

Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Southwestern Region, Arizona, New Mexico, West Texas and Oklahoma; Proposed Projects in the Agua/Caballos Analysis Area, Carson National Forest, Rio Arriba County, NM

AGENCY: Forest Service.

ACTION: Notice of intent to prepare a new draft environmental impact statement.

SUMMARY: The Carson National Forest, El Rito Ranger District will prepare an Environmental Impact Statement (EIS) to disclose the environmental consequences of the Agua/Caballos Proposed Projects. These projects include the allocation of old growth, harvesting of trees for sawtimber and forest products, prescribed burning, thinning, construction of new roads and closure of existing roads.

A Notice of Intent (NOI) was published for this project in December 1992, and a Draft Environmental Impact Statement (DEIS) was published in April 1995. Since the DEIS was distributed to the public a Forest Plan Amendment went into effect, which changed the standards and guidelines of the Carson Forest Plan. This notice is to disclose the Forest Service's intention to issue a new DEIS for Agua/Caballos by the end of June 1997.

DATES: Comments in response to this NOI should be received by June 1, 1997.

ADDRESSES: Send written comments to Carson Forest Supervisor's Office, 112 Cruz Alta Road, Taos, NM 87571, Attn: Carson Core Team.

RESPONSIBLE OFFICIAL: The Forest Supervisor, Carson National Forest, will be the responsible official and will decide on what, where, how and when projects will be implemented by the Forest Service in the Agua/Caballos analysis area.

FOR FURTHER INFORMATION CONTACT:

Carson Core Team, Carson Forest Supervisor's Office (505) 758-6200.

SUPPLEMENTARY INFORMATION:

Proposed Action

The Forest Service is planning to manage the existing vegetation through the allocation old growth, harvesting of trees for sawtimber and forest products (e.g., fuelwood, vigos and latillas), prescribed burning, and thinning of forested stands. The proposal also includes the construction of new roads and the closure of existing roads.

Location

The Agua/Caballos analysis area is in Rio Arriba County in northern New Mexico, northeast of the village of El Rito. It is 23,767 acres and makes up one-third of the Vallecitos Federal Sustained Yield Unit (VFSYU).

Purpose

The purpose of allocating old growth is to preserve large, old vegetation structure for old growth dependent wildlife species. It is also necessary to provide a regular, sustained flow of saw logs to the Vallecitos sawmill and forest products, such as fuelwood, vigos and latillas, to small, local operators to be consistent with the stated purpose of the VFSYU and standards identified in the Carson Forest Plan. Prescribed burning is needed to create openings and maintain meadows as part of the natural variation and to support grasses and forbs for wildlife. Burning is also needed to produce conditions suitable for natural pine and aspen regeneration. In the pine/oak type, prescribed fire is needed to stimulate the growth of oak and other shrubs, which provide important habitat for turkey and browse for mule deer. Prescribed fire is also needed to reduce unnatural fuel buildup and decrease the possibility of a catastrophic fire in the analysis area. The purpose of thinning dense, forested stands is to reduce tree competition, therefore increasing the growth rate of trees left behind. The construction of new roads will access stands to be harvested and the closure of roads will move the analysis area to a desired density of 1 mile per square mile (Carson Forest Plan).

Decisions

The decisions to be made are:

- Whether additional areas should be allocated to old growth. If so, where and how much?
- Whether a timber sale(s) should be used to help achieve the desired condition. If so, which stands in the Agua/Caballos analysis area should be harvested and what vegetation conditions should be created in the harvest areas?
- Whether forest products should be offered. If so, what type of products (firewood, vigos, poles, etc.) and how much?
- Whether prescribed fire should be used. If so, where and how much area should be burned?
- Whether areas should be thinned. If so, where?
- Whether new roads ought to be built. If so where and how much?
- Whether roads should be closed. If so, which ones and where should the closures be?

Scoping

The Agua/Caballos project proposal has been through initial analysis in a DEIS (4/96). Comments of the draft and its preferred alternative (Alternative B) were received from the public and other federal and state agencies. These comments will be used in the development of new alternatives for a new draft document. Also, during the period between the issuance of the first DEIS and the present, new issues about the proposal have surfaced and will be incorporated into the new DEIS. Issues include preserving old growth vegetation structure, improving forest health through the cutting of trees and the use of fire, providing sawtimber and forest products to sustain the local economy, the use of prescribed burning close to communities, the construction of more roads and the closure of existing roads.

Alternatives

Alternatives will include the no action alternative and Alternative B from the first DEIS: Alternative B was the preferred alternative and will be used to demonstrate how the analysis has changed since the issuance of the first draft document. New alternatives will be developed based on the issues that surfaced during the comment period of the first DEIS and any new issues that have become apparent over the past year. The new action alternatives will also comply with the

new Forest Plan Amendment (6/96) guidelines on managing habitat for the Mexican spotted owl and northern goshawk.

Supplemental Information for Public Participation

There will be a 45 day comment period on the new draft environmental impact statement beginning when the legal notice of availability appears in *The Taos News*, the paper of record for the Carson National Forest. Comments received in response to this NOI or the DEIS, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR Parts 215 or 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 10 days.

The Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. To be the most helpful, comments on the DEIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see Council of Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal Court decisions have established that reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts the agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. versus NRDC*, 435 US 519, 533 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until

after completion of the final environmental impact statement. *City of Angoon versus Hodel* (9th Circuit, 1986) and *Wisconsin Heritages, Inc. versus Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure 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.

Dated: April 14, 1997.

Leonard L. Lucero,

Forest Supervisor, Carson National Forest.

[FR Doc. 97-10314 Filed 4-21-97; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

Southwestern Region, Arizona, New Mexico, West Texas and Oklahoma; Proposed Projects in the Hopewell Analysis Area, Carson National Forest, Taos County, MN

AGENCY: Forest Service.

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

SUMMARY: The Carson National Forest, Tres Piedras Ranger District will prepare an Environmental Impact Statement (EIS) to disclose the environmental consequences of the Hopewell Ridge proposed action. The proposal includes the allocation of old growth, harvesting of trees for sawtimber and forest products, prescribed burning, thinning, new road construction, road reconstruction, closure of existing roads, and designation of a cross-country ski trail.

An environmental assessment (EA) on the Hopewell Ridge proposed projects and subsequent decision notice (DN) and finding of no significant impact (FONSI) was completed and signed on December 20, 1996. The decision was appealed and later remanded back to me by the Appeal Deciding Officer (3/97). I have decided to prepare an environmental impact statement (EIS) on the Hopewell Ridge proposal and incorporate additional information related to the proposed action and alternatives to that action and their direct, indirect and cumulative environmental effects. This notice is to disclose the Forest Service's intention to issue a draft environmental impact statement (DEIS) for Hopewell Ridge proposed projects by the end of May, 1997.

DATES: Comments in response to this NOI should be received by May 15, 1997.

ADDRESSES: Send written comments to Tres Piedras Ranger District, PO 38, Tres Piedras NM 87556, ATTN: Dan Rael, District Ranger.

RESPONSIBLE OFFICIAL: The Forest Supervisor, Carson National Forest, will be the responsible official and will decide on what, where, how and when projects will be implemented by the Forest Service in the Hopewell Ridge analysis area.

FOR FURTHER INFORMATION CONTACT: Dan Rael (505) 758-8678.

SUPPLEMENTARY INFORMATION:

Proposed Action: The Forest Service is planning to manage the existing vegetation through the allocation old growth, harvesting of trees for sawtimber and forest products (e.g., fuelwood, vigas and latillas), prescribed burning, and thinning of forested stands. The proposal also includes the construction of new roads and the reconstruction and closure of existing roads.

Location: The Hopewell Ridge analysis area (13,011 acres) is located in Taos County in northern New Mexico, nine miles west of Tres Piedras.

Purpose: The purpose of allocating old growth is to preserve large, old vegetation structure for old growth dependent wildlife species. It is also necessary to provide saw logs to local sawmills and forest products, such as fuelwood, vigas and latillas, to small, local operators from nearby communities. Prescribed burning is needed to create openings and maintain meadows as part of the natural variation and to support grasses and forbs for wildlife. Burning is also needed to produce conditions suitable for natural pine and aspen regeneration and maintain watershed integrity. The regeneration of aspen will restore and sustain an aesthetically pleasing landscape. In the pine/oak type, prescribed fire is needed to stimulate the growth of oak and other shrubs, which provide important habitat for turkey and browse for mule deer. The purpose of thinning dense, forested stands is to reduce tree competition, therefore increasing the growth rate of trees left behind. The construction of new roads will access stands to be harvested and the closure of roads will move the analysis area to a desired density of one mile per square mile (Carson Forest Plan).

Decisions: The decisions to be made are: