

(2) Identifying significant issues of those that have been covered by prior environmental review.

(3) Exploring alternatives in addition to No Action.

(4) Identifying the potential environmental effects of the proposed action and alternatives.

Although Scoping is the first formal opportunity to comment, we chose to involve the public earlier in an effort to define the current situation before issuing this notice. We trust this will lead to improved information gathering and synthesis as well as provide more concise and specific public comments. This, in turn, will make it possible to develop more responsive alternatives to analyze in the Draft EIS, which is expected to be completed in January 2004. Review of the Draft EIS is another step where public participation is important. Additional information concerning the scope of the revision will be provided through future mailings, news releases, public meetings and the Internet.

#### Comment Requested

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. The Forest Service is seeking information, comments, and assistance from individuals, organizations, tribal governments, and federal, state, and local agencies that are interested in or may be affected by the proposed action. Comments on the revision topics or potential additional issues, and possible solutions to these issues are requested. Comments should focus on (1) the proposal for revising the Forest Plan and (2) possible alternatives for addressing issues associated with the proposal. Comments should be sent to the address listed in this notice.

#### Availability of Public Comment

Comments received in response to this solicitation, 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. Persons may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality pursuant to 7 CFR 1.27(d). Persons requesting such confidentiality should be aware that under 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 requester 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 90 days.

#### Proposed New Planning Regulations

The Department of Agriculture expects to publish new planning regulations in 2003. Currently National Forests are operating under the 1982 planning regulations until the new ones are enacted. Therefore, the Green Mountain National Forest Plan will be revised using the 1982 planning regulations.

#### Responsible Official

Randy Moore, Regional Forester, Eastern Region, 310 W. Wisconsin Ave, Milwaukee, Wisconsin 53203.

#### Release and Review of the Draft EIS

The Draft Environmental Impact Statement (DEIS) is expected to be filed with the Environmental Protection Agency and to be available for public comment in January 2004. At that time the EPA will publish a notice of availability for the DEIS in the **Federal Register**. The comment period on the DEIS will be 90 days from the date the EPA 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). 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. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *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 60 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 issues and

concerns on the proposed action, comments on the draft environmental impact statement 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 environmental impact statement 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.

**(Authority:** 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21.)

Dated: April 26, 2002.

**Donald L. Meyer,**

*Acting Regional Forester.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Tamarack Quarry Expansion, Mt. Hood National Forest, Clackamas County, OR

**AGENCY:** Forest Service, USDA.

**ACTION:** Revision of a notice of intent to prepare an environmental impact statement.

**SUMMARY:** Notice is hereby given that the Forest Service, USDA, will modify the title of the Palmer Quarry Expansion Environmental Impact Statement (EIS). This modification is the result of a name change of the quarry from Palmer to Tamarack. Therefore, the title of the EIS of this project, which was listed in the Notice of Intent published in the **Federal Register** on January 15, 2002 (67 FR 1955), is revised to "Tamarack Quarry Expansion". No other changes are made.

#### FOR FURTHER INFORMATION CONTACT:

Questions about the Notice of Intent and its modification should be directed to Mike Redmond, Environmental Coordination, 16400 Champion Way, Sandy, Oregon 97055-7248 (phone: 503-668-1776).

Dated: May 22, 2002.

**Gary L. Larsen,**

*Forest Supervisor.*

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