

Notices

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Monday, January 22, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AFRICAN DEVELOPMENT FOUNDATION

Sunshine Act Meeting

TIME: 10:00 am–4:00 pm.

PLACE: ADF Headquarters.

DATE: Friday, 26 January 2001.

STATUS: Open.

Agenda

10:00 am Chairman's Report

10:30 am–12:00 pm President's Report

12:00 pm Lunch

1:00–2:30 pm President's Report
(Continued)

2:30–4:00 pm Executive Session
(Closed)

4:00 pm Adjournment

If you have any questions or comments, please direct them to Doris Martin, General Counsel, who can be reached at (202) 673–3916.

Nathaniel Fields,
President.

[FR Doc. 01–1860 Filed 1–17–01; 4:19 pm]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Natural Resources Conservation Service

Farmland Protection Program

AGENCY: Commodity Credit Corporation, Natural Resources Conservation Service, Department of Agriculture (USDA).

ACTION: Notice of request for proposals.

SUMMARY: Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 established the Farmland Protection Program (FPP). The Secretary of Agriculture delegated the authority for FPP to the Chief of the Natural Resources Conservation Service (NRCS), who is a vice president of the

Commodity Credit Corporation (CCC). The Agricultural Risk Protection Act of 2000 provides \$10 million in financial and technical assistance for the purposes described in FPP in fiscal year 2001. The CCC requests proposals from federally recognized Indian tribes, States, units of local government, and non-governmental organizations to cooperate in the acquisition of conservation easements or other interests in prime, unique, or other productive soil that is subject to a pending offer, for the purpose of limiting conversion to nonagricultural uses of that land. An additional \$20 million has also been provided for FPP in accordance with the Conference Report on H.R. 4577, Department of Labor, Health, and Human Services, and Education and Related Agencies Appropriations (House of Representatives—December 15, 2000). This amount excludes proposals from non-governmental organizations and is dedicated only to proposals from federally recognized Indian tribes, States, and units of local government. USDA has designated up to \$5 million to be provided to State agencies that have a long and effective history of purchasing development rights on farmland.

DATES: Proposals must be received in the NRCS State Office within 45 days of the date of this notice.

ADDRESSES: Written proposals should be sent to the appropriate NRCS State conservationist, Natural Resources Conservation Service, USDA. The telephone numbers and addresses of the NRCS State conservationists are attached in the appendix of this notice.

FOR FURTHER INFORMATION CONTACT: Douglas J. Lawrence, NRCS; phone: (202) 720–1510; fax: (202) 690–6473; or e-mail: doug.lawrence@usda.gov; Subject: 2001 FPP.

SUPPLEMENTARY INFORMATION:

Background

Urban sprawl continues to threaten the Nation's farmland. Social and economic changes over the past three decades have influenced the rate at which land is converted to non-agricultural uses. Population growth, demographic changes, preferences for larger lots, inexpensive fuel costs, expansion of transportation systems, and economic prosperity have

contributed to increases in agricultural land conversion rates.

The amount of farmland lost to development is not the only significant concern. Another cause for concern is the quality and pattern of farmland being converted. In most States, prime farmland is being converted at two to four times the rate of other, less-productive agricultural land.

There continues to be an important national interest in the protection of farmland. Once developed, productive farmland with rich topsoil is effectively lost forever, placing future food security for the Nation at risk. Land use devoted to agriculture provides an important contribution to environmental quality, history, and scenic beauty.

Availability of Funding

Effective on the publication date of this notice, the CCC announces the availability, until September 30, 2001, of \$30 million for FPP. The CCC, acting through the appropriate NRCS State conservationist, must receive proposals for participation within 45 days of the date of this notice. State, tribal, and local governmental entities may apply for money under funding sources; however, non-governmental organizations are only eligible for the original \$10 million provided by the Agricultural Risk Protection Act of 2000.

Selection will be based on the criteria established in this notice. Selected eligible entities may receive no more than 50 percent of the purchase price for each conservation easement, not to exceed the fair market value of the interest to be purchased. Pending offers by an eligible entity must be for the acquisition of an easement for a minimum duration of 30 years.

Definitions

Chief means the Chief of NRCS, USDA.

Eligible entities means federally recognized Indian tribes, States, units of local government, and non-governmental organizations that have pending offers for the acquisition of conservation easements for the purposes of protecting the agricultural use. Non-governmental organizations are only eligible for the \$10 million originally authorized by the Agricultural Risk Protection Act of 2000.

Field Office Technical Guide means the official NRCS guidelines, criteria,

and standards for planning and applying conservation treatments and conservation management systems. It contains detailed information on the conservation of soil, water, air, plant, and animal resources applicable to the local area for which it is prepared.

Land Evaluation and Site Assessment (LESA) means the Federal land site evaluation system used to rank land, based on soil potential for agriculture, as well as social and economic factors, such as location, access to market, and adjacent land use.

Non-governmental organization, as defined in section 211(a) of the Agricultural Risk Protection Act of 2000, is any organization that:

(1) Is organized for, and at all times since the formation of the organization, has been operated principally for one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

(2) Is an organization described in section 501(c)(3) of that code that is exempt from taxation under 501(a) of that code;

(3) Is described in section 509(a)(2) of that code; or

(4) Is described in section 509(a)(3) of that code and is controlled by an organization described in section 509(a)(2) of that code.

Prime and unique farmland are defined separately, as follows:

- Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, without intolerable soil erosion, as determined by the Secretary.

- Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops, as determined by the Secretary. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables. Additional information on the definition of prime, unique, or other productive soil can be found in section 1540(c)(1) of the Farmland Protection Policy Act (Public Law 97-98) (7 U.S.C. 4201, *et seq.*).

Purchase price means the fair market value ascertained through standard real property appraisal methods. Fair market value is defined as the price at which a

willing seller and a willing buyer will trade.

State conservationist means the NRCS employee authorized to direct and supervise NRCS activities in a State or the Caribbean Area (Puerto Rico and the Virgin Islands).

Overview of the Farmland Protection Program

The CCC will accept proposals submitted to the NRCS State offices from eligible entities, including federally recognized Indian tribes, States, units of local government, and non-governmental organizations that have pending offers for the acquisition of conservation easements for the purposes of protecting the agricultural use of the land. Reference information regarding the FPP can be found in the "Catalog of Federal Domestic Assistance #10.913."

All proposals must be submitted to the appropriate NRCS State conservationist within 45 days of the date of this notice. The NRCS State conservationist may consult with the State Technical Committee (established pursuant to 16 U.S.C. 3861) to evaluate the merits of the proposals.

The NRCS State conservationist will review and evaluate the proposals based on State, local program, tribal, or non-governmental organization eligibility, land eligibility, and the extent to which the proposal will protect prime, unique, or other productive soil. Proposals must provide adequate proof of a pending offer for the subject land. Proposals submitted directly to the NRCS national office will not be accepted and will be returned to the submitting entity.

The NRCS State conservationist will transmit a cover letter with a list of the ranked proposals and properties that meet the criteria established in this notice to the NRCS national office in Washington, DC, where the final selection of proposals will occur. Once selected, eligible entities must work with the appropriate NRCS State conservationist to finalize and sign cooperative agreements, incorporating all necessary FPP terms.

The conveyance document used by the eligible entity must be reviewed and approved by the NRCS national office before being recorded. Since title to the easement is held by an entity other than the United States, the conveyance document must contain a clause that all rights conveyed by the landowner under the document will become vested in the United States should the federally recognized Indian tribe, State, local government entity, or non-governmental organization (*i.e.*, the grantee(s)) abandon or attempt to terminate the

conservation easement. As a condition for participation, all land in the easement shall be included in a conservation plan developed and implemented according to the NRCS Field Office Technical Guide.

Organization and Land Eligibility Selection Criteria

To be eligible, a federally recognized Indian tribe, State, unit of local government, or non-governmental organization must have a farmland protection program that purchases agricultural conservation easements for the purpose of protecting prime, unique, or other productive soil by limiting conversion to nonagricultural uses. In addition, applicants must provide information in their proposals demonstrating their ability, both legally and programmatically, to acquire conservation easements for the purpose of limiting conversion to nonagricultural uses.

The following land, if subject to a pending offer by an eligible entity, is eligible for enrollment in the FPP:

(1) Land with prime, unique, or statewide and locally important farmland and

(2) Other incidental land that would not otherwise be eligible, but when considered as part of a pending offer, NRCS determines that inclusion of such land would significantly augment protection of the associated farmland.

Proposal Criteria

Proposals must contain the information set forth below in order to receive consideration:

1. Organization and programs: Eligible entities must describe their farmland protection program and their record of acquiring and holding permanent agricultural land protection easements or other interests. Information provided in the proposal should:

(a) Demonstrate a commitment to long-term conservation of agricultural lands through the use of voluntary easements or other legal devices to protect farmland from conversion to nonagricultural uses;

(b) Demonstrate a capability to acquire, manage, and enforce easements and other interests in land;

(c) Demonstrate the availability of funds equal to at least 50 percent of the projected easement purchase price for the proposed land parcel(s); and

(d) Have pending offer(s). A pending offer is a bid, contract, or option extended to a landowner by an eligible entity to acquire a conservation easement or other interests in land to limit nonagricultural uses of the land before the legal title to these rights has

been conveyed. The pending offers must be for the primary purpose of protecting topsoil by limiting conversion to nonagricultural uses.

2. To ensure that the maximum efficiency of dollars is obtained, USDA is designating a reserve, not to exceed \$5 million, to States that have a long history of purchasing development rights and that have a developed infrastructure for protection of farmland, along with a strong program for State funding of such efforts. To be eligible, State agencies must meet the following criteria, in addition to the criteria set forth above:

(a) Possess both a high public and private investment per capita in the purchase of development rights on working farms over the last 10 years;

(b) Have provided on-going appropriations for the purchase of development rights over the last 10 years;

(c) Have established partnerships with private nonprofit land trusts; and

(d) Are located in States where the average cost of purchasing development rights, for all entities involved, is below \$1,000 per acre.

3. Lands to be acquired: The proposal should describe the lands to be acquired with assistance from FPP. Specifically, the proposal should include:

(a) A map showing the proposed protected area(s);

(b) The amount and source of funds currently available for each easement (or other interest) to be acquired;

(c) The criteria used to set the acquisition priorities; and

(d) A detailed description of the land parcel(s), including:

(i) The priority of the offer;

(ii) The name(s) of the landowner(s);

(iii) The address and location map(s) of the parcel(s);

(iv) The size of the parcel in acres;

(v) The acres of the prime, unique, or statewide and locally important soil in the parcels. Farmland that is of statewide or local importance is used for the production of food, feed, fiber, forage, or oilseed crops. The appropriate State or local government agency(s) determines statewide or locally important farmland with concurrence from the Secretary.

(vi) A map showing the location of other protected parcels in relation to the land parcels proposed to be protected;

(vii) Estimated cost of the easement(s): The consideration to be paid to any landowners for the conveyance of any lands or interests in lands shall be no more than the purchase price of the land or interests conveyed, as determined by an appraiser licensed in the State. All parcels nominated for FPP assistance

shall be appraised and all appraisals shall conform to the Uniform Appraisal Standards for Federal Land Acquisitions (Interagency Land Acquisition Conference, 1992).

(viii) Type of instrument (e.g., easement deed) used to prevent agricultural land conversion;

(ix) Indication of the accessibility to markets;

(x) Indication of an existing agricultural infrastructure, on- and off-farm, and other support system(s);

(xi) Statement regarding the level of threat from urban development;

(xii) Other factors from an evaluation and assessment system used to set priorities. If the eligible entity used the LESA system or a similar land evaluation system as its tool, include the value(s) (i.e. score(s)) for the land parcels slated for acquisition; and

(xiii) Other information that may be relevant.

In submitting proposals, entities should indicate on the cover of the proposal whether they are a nongovernmental organization, local, Tribal or State agency. In the case of a State agency, if the State is applying for funds that are reserved for State agencies with a long history of farmland protection, State agencies must include documentation to support the criteria outlined in section 2 under Proposal Criteria.

NRCS Role

Once the appropriate NRCS State office has assessed organization eligibility and the merits of each proposal, the NRCS State conservationist shall determine whether the farmland is eligible for financial assistance from FPP. NRCS will use the LESA system or a similar land evaluation system to evaluate the land and rank parcels.

Ranking Considerations

NRCS will only consider enrolling eligible land in the program that is of sufficient size and has boundaries that allow for efficient management of the area. The land must have access to markets for its products and an infrastructure appropriate for agricultural production. NRCS will not enroll land in FPP that is owned in fee title by an agency of the United States, or land that is already subject to an easement or deed restriction that limits the conversion of the land to nonagricultural use. NRCS will not enroll otherwise eligible lands if NRCS determines that the protection provided by the FPP would not be effective because of on-site or off-site conditions. For example, a proposal may nominate

an agricultural parcel surrounded by a developed area. In addition, NRCS may learn that the local government's long-term plan or zoning regulations earmark the parcel for future development. In light of the parcel's isolation from other farms and the local government's position, expressed in either its land use plan or zoning, NRCS may determine that the use of FPP funds is not appropriate.

NRCS will place a priority on acquiring easements or other interests in lands that provide permanent protection from conversion to nonagricultural use. NRCS will place a higher priority on easements acquired by entities that have extensive experience in managing easements. NRCS will place a higher priority on lands and locations that help create a large tract of protected area for viable agricultural production. NRCS will place a higher priority on lands and locations that link to other Federal, tribal, State, local, or non-governmental organization efforts with complementary farmland protection objectives. NRCS may place a higher priority on lands that provide special social, economic, and environmental benefits to the region. A higher priority may be given to certain geographic regions where the enrollment of particular lands may help achieve national, State, and regional goals and objectives, or enhance existing government or private conservation projects.

Cooperative Agreements

The CCC will use a cooperative agreement with a selected eligible entity as the mechanism for participation in FPP. The cooperative agreement will address, among other things:

(1) The interests in land to be acquired, including the form of the easements to be used and terms and conditions;

(2) The management and enforcement of the rights acquired;

(3) The role of NRCS;

(4) The responsibilities of the easement manager on lands acquired with the assistance of FPP; and

(5) Other requirements deemed necessary by the CCC to protect the interests of the United States.

The cooperative agreement will also include an attachment listing the pending offers accepted in FPP, landowners' names, addresses, location map(s), and other relevant information.

Signed in Washington, DC, on January 16, 2001.

Danny D. Sells,

Deputy Vice President, Commodity Credit Corporation and Associate Chief, Natural Resources Conservation Service.

NRCS State Conservationists

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DEPARTMENT OF AGRICULTURE

Forest Service

Basin Creek Mine Final Water Treatment System proposal, Beaverhead-Deerlodge National Forest, Jefferson County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement to document the analysis and disclose the environmental impacts of a proposed action to develop a final water treatment system at the inactive Basin Creek Mine. The mine site is located on the Continental Divide about 30 miles southwest of Helena, Montana.

The proposed action would finalize the reclamation of the closed mine by defining a long-term water treatment system to treat effluent coming from the reclaimed leach pad (known as Leach Pad 3) on National Forest System lands. The effluent needs to be treated in perpetuity to ensure that any residual contaminants (cyanide or heavy metals) originating from the reclaimed leach pad do not degrade water quality. The decision to be made is to determine the type of final water treatment system that will be developed.

DATES: Initial comments concerning the scope of the analysis should be received in writing no later than January 31, 2001.

ADDRESSES: The responsible official is Forest Supervisor Janette Kaiser, Beaverhead-Deerlodge National Forest, Dillon, Montana. To facilitate the analysis of public comments, send written comments to District Ranger Terry Sexton, Jefferson Ranger District, 3 Whitetail Road, Whitehall, MT 59759. Comments may be electronically submitted to tsexton@fs.fed.us.

FOR FURTHER INFORMATION CONTACT: Terry Sexton, District Ranger, at the above address, or phone (406) 287-3223 or 1-800-433-9206, or by email to tsexton@fs.fed.us.

SUPPLEMENTARY INFORMATION: The Basin Creek Mine is an inactive open pit heap leach gold mine. The site contains the headwaters of the municipal watersheds for the city of Helena (Monitor Creek) and the town of Basin (Basin Creek). Active mining operations were most recently conducted from 1988 through 1990 on patented land belonging to Pegasus Gold Corporation and National Forest System lands administered by the Beaverhead-Deerlodge National Forest. Final reclamation and closure of the site began in 1994 and is scheduled for completion in the fall of 2001. The State of Montana Department of Environmental Quality will be preparing a separate document to analyze the effects of a proposed action to develop final water treatment systems for two other sources of effluent located on private land at the mine site. Discharges from the water treatment systems will require a National Pollutant Discharge Elimination System (NPDES) permit; a federal permit issued by the Corp of Engineers.

The Forest Service, Environmental Protection Agency, and the State of Montana are cooperating agencies for this proposal.

The project area is located in Township 8N, Range 6W, Sections 25 and 26. The scope of this proposal is limited to developing a final long-term water treatment system for the effluent originating from Leach Pad 3.

Public participation is important to this analysis. Part of the goal of public involvement is to identify additional issues and to refine the general, tentative issues. A scoping notice describing the proposal will be mailed to those who request information on mining activities on the Beaverhead-Deerlodge National Forest. There are no scoping meetings scheduled.

Preliminary issues identified by the Forest Service include effects to water quality, and maintenance and effective life of the water treatment system. The analysis will consider all reasonably foreseeable activities. The