

activities on bighorn sheep. The information gained through this study will be used in developing a conservation strategy that addresses the long term management of California bighorn sheep on the Little Missouri National Grasslands.

This EIS will tier to the Custer National Forest Land and Resource Management Plan, EIS, and Record of Decision (1987), as amended, and the Oil and Gas Leasing EIS for the Northern Little Missouri National Grasslands and Record of Decision (1991). This is a project level decision and the scope of the analysis will be confined to issues associated with the proposed action.

Federal, state, and local agencies, lessees, permittees, and other individuals or organizations interested in or potentially affected by the decision are invited to participate in the scoping process. Input to identify issues and alternatives to be addressed in this analysis will be gathered from the public through mailing of scoping information to all known interested publics.

Based on comments made by the public on past proposals, the following list of preliminary environmental issues has been identified. This list will be confirmed or modified based on further input from the public.

1. Consider the effects of oil well and associated access road(s) development, including Federally leased minerals and where private minerals are overlain by Federal surface and/or are accessed across Federal surface, on:
 - a. Sensitive plant and/or animal species, including bighorn sheep;
 - b. The Bennett-Cottonwood inventoried roadless area;
 - c. Canyon lands/complexes, including riparian areas;
 - d. Visual quality, especially as seen from the North Unit of Theodore Roosevelt National Park, and the Little Missouri Scenic River;
 - e. Grazing;
 - f. Private lands and access to these lands within the analysis area;
 - g. The Maah-Daah-Hey Trail; and
 - h. The transportation system.

Alternatives to be considered in this analysis depend on the final list of environmental issues. The following is a list of preliminary alternatives.

1. No Action, deny, or defer to a later time, further development within the area.
2. Approve as submitted, applications for permit to drill (Proposed Action);
3. Approve but modify, applications for permit to drill.

Release of Draft and Final EIS

The draft environmental impact statement (DEIS) is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in May 1, 1995. At that time, the EPA will publish a Notice of availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS will be 45 days from the date the EPA's notice of availability appears in the **Federal Register**. It is very important that those interested in management of the Bennett-Cottonwood area participate at this time. To be most helpful, comments on the Draft EIS should be as site-specific as possible. The Final EIS is scheduled to be completed by July 1, 1995.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participants 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. *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 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 environmental impact statement.

To assist the Forest Service in identifying and considering tentative issues and proposed alternatives it is helpful if comments are as specific as possible. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Act at 40 CFR 1503.3 in addressing these points.

I am the responsible official for this decision and EIS. My address is McKenzie Ranger District, Little Missouri National Grasslands, Custer National Forest, HC02 Box 8, Watford City, North Dakota 58854.

Dated: December 29, 1994.

Lesley W. Thompson,

District Ranger.

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Eagle Creek Wild and Scenic River Management Plan Environmental Assessment, Wallowa-Whitman National Forest, Baker and Union Counties, OR

AGENCY: Forest Service, USDA.

ACTION: Notice of Availability.

SUMMARY: On December 22, 1994, Wallowa-Whitman Forest Supervisor, R.M. Richmond, signed a Decision Notice which adopted into the Forest Plan the Eagle Creek Wild and Scenic River Management Plan which required an amendment to the Wallowa-Whitman Forest Plan.

This management plan outlines use levels, development levels, resource protection measures, and outlines a general management direction for the river corridor. This amendment is necessary to implement the Wild and Scenic Rivers Act which required the Forest Service to develop a management plan for Eagle Creek. Interim direction was identified in the Forest Plan as Management Area 7 (Wild and Scenic Rivers). The environmental assessment documents the analysis of alternatives to managing the Eagle Creek Wild and Scenic River in accordance with the Wild and Scenic Rivers Act.

This decision is subject to appeal pursuant to Forest Service regulations 36 CFR Part 217. Appeals must be filed within 45 days from the date of publication in the Baker City Herald. Notices of Appeals must meet the requirement of 36 CFR 217.9.

The environmental assessment for the Eagle Creek Wild and Scenic River Management Plan is available for the public review at the Wallowa-Whitman National Forest Supervisor's Office in Baker City, Oregon.

EFFECTIVE DATE: Implementation of this decision shall not occur within 30 days following publication of the legal notice of the decision in the Baker City Herald.

FOR FURTHER INFORMATION CONTACT: Steve Davis, Wallowa-Whitman National Forest, P.O. Box 907, Baker City, Oregon 97814 or phone (503) 523-1316.

Dated: December 22, 1994.

R. M. Richmond,

Forest Supervisor.

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