Permit, Prince William Sound, Chugach National Forest, Glacier Ranger District, AK, Due: June 13, 1994, Contact: Ken Rice (907) 271-2751.

**EIS No. 940168, FINAL EIS, SFW, WY, ID, MT**, Gray Wolves (Canis Lupus) Reintroduction into the Yellowstone National Park and Central Idaho,

Implementation, MT, WY and ID, Due: June 13, 1994, Contact: Ed Bangs (406) 449-5202.

**EIS No. 940169, DRAFT EIS, MMS, TX, AL, LA, MS**, 1995 Central and Western Gulf of Mexico Outer Continental Shelf (OCS) Oil and Gas Sales 152 (April 1995) and 155 (August 1995), Lease Offering, Offshore Marine Environment and coastal counties, AL, MS, LA and TX, Due: June 27, 1994, Contact: Richard H. Miller (703) 787-1665.

**EIS No. 940170, FINAL EIS, FHW, WA**, WA-522 Transportation Improvements, WA-9 near Woodinville to WA-2 in Monroe, Funding, U.S. CGD Permit and Section 10 and 404 Permits, Snohomish River Bridge, Snohomish County, WA, Due: June 13, 1994, Contact: Barry F. Morehead (206) 753-2120.

**EIS No. 940171, FINAL EIS, FHW, WI**, WI-TH-29 Improvement, from Chippewa Falls to Abbotsford and Marathon City in Martin Lane, Funding and Possible COE 404 Permit, Clark and Marathon Counties, WI, Due: June 13, 1994, Contact: Thomas J. Fudaly (608) 264-5940.

**EIS No. 940172, DRAFT EIS, COE, CO**, Central City Water Development Project, Implementation, North Clear Creek Basin, COE Section 404 Permit, Right-of-Way Grant and Special-Use-Permit, CO, Due: June 30, 1994, Contact: Richard Gorton (402) 221-4598.

**EIS No. 940173, DRAFT EIS, BLM**, Rangeland Reform 1994 Program, Implementation, Land Acquisition and Permits Approval, Due: August 11, 1994, Contact: Jim Fox (202) 452-7740.

Dated: May 9, 1994.

**Marshall Cain**,  
Senior Legal Advisor, Office of Federal Activities.

[FR Doc. 94-11605 Filed 5-12-94; 8:45 am]

BILLING CODE 6560-60-U

[FRL-4884-5]

**M.A. Norden Company Site, AL; Request for Amendment to June 15, 1984, Clean Water Act section 404(c) Final Determination**

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Notice of request for amendment of Section 404(c) final determination and request for comment.

**SUMMARY:** Notice is hereby given that M.A. Norden Company has petitioned the Environmental Protection Agency

motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Natural and Florida Gas to appear or be represented at the hearing.

Lois D. Cashell,  
Secretary.

[FR Doc. 94-11622 Filed 5-12-94; 8:45 am]  
BILLING CODE 6717-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### Acid Rain Division

[FRL-4884-7]

### Acid Rain Provisions

AGENCY: Environmental Protection Agency.

ACTION: Notice.

**SUMMARY:** EPA has prepared guidance to help determine if the Acid Rain Program SO<sub>2</sub> requirements apply to specific steam and electric generating units. This guidance is of particular use to owners and operators of electric generating units who are unsure as to whether their units are affected by the Acid Rain Program SO<sub>2</sub> requirements.

**ADDRESSES:** Copies of the guidance, entitled "Do the Acid Rain SO<sub>2</sub> Regulations Apply to You?", are available upon request by calling the Acid Rain Hotline at (202) 233-9620 or by writing to:

U.S. Environmental Protection Agency,  
Acid Rain Division 6204J, Attn:  
Applicability Guidance, 401 M Street,  
SW., Washington, DC 20460

The following groups have copies available to their members: American Public Power Association, contact Larry

Mansueti; American Forest Products, contact Rob Kaufmann; Council of Industrial Boiler Owners, contact Bill Marx; Chemical Manufacturers Association, contact Nancy Cookson; Edison Electric Institute, contact John Kinsman; Electric Consumers Resource Council, contact John Hughes; Electric Generation Association, contact Julie Blankenship; Large Public Power Council, contact Stephen Fotis; National Coal Association, contact Jerry Karaganis; National Independent Energy Producers, contact Janet Besser; National Rural Electric Cooperative Assoc., contact Ray Cronmiller.

**FOR FURTHER INFORMATION CONTACT:** Kathy Barylski, Acid Rain Division, at the above address; telephone (202) 233-9074.

**SUPPLEMENTARY INFORMATION:** EPA's Acid Rain Program was established by Title IV of the Clean Air Act Amendments of 1990 (CAAA) to reduce acid rain in the continental United States. The Acid Rain Program will achieve a 50 percent reduction in sulfur dioxide (SO<sub>2</sub>) emissions from utility units. The SO<sub>2</sub> reduction program is a flexible market-based approach to environmental management. As part of this approach, EPA allocates "allowances" to affected utility units. Each allowance is a limited authorization to emit up to one ton of SO<sub>2</sub>. At the end of each calendar year, each unit must hold allowances in an amount equal to or greater than its SO<sub>2</sub> emissions for the year. Allowances may be bought, sold, or transferred between utilities and other interested parties. Those utility units whose annual emissions are likely to exceed their allocation of allowances may either install pollution control technologies or switch to cleaner fuels to reduce SO<sub>2</sub> emissions, or buy additional allowances.

The Acid Rain Program SO<sub>2</sub> requirements potentially affect any device that combusts fossil fuel and supplies electricity for sale or serves an electrical generating device that supplies electricity for sale. Thus, units owned or operated by industrial or commercial entities may be affected. To ensure adequate notice to all potentially affected units, EPA has chosen to provide this notice of availability of the Acid Rain applicability guidance.

The guidance, "Do the Acid Rain SO<sub>2</sub> Regulations Apply to You?", provides information regarding what makes a unit potentially affected, what types of units may be exempted from Acid Rain Program requirements, and what types of units are not affected by the Acid Rain Program requirements. The

document also outlines how the owner or operator of a unit may request a determination of applicability from EPA. If a unit is affected by the Acid Rain Program SO<sub>2</sub> requirements, the document outlines the requirements and compliance dates. The document does not address the Acid Rain Program (Title IV) NO<sub>x</sub> requirements or NO<sub>x</sub> or SO<sub>2</sub> control requirements under other State or Federal programs.

Dated: May 6, 1994.

Brian J. McLean, Director,  
Acid Rain Division.

[FR Doc. 94-11693 Filed 5-12-94; 8:45 am]  
BILLING CODE 6560-50-P

[FRL-4884-3]

### Acid Rain Program: Notice of Final Retired Unit Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final retired unit exemptions.

**SUMMARY:** The U.S. Environmental Protection Agency is issuing five-year retired unit exemptions, according to the Acid Rain Program regulations (40 CFR part 72), to the following 11 utility units in Ohio: Acme units 9, 11, 13, 14, 15, 91, and 92; Avon Lake unit 11; and Poston units 1, 2, and 3.

**FOR FURTHER INFORMATION CONTACT:** Allan Batka at (312) 886-9653. EPA Region 5 (A-18J), Ralph H. Metcalfe Bldg., 77 West Jackson Blvd., Chicago, IL 60604.

Dated: May 4, 1994.

Brian McLean,  
Director, Acid Rain Division, Office of  
Atmospheric Programs, Office of Air and  
Radiation.

[FR Doc. 94-11694 Filed 5-12-94; 8:45 am]  
BILLING CODE 6560-50-F

[ER-FRL-4711-3]

### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared April 25, 1994 through April 29, 1994 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(C) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the

motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Natural and Florida Gas to appear or be represented at the hearing.

Lois D. Cashell,

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[FR Doc. 94-11622 Filed 5-12-94; 8:45 am]

BILLING CODE 6717-01-M

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ACTION: Notice.

**SUMMARY:** EPA has prepared guidance to help determine if the Acid Rain Program SO<sub>2</sub> requirements apply to specific steam and electric generating units. This guidance is of particular use to owners and operators of electric generating units who are unsure as to whether their units are affected by the Acid Rain Program SO<sub>2</sub> requirements.

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Dated: May 6, 1994.

Brian J. McLean, Director,  
Acid Rain Division.

[FR Doc. 94-11693 Filed 5-12-94; 8:45 am]

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[FRL-4884-3]

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Dated: May 4, 1994.

Brian McLean,  
Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 94-11694 Filed 5-12-94; 8:45 am]

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[ER-FRL-4711-3]

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