

excessive fuel loading. Incompatibilities between the HFQLG Forest Recovery Act and the SNFPA were another area of concern. The Chief's appeal decision was subject to discretionary review by the Secretary of Agriculture, however, a review was not concluded.

On December 31, 2001, the Regional Forester chartered the Sierra Nevada Forest Plan Amendment River Team (Team) to evaluate any needed changes to the SNFPA ROD relative to the areas of concern identified in the Chief's appeal decision as well as other issues raised in the appeals, specifically the impacts of the decision on grazing permit holders, recreation users and permit holders, and local communities. Over the course of a year-long review, the Team worked with staffs from national forests and ranger districts; an interagency team with members from Federal, State, and local agencies, former members of the SNFPA interdisciplinary team; scientists; and various various interest groups to gain insights and new information relative to the SNFPA ROD. The Team developed recommendations consistent with the Regional Forester's charter to "develop flexible solutions primarily focused on improving local decision-making capabilities, while meeting our obligations under applicable laws." In March 2003, the Team released its findings and recommendations in a report entitled "Sierra Nevada Forest Plan Amendment Management Review and Recommendations" (USDA Forest Service Pacific Southwest Region, R5-MB-012), March 2003).

### Purpose and Need for Action

Based upon the new analysis and information provided by the review and the knowledge gained by field managers charged with implementing the decision, the Regional Forester proposes to change selected elements of the SNFPA. The proposal builds on the strengths of the SNFPA ROD and retains its goals, land allocations, acres of treatment and the same priority to protect communities. The proposed changes respond to the Chief's direction: (1) Identify ways to more aggressively treat fuel loading in the Sierra Nevada while providing short and long-term protection of wildlife and other resource values, (2) improve consistency with the National Fire Plan, and (3) achieve greater harmony between the SNFPA and the HFQLG Forest Recovery Act. In addition, the proposed action allows for a wider array of tools and techniques to be used to achieve the desired conditions for a given location. This will increase the efficiency and effectiveness of fuels

treatments and provide more opportunities to balance uses such as grazing and recreation with habitat protection for sensitive species.

### Proposed Action

The proposed action replaces select standards and guidelines in the existing fire and fuels management strategy with direction that provides the flexibility needed at the local level to effectively modify wildland fire behavior. In addition, the basic strategy is broadened to include other management objectives such as addressing forest health issues, restoring and maintaining ecosystem structure and composition, and restoring ecosystems after severe wildfires. The resulting integrated vegetation management strategy is designed to be sufficiently aggressive to minimize risk in the urban-wildland interface areas and adequately address the threats to wildlife from catastrophic wildfires. This objective is balanced with the need to provide for short-term and long-term protection for wildlife and other resource values.

The proposed action builds some flexibility into standards and guidelines for willow flycatcher habitat, Yosemite toad habitat, great gray owl protected activity centers, and grazing utilization to better reflect the wide array of site conditions encountered in the field and the management opportunities they may provide.

The proposed action clarifies management intent for off-highway vehicles, limits the requirement for limited operating periods to vegetative management projects only, and clarifies how several of the riparian standards and guidelines apply to recreation activities, uses and projects. These changes are proposed to more closely align written direction with management intent and to allow local managers to develop mitigation measures for small and varied recreation-related projects on a project- and site-specific basis.

### Responsible Official

The responsible official is Regional Forester Jack A. Blackwell, USDA Forest Service Pacific Southwest Region, 1323 Club Drive, Vallejo, CA 94592.

### Nature of Decision To Be Made

The Record of Decision for the SEIS will amend the Land and Resource Management plans for the Humboldt-Toiyabe, Modoc, Lassen, Plumas, Tahoe, Eldorado, Stanislaus, Sierra, Sequoia, and Inyo National Forests, the Lake Tahoe Basin Management Unit.

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

A draft SEIS is expected to be available for public review and comment in May 2003; and a final environmental impact statement in October 2003. The comment period for the draft SEIS 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 90-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, Sec)

**Gilbert Espinosa,**

*Deputy Regional Forester.*

[FR Doc. 03-8317 Filed 4-4-03; 8:45 am]

**BILLING CODE 3410-11-M**