

updated to reflect the strategic intent of that operating plan.

Minerals

The existing forest plan direction will be reviewed and modified as needed to improve direction related to mining laws and public need for mineral resources. Improved direction could provide for management of discretionary and non-discretionary mineral activities. It may also address the relationship between areas with mineral potential and uses and surface resources of concern where there is existing or potential conflict.

Range Management

Allotment management plans and current policy provide most of the needed direction. Forest plan direction needs to be reviewed and updated to reflect current policy and information.

Administrative Sites

An updated forest facility master plan will provide an assessment of facility conditions and develop forest-wide priorities for funding facility improvements and new construction.

Issues Not Addressed In Forest Plan Revision

Issues addressed adequately in the current forest plan will not be revisited. Issues that relate to site-specific actions are better addressed during project analysis. Some issues, while important, are beyond the authority of the Nez Perce and Clearwater National Forests. Issues that do not pertain to decisions to be made in forest plans are excluded from further consideration. In addition, some issues, though related to forest plan revision, may not be undertaken at this time, but addressed later as a future forest plan amendment.

Range of Alternatives

The Nez Perce and Clearwater National Forests will consider a range of alternatives when revising the forest plans. Alternatives will provide different ways to address and respond to issues identified during the scoping process. A "no-action alternative" reflecting the effects of continuing current management is required. The range of alternatives will be defined within legal parameters, resource capability, and sustainability over the long-term.

Inviting Public Participation

The Nez Perce and Clearwater National Forests are now soliciting comments and suggestions from Federal agencies, governments, individuals and organizations on the scope of the

analysis to be included in the draft environmental impact statement for the revised forest plan (40 CFR 1501.7). Government-to-government consultation with tribal governments is ongoing. Comments should focus on (1) the preliminary topics proposed to be emphasized in revising the forest plan, (2) possible means of addressing concerns associated with these topics, (3) potential environmental effects and other management outcomes that should be included in the analysis, and (4) any possible impacts associated with the proposal based on an individual's civil rights (race, color, national origin, age, religion, gender, disability, political beliefs, sexual orientation, marital or family status). The Nez Perce and Clearwater National Forests will encourage public participation in the environmental analysis and decision-making process.

Along with the release of this NOI, the Nez Perce and Clearwater National Forests are providing for additional public engagement through direct mailings, the Web site, and meetings when requested by individuals, groups or agencies. For further information, contact your local Forest Service office or Elayne Murphy at (208) 935-2513.

Release and Review of the Draft EIS (DEIS)

The DEIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public comment in July 2005. At that time, the EPA will publish a notice of availability in the **Federal Register**. The comment period on the DEIS will extend 90 days from the date the EPA publishes the notice of availability in the **Federal Register**. The Final EIS and decision are expected in October 2006.

Dated: September 16, 2004.

Kathleen A. McAllister,
Deputy Regional Forester.

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DEPARTMENT OF AGRICULTURE

Forest Service

Santa Fe National Forest; New Mexico; Oil and Gas Leasing Forest Plan Amendment and Road Management

AGENCY: Forest Service, USDA.

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

SUMMARY: The proposed action is intended to update the Santa Fe National Forest Plan by identifying stipulations on new oil and gas leases

where needed to protect surface resources. The proposal also includes a new standard and guideline describing criteria for developing conditions of approval for oil and gas development, consistent with existing policies. A related action, designating specific roads to be decommissioned or closed on Cuba Ranger District, will be considered because they require unnecessary maintenance costs, pose a risk to sensitive resources, and/or risk exceeding current Forest Plan road density standards.

DATES: Comments concerning the scope of the analysis must be received by October 20, 2004. The draft environmental impact statement (EIS) is expected July 2005 and the final environmental impact statement is expected April 2006.

ADDRESSES: Send written comments to: Ellen Dietrich, Project Manager, SAIC, 2109 Air Park Road SE., Albuquerque, NM 87106.

FOR FURTHER INFORMATION CONTACT: Ellen Dietrich, Project Manager, SAIC, 2109 Air Park Road SE., Albuquerque, NM 87106; telephone (505) 842-7845.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

There is a need to have a more specific and up-to-date description of leasing availability and stipulations identified in the Forest Plan, as well as more comprehensive National Environmental Policy Act (NEPA) analysis of the potential cumulative effects of reasonably foreseeable future oil and gas leasing and development on the Santa Fe National Forest (SFNF). This is needed to meet the regulations at 36 CFR 228.102 regarding Forest Plan leasing analysis and decisions and the agency's policy to minimize impacts to surface resources while facilitating orderly development of oil and gas resources. The NEPA analysis (EIS) would address the Expressions of Interest in leasing specific areas that have been received by the SFNF.

The purpose and need for decommissioning certain roads on the Cuba Ranger District is to have the minimum system of open and closed roads required to meet the Forest Service Roads Policy, road densities within Forest Plan standards and guidelines, and roads that do not pose an unacceptable risk of damage to wildlife or fish habitat, watershed health, or other surface resources.

The objectives of the amendment are to:

(1) Improve the programmatic analysis of the effects of oil and gas

leasing and development on the SFNF, including a cumulative effects analysis.

(2) Improve the timeliness and efficiency in processing current and future Expressions of Interest in oil and gas leasing on the SFNF, consistent with the national energy policy.

(3) Improve the agency's ability to protect surface resources that may not be adequately addressed by standard leasing terms and conditions.

(4) Meet Forest Plan road density standards and identify which Cuba Ranger District roads would be decommissioned or closed because they are in excess of minimum road system needs for public or administrative use, private land access, or oil and gas operations.

The current Forest Plan oil and gas leasing availability categories were developed in 1979–1982 with limited inventory data or analysis. The 1987 Forest Plan leasing direction is too broad and does not reflect current resource concerns within the study area. For example, the Forest Plan does not identify the timing limitations now required for activities within the nesting habitats of Federal threatened or endangered species that occur in the study area: Mexican spotted owl (threatened), northern goshawk (sensitive), and peregrine falcon (sensitive). It does not identify any stipulations for protecting riparian areas, unstable steep slopes, significant scenic corridors or historic sites, or other resources that may not be adequately protected under standard leasing terms and conditions. Most of the oil or gas leases on the SFNF were issued prior to 1970 (prior to passage of NEPA or the National Forest Management Act), and oil-gas leasing and development in the San Juan Basin was authorized without full consideration of potential cumulative effects on surface resources.

Overall, the Forest Plan needs to be amended so it can be used when providing agency approval to BLM for issuing new leases on SFNF lands. There is a need to complete this amendment now rather than waiting for Forest Plan revision, which will not be completed until at least 2009. The SFNF has three "Expressions of Interest" in oil-gas leasing on the SFNF, and over 50% of the Forest has not yet been leased. The proposed amendment would not affect existing or transferred leases, and would only apply to new leases that may be issued in the future.

Proposed Action

The proposed action is to update the Forest Plan in terms of oil and gas leasing availability by reviewing and

refining the current Forest Plan leasing analysis and decision, in addition to adding specific stipulations of "no surface occupancy," "controlled surface use," or "timing limitation" where needed to protect surface resources. The proposed stipulations describe specific limitations regarding surface occupancy or use, their purpose, and the location and/or conditions under which they apply. The proposed action would only apply to new leases, not existing leases.

The NEPA analysis for the proposed amendment will evaluate existing Expressions of Interest received from the oil and gas industry in order to provide timely recommendations to Bureau of Land Management (BLM) for issuing oil or gas leases on those SFNF lands.

New proposed stipulations include: timing limitations to protect spotted owl, northern goshawk, peregrine falcon habitats; controlled surface use for certain riparian, inventoried roadless, and scenic areas; and no surface occupancy for certain unstable slopes, roadless recreation areas, and specific heritage resource sites.

The proposal does not include any conditions of approval or mitigation measures, which are developed and applied during 2nd level NEPA analysis for Applications for Permits to Drill (APD). However, the proposal includes a Forest Plan standard/guideline that requires consistency with existing BLM and Forest Service policies for conditions of approval in the San Juan Basin (e.g., for noise, air quality, reclamation, visual quality).

The proposal also includes designating specific roads to be decommissioned or closed because they require unnecessary maintenance costs and pose a risk of impacts to sensitive resources, and/or risk exceeding Forest Plan road density standards. All roads on Cuba Ranger District will be considered, including the small portion outside the oil and gas study area, as they form a connected and interrelated travel network. Where the Coyote Ranger District overlaps the northeast portion of the oil and gas study area, the analysis will consider the cumulative effects of the Coyote Ranger District's Road Decommissioning and Closure EA and NEPA decision (expected to be completed in the fall of 2004).

Lead and Cooperating Agencies

The USDA Forest Service is the lead agency and the USDI Bureau of Land Management is a cooperating agency in the preparation of this EIS.

Responsible Official

Gilbert Zepeda, Forest Supervisor, Santa Fe National Forest, 1474 Rodeo Road, Santa Fe, NM 87505–5630.

Nature of Decisions To Be Made

(1a) In accordance with 36 CFR 228.102, the Forest Supervisor will decide which areas will be:

(i) Open to development subject to standard oil and gas leasing terms and conditions.

(ii) Open to development but subject to constraints that will require the use of lease stipulations such as No Surface Occupancy or specific Controlled Surface Use constraints, with discussion as to why the constraints are necessary and justifiable.

(iii) Closed to leasing due to a specific law or regulation or Forest Service policy.

(1b) The Forest Supervisor will decide under what conditions the Forest Service will authorize the Bureau of Land Management to modify, waive, or grant an exception to a stipulation.

(1c) Per leasing analysis requirements in 36 CFR 228.102, the Forest Supervisor will consider: (i) Alternatives to the proposal, including that of: (a) Not allowing leasing; and (b) not changing current Forest Plan leasing standards/guidelines. (ii) The type and amount of post-leasing activity and associated cumulative impacts, consistent with a reasonably foreseeable oil-gas development scenario.

(2) For specific areas currently being considered for leasing, the Forest Supervisor will determine whether oil or gas leasing would be consistent with the amended Forest Plan, and if so, will authorize the Bureau of Land Management to offer those specific lands for lease.

(3) The District Ranger for the Cuba Ranger District will make a separate project-level NEPA decision as to which roads, if any, would be authorized for decommissioning or closure, consistent with the Forest Service Roads Policy.

Scoping Process

After publication of the Notice of Intent, a scoping letter describing the purpose and need for the project and the proposed action will be sent to a broad list of people who are likely to be interested in the EIS and the decisions to be made. During the scoping comment period and following distribution of the scoping letter, meetings will be held in Cuba and Santa Fe, New Mexico, with a focus on addressing questions and concerns. The Forest Service will also meet with agencies, organizations or groups in

other areas upon their request. Concerns regarding any of the proposed actions or decisions to be made may be mailed to SAIC (address above) or provided during the meetings. These comments will be reviewed and considered in the development and evaluation of alternatives in the EIS.

Preliminary Issues To Be Addressed in the EIS

Resource Protection: The EIS will address how proposed new leasing stipulations (and each alternative) would affect the protection of resources, such as archaeological resources, special status wildlife species, roadless areas, air quality, and water resources.

Oil-Gas Operations Constraints: The EIS will address how proposed new leasing stipulations (and each alternative) would affect oil and gas company operations on any new lease issued after the Forest Plan amendment is approved.

Comment Requested

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be 90 days from the date the Environmental Protection Agency publishes the notice of availability of the DEIS in the **Federal Register**. The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, 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 reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *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). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 15-

day comment period so 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. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: September 24, 2004.

Judy Dinwiddie,

Acting Forest Supervisor.

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DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Household Water Well System Program Programmatic Environmental Assessment

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of availability of a programmatic environmental assessment.

SUMMARY: The Rural Utilities Service (RUS), an agency delivering the U.S. Department of Agriculture's Rural Development Utilities Program, has prepared a Programmatic Environmental Assessment (PEA) for a new grant program that will implement the Household Water Well System Program (HWWSP) lending program. The PEA is available for a 30-day public review and comment period. Subsequent to the comment period RUS plans to issue a finding of no significant impact.

DATES: RUS will accept public comments until November 1, 2004.

FOR FURTHER INFORMATION CONTACT: Mark S. Plank, Senior Environmental Scientist, RUS, Water and

Environmental Programs, Engineering and Environmental Staff, 1400 Independence Avenue, SW., Stop 1571, Washington, DC 20250-1571, telephone: (202) 720-11649 or e-mail: mark.plank@usda.gov. Copies of the PEA may be obtained by contacting Mr. Plank.

SUPPLEMENTARY INFORMATION: On May 13, 2002, the Farm Security and Rural Investment Act of 2002 (Farm Bill) was signed into law as Public Law 107-171. Section 6012 of the Farm Bill amended section 306E of the Consolidated Farm and Rural Development Act (CONACT) by adding a grant program to establish a lending program. The program will provide grants to private nonprofit organizations for the purpose of providing loans to eligible individuals for the construction, refurbishing, and servicing of individual household water well systems in rural areas that are or will be owned by the eligible individuals. The program is called the Household Water Well System Program (HWWSP). This program was authorized to appropriate up to \$10,000,000 for Fiscal Years (FY) 2003 through 2007. There was no funding appropriated in FY 2003. However, the Consolidated Appropriations Act, 2004 (Pub. L. 108-199), includes \$1,000,000 for the program.

The USDA, RUS, is issuing regulations to implement the HWWSP. The final rule outlines the procedures for providing grants to eligible applicants to establish a revolving loan fund and to pay reasonable administrative expenses. The revolving loan fund will be used to make loans to eligible applicants for the construction, refurbishing, and servicing of individual household water well systems in rural areas that are or will be owned by the eligible individuals. The CONACT defines an "eligible individual" as a person who is a member of a household in which all members have a combined income that is 100 percent or less of the median non-metropolitan household income for the State or territory in which the person resides. The combined household income must be for the most recent 12-month period for which the information is available, according to the most recent decennial census of the United States. The maximum statutory limit per loan per household water well system is \$8,000.

Certain financing actions taken by RUS are classified as Federal actions subject to compliance with NEPA, the Council on Environmental Quality (CEQ), Regulations for implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), and RUS