

—A variety of monitoring activities would be used to verify assumptions, evaluate project success, and formulate appropriate lake management strategies including: stream flows and water quality in Lake Creek; water quality in Diamond and Lemolo Lakes and the North Umpqua River; tui chub presence; and phytoplankton, zooplankton and benthic invertebrate and trout populations.

—Diamond Lake would be restocked with fish using an ecologically appropriate stocking strategy. The Oregon Department of Fish and Wildlife would manage the lake for hatchery production under the basic yield alternative of Oregon's Trout Plan. However, ecological indices of lake health, existing data and knowledge, annual fish monitoring data and guidance provided in ODEQ's pending Total Maximum Daily Load (TMDL) publication would be used to determine appropriate numeric goals for annual fish stocking and harvest post-project.

—A number of educational activities would be considered to reduce the likelihood of tui chub reintroduction into Diamond Lake including: "angler stamps", interpretive signs and brochures, and boat inspections.

—Because it is recognized that tui chub may be illegally reintroduced, several actions designed to control tui chub populations would be implemented including: An extensive monitoring program to facilitate early detection of tui chub presence in the lake; stocking with predacious fish species following rotenone treatment and increasing the numbers of predacious fish if tui chub are detected; and using mechanical treatments such as netting and electro-shocking to limit tui chub population growth.

Alternatives. The alternatives to be considered include the No Action Alternative, the Proposed Action, and alternatives to the proposed action.

Issues. Preliminary issues, as identified to date by the Forest and by scoping, include the following: Potential effects of rotenone on non-target species in and around Diamond Lake; Potential effects of rotenone on non-target species in the North Umpqua River if treated water escaped Diamond Lake through Lake Creek or groundwater; potential effects of a lake draw down on the physical integrity of Lake Creek and on water quality in Lake Creek, Lemolo Lake, and the North Umpqua River; potential effects of added nutrients from decomposed fish on water quality in Lake Creek, Lemolo Lake, and the North Umpqua River; the ecologic and economic expense of the proposed action, if history repeated itself and

another chemical treatment were needed to eliminate tui chub in the next several decades; the ability and effectiveness of the proposed action to improve water quality in Diamond Lake; and the concern that legislative action would be used to establish fish stocking goals if the proposed ecologically based fish stocking strategy failed to provide an adequate recreational fishery.

Scoping Process. The scoping effort is intended to identify issues, which may lead to the development of alternatives to the proposed action. One of the purposes of this notice of intent is to solicit input from the public as part of the overall scoping effort. In addition to this notice, the public will be notified of the EIS through the Umpqua National Forest's April 2003 Schedule of Proposed Actions.

Public Comments. Comments received in response to this notice and through scoping, 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. 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 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.

Public comments are appreciated throughout the analysis process. The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and be available for public review by February 2004. 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 May 2004.

The Forest Service believes it is important to give reviewers notice of this early stage of public participation and 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 have been raised at the draft stage may be waived or dismissed by the court if not raised until after completion of the final EIS. *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 substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider 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 of 40 CFR 1503.3 in addressing these points.)

In the final EIS, the Forest Service is required to respond to substantive comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making a decision regarding the proposal. The Responsible Official is Forest Supervisor of the Umpqua National Forest. The Responsible Official will document the Diamond Lake Restoration Project decision and rationale for the decision in a Record of Decision. The decision will be subject to review under Forest Service Appeal Regulations (36 CFR Part 215).

Dated: April 18, 2003.

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Forest Supervisor.

[FR Doc. 03-10241 Filed 4-24-03; 8:45 am]

BILLING CODE 3410-11-M