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## ADVISORY COUNCIL ON HISTORIC PRESERVATION

### Draft Program Comment Regarding the Management of Wherry and Capehart Era Army Family Housing

**AGENCY:** Advisory Council on Historic Preservation.

**ACTION:** Notice of intent to issue program comment on Capehart and Wherry Era army family housing.

**SUMMARY:** The Army is formulating its plan on how to manage its inventory of Capehart and Wherry Era housing. In order to better meet its Federal historic preservation responsibilities in managing these properties, the Army has requested the Advisory Council on Historic Preservation to comment on the overall management of such properties, as opposed to submitting each individual undertaking under such management to a separate review. The Council has drafted such a comment. It now seeks public input on that draft.

**DATES:** Submit comments on or before April 19, 2002.

**ADDRESSES:** Address all comments concerning this proposed program comment to Dave Berwick, Army Affairs Coordinator, Office of Federal Agency Programs, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW., Suite 809, Washington, DC 20004. Fax (202) 606-8672. You may submit electronic comments to: [dberwick@achp.gov](mailto:dberwick@achp.gov).

**FOR FURTHER INFORMATION CONTACT:** Dave Berwick, (202) 606-8505.

**SUPPLEMENTARY INFORMATION:** Section 106 of the National Historic Preservation Act requires Federal agencies to consider the effects of their undertakings on historic properties and provide the Advisory Council on Historic Preservation ("Council") a reasonable opportunity to comment with regard to such undertakings. The Council has issued the regulations that

set forth the process through which Federal Agencies comply with these duties. Those regulations are codified under 36 CFR part 800 ("Section 106 regulations").

Under § 800.14(e) of those regulations, agencies can request the Council to provide a "Program Comment" on a particular category of undertakings in lieu of conducting individual reviews of each individual undertaking under such category, as set forth in 36 CFR 800.4 through 800.6. An agency can then meet its Section 106 responsibilities for those undertakings by taking into account the Council's Program Comment and by following the steps set forth in those comments.

The Army has requested such a Program Comment to cover management of its Capehart and Wherry Era housing. A copy of the draft Program Comment can be found at the end of this notice. Once the public input resulting from this notice is considered, the Council will decide whether to issue a final Program Comment to the Army.

### Background on the Capehart and Wherry Army Family Housing Program

Military housing constructed during the 1949-1962 period is commonly called Capehart and Wherry Era housing after the two United States Senators who sponsored national military housing construction programs to address inadequate and substandard military family housing at military installations across the nation. Senator Wherry's program, implemented 1949-1955, allowed developers to construct, own, and maintain military housing on Department of Defense ("DoD") (in this case Army) lands with FHA-insured mortgages. DoD guaranteed occupancy, agreed to long-term leases, and discounted utility rates in exchange for the developer's agreement to established set rental rates and preferential leases for military families. Senator Capehart's program, implemented 1955-1962, called for DoD to purchase the new housing constructed by developers, and to purchase the developer-owned housing previously constructed under the Wherry housing program. DoD remained responsible for operation, maintenance and repair of this housing. Approximately 19,036 buildings constructed during the Capehart-Wherry Era remain in the Army's inventory of family housing.

Approximately 52% of the Army's entire military family housing stock remain from those built during the Capehart and Wherry military family housing construction program between 1949 and 1962. Structures associated with this family housing include detached garages, carports and storage buildings, and the landscape features (including but not limited to the overall design and layout of the Capehart and Wherry Era communities, including road patterns, plantings and landscaping, open spaces, playgrounds, parking areas, signage, site furnishings, views into and out of the community, lighting, sidewalks, setbacks and all other associated cultural landscape features). A small percentage of buildings and structures constructed during this time period were not constructed with funds provided through the Capehart and Wherry funding programs, but are similar in all other respects, and are therefore included as part of this action.

Capehart and Wherry Era buildings were largely constructed from off-the-shelf commercially available plans and specifications and range from single-family detached houses, to multi-unit row houses, duplexes, four-plexes, and multi-story apartment buildings. Brick, frame, cement block, and stucco were typical building materials. While architectural styles were largely consistent, there was some variation including elements of International style and Colonial Revival style. Developers, consistent with principles guiding civilian neighborhood design at the onset of the "baby boom," paid attention to comprehensive neighborhood planning and design. Overall, the Army's Capehart and Wherry Era housing, associated structures, and landscape features reflect the ubiquitous, nation-wide suburban subdivision construction trends of this period.

The Army anticipates that all of its Capehart-Wherry Era family housing, associated structures and landscape features will be subject to the following categories of undertakings: Maintenance and repair, rehabilitation, renovation, layaway and mothballing, demolition and replacement, and transfer, sale or lease out of government control. The Army is requesting that the Council provide a Program Comment on these categories of undertakings for Army

Capehart Wherry Era family housing, associated structures and landscape features.

The Army is requesting a Program Comment as an Army-wide Section 106 compliance action related to management of Capehart and Wherry era housing, associated structures and landscape features. This programmatic approach will facilitate management actions for privatization and transfer out of federal agency ownership, substantial alteration through renovation, and demolition and replacement of Capehart and Wherry Era housing, associated structures and landscape features that are listed or eligible for listing on the National Register of Historic Places. Therefore, there is the potential for adverse effects to historic properties.

The following is the full text of the draft Program Comment:

### **Program Comment for Capehart and Wherry Era Army Family Housing**

#### ***I. Introduction***

This Program Comment provides the Department of the Army (Army) with an alternate way to comply with its responsibilities under Section 106 of the National Historic Preservation Act with regard to the following actions in the management of the Capehart and Wherry Era Army family housing: privatization and transfer out of federal agency ownership, substantial alteration through renovation, and demolition and replacement of Capehart and Wherry Era housing, associated structures and landscape features that may be eligible for listing on the National Register of Historic Places.

#### ***II. Treatment of Capehart and Wherry Properties***

##### ***a. Eligibility***

The Army has conducted a historic context of its Capehart and Wherry properties. It is documented in a report entitled *For Want of a Home: A Historic Context for Wherry and Capehart Military Family Housing*. On May 22, 2001, the Army sponsored a symposium on Capehart and Wherry Era housing management as it relates to historic preservation. The symposium was attended by preservation experts, including the National Trust for Historic Preservation (Trust), the National Conference of State Historic Preservation Officers (NCSHPO), the Advisory Council on Historic Preservation, and nationally recognized experts in the field of historic preservation from academia and industry. Symposium participants recommended a programmatic approach to complying with Section 106, which is

presented in the treatment section outlined below. The Army considers its inventory of Capehart and Wherry properties, including any associated structures and landscape features, to be eligible for the National Register of Historic Places for the purposes of Section 106 compliance.

##### ***b. Treatment***

The Army has requested a Program Comment as an Army-wide Section 106 compliance action related to management of Capehart and Wherry Era housing, associated structures and landscape features. This programmatic approach will facilitate management actions for privatization and transfer out of Federal agency ownership, substantial alteration through renovation, and demolition and replacement of Capehart and Wherry Era housing, associated structures and landscape features. Such actions present a potential for adverse effects to historic properties.

Based on recommendations coming out of the symposium and follow-up meetings between the Council, the Trust and NCSHPO, the Army has proposed the following three step approach to the treatment of its Capehart and Wherry properties:

(i) The Army will expand and revise the existing historic context, *For Want of a Home: A Historic Context for Wherry and Capehart Military Family Housing*. Consistent with issues identified during the symposium on Capehart and Wherry Housing held by the Army in May 2001, and public review, the historic context will be expanded to address a number of important issues. It will explore changing Army family demographics following the end of the World War II and their impact on housing needs and responsive programs. The context will also focus on post-World War II suburbanization, housing trends and affordable housing programs in the civilian sector. In addition, the context will be expanded to consider the importance of historically important builders, developers and architects that may have been associated with design and construction of Capehart and Wherry Era housing developments at specific Army installations. In addition to addressing the housing units, the context will discuss associated structures, and landscape features. Finally, the context will describe the inventory of Capehart and Wherry Era Housing, providing information on the various types of buildings and architectural styles and the quantity of each.

(ii) The Army will develop Capehart and Wherry Era Neighborhood Design Guidelines. The scoping process identified landscape features as an important attribute of Capehart and Wherry Era land-use planning and development. Neighborhood Design Guidelines would address this issue and be distributed Army-wide. In this manner, Capehart and Wherry Era landscape features would be considered as the Army manages military family housing.

(iii) The Army will document Capehart and Wherry Era housing, associated structures and landscape features through preparation of a video. The video will document representative structural types and landscape features at three installations, and explain the relationship of this housing construction program to topics researched for the expanded historic context. The video will be distributed for educational purposes, and archived by the Army.

The Council believes that this three step approach will ensure that the Army takes into account the effects of management of its Capehart and Wherry Era housing.

#### ***III. Applicability***

This Program Comment does not apply to the following properties that are listed, or eligible for listing, on the National Register of Historic Places: (a) Archeological sites, (b) properties of traditional religious and cultural significance to federally recognized Indian tribes or Native Hawaiian organizations, or (c) historic properties other than Army Capehart and Wherry Era housing, associated structures and landscape features.

#### ***IV. Effect of Program Comment***

By following this comment and outlined three step approach, the Army will have met its responsibilities for compliance under Section 106 regarding management of its Capehart and Wherry Era housing. Accordingly, installations will not have to follow the case-by-case Section 106 review process for each individual management action.

The Army may carry out management actions prior to the completion of all of the three treatment steps outlined above, so long as such management actions do not preclude the eventual successful completion of those three steps.

If the Council determines that the consideration of Capehart and Wherry properties is not being carried out in a manner consistent with this Program Comment, the Council may withdraw this comment. Following such

withdrawal, the Army would comply with the requirements of 36 CFR §§ 800.3 through 800.7 for each individual management action.

**Authority:** 36 CFR 800.14(e).

Dated: March 15, 2002.

**John M. Fowler,**

*Executive Director.*

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**BILLING CODE 4310-10-M**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Docket Number FV-02-335]

#### United States Standards for Grades of Apple Juice from Concentrate

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Reopening and extension of the comment period.

**SUMMARY:** Notice is hereby given that the comment period on the proposed notice to create a new United States Standard for Grades of Apple Juice from Concentrate is reopened and extended.

**DATES:** Comments may be submitted on or before April 19, 2002.

**ADDRESSES:** Written comments may be submitted to: Lydia E. Berry, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, STOP 0247, 1400 Independence Avenue, SW., Washington, DC 20250-0247; fax (202) 690-1087; or e-mail [lydia.berry@usda.gov](mailto:lydia.berry@usda.gov). Comments should reference the date and page of this issue of the **Federal Register**. All comments received will be made available for public inspection at the address listed above during regular business hours and on the Internet.

The draft of the United States Standards for Grades of Apple Juice from Concentrate is available either through the address cited above or by accessing the AMS Home Page on the Internet at: [www.ams.usda.gov/fv/ppb.html](http://www.ams.usda.gov/fv/ppb.html). Any comments received, regarding this proposed standard will also be posted on that site.

**FOR FURTHER INFORMATION CONTACT:** Lydia E. Berry at (202) 720-5021 or e-mail at [lydia.berry@usda.gov](mailto:lydia.berry@usda.gov).

**SUPPLEMENTARY INFORMATION:** A notice was published in the **Federal Register** (66 FR 58430 to 58431; November 21, 2001) requesting comments on a proposal to create a United States Standard for Grades of Apple Juice From Concentrate. The action would create grade standards for apple juice

from concentrate that will include a description of the product, style, grades, ascertaining the grade by sample, and ascertaining the grade by lot. The proposed standard would provide a common language for trade, a means of measuring value in the marketing of apple juice from concentrate, and provide guidance in the effective utilization of apple juice from concentrate.

Congressional representatives representing a major apple producing area requested that additional time be provided for interested persons to comment on the proposed standard. The Congressmen believe that extending the comment period will enable the many growers and processors in their districts that have voiced their concern to their offices to respond to our solicitation for comments.

After reviewing the request, the Department is reopening and extending the common period in order to allow sufficient time for all interested persons to file comments.

This notice provides for a 30 day comment period for interested parties to comment on changes to the standards.

Dated: March 14, 2002.

**A.J. Yates,**

*Administrator, Agricultural Marketing Services.*

[FR Doc. 02-6691 Filed 3-19-02; 8:45 am]

**BILLING CODE 3410-02-M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Lost Cabin Mine, Medicine Bow-Routt National Forests, Carbon County, WY

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The Forest Service will prepare an Environmental Impact Statement (EIS) to assess and disclose the environmental effects of lode and placer exploration at the Lost Cabin Mine. The Lost Cabin Mine is located in Township 14 North, Range 86 West, Sections 1 and 12 in Carbon County, Wyoming. Mining operations would include repairing three existing shafts and obtaining ore samples from four unpatented lode claims. A small loader and track-hoe would be used to obtain the samples, and samples would be crushed on-site and transported from the area using four-wheel and six-wheel all terrain vehicles (ATV's). Approximately 1.6 miles of an existing, closed road (Way 4170) that historically accessed the mine area would need to

be widened and repaired to allow access to the site. Roughly 1/8 mile of road would also need to be constructed to link the four unpatented lode claim sites.

An historical search of Government Land Office plats indicate that a "wood road" accessed the mine site as early as 1899. By 1901, an "improved road" that accessed Vulcan Mountain from Saratoga, Wyoming was in place. This road also provided a direct link with the Southern Wyoming Tramway which carried mined ore to a smelter in Encampment, Wyoming. It further provided access to other major mining communities in the near vicinity. Although the road is depicted on Forest Service maps through 1956, more recent maps do not indicate that it is still a part of the Forest Transportation System.

The Lost Cabin Mine is located in the Mowry Peak inventoried roadless area, as described in Appendix G to the Final EIS for the Medicine Bow National Forest Land and Resource Management Plan. If the project is approved as proposed, the proponent would be allowed to widen and repair two miles of an existing, closed road and construct roughly 1/8 mile of road within the roadless area boundary. The EIS will comply with the requirements of the National Environmental Policy Act (42 U.S.C. sections 4321-4370a), the National Forest Management Act (16 U.S.C. 1600-1614), and the U.S. Mining Laws (30 U.S.C. 21-54), and their implementing regulations.

**PROJECT PURPOSE:** The purpose of the Lost Cabin Mine analysis is to determine how the surface use connected with operations authorized by the United States mining laws (30 U.S.C. 21-54), which grant a statutory right to enter upon public lands to search for mineral deposits, shall be conducted to minimize adverse environmental impacts on National Forest System surface resources. It is not the purpose of the analysis to determine management of mineral resources. The responsibility for that determination lies with the Secretary of the Interior.

**DATES:** Comments concerning the proposal and the scope of the analysis will be accepted and considered at any time after publication of this notice in the **Federal Register** and prior to a decision being made. All comments and suggestions are welcome.

**ADDRESSES:** Send written comments to Melissa Martin, Medicine Bow-Routt National Forest Supervisor's Office, 2468 Jackson Street, Wyoming 82070. Electronic mail (e-mail) may be sent to [mmmartin@fs.fed.us](mailto:mmmartin@fs.fed.us) and FAX may be