

Forester "to clarify the LRMP management direction to eliminate any confusion about motorized use in MA-2A areas." For various reasons that clarification did not occur.

In response to a 1999 lawsuit, a federal Magistrate recommended that the Flathead National Forest be ordered to close all Management Area (MA) 2A areas to motorized use. These MA 2A areas include many popular snowmobile play areas, as well as groomed snowmobile trails. The parties to the lawsuit agreed to a settlement that included preparation of a Forest Plan amendment in an open public forum to develop Forest-wide winter motorized recreation direction.

The Purpose and Need for this amendment is to:

1. Clarify Forest Plan management direction to eliminate any confusion about motorized use in MA-2A areas.
2. Meet the requirements of a settlement agreement resulting from a lawsuit challenging the Flathead Forest Plan.
3. Determine long-term winter recreation management direction related to motorized use.

The Proposed Action for the Winter Motorized Recreation Amendment includes the following features:

- A new Forest-wide standard would be added to the Forest Plan that would incorporate a set of winter motorized recreation maps into the Forest Plan, which would provide direction on where winter motorized use may and may not occur.
- Forest-wide and management area direction would be reviewed and clarified as needed to provide clear direction regarding winter motorized access.

The Forest Service believes it is important to give reviewers notice at this early stage 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. *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 comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider and respond to them.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as specific as possible.

The Responsible Official is the Forest Supervisor of the Flathead National Forest, 1935 3rd Avenue East, Kalispell, Montana 59901. The Forest Supervisor will make a decision regarding this proposal considering the comments and responses, environmental consequences discussed in the final EIS, and applicable laws, regulations, and policies. The decision and rationale for the decision will be documented in a Record of Decision. That decision will be subject to appeal under applicable Forest Service regulations.

Dated: July 15, 2002.

Cathy Barbouletos,

Forest Supervisor—Flathead National Forest.

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DEPARTMENT OF AGRICULTURE

Forest Service

North Fork of Pound Natural Gas Development Project, Clinch Ranger District, Wise County, VA

AGENCY: Forest Service, USDA.

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

SUMMARY: The federal government proposes to approve exploration and development of a federal oil and gas lease on Pine Mountain above North Fork of Pound Lake in Wise County, Virginia. This proposed action is in response to the Notice of Staking (NOS) the federal government has received from the lessee, Equitable Production Company. The proposed gas wells and associated roads and pipelines are to be located on the Clinch Ranger District of the George Washington and Jefferson National Forests.

DATES: Comments concerning the scope of the analysis must be received by August 19, 2002. The draft environmental impact statement (DEIS) is expected in September 2003 and the final environmental impact statement (FEIS) is expected in March 2004.

ADDRESSES: Send written comments to District Ranger Sten Olsen, Clinch Ranger District, 9416 Darden Drive, Wise Virginia 24293.

FOR FURTHER INFORMATION CONTACT: District Ranger Sten Olsen, Clinch Ranger District, 9416 Darden Drive, Wise, Virginia 24293/(276)-328-2931.

SUPPLEMENTARY INFORMATION: Congress established the federal oil and gas-leasing program under which oil and gas leases are issued to, and developed by, private enterprise. In 1984, the federal government issued federal oil and gas lease VAES-32510 covering 4,836 acres of federal land in the North Fork Pound area of Wise County, Virginia. The federal lease was issued for the purpose of exploration and development of oil and gas on the Clinch Ranger District of the George Washington and Jefferson National Forests. The holder of the lease (lessee) has the right to access the area, and occupy as much of the surface as is reasonable and necessary in order to explore and develop the mineral resource.

The lessee, Equitable Production Company, has filed with the USDA, Forest Service; and the Department of the Interior (DOI), Bureau of Land Management (BLM), a NOS to drill multiple gas wells, thereby fulfilling the purpose of federal lease, VAES-32510. The NOS is a preliminary step, which facilitates the selection of acceptable drilling locations by the lessee, the Forest Service, and the BLM prior to the submission of the Application for Permit to Drill (APD). The federal government must approve an APD before a lessee could build roads, drill wells, or otherwise occupy the surface of the lease. Both the Forest Service and the BLM have specific authority related to the APD approval. The federal government is required to make a timely decision on approving and issuing an APD to construct roads and well pads, drill wells, and install pipelines.

Since 1990, production from a private well located adjacent to the leased lands has been allocated to a small portion of federal lease. VAES-32510. While the federal lease has been held by production from this private well, the lessee now plans to develop natural gas field on the much larger, remaining portion of the leased tract.

The proposed gas well development is an energy project requiring an expedited review by the Departments of the Interior and Agriculture in accordance with Executive Order 13212. In addition, the Energy Security Act of 1980 directs the Secretary of Agriculture to process applications for leases and permits to explore, drill and develop resources on National Forest System lands, notwithstanding of the current status of the Land and Resource

Management Plan (Forest Plan). This means that the Forest Service must process the applications for these permits regardless of the current status of the Revision of the Jefferson Forest Plan.

The proposed action is the approval of multiple APDs to drill 21 wells, construct 11 miles of road, and install 12 miles of pipeline. Most of the pipeline corridors will be located along the 11 miles of road corridor. About one mile of pipeline corridor would not be along the road corridor, but would be within the boundary of the lands within the lease. Each well pad will initially require a 1.5-acre clearing. Once production is obtained, each well pad will be reduced in size to one-half acre, and the remainder of the original well pad will be reclaimed. When natural gas production ceases, wells will be plugged and the well pads and any unnecessary facilities will be reclaimed.

The following permits or licenses would be required to implement the proposed action: Application for Permit to Drill; DOI Bureau of Land Management, and Permit to Drill; Virginia Department of Mines, Minerals & Energy.

No significant ground-disturbing management activities have occurred in the vicinity since coming under Forest Service management in 1983. Nearly all of the proposed gas development occurs within the North Fork of Pound Roadless Area (NFPRA). The NFPRA was identified as a roadless area in 1997 as part of the roadless inventory for the Jefferson Forest Plan revision process. The Roadless Area Conservation Initiative recognizes existing rights, and provides for development of current leases, along with associated roads necessary for access.

The preliminary alternatives to be considered include the proposed action and the no-action alternative. The cumulative effects section of the EIS for the subject 21 well projects will also consider the cumulative effects from a separate proposal involving the exercise of private oil and gas rights under the federal surface of U.S. tract J-1352d. This tract is located just west of the lands covered by federal oil and gas lease VAES-32510. The exercise of these private oil and gas rights, which were reserved at the time the United States acquired the lands, are subject to 1963 Secretary of Agriculture's Rules and Regulations. Development of the private rights would result in the drilling of 4 wells and the construction of about 13,500 feet of access roads and pipelines. A portion of the proposed road construction would occur in the western part of the NFPRA in an area

where the federal government does not own the oil and gas rights.

Public comments received during a previous analysis of the North Fork of Pound Opportunity Area tentatively identified the following preliminary issues:

Issue 1. The roads, pipelines and well pads associated with this project may negatively impact the North Fork of Pound Roadless Area's qualifications for Congressional Wilderness designation.

Issue 2. The roads, pipelines and well pads associated with this project may increase sedimentation in North Fork of Pound Lake, a municipal water supply for the town of Pound.

Issue 3. The roads, pipelines and well pads associated with this project may negatively impact the visual quality of the area, especially in Forest Service developed recreation sites at North Fork of Pound Lake.

This notice is to inform the public of the proposed action and invite the public to participate by providing any comments or information they may have concerning the proposal. This information will be used to identify important issues and determine the extent of the analysis necessary to make an informed decision on the proposal. Such issues will assist in the formulation of additional alternatives and the development of mitigation measures necessary to reduce impacts. To allow us to better consider comments, please make them as specific as possible to the proposed action.

A DEIS will be prepared for comment. The comment period on the DEIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

At this early stage, the Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of DEISs 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 Corp. v. NRDC, 435 U.S. 519, 533 (1978). Also, environmental objections that could be raised at the DEIS stage but that are not raised until after completion of the FEIS 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 FEIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the DEIS 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 DEIS 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.

The Forest Service is the lead agency for managing surface use of the project vicinity during and after development. The Forest Service is the lead agency for the environmental analysis. The BLM will be a cooperating agency.

Federal oil and gas lease VAES-32510 was issued in 1984. The federal decision now ripe is now to implement the lease through approval of APDs for oil and gas lease operations. The federal decision includes decisions about proposed locations of roads, oil and gas wells, and other facilities, as well as about Conditions of Approval to mitigate or reduce environmental impacts. The decision to be made by the Forest Service is whether to approve the surface use plan of operations (SUPO) part of the APD's. The BLM decision is whether to approve the drilling plans. Once the BLM has received the Forest Service approval of the SUPO's, and the Conditions of Approval, they will issue the actual APD's.

The Regional Forester will decide which mitigation measures and monitoring requirements to include with the surface use plan of operations in the APD's.

The Responsible Official for Forest Service is Robert T. Jacobs, Regional Forester—Southern Region; 1720 Peachtree Road NW., Atlanta, GA 30309. The Responsible Official for the BLM is Bruce E. Dawson, Field Manager, Jackson Field Office, 411 Briarwood Drive, Suite 404, Jackson, MS 39206.

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

Dated: July 10, 2002.

Eurial Turner,

Deputy Regional Forester for Operations.

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DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Intent To Prepare an Environmental Impact Statement

AGENCY: Forest Service, Santa Fe National Forest, USDA, and Bureau of Land Management, Taos Field Office, Interior.

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

SUMMARY: The USDA Forest Service (FS) and USDI Bureau of Land Management (BLM) will prepare an environmental impact statement (EIS) on a proposal that if authorized would permit the construction and operation of the Buckman Water Diversion Project on public lands managed by the FS and BLM, Santa Fe County, New Mexico. The City of Santa Fe (City), Santa Fe County (County), and Las Campanas Limited Partnership (Las Campanas) have each submitted Special Use Applications (SUP) requesting the use of these lands for this water diversion project.

The facilities necessary to implement this project include an intake structure on the eastern bank of the Rio Grande; sediment settling ponds (or an equivalent technical means of removing sand before pumping the water away from the river); pumps and pipes to move the water approximately 15 miles to the vicinity of its use, and two water treatment plants (one located on private land and one located on land leased by the City from the BLM), where the raw water will be treated to safe drinking water standards.

Estimated water diversion quantities used for the analysis will be based on annual demand projections that extend to the year 2010 for the City and County, while the demand for Las Campanas is projected for a longer period (*e.g.* to community build out). These projections translate to approximately 8,750 acre feet per year (AFY), currently estimated to be 5,230 AFY for the City; 1,700 AFY for the County; and 1,800 AFY for Las Campanas. The proposed diversion facility is sized for a combined net peak diversion of

approximately 28.2 cubic feet per second (cfs).

The agencies invite written comments and suggestions on the scope of the analysis. The agencies also hereby give notice of the environmental analysis and decision-making process that will occur on the proposal so interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: Comments concerning the scope of the proposed project must be received no later than September 5, 2002. Refer to Supplemental Information regarding public disclosure of submitted comment information.

ADDRESSES: Send written comments to Mr. Sandy Hurlocker, NEPA Coordinator, USDA-FS, Española Ranger District, P.O. Box 3307, Española, New Mexico, 87533. Electronic mail (e-mail) may be sent to shurlocker@fs.fed.us and FAX may be sent to (505) 753-9411.

FOR FURTHER INFORMATION CONTACT: Sandy Hurlocker, NEPA Coordinator, Española Ranger District, (505) 753-7331.

SUPPLEMENTARY INFORMATION: Continuing water shortages in the City of Santa Fe and the surrounding area have resulted in a critical and immediate need for developing a sustainable means of accessing water supplies. The Buckman Well Field is being used to access existing water rights. However, the well field cannot provide a reliable source of water due to declining well yields, significant drops in ground water levels near the well field, and potential limitations to pumping due to depletions of nearby streams. Even at current levels undesirable consequences to ground water levels and nearby streams are expected to occur unless an alternate supply is found for the near term.

The project applicants (City of Santa Fe, Santa Fe County, and Las Campanas Limited Partnership) have proposed the Buckman Water Diversion Project to meet the immediate need for a sustainable means of accessing water supplies that make more direct use of the Applicants' water rights by diverting San Juan-Chama Project water and native Rio Grande water while reducing impacts to the aquifer.

Proposed Action: The Applicants propose to construct and operate a surface water diversion facility at the Rio Grande near the western terminus of Buckman Road located within the Santa Fe National Forest, near the existing Buckman water management area (also known as the Buckman Well Field). The water will be pumped to the Santa Fe

vicinity, where it will serve municipal and community water supply customers.

The Buckman Water Diversion Project will involve diversion of San Juan-Chama water, which is released from storage in upstream reservoirs, and native Rio Grande water. The Buckman diversion is proposed to be constructed with the capacity necessary to meet the near-term need for water, based on various physical, technical, and environmental limitations. This proposed project has an independent utility from the long-term water management strategy being undertaken by the City and the County.

At this point in the analysis, the only alternative to the proposed action identified is the no action alternative.

The USDA Forest Service (FS) and USDI Bureau of Land Management (BLM) are co-lead agencies. The USDI Bureau of Reclamation (Reclamation), the City of Santa Fe (City), and Santa Fe County (County) have been granted cooperating agency status in accordance with 40 CFR 1501.6. Reclamation is participating as a cooperating agency because it may contribute federal funds to the project.

The responsible Officials are the Forest Supervisor, Santa Fe National Forest 1474 Rodeo Road, P.O. Box 1689, Santa Fe, NM, 87504-1689, and the Taos Area Manager for the Taos Field office of the BLM, 226 Cruz Alta Taos, NM 87571.

The NEPA decision to be made by FS and BLM officials is whether or not to authorize the construction and operations/maintenance of the Buckman water diversion project facilities on FS and BLM managed lands as proposed by the applicants, or an alternative to the proposed facilities.

The scoping process will include public meetings, field reviews and interaction with various Federal and State agencies. Public scoping meetings will be announced in area media, as well as posted on Forest Service and BLM Internet sites. Meetings are expected to occur between June and August of 2002 as part of the initial scoping for the project. Additional public meetings will be held once the Draft EIS is available for review.

Preliminary issues include the following:

- Impacts (both beneficial and adverse) to water resources.
- Impacts of construction to existing infrastructure (roads, powerlines, buried utilities)
- Impacts to fish and aquatic habitats
- Impacts to recreation use, including river guides, as well as the scenic resources associated with the area.