

Lead and Cooperating Agencies

The Medicine Bow—Routt National Forests is the lead agency. The Glenwood Springs Field Office of the Bureau of Land Management is the cooperating agency for the Rock Creek Integrated Management Project.

Responsible Official

The responsible officials are Mary Peterson, Forest Supervisor, Medicine Bow—Routt National Forests, 2468 Jackson Street, Laramie, Wyoming 82070–6535 and Jamie Connell, Area Manager, Glenwood Springs Field Office, 50629 Hwys 6 & 24, P.O. Box 1009, Glenwood Springs, CO 81602.

Nature of Decision To Be Made

The decision will be whether to treat timberstands affected by or likely to be affected by the MPB epidemic. If the decision is to treat timberstands, the type, distribution, and priority of treatments is decided with consideration for resource protection for watersheds, recreation and administrative sites, scenery, and wildlife habitat.

Scoping Process

The Forest Service has listed the project in the Schedule of Proposed Actions that is posted on the Web and mailed to parties interested in Medicine Bow—Routt National Forests projects. A scoping letter describing the project has been mailed to interested parties. The Forest Service will also respond to information requests about the project and hold open house public meetings and field trips.

Electronic Access and Filing

All future documents and information on the Rock Creek Integrated Management Project will be posted at www.fs.fed.us/r2/mbr/projects under "Forest Health." You may submit comments and data by sending electronic mail (E-mail) to r2_mbr_mvls@FSNOTES and including "Rock Creek" in the subject line of the message.

When submitting comments please include your full name and address. Submit comments in Microsoft Word 2000 file format or as an ASCII file avoiding the use of special characters and any form of encryption.

Comment Requested

This notice of intent is part of the scoping process which guides the development of the EIS.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft EIS will be prepared for comment. The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability 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)]. Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 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 EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS 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 EIS 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).

Healthy Forests Restoration Act Predecisional Review (Objection) Process

HFRA [Section 105(a)] replaces the USDA Forest Service's administrative appeals process with an objection process that occurs before the decision approving authorized fuel-reduction projects under the act. Participation in the predecisional review process is limited to individuals and organizations who have submitted specific written

comments related to the proposed authorized hazardous-fuel-reduction project during the opportunity for public comment provided when an environmental (EA) or EIS is being prepared for the project [Section 105(a)(3), 36 CFR 218.6].

Written objections, including any attachments, must be filed with the reviewing officer within 30 days after the publication date of the legal notice of the EA or final EIS in the newspaper of record [Section 218.4(b)]. It is the responsibility of the objectors to ensure that their objection is received in a timely manner.

Dated: June 3, 2004.

Mary H. Peterson,

Forest Supervisor, Medicine Bow-Routt National Forests, USDA Forest Service.

Dated: June 14, 2004.

Jamie Connell,

Area Manager, Glenwood Springs Field Office, USDI Bureau of Land Management.

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DEPARTMENT OF AGRICULTURE

Forest Service

Wrangell-Petersburg Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Wrangell-Petersburg Resource Advisory Committee (RAC) will meet from 6 p.m. until 8 p.m. on Thursday, July 15, 2004, in Petersburg, Alaska. The purpose of this meeting is to discuss and potentially recommend for funding the publication and distribution of a RAC newsletter and/or the commitment of RAC funds to support miscellaneous administrative functions.

DATES: The meeting will be held commencing at 6 p.m. on Thursday, July 15, 2004. It is anticipated that the meeting will adjourn by 8 p.m.

ADDRESSES: The meeting will be held at the Petersburg Ranger District office conference room, Federal Building, 12 North Nordic Drive, Petersburg, Alaska. Committee members from outside Petersburg will participate in the meeting via teleconference.

FOR FURTHER INFORMATION CONTACT:

Chip Weber, Wrangell District Ranger, P.O. Box 51, Wrangell, AK 99929, phone (907) 874–2323, e-mail cweber@fs.fed.us or Patty Grantham, Petersburg District Ranger, P.O. Box 1328, Petersburg, AK 99833, phone (907) 772–3871, e-mail pgrantham@fs.fed.us. Contact either of

these individuals for teleconference information. For further information on RAC history, operations, and the application process, a Web site is available at <http://www.fs.fed.us/r10/ro/payments>.

SUPPLEMENTARY INFORMATION: This meeting will focus on the discussion and potential recommendation for funding of the costs of the publication and distribution of a RAC newsletter and/or the commitment of RAC funds to support miscellaneous administrative functions. The meeting is open to the public. Teleconference capability is available (committee members from outside of Petersburg will participate via teleconference).

Dated: June 23, 2004.

Forrest Cole,

Forest Supervisor.

[FR Doc. 04-14779 Filed 6-29-04; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

Evaluating Applications and Issuing Easements for Certain Water Development Facilities on National Forest System Lands That Qualify Under the Act of October 27, 1986

AGENCY: Forest Service, USDA.

ACTION: Notice of issuance of agency interim directive.

SUMMARY: The Forest Service is issuing an interim directive to guide its employees in evaluating applications and issuing permanent easements for certain water development facilities on National Forest System lands that qualify under the Act of October 27, 1986 (also known as the "Colorado Ditch Bill"). The interim directive supplements internal agency direction in Forest Service Manual chapter 2720 to provide clarity and specificity in agency policy in order to process applications and issue permanent easements authorized under the Colorado Ditch Bill in a consistent and efficient manner.

DATES: This interim directive is effective July 30, 2004.

ADDRESSES: This interim directive (ID 2720-2004-1) is available electronically from the Forest Service via the World Wide Web/Internet at <http://www.fs.fed.us/im/directives>. Single paper copies of the ID are also available by contacting Robert Cunningham, Lands Staff (Mail Stop 1124), Forest Service, 1400 Independence Avenue, SW., Washington, DC 20250-1124 (telephone 202-205-2494).

FOR FURTHER INFORMATION CONTACT: Robert Cunningham, Lands Staff (202-205-2494).

SUPPLEMENTARY INFORMATION: The Forest Service is issuing an interim directive (ID) to Forest Service Manual (FSM) chapter 2720 to guide its employees in the review and evaluation of applications for easements for certain qualifying water development facilities on National Forest System (NFS) lands, and in the establishment of terms and conditions for inclusion in these easements. This interim directive to FSM 2720 is issued as ID number 2700-2004-1. The Act of October 27, 1986 (100 stat. 3047; commonly known as the "Colorado Ditch Bill"), amended Title V of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1761) to authorize the Secretary of Agriculture to issue permanent easements without charge for certain water conveyance systems occupying NFS lands and used for agricultural irrigation or livestock watering purposes. Those easements have come to be known as "Ditch Bill easements." The Colorado Ditch Bill included certain criteria that must be met for applicants and their facilities to qualify for the issuance of a Ditch Bill easement.

The Colorado Ditch Bill did not prescribe the issuance of a specific easement to qualified applicants, nor did it prescribe the manner in which a permanent easement is to be conditioned. Rather, the Colorado Ditch Bill was enacted as an amendment to Title V of the FLPMA, which directs that all rights-of-way authorizations issued pursuant to FLPMA be conditioned in a manner that is consistent with applicable laws and regulations and adequately protects lands and resources. Therefore, while the issuance of a Ditch Bill easement in response to a qualified application is mandated in the statute, the manner in which the easement may be conditioned to comply with applicable State and Federal law is left to the discretion of the authorized officer. The Colorado Ditch Bill also did not exempt the processing of Ditch Bill easement applications from procedures required by the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). In the case of qualified Ditch Bill easement applications, the discretionary Federal action consists of identifying terms and conditions that may be needed in the easement to comply with applicable State and Federal law. The procedures conducted pursuant to NEPA provide the basis upon which a

decision is made concerning those terms and conditions.

The Colorado Ditch Bill provided a window of just over 10 years within which entities could file an application for a Ditch Bill easement. That application window ended on December 31, 1996. The Forest Service received more than 2,500 applications for Ditch Bill easements, the bulk of which were submitted during the mid-1990s in the last several years of the 10-year application window. The Forest Service has issued approximately 600 easements in response to those applications. Approximately 1,800 applications remain unprocessed as Forest Service administrative units await the direction in this ID before they proceed in reviewing and processing those applications.

The decision to be made in reviewing and processing an application for a Ditch Bill easement is two-fold. First, the authorized officer must evaluate each application against the qualifying criteria established in the Colorado Ditch Bill. Second, those applications that meet all of the qualifying criteria are then further evaluated, pursuant to the provisions of NEPA, to determine the manner in which the easement may need to be conditioned to comply with other applicable laws and regulations.

In the late 1980s, internal agency policy was established to provide Forest Service officers with management direction in processing applications for and conditioning Ditch Bill easements. That policy was issued in the Forest Service Directive System FSM 2729. Minor revisions to that policy were made during the early and mid-1990s.

Beginning in the mid-1990s, as more and more western National Forests and their Ranger Districts started focusing on and responding to the large number of Ditch Bill easement applications they were receiving, internal questions started to emerge about existing policies and inconsistencies in applying agency policy and procedures to case-specific situations. The inconsistencies were in part attributable to the lack of understanding of the agency's limited discretion in responding to Ditch Bill easement applications, and inadequate agency direction at FSM 2729 concerning specific procedures to follow in evaluating applications, responding to assertions of outstanding rights that are included as part of a significant number of applications, evaluating the environmental effects of the ongoing operation and maintenance of qualifying facilities, and complying with the procedural requirements of laws such as NEPA and the Endangered Species Act of 1973 (ESA) (16 U.S.C.