

Two periods are specifically designated for comments on this analysis: (1) During the scoping period which is 30 days from the date of this notice in the **Federal Register** and (2) during the draft EIS comment period. In accordance with 36 CFR 215.5, as published in the **Federal Register**, Volume 68 No. 107, June 4, 2003, the draft EIS comment period will be the designated time in which "substantive" comments will be considered. The mailing list for this project will include those individuals who have expressed interest in this project as well as adjacent landowners and those responding to this NOI or to the Idaho Panhandle National Forests Quarterly Schedule of Proposed Actions. In addition, the public is encouraged to contact or visit with Forest Service officials during the analysis and prior to the decision. The Forest Service will continue to seek information, comments, and assistance from Federal, Tribal, State, and local agencies and other individuals or organizations that may be interested in or affected by the proposed actions. The United States Fish and Wildlife Service will be consulted concerning any effects to threatened and endangered species. The agency invites written comments and suggestions on this action, particularly in terms of identification of issues and alternative development.

Comments from the public and other agencies will be used in preparation of the Draft EIS to identify potential issues and concerns, potential alternatives to 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 environment 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 is the Deciding Officer on this project. The decision will be made after considering comments and responses, environmental consequences discussed in the Final EIS, and applicable laws, regulations and policies. The decision and supporting reasons will be documented in a Record of Decision upon release of the Final EIS.

Dated: October 16, 2003.

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## DEPARTMENT OF AGRICULTURE

### Vail Valley Forest Health Project; White River National Forest, Eagle County, Colorado

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement in conjunction with planning the Vail Valley Forest Health Project.

**SUMMARY:** The USDA Forest Service, White River National Forest, gives notice of the agency's intent to prepare an environmental impact statement (EIS) to disclose the environmental effects of commercial and non-commercial timber cutting and prescribed fire, in conjunction with designing the Vail Valley Forest Health Project for the Holy Cross Ranger District of the White River National Forest. These proposed actions are being considered together because they represent either connected or cumulative actions as defined by the Council on Environmental Quality (40 CFR 1508.25). This notice describes the project area, the purpose and need for the action, the proposed action, potential environmental issues, information concerning public participation, estimated dates for filing the environmental impact statement, and the names and addresses of the agency officials who can provide additional information.

### Project Area

The Vail Valley Forest Health Project area encompasses approximately 72,000 acres in the Vail Valley on the Holy Cross Ranger District of the White River National Forest, Eagle County, CO. It extends approximately 2.5 miles on either side of the I-70 corridor from Vail Pass on the east to the town of Avon on the west. The area is located in T6S, R79W, Sec 4-6, 8-10, 15, 16; T5S, R79W, Sec. 5-9, 16-18, 19-21, 28-30, 32-34; T4S, R79W, Sec 30-32; T5S, R80W, Sec 1-25; T4S, R80W, Sec 22, 27-34; T6S, R81W, Sec 3, 5, 6; T5S, R81W, Sec 1-36; T4S, R81W, Sec 25, 30-36; T6S, R82W, Sec 1, 2; T5S, R82W, Sec 1-3, 10-16, 21-27, 35, 36; and T4S, R82W, Sec 25, 26, 35, 36.

### Purpose & Need

The mountain pine beetle population in the Vail Valley is currently at