

to continue the present course of action (the no action alternative) or to implement the proposed action with applicable mitigation measures, or to implement an alternative to the proposed action with its applicable mitigation measures.

The tentative date for filing the Draft EIS is 15 February 2003. The tentative date for filing the final EIS is 15 April 2003. The comment period on the draft environmental impact statement will be open for 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give viewers 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 alert an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519 (1978). Also, environmental objections that could be raised at the draft impact statement stage but 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 45-day comment period of the Draft Environmental Impact statement 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. Agency representatives and other interested people are invited to visit with Forest Service officials at any time during the EIS process.

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. 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. 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. 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 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 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 10 days.

Dated: November 20, 2002.

**Jerry B. Reese,**

*Forest Supervisor, Caribou-Targhee National Forest, Intermountain Region, USDA Forest Service.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Idaho Panhandle National Forests, Bonner County, Idaho and Pend Oreille County, Washington; Chips Ahoy Project**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The Priest Lake Ranger District on the Idaho Panhandle National Forests will prepare an environmental impact statement (EIS) on a proposal to treat forest vegetation over approximately 980 acres. The treatments are being proposed to restore forest communities to a more historical composition and structure and re-introduce fire into these ecosystems. Treatments include 780 acres of regeneration harvest and 200 acres of commercial thinning.

**DATES:** Comments concerning the scope of the analysis must be received within

30 days from the date of this notice in the **Federal Register** and during the draft EIS period. The draft environmental impact statement is expected in March 2003 and the final environmental impact statement is expected June 2003.

**ADDRESSES:** Send written comments to Chips Ahoy Project, Attn: Steve Johnson, Forest Supervisor's Office, 3815 Shreiber Way, Coeur d'Alene, ID 83815.

**FOR FURTHER INFORMATION CONTACT:**

Steve Johnson, Project Leader, Idaho Panhandle Supervisor's Office at the above address, by calling (208) 765-7224, or [ssjohnson@fs.fed.us](mailto:ssjohnson@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** The project area is located within Bonner County, Idaho, and Pend Oreille County, Washington. The project area is located approximately twenty miles north of the community of Priest River, Idaho. A past bark beetle outbreak, in combination with root diseases, other insects and diseases and winter storm damage has left many of these stands poorly stocked.

#### **Purpose and Need for Action**

The purpose and need for this action is to restore dry forest communities to a more natural composition and structure and re-introduce fire into these ecosystems and increase the amount of wet forest communities that are dominated by western white pine and western larch trees.

#### **Proposed Action**

The proposed action is separated into three categories, vegetative treatments, fuel treatments and road treatments. The proposal is to treat forest vegetation over approximately 980 acres within the project area. Different types of treatments would be used depending upon the existing condition of the forest stands. These treatments include regeneration treatments on 780 acres and commercial thinning on the remaining 200 acres. After the tree cutting operations are complete, approximately 930 acres, or 95 percent of the vegetative treatment areas would be underburned to reduce the fuels, prepare the sites for reforestation, and to re-introduce fire onto these sites as a natural process. The remaining 5 percent of the vegetative treatment would not be burned. In order to access some of the proposed vegetative treatment areas, approximately 2.5 miles of temporary road would be constructed. These temporary roads would be recontoured following their use. Resource protection measures will be included to protect resources such as

snags, soils, heritage resources, water quality and wildlife.

### Responsible Official

Ranotta K. McNair, Forest Supervisor, Idaho Panhandle National Forests, 3815 Schreiber Way, Coeur d'Alene, ID 83815.

### Nature of Decision To Be Made

The Forest Supervisor of the Idaho Panhandle National Forests will decide whether or not to implement this project, and if so, in what manner.

### Scoping Process

The agency invites written comments and suggestions on the scope of the analysis. In addition to this notice, a proposed action letter will be sent to interested government officials, agencies, groups, and individuals on the Chips Ahoy mailing list. No public meetings are currently planned.

### Comment Requested

This notice of intent initiates the scoping process which guides the development of the environmental impact statement. Specific written comments on the proposed action will be most helpful.

### Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early state, 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, 338 (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 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.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

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

Dated: November 25, 2002.

**Ranotta K. McNair**,  
Forest Supervisor.

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Frenchtown Face Ecosystem Restoration Project; Ninemile Range District, Lolo National Forest, Missoula County, MT

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice; intent to prepare an environmental impact statement.

**SUMMARY:** The Forest Service will prepare an environmental impact statement (EIS) to disclose the effects of timber harvest, prescribed burning, road management changes, weed spraying, and stream channel restoration in a 44,000 acre project area approximately 25 miles northwest of Missoula, Montana.

**DATES:** Comments concerning the scope of the analysis should be received in writing no later than 30 days following publication of this notice.

**ADDRESSES:** Send written comments to: Deborah L. R. Austin, Forest Supervisor,

Lolo National Forest, Building 24, Fort Missoula, Missoula, MT 59804.

### FOR FURTHER INFORMATION CONTACT:

Brian Riggers, EIS Team Leader, Building 24, Fort Missoula, Montana 59804, (406) 329-3793, or e-mail [briggers@fs.fed.us](mailto:briggers@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** The Lolo National Forest proposes to harvest trees on approximately 4,300 acres of low elevation benchlands within the project area. Most of these acres would be underburned following harvest, and an additional 6,500 acres of prescribed burning to reduce fuel levels would occur in areas not harvested (a total of about 10,400 acres of burning overall). Approximately 79 miles of road management changes are proposed. Most (48 miles) of these involve removing drainage structures and restoring vegetation on previously closed roads, but approximately 31 additional mile of low use or grown in roads would also be formally closed. Finally, weeds would be treated within about 6,000 acres where they currently occur. Approximately 1,200 acres would be aerially sprayed.

Lands affected are within the Mill, Roman, Houle, Sixmile, and lower Ninemile Creek (including Butler, Kennedy, and McCormick Creeks) watersheds. The project area is bounded by the Clark Fork River and Ninemile Creek to the southwest, and the Ninemile/Flathead Reservation divide to the northeast.

The purpose of the proposal is to carry out the goals and direction stated in the Lolo National Forest Plan using ecosystem management principles. The objectives are to:

(1) Reduce the potential for high severity fires within the low elevation ponderosa pine and Douglas-fir forests, while also improving fire protection on private property with all ownerships.

(2) Maintain/improve forest health and reduce the risk of damage from insects and disease while maintaining a natural appearing landscape.

(3) Reduce the expansion of new or less extensive weed species, and control existing weeds, under a comprehensive block planning effort.

(4) Reduce roads while maintaining reasonable access for recreation, but limiting further recreational development.

(5) Maintain/improve water quality and fish habitat throughout the landscape.

(6) Maintain/improve wildlife security and habitat.

(7) Protect and interpret historic sites. Public involvement was conducted in 2002 through public meetings, letters,