

compared an unquantifiable statement of value (that the land was "unique" or "priceless" or "irreplaceable") for one use (preservation of the land for public purposes) against a value of the same land quantified in a dollar amount for the other use (building stone) and reversed that portion of the Judge Child's decision. *Id.* at 373.

Four dissenting administrative judges noted that the language of the Building Stone Act, which requires that lands be "chiefly valuable for building stone," does not preclude taking aesthetic and geological values into account. 142 IBLA at 379-86. Moreover, in his dissent, Administrative Judge Arness noted that the lead and concurring opinions' assumption that the relevant inquiry is made under an historical understanding that only agricultural and mineral values are compared was incorrect, as nothing in the statute creates such a limitation, nor has the Department promulgated regulations to such effect. Further, Administrative Judge Arness wrote that instead of making the comparisons required by the Building Stone Act, the majority imposed a marketability test on the Department and shifted the burden of persuasion from United Mining to the government. Finally, Administrative Judge Arness noted that such an approach is inconsistent with the Building Stone Act and prior Departmental practice. 142 IBLA 383-86.

On April 28, 1998, the Secretary of the Interior (Secretary) received a Petition dated April 24, 1998, from the Committee for Idaho's High Desert and the Connecting Point for Public Lands (Intervenors), requesting that the Secretary render a final decision overturning the IBLA and reinstating the findings of Judge Child. Specifically, the Intervenors asked the Secretary to affirm Judge Child's holding regarding the Mining Law, particularly his affirmation of the comparative value test for mining claim validity. On May 11, 1998, the Secretary received a letter dated May 7, 1998, authored jointly by representatives of American Rivers, the Mineral Policy Center, the National Wildlife Federation and the Sierra Club. These groups also requested the Secretary's affirmation of the comparative value test. On June 8, 1998, the National Mining Association filed a Motion For Leave to File an Amicus Curiae Brief with the Secretary. Accompanying the motion were the National Mining Association's amicus brief in opposition to the petition for secretarial review and copies of two amicus briefs that had been filed by several amici in the *United Mining* IBLA

proceeding in support of United Mining. The motion and brief were received on June 10, 1998. The National Mining Association supports the IBLA decision. By letter dated June 10, 1998, the Intervenors filed a reply brief.

Recognizing the importance of the issues raised by the IBLA decision and the differences in the views of the members of the IBLA, the Secretary has decided to review the IBLA decision pursuant to regulations which provide:

The authority reserved to the Secretary includes, but is not limited to:

* * * * *

(2) The authority to review any decision of any employee or employees of the Department, including any administrative law judge or board of the Office [of Hearings and Appeals], or to direct any such employee or employees to reconsider a decision.

43 CFR 4.5 (Bracketed material added.)

To assist him in rendering a decision on this matter, the Secretary will accept briefs from interested parties. Briefs should address the following issues: (1) Whether the term "chiefly valuable" as used in the Building Stone Act requires an assessment of comparative values and whether those values could include values other than agricultural, e.g., scenic, historic, recreational, and scientific; (2) whether the Mining Law itself incorporates a requirement that there be an assessment of comparative values; and (3) assuming issue (1) is answered in the affirmative, whether the Building Stone Act was meant to create a new comparative value standard only for building stone, or whether Congress meant instead to confirm that comparative value was part of the Mining Law; i.e., was inclusion of "chiefly valuable" in the Building Stone Act meant to incorporate or confirm a pre-existing rule under the Mining law, or create a new, different rule for building stone? The Secretary's review of this issue will address the teachings of other laws, if relevant, e.g., the Mineral Leasing Act, 30 U.S.C. 481, et seq. (1994).

In reviewing the matter, the Secretary will consider the petition and letters seeking reversal of the IBLA decision, as well as other briefs that already have been filed in support of the IBLA decision, as opening briefs on this subject and will accept additional briefs (including amicus briefs) in opposition to, and in favor of the petition and letters, from interested parties.

Briefs must be submitted according to the following schedule:

1. Briefs opposed to the petition and letter seeking Secretarial review (i.e., briefs in support of the IBLA decision) must be received by December 4, 1998, and may not exceed 50 pages in length;

2. Response briefs by Petitioners (Intervenors) and others opposing the IBLA decision must be received by January 22, 1999, and are limited to a length of 25 pages; and

3. Reply briefs from opponents must be received by February 19, 1999, and are also subject to a 25-page limit.

All briefs must be double-spaced and use the times Roman font and 12-point type. No oral argument will be heard on these issues.

BLM, as a party in this matter, will be represented by the Division of Mineral Resources of the Office of the Solicitor. In order to assure that appropriate ethical standards are observed, all BLM participation in this matter will be through the Division of Mineral Resources in accordance with the provisions of this Notice.

Pending conclusion of the Secretary's review of this matter, the decision of the IBLA is stayed.

Dated: October 22, 1998.

Edward B. Cohen.

Deputy Solicitor.

[FR Doc. 98-29146 Filed 10-29-98; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF THE INTERIOR

National Informational Meeting on Section 1115 of the Transportation Equity Act for the 21st Century (TEA-21)

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of public meeting.

SUMMARY: The Department of the Interior is giving notice of its intention of holding an informational meeting to share information about the regulatory negotiating process in Section 1115 of the Transportation Equity Act for the 21st Century (TEA-21), concerning the Indian Reservation Roads program's regulations and funding formula.

DATES: The public meeting will be held on Monday, November 16, 1998, beginning at 9:00 a.m. and ending at 3:30 p.m. MST.

ADDRESSES: The meeting will be held at the Sheraton Uptown Albuquerque Hotel, 2600 Louisiana Boulevard, NE, Albuquerque, NM 87110, (505) 881-0000.

FOR FURTHER INFORMATION CONTACT: Additional information may be obtained from Mr. LeRoy Gishi, Chief, Division of Transportation, Bureau of Indian Affairs, Department of the Interior, MS-4058-MIB, 1849 C Street, NW, Washington, DC 20240, (202) 208-4359, Fax (202) 208-4696.

SUPPLEMENTARY INFORMATION: TEA-21 significantly amended numerous provisions of title 23, United States Code, including section 202. Under amended section 202 (section 1115 of TEA-21), the Secretary of the Interior shall establish regulations governing the Indian Reservation Roads program and the funding formula using the negotiated rule making procedure.

For those not able to attend, information will be available on the Indian Reservation Roads Internet website on the World Wide Web at <http://www.irr.bia.gov> or at the Federal Lands Highways Office Internet website at <http://www.fhwa.dot.gov/lands.html> five days after the public meeting.

Scope of the National Public Meeting

The scope of the national public meeting is to share information with tribal governments, tribal organizations, individual tribal members and the public, about the regulatory negotiating process.

Dated: October 26, 1998.

Hilda Manuel,

Deputy Commissioner of Indian Affairs.

[FR Doc. 98-29150 Filed 10-29-98; 8:45 am]

BILLING CODE 4310-02-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-010-1040-00]

Intent to prepare four Riparian Habitat Management Plans and Associated Environmental Impact Statements (HMPs/EISs)

The HMPs/EISs will be prepared on the riparian areas in the following locations: (1) Farmington Field Office, (2) Mimbres planning area of the Las Cruces Field Office, (3) Rio Puerco area of the Albuquerque Field Office and (4) Taos Field Office.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to prepare four Riparian Habitat Management Plans and Environmental Impact Statements (HMPs/EISs) and invitation to participate in the developing the Habitat Management Plans and the Environmental Impact Statement process.

SUMMARY: The Bureau of Land Management is initiating the preparation of four Riparian Habitat Management Plans and Environmental Impact Statements (HMPs/EISs). This action will be located in the following four areas in New Mexico: locations: (1)

Farmington Field Office, (2) Mimbres planning area of the Las Cruces Field Office, (3) Rio Puerco area of the Albuquerque Field Office and (4) Taos Field Office. The proposed dates for public scoping meetings are included herein.

DATES: Written comments regarding proposed issues to be addressed in developing the draft HMPs/EISs must be submitted by December 9, 1998. In addition to the written comments seven public scoping meetings will be held. See below for locations, dates and times.

ADDRESSES: Comments should be sent to the following locations.

- (1) Farmington Field Office, Farmington HMP/EIS Team Leader, 1235 La Plata Highway, Farmington, NM 87401-1808
- (2) Las Cruces Field Office, Mimbres HMP/EIS Team Leader, 1800 Marquess Street, Las Cruces, NM 88005-3371
- (3) Albuquerque Field Office, Rio Puerco HMP/EIS Team Leader, 435 Montano Road, NE, Albuquerque, NM 87107-4935
- (4) Taos Field Office, Taos HMP/EIS Team Leader, 226 Cruz Alta Road, Taos, NM 87571-5983

FOR FURTHER INFORMATION CONTACT:

- (1) Farmington Field Office-Bob Moore-505-599-6311.
- (2) Las Cruces Field Office-Bill Merhege-505-525-4369.
- (3) Albuquerque Field Office-Jim Silva-505-761-8901.
- (4) Taos Field Office-Pam Herrera-505-751-4705.

Public Meetings: The public is invited to attend seven public scoping meetings to identify issues to be considered in the preparation of the four Riparian Habitat Management Plans and Environmental Impact Statements (HMPs/EISs). The meetings will be held at the following locations:

Town	Date/Time	Location
Farmington ...	November 17, 1998 at 7:00 pm.	Civic Center, 200 West Arrington Farmington, NM.
Las Cruces ...	November 17, 1998 at 7:00 pm.	Lordsburg Civic Center, 313 East 4th, Lordsburg, NM.
	November 18, 1998 at 7:00 pm.	Las Cruces Field Office, 1800 Marquess, Las Cruces, NM.

Town	Date/Time	Location
Albuquerque	November 17, 1998 at 7:00 pm.	Albuquerque, Field Office, 435 Montano NM, Albuquerque, NM.
	November 18, 1998 at 7:00 pm.	Cuba High School Cafeteria, Cuba, NM.
Taos	November 17, 1998 at 7:00 pm.	Taos Field Office, 226 Cruz Alta Road, Taos, NM.
	November 18, 1998 at 7:00 pm.	BLM-New Mexico State Office, 2nd Floor Conference Room, 1474 Rocteo Road, Santa Fe, NM.

SUPPLEMENTARY INFORMATION: The four Riparian Habitat Management Plans and Environmental Impact Statements (HMPs/EISs) are being prepared to provide comprehensive riparian and aquatic management guidance for the four named areas and as a result of a United States District Judge Court ordered settlement agreement, signed September 10, 1998. This Federal Court Order stipulated preparation of the four named Riparian Habitat Management Plans and Environmental Impact Statements (HMPs/EISs), Civil No. 96-0693 JP/LCS.

Planning Issues: Prior to scoping the following preliminary issues have been determined. They are use of riparian and aquatic habitat found with each area, competing demands for that habitat, recreation demands for that habitat, livestock grazing on the habitat, and mineral development within the habitat. During the scoping period comments will also be accepted concerning planning criteria. At the conclusion of the scoping process final issues and planning criteria for each of the four different locations will be developed.

Public Participation: Public participation will include consultation with affected users and other agencies, meetings with interested groups and individuals, media notices, Federal Register Notices, public meetings and distribution of the draft and final HMPs and EISs. A complete record of each of the four HMPs/EISs will be available for