

of the information requested; and (4) ways to minimize the burden, including use of automated or electronic technologies.

Comments should reference OMB No. 0581-0177 and Marketing Order No. 930, and be mailed to Docket Clerk, Fruit and Vegetable Division, AMS, USDA, Post Office Box 96456, room 2525-S, Washington, DC 20090-6456. Comments should reference the docket number and page number of this issue of the **Federal Register**. All comments received will be available for public inspection in the Office of the Docket Clerk during regular USDA business hours at 14th & Independence Avenue SW., Washington, DC, room 2525-S.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: July 29, 1997.

**Ronald L. Cioffi,**

*Acting Director, Fruit and Vegetable Division.*  
[FR Doc. 97-20460 Filed 8-1-97; 8:45 am]

BILLING CODE 3410-02-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Environmental Statements; Availability, etc.: Eldorado National Forest, CA**

**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. An update was filed in the **Federal Register** on March 5, 1996 to update the expected date for release of the draft EIS (DEIS), provide a list of issues and alternatives considered, and to note that the scope was expanded to include non-motorized uses (hiking, equestrians, and mountain bikes) in response to public comments. Notice of availability of the Rock Creek Recreational Trails DEIS was filed in the **Federal Register** on April 26, 1996. In addressing comments on the DEIS, the Forest Service has made some changes to alternatives and is preparing a revised draft EIS (RDEIS). Changes to the alternatives include the addition of some new routes, addition of vegetation treatments to enhance deer habitat, and

a modified seasonal closure of the critical deer winter range in the preferred alternative. This notice is being filed to update the notice of intent and to notify interested parties that the RDEIS will soon be available for comment.

**DATES:** The RDEIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in September 1997. At that time EPA will publish a notice of availability in the **Federal Register**. The public comment period on the RDEIS will be 45 days from the date of EPA's notice of availability in the **Federal Register**.

**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 was released for public comment in April 1996.

The draft EIS analyzed 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 the 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 their Forest users. The sound of OHVs 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 events allowed; and the frequency and duration of trail closures.

**7. Health and Safety:** Safety may be affected by a variety of factors. Width of trails may affect speeds traveled, and therefore risk of accidents. Intersections of roads and trails may pose increased risks of accidents. Combination of equestrian and mountain bike use on trails may pose a risk since bikes come up quietly and may startle horses. Two-way traffic poses a risk for OHVs since they cannot hear each other coming, which could result in a head-on collision. Chipsealing of road surfaces poses a risk to equestrians due to the slippery contact between the chipseal and the horseshoes. Trail structures such as gabions and cinderblocks may also pose a risk to horses. Health may be affected by availability of drinking water and sanitation facilities for recreationists; or by impacts to air quality and water quality.

**8. Risk of Fire:** Risk of fire is increased by human activity such as campfires and smoking that may be associated with use of trails. Internal combustion

engines, such as OHVs also increase the risk, particularly if proper spark arresters are not in place.

**9. Funding:** Levels of funding available affects the ability to maintain trails properly, the number of trails that can be maintained, ability to construct trails, ability to effectively rehabilitate closed trails, the amount of monitoring that can be conducted, and the level of law enforcement that can be maintained. These, in turn, affect the ability to implement the management plan and, therefore, to protect the environment and the quality of the recreation experience.

The following alternatives are analyzed in the draft EIS:

**Alternative 1—No Action:** This alternative would continue the current management of the Rock Creek Trails. Most trails in the area are multiple use, open to all four use types: hiking, equestrians, mountain bikes, and OHVs. There are approximately 136 miles of multiple use routes (roads and trails) and 5 miles of routes restricted to non-motorized uses. The current management plan includes closure of the critical deer winter range to OHVs and mountain bikes from November 1 to May 1 each year. Trails are also closed to OHVs during wet weather conditions.

**Alternative 2—No OHV Use:** OHV use would be eliminated in this alternative. There would be approximately 46 miles of non-motorized routes available. Approximately 33 miles of roads would be closed. Trails would be closed to equestrians and mountain bikes during wet weather conditions, and staging areas in the critical deer winter range would be closed from February 1 to May 1. Up to two large recreation events, with up to 300 participants, would be allowed each year for each non-motorized use type.

**Alternative 3—Increased Multiple Use Recreation:** This alternative reduces trail closures and allows the maximum trail density. Approximately 130 miles of multiple use routes would be available, and 15 miles of non-motorized routes. Approximately 30 miles of roads would be closed. There would be no closure of the critical deer winter range. Wet weather closures would apply to OHVs, equestrians, and mountain bikes. Up to two large recreation events per year, with up to 500 participants each, would be allowed for each use type.

**Alternative 4—Separated Multiple Use Recreation:** This alternative addresses concerns about shared use of trails by different types of uses. The system would include approximately 86 miles of multiple use routes, 17 miles of non-motorized routes, 5 miles of hiking

only routes, and 11 miles of hiking and equestrian routes. Approximately 28 miles of roads would be closed. Staging areas in the critical deer winter range would be closed from February 1 to May 1. Trails would be closed to OHVs, equestrians, and mountain bikes during wet weather conditions. One large recreation event would be allowed per year for each use type, with up to 300 participants in each.

**Alternative 5—Reduced Multiple Use Recreation:** This alternative includes approximately 71 miles of multiple use routes and 28 miles of non-motorized routes. Approximately 34 miles of roads would be closed. Routes in the critical deer winter range would be closed to all uses from November 10 to May 1 of each year. Roads and trails would be closed to OHVs, equestrians, and mountain bikes during the Forest seasonal road closures (generally November through March). Trails would be closed to OHVs during Forest fire restrictions (generally August and September). Large recreation events with over 75 people involved would be prohibited.

**Alternative 6—"Carrying Capacity" Alternative:** This alternative was developed based on a review of effects of other alternatives. The goal of the alternative is to maximize recreation opportunity while providing protection of the natural resources. The system would include approximately 111 miles of multiple use routes, and 14 miles of non-motorized routes. Approximately 34 miles of roads would be closed. Routes would be closed to OHVs, equestrians, and mountain bikes during wet weather conditions. Vegetation treatments, including mastication of brush and understory burning, would be implemented on the critical deer winter range to improve the quantity and quality of forage for the wintering deer. The critical deer winter range would be divided into two zones: north and south. Routes in the south would be closed to OHVs and mountain bikes from November 10 to May 1 each year. Deer use would be monitored and the seasonal deer closure reevaluated in five years. Up to two recreation events, with up to 300 participants, would be allowed each year for each type of use.

Raymond LaBoa, District Ranger, Georgetown Ranger District, Eldorado National Forest, is the responsible official.

The revised draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review in September 1997. At that time the EPA will publish a notice of availability of the revised draft EIS in the **Federal Register**.

The comment period on the draft EIS will be 45 days from the date EPA's notice of availability appears in the **Federal Register**. It is very important that reviewers participate at that time. To be the most helpful, comments on the draft EIS 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 EIS's 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), and that environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final EIS. *City of Angoon v. Hodel*, 803F.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 EIS.

Comments received, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR parts 215 or 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the Agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within five days.

After the comment period ends on the revised draft EIS, the comments will be analyzed and considered by the Forest Service in preparing the final EIS. The

final EIS is scheduled to be completed in January 1998. The Forest Service is required to respond in the final EIS to the comments received (40 CFR 1503.4). The responsible official will consider the comments, responses, disclosure of environmental consequences, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and rationale in the Record of Decision. That decision will be subject to appeal.

Dated: July 24, 1997.

**Raymond E. LaBoa,**

*District Ranger, Georgetown Ranger District,  
Eldorado National Forest.*

[FR Doc. 97-20461 Filed 8-1-97; 8:45 am]

BILLING CODE 3410-11-M

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Sugarbush Resort EIS, Ski Area Improvement and Development Analysis, Green Mountain National Forest; Washington County, VT**

**AGENCY:** USDA, Forest Service.

**ACTION:** Notice of intent to prepare an Environmental Impact Statement (EIS).

**SUMMARY:** The U.S. Department of Agriculture, Forest Service will prepare an Environmental Impact Statement (EIS) to disclose effects of alternative decisions it may make to allow upgrading and/or development of recreational facilities within the existing permit boundaries of the Sugarbush Resort, on the Rochester Ranger District of the Green Mountain National Forest.

**DATES:** Written comments concerning the scope of the analysis should be received on or before September 19, 1997. The Forest Service predicts the Draft EIS will be filed during late Winter 1998 and the Final EIS during late Spring 1998.

**ADDRESSES:** Send written comments to Beth LeClair, Rochester District Ranger, Green Mountain National Forest, RR #2 Box 35, Rochester, Vermont 05767. James W. Bartelme, Forest Supervisor, Green Mountain National Forest, is the Responsible Official for this EIS.

**FOR FURTHER INFORMATION CONTACT:** Bob Bayer, Project Coordinator, Manchester Ranger District, Green Mountain National Forest—(802) 362-2307.

**SUPPLEMENTARY INFORMATION:** The Special Use Permittee, Sugarbush Resort Holdings, Inc. (SRHI), is proposing that improvements to the Sugarbush ski area be made which include upgrading existing facilities and constructing new

facilities. The scope of their proposal includes eleven categories: (1) Development of tree skiing and snowboarding at Lincoln Peak; (2) expanded snowmaking on seven existing trails at Lincoln Peak; (3) the connection of Lincoln Peak and Mount Ellen snowmaking systems with two air pipelines; (4) upgrade of two chair lifts and installation of a tow and magic carpet at Lincoln Peak; (5) installation of night lighting along Easy Rider Trail and the Village Quad at Lincoln Peak to facilitate night skiing; (6) trail expansions at Lincoln Peak and Mount Ellen; (7) construction of a seasonal performing arts center at Lincoln Peak; (8) installation of one view deck at Mount Ellen; (9) expansion of an existing lodge and construction of a new lodge at Lincoln Peak; (10) exchanging approximately 243 acres of privately owned land and/or moneys that in total equal the appraised value of two parcels of National Forest System land (a 57-acre parcel adjacent to their existing permit area at the base of Lincoln Peak which would be used as a site for a new hotel, and a 32-acre parcel surrounded by private property in Slide Brook); and (11) increasing the current comfortable carrying capacity stipulated in SRHI's special use permit from 8,650 skiers to 10,550 skiers.

The aforementioned categories constitute all actions proposed on National Forest System lands and falling within the existing permit area boundary. Most of the elements of this proposal are part of the 1996 Sugarbush Resort Master Plan Update. Because this plan also includes "reasonably foreseeable" development activities that could further impact resources in the project area, this EIS will also address the cumulative impacts of the full implementation of the plan. The applicant's proposal also would involve development on adjacent private lands which have land use jurisdictions outside of Forest Service control, and therefore are not subject to NEPA analysis.

The site-specific environmental analysis provided by the EIS will assist the Responsible Official in determining which improvements are needed to meet the following objectives: improve the quality and efficiency of the services and facilities offered at the resort; allow SRHI to provide a more complete, higher quality year-round recreational experience; and sustain the resource uses and amenity values which local communities depend on and enjoy.

Public participation will be incorporated into preparation of the EIS under the provisions of NEPA. The

Forest Service invites comments and suggestions on the scope of the analysis to be included in the draft EIS. A substantial amount of scoping has been completed under an earlier Environmental Assessment. Information gained from that scoping effort was used to determine that an EIS was needed. Major issues identified include: (1) Analyzing all portions of proposed developments at Sugarbush Resort at one time, (2) including the hotel and land exchange in the analysis, (3) justifying the need for night lighting, (4) analyzing impacts to wildlife habitat, (5) increasing traffic associated with the expansion, (6) increasing air and noise pollution, and (7) analyzing impacts of night lighting to the view of the night sky. The Forest Service will be seeking additional scoping information, comments, and assistance from Federal, State, and local agencies, as well as other individuals or groups who may be interested or affected by the proposed action. This information will be used in preparing the EIS. Public meetings will be held to assist in the public involvement process. The exact locations and dates of these meetings will be published in the local newspapers at least two weeks in advance.

Preliminary alternatives include the applicant's proposal (described above) and No Action, which in this case is continuing current administration of the ski area. Additional alternatives will be developed based on scoping comments. The Responsible Official will be presented with a range of feasible and practical alternatives.

Permits and licenses required to implement the proposed action will, or may, include the following: Section 404 permit from the Army Corps of Engineers; consultation with the U.S. Fish and Wildlife Service for compliance with Section 7 of the Endangered Species Act; compliance with the Act 250 process for the State of Vermont; as well as cooperation from other Local, State, or Federal agencies.

The Forest Service will seek comments on the Draft EIS for a period of at least 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**. Comments will be summarized and responded to in the Final EIS.

The Forest Service believes it is important, at this early stage, to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is