

of the Bureau of Land Management in the Silver Creek and Deer Creek drainages. These areas were burned within the Biscuit Fire.

Scoping Process. Public participation will be sought at several points during the analysis, including listing of this project in the Spring 2003 and subsequent issues of the Siskiyou National Forest's quarterly publication "Schedule of Proposed Activities," and letters to agencies, organizations, tribes, and individuals who have previously indicated their interest in such activities. Information about the project can be found at <http://www.biscuitfire.com>.

The scoping process will include: identifying potential issues, identifying major issues to be analyzed in depth, eliminating non-significant issues or those previously covered by a relevant environmental analysis, considering additional alternatives which will be derived from issues recognized during scoping activities, and identifying potential environmental effects of this proposed action and alternatives (*i.e.* direct, indirect, and cumulative effects and connected actions).

Comments. Some of the preliminary issues that have been identified include the effects of the proposed action on: landscape pattern and habitat diversity; fire hazard associated with the change in fuels; water quality; threatened, endangered or sensitive species; salvage logging; reforestation and activities in Inventoried Roadless Areas.

Public comments about this proposal are requested in order to assist in properly scoping issues, determining how to best manage the resources, and fully analyzing environmental effects. Comments received to this notice, 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 Parts 215 and 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 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 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 a specified number of days.

A draft EIS will be filed with the Environmental Protection Agency (EPA) and available for public review by July 2003. The EPA will publish a Notice of Availability (NOA) of the draft EIS in the **Federal Register**. The comment period on the draft EIS will be 45 days from the date the NOA appears in the **Federal Register**. The final EIS is expected in November 2003.

The Forest Service believes, at this early stage, it is important to given 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 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. 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.

The final EIS is scheduled to be available November 2003. In the final EIS, the Forest Service is required to respond to substantive comments received during the comment period for the draft EIS. The Forest Service is the lead agency and the Responsible Official is the Forest Supervisor, Rogue River and Siskiyou National Forests. The responsible official will decide whether or not, and where, to salvage harvest timber, construct fuel-breaks, plant trees and other vegetation, prevent or mitigate pest outbreaks, repair facilities, stabilize soils, and mitigate safety hazards. The responsible official will also decide how to mitigate impacts of these actions and will determine when and how much monitoring of effects will take place.

The Responsible Official will document the Biscuit Fire Recovery Project decision and reasons for the decision in the Record of Decision. That decision will be subject to Forest Service Appeal Regulations (36 CFR Part 215).

Dated: March 12, 2003.

Scott D. Conroy,
Forest Supervisor.

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COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Montana Advisory Committee

Agenda and Notice of Public Meeting of the Montana Advisory Committee Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Montana Advisory Committee to the Commission will convene at 6 p.m. and adjourn at 8:30 p.m. on Monday, March 31, 2003, at the Holiday Inn Express, 701 Washington Street, Helena, Montana 59601. The purpose of the briefing is a follow up activities to the Committee's report, Equal Educational Opportunity for Native American Students in Montana Public Schools.

Persons desiring additional information, or planning a presentation to the Committee, should contact, John Dulles, Director of the Rocky Mountain Regional Office, 303-866-1040 (TDD 303-866-1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.