

Notices

Federal Register

Vol. 61, No. 44

Tuesday, March 5, 1996

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

Supplemental Environmental Impact Statement for the Revised Land and Resource Management Plan, George Washington National Forest—Oil and Gas Leasing in Laurel Fork Special Management Area

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare a supplemental Environmental Impact Statement.

SUMMARY: The Forest Service will prepare a draft and final supplement to the Final Environmental Impact Statement (FEIS) for the George Washington National Forest's Revised Land and Resource Management Plan (Forest Plan) filed in January 1993. The supplement is for a proposed action to reconsider the consent and availability decisions on oil and gas leasing in the Laurel Fork Special Management Area. This proposed action is likely to result in a nonsignificant amendment to the Forest Plan.

The agency invites written comments and suggestions that are within the scope of the proposed action and analysis for the supplement. In addition, the agency gives notice of the full environmental analysis and decision-making process that will occur on the proposal, so those interested and affected may participate in the process and contribute to the final decision.

DATE: A draft supplement to the FEIS is expected to be available for public comment by June 1996. Public comments on the proposal are welcome prior to the draft supplement as well.

ADDRESSES: Send written comments and suggestions to William E. Damon, Jr., Forest Supervisor, 5162 Valleypointe Parkway, Roanoke, VA 24019-3050.

FOR FURTHER INFORMATION CONTACT: Ken Landgraf, Planning Staff Officer at (540) 265-6054 or Dave Plunkett,

Interdisciplinary (ID) Team Leader at (540) 564-8300.

SUPPLEMENTARY INFORMATION: The Revised George Washington National Forest Land and Resource Management Plan (Forest Plan) was approved on January 21, 1993. In the Forest Plan, the agency determined that the biological and recreational values of the Laurel Fork Special Management Area (SMA) can be protected while allowing oil and gas leasing. However, the agency has now determined that these values in Laurel Fork might be better maintained and enhanced under a different management scenario. Therefore, to avoid future conflicts over management of surface and subsurface resources, the agency believes there is a need to change the Plan to more tightly focus management on these values.

Currently, the Regional Forester has given consent to the Bureau of Land Management (BLM) to lease the Laurel Fork area in the future for surface occupancy by using controlled surface use stipulations. This area was made available for leasing with such stipulations in the Revised Forest Plan.

Laurel Fork is located in the very northwest corner of Highland County, about 10 miles from Monterey, Virginia.

The agency and the public have long recognized that Laurel Fork is unique for its biological features not commonly found elsewhere in Virginia. It contains one of Virginia's finest examples of a northern boreal natural community of northern hardwoods and red spruce. At least 25 species of plants and animals have their only known occurrence within the state there. The area contains three endangered species (the federally endangered Virginia northern flying squirrel, the state endangered snowshoe hare and water shrew). These biological features make visiting the area a unique recreational experience.

The scope of this analysis is limited to the 10,000-acre Laurel Fork SMA (Management Area 21 and its associated riparian MA 18). The analysis would not cover the road corridor area (MA 7) along Forest Development Road 106; nor would it be for any other portion of the Alleghany Front Lease Area as described in the FEIS prepared for the Forest Plan (page 3-72).

Within the SMA, three leases are currently known to be issued. One BLM lease (BLM-A-0022918) is held under a Communitization Agreement (CA) for as

long as a well is considered capable of producing. Existing lease stipulations cannot be changed. Thus, the oil and gas leasing standard (Standard 21-4, Forest Plan page 3-115) in the Forest Plan does not apply to either the BLM lease or the remaining existing leases. Since these leases are already issued, their administration will be governed by post-lease procedures, specifically the Application for Permit to Drill (APD). Any new decisions about oil and gas leasing in Laurel Fork would not affect existing leases, only future leases. If the BLM lease were ever relinquished by the lessee, the subsurface area would be managed under whatever decision is reached from this analysis.

Individuals who, in the past, have indicated an interest in the Laurel Fork area and the Forest's planning process will be notified about the scope of the proposed action and about the process to identify issues. General notice to the public concerning the scope of the proposed action will also be published in a news release.

In preparing the draft supplement to the FEIS, the Forest Service will develop information pertaining to the following tentative alternatives:

1. The agency proposes to both withdraw consent to the BLM for future oil and gas leasing in the SMA and amend the Forest Plan to make Laurel Fork SMA unavailable for oil and gas leasing.

2. The agency is considering an alternative that would give consent to the BLM to lease the entire SMA with a "No Surface Occupancy" stipulation. The Forest Plan would be amended to allow this stipulation.

3. The agency is considering an alternative that would withdraw consent to the BLM to lease that portion of the SMA recognized as the Special Biological Area; but there would be no change in the consent decision for the remaining portion (east of Laurel Fork stream). This eastern area would continue to be available for surface occupancy by using controlled surface use stipulations. The Forest Plan would be amended to make the Special Biological portion of Laurel Fork unavailable for oil and gas leasing.

Alternative 8A (Revised Forest Plan), as currently discussed in the FEIS, would represent taking no action. The consent decision would remain as currently discussed in the FEIS. The

current direction in the Forest Plan would not be amended. The SMA area would continue to be available for surface occupancy by using controlled surface use stipulations.

The draft supplement to the FEIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by June 1996. At that time, EPA will publish a notice of availability of the draft supplement in the Federal Register.

The comment period for the draft supplement to the FEIS will be 45 days from the date the EPA's notice of availability appears in the Federal Register. It is very important that those interested in this proposed action participate at that time. To be the most helpful, comments on the draft supplement to the environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see The Council on 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 an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (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 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). 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.

After the comment period ends on the draft supplement, the comments will be analyzed, considered, and responded to by the Forest Service in preparing the final supplement to the environmental impact statement. The final is scheduled to be completed by September 1996. The responsible official will consider the comments, responses, environmental consequences discussed in the final supplement, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for

the decision in a Record of Decision (ROD). This ROD will be consistent with the scope of the environmental analysis in the supplement and address only the two oil and gas leasing decisions (consent and availability) within the Laurel Fork SMA. That decision will be subject to appeal under 36 CFR 217.

The Forest Service is the lead agency. The BLM will be a cooperating agency in this supplement.

The responsible official is Robert C. Joslin, Regional Forester, Southern Region, 1720 Peachtree Road, NW, Atlanta, Georgia 30367.

Dated: February 23, 1996.

Robert D. Bowers,

Acting Regional Forester.

[FR Doc. 96-5023 Filed 3-4-96; 8:45 am]

BILLING CODE 3410-11-M

Eldorado National Forest, CA; Notice of Intent

AGENCY: Forest Service, USDA.

ACTION: Revision of notice of intent to prepare an Environmental Impact Statement.

SUMMARY: On November 7, 1989, the Forest Service filed a notice of intent in the Federal Register to prepare an environmental impact statement (EIS) to analyze management of off-highway vehicle use in the Rock Creek area, Eldorado National Forest, Georgetown Ranger District, El Dorado County, California. This notice is being filed to update that notice of intent and to notify interested parties that the Draft EIS will soon be available for comment.

ADDRESSES: Raymond LaBoa, District Ranger, Georgetown Ranger District, Eldorado National Forest, ATTN: Rock Creek EIS, 7600 Wentworth Springs Road, Georgetown, California 92634.

FOR FURTHER INFORMATION CONTACT: Direct questions about the EIS to Linda Earley, Interdisciplinary Team Leader, Georgetown Ranger District, 7600 Wentworth Springs Road, Georgetown, California 95634; phone (916) 333-4312.

SUPPLEMENTARY INFORMATION: Work on the EIS began in 1989 with a study of impacts to the Pacific Deer Herd. Since that time the deer study has been completed, issues identified, alternative management plans developed, and extensive data collection and analysis conducted. The Draft Rock Creek Recreational Trails EIS is now nearly complete and is expected to be released late in March 1996.

The Draft EIS analyzes alternative management plans for all types of recreation uses on the trails: hiking, equestrians, mountain bikes, and OHVs.

The need to look at all uses of the trails arose from concerns that other types of recreation use may have some of the same impacts as OHVs; as well as concerns about compatibility of uses.

Another concern identified in the analysis is open road densities which exceed limits established in the Eldorado National Forest Land and Resource management Plan (LRMP). Because the EIS analyzes road and trail densities, and because the EIS proposes designation of both open and closed roads for OHV use, it was decided that proposals for road closures to meet the LRMP management direction would be also analyzed in this EIS.

The following issues identified during scoping for this EIS were used to develop and compare alternative management plans.

1. **Erosion:** The bare soils on road and trail surfaces create a potential for erosion. The amount of erosion may be affected by total miles of roads and trails, soil type, trail location, design, maintenance, grade, vegetative cover, and use in excessively wet or dry conditions.

2. **Water Quality:** Erosion of soils can impact water quality by adding sedimentation to streams. Sedimentation may be affected by trail location and design, stream crossings, and proximity of trails to stream. Another potential impact to water quality from use of trails is the risk of oil or fuel spills at stream crossings.

3. **Wildlife Species:** Use of the trails has the potential to impact wildlife species primarily through disturbance by human presence or noise. Road and trail densities influence the potential disturbance by providing increased or decreased access into the area.

4. **Air Quality:** Air quality may be affected by emissions from motorized vehicles as well as dust from use of roads and trails.

5. **Noise:** The sound of OHVs is unacceptable to many people, and therefore may have a negative impact on adjacent landowners and the experience of other Forest users. The sound of OHV's may also contribute to disturbance of wildlife.

6. **Opportunity and Quality of the Recreation Experience:** The quality of the recreation experience may be affected by: the condition, variety, and level of challenge of the trails; the availability of staging areas and the level of development there; other uses allowed on the trails; and the aesthetics of the trail experience. Opportunity for recreation is determined by the trail mileage available and uses allowed on each; the number and size of recreation