

action alternatives will vary in the amount and location of acres considered for treatment and the number, type, and location of activity.

Public participation will be especially important at several points during the analysis, beginning with the scoping process (40 CFR 1501.7). The Forest Service will be seeking information, comments, and assistance from Federal, State, local agencies, tribes and other individuals or organizations who may be interested in or affected by the proposed project. This input will be used in preparation of the draft EIS. Continued scoping and public participation efforts will be used by the interdisciplinary team to identify new issues, determine alternatives in response to the issues, and determine the level of analysis needed to disclose potential biological, physical, economic, and social impacts associated with this project.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by February 2003. 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 45 days from the date the EPA notice appears in the **Federal Register**. At that time, copies of the draft EIS will be distributed to interested and affected agencies, organizations, and members of the public for their review and comment. It is important that those interested in this proposal on the Gallatin National Forest participate at that time.

The Forest Service believes it is important to give reviewers notice, at this early stage, 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 the agency to the reviewer's position contentions. *Vermont Yankee Nuclear Plant 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 and respond to them in the

final EIS. To assist the Forest Service in identifying and considering issues and concerns on the proposed actions, 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 EIS. Comments may also address the adequacy of the draft EIS or 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 final EIS is scheduled for completion by February 2003. In the final EIS, the Forest Service is required to respond to substantive comments received during the comment period for the draft EIS. Rebecca Heath, Forest Supervisor of the Gallatin National Forest, is the responsible official for all except use of herbicides within designated Wilderness Areas. The responsible official for use of herbicides within designated Wilderness Areas is Brad Powell, Regional Forester of the Northern Region. They will decide which, if any, of the proposed project alternatives will be implemented.

Their decisions and reasons for the decisions will be documented in appropriate Records of Decision. Those decisions will be subject to Forest Service appeal regulations (36 CFR part 215).

Dated: December 18, 2002.

**Rebecca Heath,**

*Forest Supervisor.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Fortine Timber Sales and Associated Activities; Kootenai National Forest, Lincoln County, MT**

**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) to disclose the environmental effects of timber harvest, prescribed fire, road management, and watershed rehabilitation in the Fortine Analysis Area on the Fortine Ranger District of the Kootenai National Forest. The Fortine Analysis Area is located approximately 30 air miles northeast of Libby, Montana, near the communities of Trego and Fortine, Montana.

**Scoping Comment Date:** Written comments and suggestions should be postmarked or received by February 24, 2003.

**ADDRESSES:** The Responsible Official is Edward C. Monnig, District Ranger, Fortine Ranger District, P.O. Box 116, Fortine, Montana, 59918. Written comments and suggestions concerning the scope of the analysis may be sent to him at that address.

**FOR FURTHER INFORMATION CONTACT:** Joleen Dunham, Project Leader, Fortine Ranger District. Phone: (406) 882-4451.

**SUPPLEMENTARY INFORMATION:** The Fortine Decision Area contains approximately 25,110 acres of land within the Kootenai National Forest in Lincoln County, Montana. The legal location of the Fortine Decision Area is as follows: all or portions of T33N, R26W; T32N, R26W; T32N, R27W; and T31N, R26W; PMM, Lincoln County, Montana. All of the proposed projects would occur on National Forest lands in the Upper Fortine drainage seven miles south of the town of Trego, Montana. All proposed activities are outside the boundaries of any roadless area or any areas considered for inclusion to the National Wilderness System as recommended by the Kootenai National Forest Plan or by any past or present legislative wilderness proposals.

The purpose and need for this project is to: (1) Manage forest ecosystems to improve forest health and provide habitat for plant and animal populations; (2) manage for stable stream channels, productive habitats for aquatic species, and water quality that meet or exceeds State of Montana water quality goals; (3) reduce existing and expected future fuel accumulations and the potential risk of high intensity wildland fire and subsequent risk to private property; (4) provide timber to support local, regional, and national needs; and (5) maintain and manage a cost effective, long-term road system that meets present and future resource management needs, increases security for wildlife, and insures safe access.

The Forest Service proposes to harvest timber through application of a variety of harvest methods on approximately 2358 acres of forestland within the Fortine Decision Area. Use of existing, temporary and permanent roads would be needed to access timber harvest areas. An estimated 0.75 miles of existing roads would be reconstructed in addition to 1.1 miles of new road construction to facilitate timber removal and improve access for resource management. The temporary road would be obliterated following completion of sale related activities. An