

on November 18, 1998 (63 FR 64154, Nov. 18, 1998), and requested comments on the proposed rule and the information collection to be submitted to us by January 19, 1999. The proposed rulemaking requires farm operators who provide services to more than 960 nonexempt acres westwide, held by a single trust or legal entity or any combination of trusts and legal entities to submit RRA forms to the district(s) where such land is located. We requested comments from the public on whether to revise an existing RRA form or create a new form for farm operators to prepare.

Just in case, if the rule is finalized and it is determined that farm operators will be required to submit a separate form, we have prepared a draft of this form for review and comment (see **FOR FURTHER INFORMATION CONTACT**). We have included the estimated burden for the

draft farm operator form (Form 7-21FARMOP) in this notice. Farm operators are not required to submit an RRA form to their district until the proposed rulemaking is published as a final rule in the **Federal Register**.

**Title:** Individual Landholder's Certification and Reporting Forms for Acreage Limitation, 43 CFR Part 426.

**Abstract:** This information collection requires certain landholders to complete forms demonstrating their compliance with the acreage limitation provisions of Federal reclamation law. These forms are submitted to districts who use the information to establish each landholder's status with respect to landownership limitations, full-cost pricing thresholds, lease requirements, and other provisions of Federal reclamation law. All landholders whose entire westwide landholdings total 40 acres or less are exempt from the

requirement to submit RRA forms. Landholders who are "qualified recipients" have RRA forms submittal thresholds of 80 acres or 240 acres depending on the district's RRA forms submittal threshold category where the land is held.

**Frequency:** Annually.

**Respondents:** Landholders (direct or indirect landowners or lessees) and farm operators of certain lands in Bureau of Reclamation projects, whose landholdings exceed specified RRA forms submittal thresholds.

**Estimated Total Number of**

**Respondents:** 19,202.

**Estimated Number of Responses per Respondent:** 1.02.

**Estimated Total Number of Annual Responses:** 19,586.

**Estimated Total Annual Burden on Respondents:** 14,829 hours.

**Estimate of Burden for Each Form:**

Form no.	Burden estimate per form (in minutes)	Number of respondents	Annual number of responses	Annual burden on respondents (in hours)
Form 7-2180 .....	60	5,358	5,465	5,465
Form 7-2180EZ .....	45	537	548	411
Form 7-2181 .....	78	1,758	1,793	2,331
Form 7-2184 .....	45	40	41	31
Form 7-2190 .....	60	1,910	1,948	1,948
Form 7-2190EZ .....	45	113	115	86
Form 7-2191 .....	78	891	909	1,182
Form 7-2194 .....	45	4	4	3
Form 7-21PE .....	66	205	209	230
Form 7-21TRUST .....	60	1,331	1,358	1,358
Form 7-21VERIFY .....	12	6,452	6,581	1,316
Form 7-21FC .....	30	243	248	124
Form 7-21XS .....	30	164	167	84
Form 7-21FARMOP .....	78	196	200	260

### Comments

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of our functions, including whether the information will have practical use;

(b) The accuracy of our burden estimate for the proposed collection of information;

(c) Ways to enhance the quality, usefulness, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

We will summarize all comments received to this notice and any comments regarding this information collection received during the comment period for the notice of proposed rulemaking. We will publish that summary in the **Federal Register** when

the information collection request is submitted to OMB for review and approval.

Dated: December 18, 1998.

**Alonzo D. Knapp,**

*Acting Director, Program Analysis Office.*

[FR Doc. 98-34380 Filed 12-31-98; 8:45 am]

**BILLING CODE 4310-94-M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### Notice of Intent To Prepare a Draft Supplemental Environmental Impact Statement to the 1996 Final Supplement to the Final Environmental Statement for the Animas-La Plata Project and Announcement of Public Scoping Meetings

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of intent to prepare a Draft Supplemental Environmental Impact Statement to the 1996 Final Supplement to the Final Environmental Statement and Announcement of Public Scoping Meetings.

**SUMMARY:** The Department of the Interior, Bureau of Reclamation (Reclamation), announces its intent to prepare a Draft Supplemental Environmental Impact Statement (DSEIS) to the 1996 Final Supplement to the Final Environmental Statement for the Animas-La Plata Project (ALP) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended.

This DSEIS will evaluate the environmental impacts of the Administration Proposal, which was announced on August 11, 1998, for Final Implementation of the Colorado Ute Settlement Act. At the heart of the proposal is a modified ALP which is limited to a smaller dam and reservoir

designed to supply municipal and industrial water to the Colorado Ute Tribes, Navajo Nation, and non-Indian entities in the local area. This modified project deviates from those previously evaluated for ALP, thus necessitating the need for supplemental environmental review. The proposal also contains a non-structural element as part of the settlement implementation which has not been the subject of any previous analysis under NEPA.

Reclamation invites other federal agencies, states, Indian tribes, local governments, and the general public to submit written comments or suggestions concerning the scope of the issues to be assessed in the DSEIS. The public is invited to participate in a series of scoping meetings that will be held in February in Colorado and New Mexico. A schedule of the meetings is provided. Those not desiring to submit comments or suggestions at this time, but who would like to receive a copy of the DSEIS, should write to the address below. When the DSEIS is complete, its availability will be announced in the **Federal Register**, in the local news media, and through direct contact with interested parties. Comments will be solicited on the document.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for meeting dates.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** section for meeting locations.

**FOR FURTHER INFORMATION CONTACT:** Mr. Pat Schumacher, Manager, Southern Division of the Western Colorado Area Office, P.O. Box 640, Durango, Colorado 81302. Telephone: (970) 385-6500. FAX: (970) 385-6539. E-mail: pschumacher@uc.usbr.gov.

**SUPPLEMENTARY INFORMATION:**

### Background

The Animas-La Plata Project (ALP) was authorized by the Colorado River Basin Project Act of September 30, 1968 (Pub. L. 84-485), and would be located in La Plata and Montezuma Counties in southwestern Colorado and in San Juan County in northwestern New Mexico. Since its authorization, several studies have been conducted regarding ALP. The results of these studies are summarized in the following documents and their supporting appendices: the 1979 Bureau of Reclamation Definite Plan Report, a 1980 Final Environmental Statement, the 1992 Draft Supplement to the Final Environmental Statement, and the 1996 Final Supplement to the Final Environmental Statement (FSFES). Much of the information compiled in these documents focuses on addressing

NEPA, Endangered Species Act, and Clean Water Act compliance, identifying project impacts, and developing an extensive environmental commitment plan for the implementation of mitigation measures. Some of the issues that have received consideration over this period include impacts to aquatic resources (including wetlands identification/mitigation), water quality, recreation, wildlife habitat, endangered and threatened species, alternative analysis, Indian trust assets and cultural resources, and economic/social impacts.

In the early 1980s, discussions were initiated to achieve a negotiated settlement of water right claims of the Southern Ute Indian and Ute Mountain Ute Tribes in southwest Colorado. The Colorado Ute Tribes and other parties subsequently signed the Final Settlement Agreement on December 10, 1986. The Colorado Ute Indian Water Rights Settlement Act of 1988 (Pub. L. 100-585) (Settlement Act) provided language to implement the Final Settlement Agreement and supplemented the authorization of the ALP. A significant component of the Final Settlement Agreement was incorporation of the provisions of the "Agreement in Principle Concerning the Colorado Ute Indian Water Rights Settlement and Binding Agreement for Animas-La Plata Project Cost Sharing" (Cost Sharing Agreement). The Cost Sharing Agreement was executed by representatives of the states of New Mexico and Colorado, the two Colorado Ute Tribes, the Animas-La Plata Water Conservancy District, the San Juan Water Commission, Montezuma County in Colorado, and the Department of the Interior.

Recognizing the potential of ALP to affect endangered species (the Colorado squawfish), Reclamation consulted with the Fish and Wildlife Service (Service) pursuant to the requirements of the Endangered Species Act. A Biological Opinion was issued by the Service on October 25, 1991, containing a Reasonable and Prudent Alternative that would allow construction of several ALP features (including Durango Pumping Plant, Ridges Basin Inlet Conduit, Ridges Basin Dam and Reservoir, and other features) and an average annual initial water depletion for ALP of 57,100 acre-feet from the San Juan River.

After Reclamation was authorized to initiate construction, several challenges were made regarding the completeness of the 1980 Final Environmental Statement and Reclamation subsequently rescinded the

authorization for construction pending completion of a FSFES.

Reclamation filed a Draft Supplement with the Environmental Protection Agency (EPA) and released the Draft Supplement for public review and comment in October 1992. Based on comments received on the Draft Supplement, the FSFES was completed and filed with EPA in April 1996. No record of decision was issued.

In May 1995, reconsultation with the Service addressed new information and changes to the project. A Biological Opinion was issued by the Service in February 1996. This Biological Opinion contained a Reasonable and Prudent Alternative that would limit construction to only those project features which would initially result in an average annual water depletion of 57,100 acre feet.

Following the completion of the FSFES in 1996, Colorado Governor Roy Romer and Lt. Governor Gail Schoettler convened the Project supporters and opponents in a process intended to seek resolution of controversy involved in the original ALP, and to attempt to gain consensus on an alternative to the original project. The Romer-Schoettler process concluded with the suggestion of two alternatives, a structural and nonstructural proposal. The Animas-La Plata Reconciliation Plan (Structural Proposal) proposed to construct the initial stage of the project as described in the FSFES, with some modifications. The Animas River Citizens' Coalition Conceptual Alternative (Nonstructural Proposal) proposed to purchase irrigated lands and other associated water rights near the existing Ute reservations in southern Colorado and would use or purchase water from existing projects or from expanded projects/delivery systems for the purpose of providing Indian-only water.

On August 11, 1998, the Secretary of the Interior presented an Administration Proposal to build a down-sized version of ALP to implement the Colorado Ute water rights settlement which would also include a nonstructural element as part of the settlement implementation.

### Purpose and Need for Action

The purpose and need of the proposed federal action is to implement the Settlement Act by providing the Ute Tribes an assured long-term water supply and water acquisition fund in order to satisfy the Tribes' senior water rights claims as quantified in the Settlement Act, and to provide for identified municipal and industrial water needs in the Project area.

Congress enacted the Settlement Act to settle outstanding water rights claims

of the two Colorado Ute Tribes. The Colorado Ute Indian reservations were created in 1868, and as such, the Tribes have a priority date for their water rights that precedes the priority dates for most, if not all, non-Indian water rights. Implementation of the Act will allow the development of Tribal senior water rights without adversely impacting non-Indian water rights and users, including cities and municipalities throughout southwestern Colorado and northwestern New Mexico.

#### *The Proposed Federal Action*

The Administration proposal for final implementation of the Colorado Ute Water Rights Settlement was developed after a review of the Settlement Act requirements, the issues surrounding the 1996 formulation of ALP, and a consideration of the alternatives generated during the Romer-Schoettler Process. As a result, the Administration Proposal includes both structural and nonstructural elements designed to achieve the fundamental purpose of securing the Ute Tribes an assured water supply in satisfaction of their water rights as determined by the 1986 Settlement Agreement and the 1988 Settlement Act and by providing for identified municipal and industrial water needs in the Project area. The Administration proposal also brings final resolution to the ALP issue by restricting the project to construction of a defined number of facilities centered around a down-sized storage facility limited to municipal and industrial (M&I) water uses. Other previously contemplated project features would be deauthorized.

The Administration proposal includes two components:

#### **Structural Component**

This includes an off-stream storage reservoir (approximately 90,000 acre-feet capacity) with only a limited amount of "dead" storage, a pumping plant (up to approximately 240 cubic feet per second of capacity), and a reservoir inlet conduit, all designed to deplete no more than an average of 57,100 af per year (afy) from the Animas River. This depletion limit of 57,100 afy is consistent with the Biological Opinion issued by the Service, which limits further water depletion in the entire San Juan River Basin in order to avoid jeopardy to the endangered fish. The proposed reservoir would be located at the Ridges Basin site.

Consumptive use of water from the project will be restricted to M&I uses

only and will be allocated in the following manner:<sup>1</sup>

	Afy depletion
Southern Ute Tribe (M&I) .....	19,980
Ute Mountain Ute Tribe (M&I) .....	19,980
Navajo Nation (M&I) .....	2,340
ALP Water Conservancy District (M&I) .....	2,600
San Juan Water Commission (M&I) .....	10,400

Consistent with the purpose and need statement, a substantial portion of the costs of the reservoir and associated works are anticipated to be non-reimbursable to the federal treasury. Costs of any project benefits accruing to non-Indian parties are expected to be fully absorbed by those parties in accordance with Reclamation law and Administration policy.

#### **Nonstructural Component**

Under the allocation shown above, the Tribes are still approximately 13,000 af short of the total quantity of depletion recognized in the settlement agreement. The proposed action therefore includes a nonstructural element which would establish and utilize a water acquisition fund which the Tribes could use one time to acquire water rights on a willing buyer/willing seller basis. The fund would be sufficient to acquire rights to the use of sufficient quantities of water allowing the Tribes about 13,000 afy of depletion in addition to the depletions stated above. Preliminary cost estimates indicate that a fund of approximately \$40,000,000 would be required to purchase the additional rights. However, to provide flexibility in the use of the fund, authorization would allow some or all of the funds to be redirected for on-farm development, water delivery infrastructure, and other economic development activities.<sup>2</sup>

Several features of the proposed action, particularly the reservoir location, pumping plant, and inlet works have been the subject of previous analysis by Reclamation as described in the Background section. Details concerning these items and changes from the previous ALP configuration can be obtained by contacting Reclamation's Western Colorado Area Office, Southern Division, in Durango,

<sup>1</sup> The balance of the available depletions is lost to evaporation making total depletions of 57,100 afy.

<sup>2</sup> At the request of the Ute Tribes, this provision represents a change from the Administration proposal released on August 11, which limited redirection of funds to only 50% of the total amount provided.

Colorado at the address and telephone number shown above.

#### **Proposed Scope of Analysis**

The Administration Proposal is related to but represents a refinement in the configuration of ALP. Accordingly, Reclamation intends to fulfill the requirements of NEPA through development of a DSEIS which is supplemental to the 1996 FSFES for ALP. This approach will allow for full assessment of the new or changed features which are part of the Administration proposal but make use, to the extent appropriate, of the prior environmental analysis for ALP. Given this approach, the following discussion represents Reclamation's current view of the range of alternatives and the type of analysis which is appropriate for the Administration Proposal.

1. *Range of Alternatives*—In addition to the above-described proposed action (i.e. the Administration Proposal), Reclamation intends to evaluate the following alternatives as part of its NEPA analysis.

a. *Administration Proposal with Recreation Element Added*—At the request of the state of Colorado, Reclamation will evaluate adding recreation as a feature of the reservoir. This feature would necessitate consideration of a conservation pool of approximately 30,000 af thereby increasing the overall reservoir size to approximately 120,000 af.

b. *Animas-La Plata Reconciliation Plan*—This alternative represents the structural alternative developed during the Romer-Schoettler process. It was also the basis for legislation which was introduced during the 105th Congress (S. 1771 and H.R. 3478). The proposal provides water for both M&I and irrigation uses. It also contains project features similar to the Administration Proposal although the reservoir would be sized to a 260,000 af capacity to allow for future M&I and irrigation storage needs. No deauthorization of project features is included in this proposal.

c. *Animas River Citizens' Coalition Conceptual Alternative*—This alternative represents the nonstructural proposal developed during the Romer-Schoettler process. It proposes the purchase of irrigated lands and other associated water rights near the Ute reservations, and would use or purchase water from existing projects or expanded projects/delivery systems for the purpose of providing water in satisfaction of the Ute Tribes' water rights claims.

d. *1996 Final Supplement to the Final Environmental Statement (FSFES)*

**Recommended Action**—This alternative recommended constructing ALP in two phases, providing a total water depletion of 149,220 af and is described in the 1996 FSFES. Initial project water depletions were limited to 57,100 af (Phase I, Stage A) due to the Service's Biological Opinion on endangered fish species. The total water depletion of 149,220 af would have required additional consultation with the Service.

e. **Administration Proposal with an Alternative Water Supply for Non-Ute Entities**—This alternative will consider supplying non-Ute M&I water (i.e. Animas-La Plata Water Conservancy District, San Juan Water Commission, and Navajo Nation) from sources other than the proposed Ridges Basin Reservoir.

f. **Citizens Progressive Alliance Proposal**—This proposal would allow the Ute Tribes to lease water instream based on the water amounts in the Settlement Agreement. The economic value of such instream leasing would be calculated on the value of leaving Animas River water instream and based on hydropower production, lower levels of salinity, and other benefits included in the authorized plan.

g. **No Action Alternative**—Under this alternative, the project would not be constructed. As a result, the Settlement Act would not be fulfilled. The Southern Ute Indian Tribe and Ute Mountain Ute Tribe could initiate either litigation or negotiation with non-Indian water users and the United States to resolve their water rights claims on rivers flowing through their respective reservations, including the Animas and La Plata Rivers. Tribal development of natural resources or other economic development tied to water use would likely be delayed until the Tribes' water claims were settled. Conflicts could exist between the Indian and non-Indian communities in the area.

Existing water uses would likely continue during litigation or negotiation. However, development of new water storage or delivery facilities by private, state, or Tribal entities would likely be deferred until those water rights claims were resolved.

2. **Type of Analysis**—Pending public input, Reclamation intends that the Administration Proposal and each of the alternatives described above undergo an analysis beginning with a threshold assessment of the alternative's capability to accomplish the project's purpose. The following items will then be analyzed as appropriate. Any new or updated information from that contained in the 1980 FES and the 1996

FSFES will be evaluated and included in this supplement.

a. **Direct and Indirect Impacts**—Reclamation intends to evaluate the direct and indirect impacts the Administration Proposal and alternatives may have on the affected environment including wetlands, water quality, recreational activities, wildlife habitat and aquatic resources, geology, cultural resources, and endangered species. This assessment would also examine the indirect impacts of potential end uses of project water. An assessment of options to avoid or minimize environmental impacts will also be a focus of the analysis.

b. **Connected Actions**—These actions include those closely related to the Administration Proposal or other alternatives being reviewed. They are typically either automatically triggered by, dependent upon, or interdependent with the subject action. Examples of current connected actions which Reclamation intends to analyze include (i) reoperation of Navajo Dam and Reservoir and (ii) relocation of gas pipelines.

c. **Cumulative Impacts**—These impacts arise from the incremental impact a proposed action or alternative has on the environment when added to other past, present or reasonably foreseeable future actions. Cumulative impacts which Reclamation intends to consider depending upon the action or alternative being reviewed include (i) the cumulative effects of ALP and other actions on endangered species; and (ii) water development opportunities for other communities in the San Juan River basin (e.g. completion of the Navajo Indian Irrigation Project).

d. **Compliance with Other Laws**—Reclamation will comply with all environmental laws and regulations, including but not limited to the Clean Water Act and the Endangered Species Act, in the preparation of the DSEIS.

e. **Cost Estimate**—Although not intended to be a focus of in-depth analysis, the supplemental analysis will discuss the estimated overall costs attributable to each alternative.

#### Public Scoping

Scoping meetings will be held in Durango, Colorado; Farmington, New Mexico; and Denver, Colorado in early February of 1999 for the purpose of obtaining public input on the significant issues related to the proposed action. The schedule and locations for the meetings are shown below. The public is especially asked to provide input on the following:

1. Whether the overall range of alternatives is appropriate. The

Administration Proposal was developed in response to the alternatives developed during the Romer-Schoettler process, both of which are included in the range of alternatives to be considered.

2. Identification of significant issues related to the proposed action.

#### Schedule of Scoping Meetings

A series of meetings will be conducted in Colorado and New Mexico. Each will begin with a one hour open house where the public can informally discuss issues and ask questions of staff and managers.

The open house will be followed by a more formal scoping hearing in which each participant will be given time to make official comments. Speakers will be given five minutes for their comments. These comments will be formally recorded. Speakers are encouraged to provide written versions of their oral comments, and any other additional written materials, for the record.

Comments may also be sent directly to the Bureau of Reclamation's Southern Division of the Western Colorado Area Office in Durango, Colorado. Written comments should be received by February 19, 1999, to be most effectively considered.

#### Dates of Scoping Meetings

- February 2, 1999, 6–9 p.m., DoubleTree Hotel, Main Ballroom, 501 Camino Del Rio, Durango, Colorado
- February 3, 1999, 6–9 p.m., San Juan College, Henderson Fine Arts Center, Room 10, 4601 College Boulevard, Farmington, New Mexico
- February 4, 1999, 6–9 p.m., Colorado Convention Center, Room A201, 700 14th Street, Denver, Colorado

Dated: December 29, 1998.

**Eluid L. Martinez,**  
Commissioner.

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#### DEPARTMENT OF THE INTERIOR

##### Office of Surface Mining Reclamation and Enforcement

##### Notice of Proposed Information Collection

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, DOI.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation