

the proposed action and to promote communications with members of the public or other agencies. The draft environmental impact statement (DEIS) will be filed with the Environmental Protection Agency (EPA) and made available for public review in spring of 2004. The final environmental impact statement is expected to be completed in fall of 2004. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency 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 and 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 statement stage but that are not raised until after completion of the final environmental 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 related to 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.

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The Idaho Panhandle National Forests Supervisor will make a decision on this project after considering comments and responses, environmental consequences discussed in the Final EIS, and applicable laws, regulations and policies. The decision and supporting reasons will then be documented in a Record of Decision.

Dated: September 17, 2003.

**Ranotta K. McNair,**

*Forest Supervisor, Idaho Panhandle National Forests.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **American and Crooked River Project, Nez Perce National Forest, Idaho County, ID**

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The USDA, Forest Service, Nez Perce National Forest, will prepare an Environmental Impact Statement (EIS) to document the analysis and disclose the environment impacts of actions to reduce existing and potential forest fuel hazards and salvage associated commercial wood products resulting from a mountain pine beetle epidemic in lodgepole pine forests in the American and Crooked River watersheds near Elk City, Idaho. Additional actions include construction of temporary roads, improvements to existing roads, and decommissioning existing roads that are no longer needed.

**DATES:** Comments concerning the scope of the analysis must be received by October 29, 2003. The draft environmental impact statement is expected to be released for public comment in March 2004 and the final environmental impact statement is expected to be completed in July 2004.

**ADDRESSES:** Send written comments to Bruce Bernhardt, Forest Supervisor, Nez Perce National Forest, Rt 2 Box 475, Grangeville, Idaho 83530.

**FOR FURTHER INFORMATION CONTACT:** Phil Jahn, Project Coordinator, Nez Perce National Forest, Rt 2 Box 475, Grangeville, Idaho 83530, or phone (208) 983-1950.

### **Purpose and Need for Action**

The purpose and need for the project is to reduce existing and potential forest fuels, create stand or site conditions that will contribute to the maintenance and establishment of long-lived fire tolerant tree species, such as Ponderosa pine and western larch, and contribute to the economic and social well being of the people within the surrounding area.

### **Proposed Action**

The USDA, Forest Service, Nez Perce National Forest, will prepare an Environmental Impact Statement (EIS) to document the analysis and disclose the environmental impacts of the proposed action to reduce existing and potential forest fuel hazards, which have been exacerbated by a mountain pine beetle epidemic in lodgepole pine forests in the American and Crooked River watersheds near Elk City, Idaho. The proposed action is to harvest or otherwise treat forest stands by salvaging dead, dying, or down trees and removing trees that are at risk from mountain pine beetle attack. Lodgepole pine is the primary at-risk tree species in the project area. Incidental harvest of trees that are dead and dying from other associated insects and disease would also be conducted in the project area. This proposal would not treat or directly modify forested stands that currently meet the definition of "old growth" under the Old-Growth Forest Types of the Northern Region-USDA Forest Service, R-1 SES 4/92.

Proposed activities include vegetation and transportation system treatment actions on approximately 900 acres in the American River watershed and 2,100 acres in the Crooked River watershed. Approximately 1,900 acres would be harvested using regeneration treatments that would reserve groups and single trees within harvest units and approximately 1,100 acres would be harvested using seed tree, shelterwood, and commercial thinning silvicultural treatments. Activity fuels generated from harvest on approximately 3,000 acres would be treated using a combination of machine piling and broadcast burning.

An estimated 15 miles of temporary road would be constructed as part of the proposed action; these temporary roads