

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

Commodity Credit Corporation

Natural Resources Conservation Service

Farmland Protection Program; Notice of Request for Proposals

AGENCY: Commodity Credit Corporation and Natural Resources Conservation Service, United States Department of Agriculture (USDA).

SUMMARY: Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (the 1996 Act) established the Farmland Protection Program (FPP). The FPP is administered under the supervision of the Chief of the Natural Resources Conservation Service (NRCS) who is a Vice President of the Commodity Credit Corporation (CCC). CCC is requesting proposals from States, Tribes, and units of local government to cooperate in the acquisition of conservation easements of other interests in prime, unique, or other productive soil that is subject to a pending offer from a State, Tribe, or local government for the purpose of limiting conversion to nonagricultural uses of that land.

DATES: Proposals must be received in the NRCS State Office by July 14, 1997.

ADDRESSES: Proposals are to be sent to the appropriate State Conservationist, Natural Resources Conservation Service, United States Department of Agriculture. The telephone numbers and addresses of the NRCS State Conservationists are attached in the appendix of this notice.

FOR FURTHER INFORMATION CONTACT: Humberto Hernandez, Director, Community Assistance and Rural Development Division, Natural Resources Conservation Service, phone: 202-720-2847; fax: 202-690-0639; e-mail: cardd.nrcs@usda.gov. Subject 97FPP.

SUPPLEMENTARY INFORMATION:

Background

According to the 1987 Census of Agriculture, one-third of the Nation's agricultural products are produced in metropolitan counties adjacent to large cities. Another one-fourth of these agricultural products are produced in counties adjacent to significant urban populations. Historically, American settlements were located in areas where the land was the most productive. Consequently, some of the Nation's most valuable and productive farmland is located in urban and developing areas. Nearly 85 percent of domestic fruit and vegetable production and 80 percent of our dairy products come from urban-influenced areas.

These areas are continually threatened by rapid development and urban sprawl. Several social and economic changes over the past three decades have influenced the rate at which land is converted to urban and industrial uses. Population growth, shifts in age distribution, transportation, and economic development have contributed to increases in agricultural land conversion rates. Urban development has been a major cause of farmland conversion. Since 1960, farmland has been converted to other uses at a rate of approximately 1.5 million acres per year.

The gross acreage of farmland converted to urban development is not necessarily the most troubling concern. A greater cause for concern is the quality and the pattern of farmland being converted. In most States, prime farmland is being converted at 2 to 4 times the rate of other less-productive land. Most urbanization takes place as sprawl instead of orderly growth management. In addition, remaining farmland is placed under greater environmental, economic, and social strain as agrarian and urbanizing interests compete. For the agricultural producer, increased costs of production and liability risks are negative side effects of urban development. Agricultural producers are also induced by the development pressure to farm the remaining acreage more intensively, thus, generating adverse impacts on water quality and soil health. For urban dwellers, the loss of open space, and issues related to agricultural production such as pesticide overspray, animal

nutrient odors, dust, and noise are conflicting concerns.

There is, therefore, an important national interest in the protection of farmland. Once developed, productive farmland with rich topsoil is lost forever, placing future food security for the Nation at risk. In addition, agricultural lands are important components of environmental quality, historic landscapes, and are equally important simply for their scenic beauty.

In fiscal year 1996, the CCC signed cooperative agreements with 37 State and local government entities in 17 States and obligated \$14.3 million in funds to acquire conservation easements or other interests in land to limit conversion to nonagricultural uses of the land. Once the acquisition of the pending easement offers is completed, approximately 76,000 acres of valuable farmland on about 200 farms will be protected with an estimated easement value of \$116 million.

With funds available for fiscal year 1997 limited to \$2 million, the FPP is being designed to take advantage of conservation programs such as the Wetland Reserve Program (16 U.S.C. 3837), the Conservation Reserve Program (16 U.S.C. 3830-3836), the Environmental quality Incentives Program (16 U.S.C. 3839), the Wildlife Habitat Incentives Program (16 U.S.C. 3836a), and other State, Tribal, or local conservation programs that have complimentary objectives of the FPP. This will allow the use of these complementary programs to protect additional lands and stretch farmland protection efforts.

Availability of Funding in Fiscal Year 1997

Effective on the date of publication of this notice, the CCC is announcing the availability of up to \$1.92 million for the FPP for fiscal year 1997. Selection will be based on the FPP criteria and special requirements addressed in the section of "Special Requirements for Fiscal Year 1997". Government entities responding to this RFP must have an existing farmland protection program, have pending offers, and be able to provide at least 50% of the fair market easement value for the pending offers. CCC will evaluate the merits of the requests for participation utilizing the FPP criteria and special requirements described in this notice and will enter

into cooperative agreements with the States, Tribes, or units of local government that have proposals that CCC determines will effectively meet the objectives of the FPP. CCC must receive proposals for participation by July 14, 1997.

Overview of the Farmland Protection Program

CCC will accept proposals submitted to the NRCS State Offices from States, Tribes, and units of local government that have pending offers with landowners for the acquisition of conservation easements or other interests in lands that contain prime, unique, or other productive soils. The pending offers must be for the purpose of protecting topsoil by limiting conversion to nonagricultural uses of the land. Reference information regarding the FPP can be found in the Catalog of Federal Domestic Assistance. The number assigned to the FPP in the Catalog of Federal Domestic Assistance is 10.913.

Government entities must work with the appropriate NRCS State Conservationist to develop proposals and to develop operating arrangements once selected. The State Conservationist may consult with the State Technical Committee (established pursuant to 16 U.S.C. 3861) to evaluate the technical merits of proposals submitted in that State. All requests must be submitted to the NRCS State Conservationist by July 14, 1997.

The NRCS State Conservationist will review the requests for participation for consistency with USDA priorities by using a ranking system to determine: (1) the likelihood of conversion considering developmental pressure, zoning, utility availability, and other related factors; (2) the quality of the land considering the soils, economic viability, size and product sales; and (3) other factors including its historical, scenic, and environmental qualities.

The State Conservationist will then submit only the top request that meets the special requirements established for fiscal year 1997 discussed in the Special Requirements Section of this notice, to the appropriate NRCS Regional Conservationist by July 28, 1997. The NRCS Regional Conservationist will then forward no more than three proposals submitted from the region to the NRCS National Office in Washington, D.C. by August 11, 1997. Because of the limited funds available for fiscal year 1997, proposals will not be accepted by the NRCS National Office without having gone through the NRCS State and Regional Conservationists. Proposals sent to the

NRCS National Office without having been sent through the NRCS State and regional offices will be returned to the submitting entity.

Once all proposals for participation are received in the NRCS National Office, the Chief of NRCS, who is a Vice President of the CCC, will authorize cooperative agreements to be developed and signed by September 30, 1997, spelling out terms of the FPP for each proposal accepted. Allocation of the funds to the successful cooperating entities will be made by considering such factors as: the capability of each entity to fund at least half of the fair market easement cost of each of the pending offers selected for funding; the value of such offers; the high probability of using other Federal, State, Tribal, or local conservation programs such as the Wetland Reserve Program, Conservation Reserve Program, Environmental Quality Incentives Program, Wildlife Habitat Incentives Program; and the total number of eligible acres included in the offers.

To be selected for participation in the FPP, a pending offer must provide for the acquisition of an easement or other interests in land for a minimum duration of 30 years, with priority given to those offers providing permanent protection. If a pending offer is selected for participation in the FPP, the conveyance document used by the State, Tribal, or local program will contain a reversionary clause. The reversionary clause will provide that all rights conveyed by the landowner under the document will become vested in the United States should the State, Tribal, or local program abandon or terminate the exercise of the rights so acquired. As a condition for participation, all lands enrolled shall be encompassed by a conservation plan developed and implemented according to the NRCS Field Office Technical Guide.

Special Requirements for Fiscal Year 1997

Because of the limited funding available for fiscal year 1997, NRCS encourages the prospective cooperating entity to submit proposals that illustrate a collaborative effort that integrates the FPP with other Federal, State, Tribal, or local conservation programs with complementary objectives. For example, if a particular parcel is enrolled or eligible for enrollment in the Wetland Reserve Program, if it has a pending offer of a conservation easement or other interests on an adjacent parcel, the said parcel will get a higher priority rating as per the special requirements of the FPP for 1997.

The following special requirements are in effect for the fiscal year 1997 FPP:

(1) Farms which includes lands under the Conservation Reserve Program or other long-term conservation contracts protected from conversion must meet the FPP criteria to be considered. If selected, the FPP easement price must account for other program payments through appropriate discount factors; and (2) Lands meeting the FPP criteria and participating or eligible to participate in cost-sharing conservation programs that provide funds for installing conservation measures such as the Wildlife Habitat Incentives Program, or the Environmental Quality Incentives Program will be considered. If selected, such program's payment will normally not have an effect on the negotiated easement price.

In evaluating the proposals submitted, the NRCS State Conservationist will determine the priority for selection based on the State, Tribal, or local program eligibility, the land eligibility, and the ranking consideration described in this notice. In addition, a higher priority will be placed on proposals that collaboratively use the FPP with other conservation programs underway or planned.

Eligible State, Tribal, or Local Farmland Protection Programs

A State, Tribe, or unit of local government must have a farmland protection program that purchases agricultural conservation easements for the purpose of protecting topsoil by limiting conversion to nonagricultural uses of land. It must also have pending offers to apply. A State, Tribe, or local entity may apply for participation as a cooperating entity by submitting responses to the RFP to the appropriate NRCS State Conservationist.

NRCS State Conservationist will evaluate the State, Tribal, or local program based on the conservation benefits derived from such farmland protection efforts. An eligible State, Tribal, or local farmland protection program must: (1) Demonstrate a commitment to long-term conservation of agricultural lands through legal devices, such as right-to-farm laws, agricultural districts, zoning, or land use plans; (2) use voluntary easements or other legal devices to protect farmland from conversion to nonagricultural uses; (3) demonstrate a capability to acquire, manage, and enforce easements and other interests in land; and (4) demonstrate that at least 50% of the total easement acquisition costs will be available by the time the cooperative agreement is signed.

Proposals

In addition to meeting program eligibility requirements, a prospective cooperating entity must submit a proposal that has an overview of the program with a map showing the existing protected area, the amount and source of funds available for easement acquisition, the parameters and their values used to set the acquisition priorities, and a listing of the pending offers including the: (1) Priority of the offer; (2) size of the land parcel; (3) location identified on the map; (4) area participating in or its relative proximity to parcels participating in other conservation programs identified on the map; (5) acres of the prime, unique, or other productive soil in the parcel for the FPP easement or other interests; (6) size of the parcel in acres for the FPP easement or other interests; (7) acres enrolled or eligible to enroll in other conservation programs and the type or proposed type of contract or easement; (8) proposed costs of the FPP easement or other interests; (9) payments or proposed payments from the Conservation Reserve Program or other similar programs; (10) bargaining price that may be offered by the landowner; (11) type of the FPP easement or other interests to be used; (12) indication of the accessibility to markets; (13) indication of an existing agricultural infrastructure and other support system; (14) level of threat from urban development; (15) other factors from an evaluation and assessment system used for setting priorities for easement acquisition by the entity.

To avoid double counting, local and county programs must coordinate their proposals with each other and the State program if particular parcels are subject to pending offers under multiple programs.

Eligible Land

Once program eligibility and the merits of each proposal have been evaluated, NRCS shall determine whether the lands may be included in the FPP. The following land, if subject to a pending offer by a State, Tribe, or unit of local government, is eligible for enrollment in FPP: (1) Land with prime, unique, or other productive soil; and (2) Other incidental land that would not otherwise be eligible, but when considered as part of a pending offer, NRCS determines that the inclusion of such land would significantly augment the protection of the associated farmland. The definition of prime, unique, or other productive soil can be found in section 1540(c)(1) of the

Farmland Protection Policy Act, 7 U.S.C. 4201 (c)(1).

NRCS will only consider enrolling eligible land in the program that is configured in a size and with boundaries that allow for the efficient management of the area for the purposes of FPP. The land must have access to markets for its products and an infrastructure appropriate for agricultural production. NRCS will not enroll land in the FPP that is owned in fee title by an agency of the United States, or land that is already subject to an easement or deed restriction that limits the conversion of the land to nonagricultural use. NRCS will not enroll otherwise eligible lands if NRCS determines that the protection provided by the FPP would not be effective because of on-site or off-site conditions.

Ranking Considerations

Pending offers by a State, Tribe, or unit of local government must be for the acquisition of an easement or other interest in land for a minimum duration of 30 years. NRCS shall place priority on acquiring easements or other interests in lands that provide the longest period of protection from conversion to nonagricultural use. For fiscal year 1997, NRCS will place a higher priority on lands and locations linked to other Federal, State, or local conservation programs with complementary farmland protection objectives. NRCS may place a higher priority on lands that provide special social, economic, and environmental benefits to the region.

A higher priority may be given to certain geographic regions where the enrollment of particular lands may help achieve National, State, and regional goals and objectives, or enhance existing government or private conservation projects. NRCS will give preference to the acquisition of easements or interests in land where the cooperating entity shares the greater costs of enrolling such lands.

Cooperative Agreements

The CCC will use a cooperative agreement with a State, Tribe, or unit of local government as the mechanism for participation in the FPP. The cooperative agreement will address: (1) The interests in land to be acquired; (2) the management and enforcement of rights; (3) the technical assistance that may be provided by the NRCS; (4) the holder of the easement or other interests in the land enrolled in the FPP; and (5) other requirements deemed necessary by the CCC to protect the interests of the United States. It will also include an attachment that lists the pending offers accepted in the FPP, landowner's

names, address, locations, and other relevant information.

Signed at Washington, DC, on May 21, 1997

Paul W. Johnson,

Chief, Natural Resources Conservation Service, Vice President, Commodity Credit Corporation.

United States Department of Agriculture Natural Resources Conservation Service State Conservationists

AL—Ronnie D. Murphy, 3381 Skyway Drive, Auburn, AL 36830, Phone: 334/887-4500, Fax: 334/887-4551, (V) 9027-4593

AK—Charles W. Bell, 949 East 36th Ave., Suite 400, Anchorage, AK 99508-4302, Phone: 907/271-2424, Fax: 907/271-3951, (V) 9000-807-2170

AZ—Michael Somerville, 3003 North Central Ave., Suite 800, Phoenix, AZ 85012-2945, Phone: 602/280-8808, Fax: 602/280-8809, (V) 9011-8810

AR—Kalven L. Trice, Room 5404 Federal Building, 700 West Capitol Avenue, Little Rock, AR 72201-3228, Phone: 501/324-5445, Fax: 501/324-5648, (V) 9000-747-1890

CA—Hershel R. Read, 2121-C 2nd Street, Suite 102, Davis, CA 95616-5475, Phone: 916/757-8215, Fax: 916/757-8382, (V) 9000-965-1625

CO—Duane L. Johnson, 655 Parfet Street, Room E200C, Lakewood, CO 80215-5517, Phone: 303/236-2886 x202, Fax: 303/236-2896, (V) 9000-925-1000

CT—Margo L. Wallace, 16 Professional Park Road, Storrs, CT 06268-1299, Phone: 860/487-4013, Fax: 860/487-4054, (V) 9013-114

DE—Elesa K. Cottrell, 1203 College Park Drive, Suite 101, Dover, DE 19904-8713, Phone: 302/678-4160, Fax: 302/678-0843, (V) 9000-767-2000

FL—T. Niles Glasgow, 2614 N.W. 43rd Street, Gainesville, FL 32606-6611, Phone: 352/338-9500, Fax: 352/338-9574, (V) 9012-3501

GA—Earl Cosby, Federal Building, Box 13, 355 East Hancock Ave., Athens, GA 30601-2769, Phone: 706/546-2272, Fax: 706/546-2120, (V) 9021-2082

GUAM—Joan Perry, Director, Pacific Basin Area, FHB Building, Suite 301, 400 Route 8, Maite, GU 96927, Phone: 9-011-671-472-7490, Fax: 9-011-671-472-7288, (V) 9000-767-2075

HI—Kenneth M. Kaneshiro, 300 Ala Moana Blvd., Room 4316, P.O. Box 50004, Honolulu, HI 96850-0002, Phone: 808/541-2601, Fax: 808/541-1335, (V) 9000-541-2611

ID—Luana E. Kiger, 3244 Elder Street, Room 124, Boise, ID 83705-4711, Phone: 208/378-5700, Fax: 208/378-5735, (V) 9000-981-1000

IL—William J. Gradle, 1902 Fox Drive, Champaign, IL 61820-7335, Phone: 217/398-5267, Fax: 217/373-4550, (V) 9000-449-1310

IN—Robert L. Eddleman, 6013 Lakeside Blvd., Indianapolis, IN 46278-2933, Phone: 317/290-3200, Fax: 317/290-3225, (V) 9020-301

IA—LeRoy Brown, Jr., 693 Federal Building, 210 Walnut Street, Des Moines, IA 50309-2180, Phone: 515/284-6655, Fax: 515/284-4394, (V) 9000-945-1065

KS—Tomas M. Dominguez, 760 South Broadway, Salina, KS 67401-4642, Phone: 913/823-4565, Fax: 913/823-4540, (V) 9000-965-1638

KY—David G. Sawyer, 771 Corporate Drive, Suite 110, Lexington, KY 40503-5479, Phone: 606/224-7350, Fax: 606/224-7399, (V) 9032-7390

LA—Donald W. Gohmert, 3737 Government Street, Alexandria, LA 71302-3727, Phone: 318/473-7751, Fax: 318/473-7626, (V) 9000-965-1635

ME—M. Darrel Dominick, 5 Godfrey Drive, Orono, ME 04473, Phone: 207/866-7241, Fax: 207/866-7262, (V) 9000-767-8345

MD—David P. Doss, John Hanson Business Center, 339 Busch's Frontage Road, Suite 301, Annapolis, MD 21401-5534, Phone: 410/757-0861 x315, Fax: 410/757-0687, (V) 9000-757-2395

MA—Cecil B. Currin, 451 West Street, Amherst, MA 01002-2995, Phone: 413/253-4351, Fax: 413/253-4375, (V) 9000-246-1205

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MN—William Hunt, 600 F.C.S. Building, 375 Jackson Street, St. Paul, MN 55101-1854, Phone: 612/290-3675, Fax: 612/945-3375, (V) 9000-945-8010

MS—Homer L. Wilkes, Suite 1321, Federal Building, 100 West Capitol Street, Jackson, MS 39269-1399, Phone: 601/965-5205, Fax: 601/965-4940, (V) 9000-965-2065

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MT—Shirley Gammon, Federal Building, Room 443, 10 East Babcock Street, Bozeman, MT 59715-4704, Phone: 406/587-6813, Fax: 406/587-6761, (V) 9000-766-0970

NE—Stephen K. Chick, Federal Building, Room 152, 100 Centennial Mall, North Lincoln, NE 68508-3866, Phone: 402/437-4103, Fax: 402/437-5327, (V) 9026-4103

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OH—Patrick K. Wolf, 200 North High Street, Room 522, Columbus, OH 43215-2478, Phone: 614/469-6962, Fax: 614/469-2083, (V) 9000-945-4035

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WV—Richard Sims (Acting), William J. Hartman (eff. 6/22), 75 High Street, Room 301, Morgantown, WV 26505, Phone: 304/291-4153, Fax: 304/291-4628, (V) 9000-291-4551

WI—Patricia S. Leavenworth, 6515 Watts Road, Suite 200, Madison, WI 53719-2726, Phone: 608/264-5341 x122, Fax: 608/264-5483, (V) 9018-?-122

WY—Lincoln Ed Burton, Federal Building, Room 3124, 100 East B Street, Casper, WY

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[FR Doc. 97-13841 Filed 5-27-97; 8:45 am]

BILLING CODE 3410-16-U

DEPARTMENT OF AGRICULTURE

Forest Service

Western Washington Cascades Province Interagency Executive Committee (PIEC) Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Western Washington Cascades PIEC Advisory Committee will meet on June 13, 1997 at the Whitehorse Grange, State Highway 530 at Sweede Heaven Road, six miles west of Darrington, Washington. The meeting will begin at 9:00 a.m. and continue until about 3:00 p.m. Agenda items to be covered include: (1) Formal introduction of new members, and a review and discussion of Committee operating procedures and ground rules; (2) discussion of the Finney Adaptive Management Area and related resource and management issues; (3) updates on the Mt. Baker-Snoqualmie National Forest timber program, monitoring, cooperative ecosystem management, fisheries, and recreation management; (4) tentative agenda and topics for August field trip and meeting; (5) other topics as appropriate; and, (6) open public forum. A field trip for Advisory Committee members will take place the previous day, Thursday, May 12, 1997. Members will tour portion of the Finney Adaptive Management Area and nearby areas on the Darrington Ranger District. The trip will commence about 8:30 a.m. at the Darrington Ranger District Office, 1405 Emmons St., in Darrington, Washington, and end at the District Office about 5:00 p.m. The purpose of the trip is to familiarize Advisory Committee members with the Finney Adaptive Management Area, including location, land, resources, historical context, planning situation, and the socioeconomic and communities setting. All Western Washington Cascades Province Advisory Committee meetings are open to the public. Interested citizens are encourage to attend. Interested citizens are also welcome to join the June 12 field trip; however, they must provide their own transportation.

FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this meeting to Chris Hansen-Murray, Province Liaison, USDA, Mt. Baker-Snoqualmie National Forest, 21905 64th Avenue