

2300 miles of trail accessing the Forest that facilitate a variety of management activities and provide opportunities for public recreation use. In general, the road and trail system and recreation use of the Forest has evolved incrementally over many decades based on site-specific demands and capabilities. There has never been a comprehensive evaluation on whether it is the best way to provide for these demands in conjunction with other resources uses and land stewardship needs. Due to changing and increasing trends in recreation use, recent acquisitions of over 150,000 acres of land into public ownership, and other resource and environmental issues, the Forest Service believes that it is timely to establish a forest-wide travel management plan and incorporate it into the Forest Plan.

The purpose for a Gallatin National Forest Travel Management Plan and Amendment are to: (1) Provide for public access and recreational demand of the road and trail system on the Forest considering both the quantity and quality of opportunity to be provided. (2) Bring road and trail use into compliance with laws, regulations, and other higher level management direction. (3) Correct unacceptable resource damage that may be occurring due to the use of or condition of Forest roads and trails. (4) Provide for public understanding of the types of use and season of use allowed for each road and trail. (5) Identify administrative access routes to facilitate management of a variety of resources on the Gallatin National Forest. (6) Replace outdated, ineffective, and/or unclear Forest Plan standards and other direction applicable to road and trail management.

As a beginning to the travel planning process the Forest Service has prepared a "benchmark" travel management plan alternative. The benchmark is not considered an agency proposal or preferred alternative because it does not have the benefit of public input or preliminary environmental analysis. It has been developed as a conceptual travel management plan to focus interested citizen and user group participation and initial environmental analysis from Forest Service specialists. Based on early public comment and analysis the benchmark will be used to develop a range of 4 to 6 alternatives that represent various interests and respond to environmental issues. The alternatives will represent "proposed options" for a travel management plan and will be made available for review, comment, and modification during the late winter/early spring of 2003. The benchmark can be viewed on the Gallatin National Forest Web site at

[http://www.fs.fed.us/rl/gallatin/travel\\_planning](http://www.fs.fed.us/rl/gallatin/travel_planning). A copy can also be obtained on CD by calling or writing the contact persons identified above.

Comments on the alternatives from the public and other agencies will be used in preparation of a Draft Environmental Impact Statement (DEIS). More specifically, comments will be used to modify and refine the alternatives and identify potential resource issues (environmental effects) that should be considered in analysis.

The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review on January of 2004. 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 90 days from the date the EPA's notice of availability appears in the **Federal Register**. The Final EIS is scheduled for completion in the spring of 2004.

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 during comment periods provided so that substantive comments and objections are made available to the Forest Service at a time when they can meaningfully consider them. To assist the Forest Service in identifying and considering issues, comments should be specific to concerns associated with the management of roads and trails on the Gallatin National Forest. 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 structuring comments.

I am the responsible official for this Environmental Impact Statement and the ultimate decision for a Gallatin

National Forest Travel Management Plan and Forest Plan Amendment. My address is Forest Supervisor, Gallatin National Forest, P.O. Box 130, Federal Building, Bozeman, MT 59771.

Dated: December 4, 2002.

**Rebecca Heath,**

*Forest Supervisor.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Lincoln Ranger District, Helena National Forest, Lewis & Clark County, Montana Copper Creek Road Improvements

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The USDA, Forest Service will prepare an environmental impact statement (EIS) on a proposal to improve the Copper Creek Road, which includes repaving existing pavement, paving existing gravel, upgrading dirt surface to gravel, and widening a single-lane bridge to a two lane-bridge on an existing two-lane road. This project includes 14.2 miles of Copper Creek Road from the junction at State Highway 200 passing through Forest Service, State, and private land.

The Copper Creek Road provides access to Snowbank Lake, Copper Creek Campground, and the Indian Meadow Trailhead for accessing the Scapegoat Wilderness.

**DATES:** Comments concerning the proposal and scope of the analysis must be received in writing by January 17, 2003. The draft EIS is expected to be completed in summer of 2003 with the final EIS slated for fall/winter of 2003.

**ADDRESSES:** Send written comments to Martie Schramm, Acting District Ranger, Helena National Forest, Lincoln Ranger District, 7269 Highway 200, Lincoln, MT 59644. Phone: (406) 362-3425. Martie Schramm is also the responsible official for this project.

**FOR FURTHER INFORMATION, CONTACT:** Charlie McKenna, Forest Engineer, Helena National Forest, 2880 Skyway Drive, Helena, MT 59601. Phone (406) 449-5201.

#### SUPPLEMENTARY INFORMATION:

##### Purpose and Need for Action

The Lincoln Ranger District of the Helena National Forest has identified the need for reduced sedimentation produced from erosion of the Copper

Creek Road and for improved traffic safety for recreation and management uses to the areas accessed by this road system.

Concerns for fish occupying this drainage include sediment running off the aggregate surface of the road and adjacent road cuts as-well-as several locations of the drainage that are cutting towards the roadbed, and fish passage barriers existing at two locations cutting off potential fish habitat.

In addition, Copper Creek Road in its current configuration has several traffic hazards including a one-lane bridge that constricts traffic flow and has approaches with poor visibility, roadbed alignment with several narrow curves where driver vision is limited, and the aggregate-surface segment of the road frequently develops washboards and large potholes creating unsafe conditions for drivers.

### Proposed Action

The Lincoln Ranger District, Helena National Forest, proposes to make improvements to 14.2 mi of Copper Creek Road, located in the Lincoln Ranger District, in Lewis and Clark County, Montana. The project would include re-paving the existing 2.6 mi of paved road, paving an additional 5.9 mi of the existing aggregate-surface (gravel) road, improving the 5.7 mi of single-lane native-surface road above Copper Creek Campground, replacing a one-lane bridge with a two-lane bridge, replacing culverts to reestablish fish passage and to withstand 100-year flood events, and realigning some segments away from Copper Creek. These realignments may require construction of retaining walls for some road cuts and where space is limited, engineered structures may be installed between the active stream channel and the road fill to minimize further encroachment.

The segment from the junction with State Highway 200 to Copper Creek Campground would meet the minimum standards necessary to support the intended uses and improve user safety, while protecting affected resources. The Lincoln Ranger District proposes to reconstruct the road to an American Association of State Highway and Transportation Officials design standard corresponding to "Rural Recreational and Scenic Roads." This design standard includes an overall width (including shoulders) of 20 ft (6 m). The proposed design speed would be low (0 to 45 mph).

The project includes mitigation measures to reduce impacts to riparian areas, wildlife habitat and other resources. These measures would include but not limited to:

- a. Revegetating all disturbed areas with approved native vegetation.
- b. Controlling sediment movement by use of temporary structures such as fabric fences and straw bales during construction.
- c. Reducing impacts to streams by minimizing activities within the active stream channel, and temporarily diverting the stream when activities within the active stream channel can not be avoided.
- d. Avoiding or minimizing removal of desirable woody debris and disturbance to existing vegetation adjacent to streams to maintain filter strips
- e. Timing all construction activities to minimize disturbance to wildlife.
- f. Halting construction and stabilizing the activity area prior to winter to minimize sediment yield at peak flows during spring thaw, as required by the Forest Plan.

### Preliminary Issues

Copper Creek provides critical spawning habitat for upper Blackfoot River fluvial bull trout, a species listed as threatened under the Endangered Species Act. Bull trout spawning occurs both upstream and downstream of Snowbank Lake. Westslope cutthroat trout (a sensitive species) are also found in Copper Creek.

### Possible Alternatives

Alternatives being considered at this time are this proposal and the no action (proceed with current maintenance).

### Scoping Process

The Forest Service is seeking information and comments from Federal, State and local agencies as well as individuals and organizations that may be interested in, or affected by, the proposed action. Preparation of the Draft Environmental Impact Statement will use information from responses received from this NOI, a public meeting this December in Lincoln, MT, and through a mailing informing the public of this proposal. The Forest Service invites written comments and suggestions related to and within the scope of this proposal.

### Permits or Licenses Required

In order to proceed, this proposal may require the following permits from the State of Montana:

- Application for Short-Term Water Quality Standard for Turbidity Related to Construction Activity (318 Authorization).
- Stream Protection Act 124 Permit.
- Clean Water Act Section 401 Water Quality Certification.

### Comment Requested

The comment period on the draft environmental impact statement will be a minimum of 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 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 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 (<http://www.epa.gov/epahome/cfr40.htm>).

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).

## Implementation

The Lincoln Ranger District anticipates beginning construction on the project in late summer 2004, stopping construction during the winter months, and resuming construction the following year. The project is expected to take 12 months to complete, including winter shutdown.

No change to travel restrictions associated with this road or other roads and trails accessed by this road would occur, as part of this action.

## Nature of Decision To Be Made

The decision framework refers to the scope of the decision that will be issued at the conclusion of this analysis by the responsible official. The decision will be based on information disclosed in the environmental document, contained in the Project Analysis File, and comments submitted during the scoping of the proposed action and the comment period.

The Responsible Official may decide whether or not to:

- Select the Proposed Action,
- Select an alternative to the Proposed Action, or
- Select portions from the developed range of alternatives and combine them in a logical package.

In selecting one of the above options, the terms and conditions of the selection will be fully displayed and understood. Within the parameters of this decision space, it will also be determined if a Helena Land and Resource Management Plan amendment would be necessary. The decision maker will take into consideration relationships of alternatives to the identified significant issues.

Dated: December 9, 2002.

**Dwight Chambers,**

*Acting Forest Supervisor.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Manti-La Sal National Forest; State of Utah; State Institutional Trust Lands Administration Access Routes on East Mountain, Emery County, UT; Revision of Notice of Intent to Prepare an Environmental Impact Statement**

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The Forest Service (FS) issued a notice of intent (NOI) published in the

**Federal Register** on May 3, 2002, on pages 22392-22393. The NOI discussed that the Forest Service (FS) would prepare an Environmental Impact Statement (EIS) to disclose the impacts of authorizing adequate access across National Forest System lands to the State of Utah School & Institutional Trust Lands Administration (SITLA) lands within the Manti-La Sal National Forest, Emery County, Utah.

This NOI amends the original NOI of May 3, 2002, by adding two additional projects and opening a new round of public scoping.

**DATES:** Comments concerning issues, alternatives and the scope of the analysis must be received within 30 days from the date of publication of this revision of notice of intent in the

**Federal Register.** The Draft Environmental Impact Statement is expected by April 2003, and a Final Environmental Impact Statement (FEIS) is expected by August 2003.

**ADDRESSES:** Send written comments to Elaine J. Zieroth, Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price, Utah 84501, ATTN: Leland Matheson.

**FOR FURTHER INFORMATION CONTACT:** Aaron Howe, Mineral and Lands Staff Officer, Manti-La Sal National Forest, 599 West Price River Drive, Price, Utah 84501.

**SUPPLEMENTARY INFORMATION:** The previous NOI stated that the FS was going to prepare an EIS to "decide whether to authorize SITLA to construct a new road and reconstruct existing roads", so that SITLA could have access to their land which is surrounded by the Manti-La Sal National Forest. This revised NOI is outlining expanded activities associated with SITLA (timber harvest to the North and a natural gas well to the South) and Prima Oil Company natural gas well in the same East Mountain area of the National Forest.

### SITLA

The Forest Service will prepare an EIS to disclose effects and provide the basis for deciding whether to authorize SITLA to construct a new road and reconstruct existing Forest Service roads across National Forest System Lands, for access to their inholdings on East Mountain for project activities. A segment of the new access route and a portion of the existing roads to be reconstructed traverse portions of the East Mountain Inventoried Roadless Area. SITLA inholdings addressed in this revision consist of one section: Section 36, Township 16 South (T16S), Range 6 East (R6E), Salt Lake Median

(SLM) about 640 acres. Provisions of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980, section 1323(a) (16 U.S.C. 3210) provides that the owners of non-Federal land within the National Forest shall be provided adequate access to their land. Regulations implementing section 1323(a) are set forth in title 36, Code of Federal Regulations, part 251, subpart D—Access to Non-Federal Lands. The Forest Service Policy is further explained in the Forest Service Manual (FSM) 5400 and 2700. Access must comply with other laws and regulations such as the Threatened and Endangered Species Act, Clean Water Act, Historic Preservation Act, and the National Environmental Protection Act.

### Prima Oil & Gas

Prima Oil and Gas Company has proposed to drill a natural gas exploration well on National Forest System Lands southwest of the Inventoried Roadless Area adjacent to an existing Forest Service Road. The proposed well site is located as follows: NE ¼, Section 23 Township 16 South, Range 6 East, SLM, Emery County, Utah.

### Purpose and Need for Action

The purpose and need for this action is three fold, SITLA, Prima Oil & Gas and the Forest Service. SITLA's purpose and need is to have an adequate access route across National Forest System Lands to SITLA inholdings for resource management activities on these lands.

Prima Oil & Gas Company's purpose and need is to explore for and produce any economic reserves of natural gas within their lease agreement. The responsible agencies must provide reasonable opportunities to accomplish this consistent with the rights granted by the Leases consistent with Forest Plan direction.

The Forest Service purpose and need is to evaluate the requests from SITLA and Prima Oil & Gas and then to determine whether to authorize permits for access, consistent with applicable laws, regulations, and Forest Service Policy.

### Proposed Action

#### *SITLA*

The FS is proposing to authorize SITLA to construct a private road and reconstruct Forest Service Roads 50145 (Flat Canyon Road) and 50244 (Big East Road). The Flat Canyon Road will be reconstructed from Forest Service Road 50040 to the SITLA inholdings at Section 36, T16S, R6E, SLM. Forest Service Road 50244 will be reconstructed from the intersection of