

Scoping Process

Collaboration with the public has been an important part of the project. The proposal was developed with input from adjacent private landowners, the local watershed association, and numerous state, county, and local officials and groups. More than 20 meetings have been held providing information and updates pertaining to the project. Numerous field trips to the project area have been conducted involving various individuals, agencies and organizations. In December 2002, a formal scoping letter was sent to interested parties. The DEIS was released for public comment in July of 2004 followed by a 45 day review and comment period. In January of 2005 the FEIS and ROD were released and a 45 day appeal filing period began. Three appeals were received and subsequently the decision was reversed to update and clarify the analysis to better address the impacts to northern goshawk.

Preliminary Issues

Key issues that were identified include the possible negative environmental effects to water quality, fisheries, scenery, wildlife, recreation, and air quality. Key issues also included the threat of fuel accumulation and the potential for increasing the risk of noxious weed spread.

Comment Requested

The Draft Supplemental EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in May 2005. At that time EPA will publish a Notice of Availability (NOA) of the Draft Supplemental EIS in the **Federal Register**. The comment period on the Draft Supplemental EIS will be 45 days from the publication date of the NOA. A Supplemental Final Environmental Impact Statement and new Record of Decision will then be prepared.

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

A Supplemental Draft Environmental Impact Statement will be prepared for comment. The comment period on the Supplemental 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, 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 Supplemental 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 Supplemental 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.

Dated: April 21, 2005.

Rebecca Heath,

Forest Supervisor.

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DEPARTMENT OF AGRICULTURE

Forest Service

Los Padres National Forest; California; Oil and Gas Leasing Analysis

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA, Forest Service, Los Padres National Forest, published a Notice of Intent to conduct an analysis and prepare an Environmental Impact Statement (EIS) for oil and gas leasing in the **Federal Register** on September 15, 1995 (Volume 60, Number 179, pages 47929-47930). A revised notice of Intent is being issued because of the delay in filing the Final EIS. The original Notice of Intent of September 15, 1995 stated that the Final EIS was scheduled to be completed by April of 1997. The estimated date for completing the Final EIS is now June of 2005.

DATES: Scoping was conducted as described in the September 15, 1995 Notice of Intent. Scoping comments submitted during scoping for the proposed action are part of the project record and were considered in the Draft EIS. The Draft EIS was distributed in December of 2001. Agency, organization, and public comment to the Draft EIS was accepted until April 19, 2002. These comments are being considered during the completion of the Final EIS. The final environmental impact statement is expected in June of 2005.

FOR FURTHER INFORMATION CONTACT: Al Hess, Oil and Gas Resource Specialist, Los Padres National Forest, 1190 E. Ojai Ave., Ojai, CA 93023, (805) 646-4348, ext. 311. E-mail: ahess@fs.fed.us

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

There is a need for identification of Los Padres National Forest lands were oil and gas exploration, development, and production would be appropriate. There is a need to respond to the Bureau of Land Management on outstanding requests (applications) for leasing. There is a need for information concerning the potential environmental impacts of existing leases.

Proposed Action

The Forest Supervisor proposes to make additional areas of Los Padres National Forest lands available for oil and gas exploration, development, and production by selecting among alternative leasing scenarios. These scenarios vary in the amount of area available for leasing as well as the conditions (stipulations) under which the lands would be leased. The Forest Supervisor will also determine what specific lands will be offered for leasing. The various leasing scenarios are described in detail in Section 2.4.2 of the Draft EIS. The proposal will amend the Los Padres National Forest Land and Resource Management Plan in accordance with regulations for oil and

gas leasing found at 36 CFR 228, Subpart E—Oil and Gas Resources. Subsequently, the Regional Forester will authorize the Bureau of Land Management to offer specific National Forest System lands for lease.

Possible Alternatives

Seven alternative leasing scenarios were analyzed and compared in the draft EIS. These alternatives are:

Alternative 1—No Action, No New Leasing;

Alternative 2—Emphasize Oil & Gas Development;

Alternative 3—Meet Forest Plan Direction;

Alternative 4—Emphasize Surface Resources;

Alternative 4a—Alternative 4 With Roadless Conservation Area Emphasis;

Alternative 5—Combination of Alternatives 3 and 4;

Alternative 5a—Alternative 5 With Roadless Conservation Area Emphasis.

Alternative 5 and 5a were identified as “Preferred Alternatives” in the draft EIS. One or the other would be selected depending upon the outcome of the Roadless Rule.

Responsible Official

Gloria Brown, Forest Supervisor, Los Padres National Forest, Goleta, California, is the responsible official.

Nature of Decision To Be Made

In order to implement the proposed action the Forest Supervisor will amend the Los Padres Land and Resources Management Plan to incorporate the following leasing decisions:

1. Decide within Los Padres National Forest which, if any, National Forest System lands not already withdrawn from mineral entry, are available for oil and gas leasing and under what conditions (lease stipulations). (Reference: 36 CFR 228.102(d)).

2. Decide what specific National Forest System lands the Bureau of Land Management will be authorized to offer for lease, subject to Forest Service stipulations to be attached to leases issued by the Bureau of Land Management. (Reference: 36 CFR 228.102(e)).

3. If requested, recommend leasing options to the Bureau of Land Management for the non-federal lands with federal mineral ownership that are within the administrative boundary of Los Padres National Forest.

Subsequently, the BLM will decide whether or not to offer leases on the specific lands authorized by the Forest Service.

Dated: April 6, 2005.

Gloria D. Brown,

Forest Supervisor.

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DEPARTMENT OF AGRICULTURE

Forest Service

Off-Highway Vehicle (OHV) Study, Mark Twain National Forest, Madison, WA, and Wayne Counties, MO

AGENCY: Forest Service, USDA.

ACTION: Revised notice: intent to prepare an environmental impact statement

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) to analyze and disclose the environmental effects of proposed activities within the three OHV Study project areas. The three OHV Study project areas are located on National Forest System lands administered by the Potosi/Fredericktown and Poplar Bluff Ranger Districts in southeast Missouri. The legal descriptions of the three study areas are as follows:

Palmer Study Area—This study area would be located on the Potosi Unit of the Potosi/Fredericktown Ranger District in Washington County, approximately 12 miles southwest of Potosi, Missouri. This trail system would be managed for a variety of motorized vehicles, including jeeps and dune buggies. Trailheads and parking areas would also be constructed at some locations.

Cherokee Pass Study Area—This study area would be located on the Fredericktown Unit of the Potosi/Fredericktown Ranger District in Madison County, approximately seven miles south of Fredericktown, Missouri. This trail system would be managed for ATV and equestrian use. Other motorized vehicles such as motorcycles, jeeps, and dune buggies, would not be allowed. Trailheads and parking areas would also be constructed at some locations.

Blackwell Ridge Study Area—This study area would be located on the Poplar Bluff Ranger District in Wayne County, approximately 1½ mile north of Williamsville, Missouri. This trail system would be managed for ATV and motorcycles. Other motorized four-wheel drive vehicles, jeeps, and dune buggies, would not be allowed. Trailheads and parking areas would also be constructed at some locations.

The primary purpose of this project is to study OHV use and users to guide future management options on OHV

trail opportunities and use. This study will also evaluate equipment impacts to natural resources. Social impacts, such as customer satisfaction, demographics of trail users, and compatibility between trail users, would also be studied.

The Mark Twain National Forest needs to determine if designating more motorized trails can be done in a manner that not only provides for this recreational use, but also addresses environmental concerns. It is hoped that by providing additional designated OHV trails, OHV users would avoid undesignated roads and trails and, thereby, the overall environmental damage from unauthorized use can be reduced. Observations by OHV managers locally and from other states indicate that when OHV riders have designated areas to ride, they are more likely to stay on designated routes.

Therefore, the OHV customer, the resource manager, and the environment should all benefit from this study. Resource managers would be able to direct OHV customers to a designated trail system where impacts are confined, minimized, evaluated, monitored, and mitigated. With this study, OHV customers would know they are in an area where they can legally ride in a setting they enjoy. The Forest Service can promote responsible OHV use, better communicate with this forest user group, promote local partnerships for conservation education and OHV trail maintenance, and evaluate resource and social impacts.

The focus of this study is to evaluate OHV use in three separate study locations and publish an evaluation of what is learned. The results of this study would be used to guide future management decisions on OHV trail management here and elsewhere in the National Forest System. At the end of the study period, unless the study is modified or terminated early, a separate decision, following the National Environmental Policy Act process, would be made as to whether or not to designate all, part, or none of the three areas as permanent OHV trails. The data collected from this study and other ongoing national studies would be used to corroborate and assist in making that decision.

DATES: An original Notice of Intent was published in the **Federal Register** on May 6, 2004. Comments concerning the proposal should have been received during the original comment period. The Forest Service expects to file a Draft EIS with the Environmental Protection Agency and make it available for public comment by December 2005.