

public will be kept informed of the EIS process through the quarterly publication of the "Malheur National Forest's Schedule of Proposed Actions" and letters to agencies, organizations, and individuals who have previously indicated their interest in similar activities.

Issues. Preliminary issues include effects of proposed actions on: Water quality and fish habitat for resident and anadromous threatened species; snags and downed wood habitat; noxious weeds; late and old growth structure; Armillaria root rot; restoration of historic vegetation composition, structure, and pattern; potential loss of commercial timber value; and economic viability of timber salvage.

Comments. 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 214 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.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and made available for public review by July 2003. The comment period on the draft EIS will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register**. The final EIS is scheduled to be available in October 2003. Implementation is expected to occur in 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 a draft EIS 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 EIS stage but that are not raised until after completion of the final EIS 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 EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS 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 EIS 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.

The Forest Service is the lead agency. The Responsible Official is the Forest Supervisor, Malheur National Forest. The Responsible Official will decide which, if any, of the proposed projects will be implemented. The Responsible Official may also decide on site-specific Forest Plan amendments regarding standards and guidelines for snag and coarse woody debris, as well as big game habitat, if warranted by the analysis of those components in light of recent science. The Responsible Official will document the Easy 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 13, 2003.

Roger Williams,
Forest Supervisor.

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DEPARTMENT OF AGRICULTURE

Forest Service

Monument Fire Recovery Project, Malheur National Forest, Grant County, OR

AGENCY: Forest Service, USDA.

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

SUMMARY: The USDA Forest Service will prepare an environmental impact statement (EIS) on a proposal to assist the recovery of the area burned in 2002 by the Monument Fire. The EIS will include proposals to harvest fire-killed and fire-damaged trees, implement reforestation, and implement projects to alleviate the potential for future damage to riparian and aquatic resources. The 8,600-acre project area is located on the Prairie City Ranger District and is centered approximately 23 miles southeast of Prairie City, Oregon, within the Little Malheur and North Fork Malheur Watersheds. The agency gives notice of the full environmental analysis and decision making process that will occur on the proposal, so that interested and affected people may become aware of how they can participate in the process and contribute to the final decision.

DATES: Comments concerning the scope of the analysis must be received by April 30, 2003.

ADDRESSES: Send written comments to Ryan Falk, Acting District Ranger, Prairie City Ranger District, PO Box 337, Prairie City, Oregon 97869.

FOR FURTHER INFORMATION CONTACT: Rick Larson, Monument Fire Recovery Project Interdisciplinary Team Leader, Prairie City Ranger District, telephone (541) 820-3311, e-mail rlarson@fs.fed.us.

SUPPLEMENTARY INFORMATION: In July and August of 2002, the Monument Fire burned approximately 24,525 acres, of which 20,186 occur on the Malheur National Forest. The remainder of the fire includes approximately 3,711 acres of land administered by the Wallowa-Whitman National Forest, and 628 acres of private land. The 8,600-acre decision area for the Monument Fire Recovery Projects includes those portions of the Monument Fire that occurred within the Little Malheur and North Fork Malheur Watersheds on the Malheur National Forest.

Proposed Action. Approximately 4,800 acres of timber harvest is proposed: 3,500 acres of salvage only, 700 acres of salvage plus removal/thinning of some live trees to improve