

landing areas and skyline corridors. To minimize impacts to burned soils, the proposed action specifies that all tractor and skyline logging would occur under winter conditions (either 4 inches of frozen soil and/or 6 inches of packed snow). Reclamation of 105 acres of jammer trails originally constructed for logging in the 1960s is included in the proposed action to mitigate for harvest activities by improving soil quality. BMPs that promote long-term water quality, maintain existing road systems, and minimize erosion are also proposed. BMP activities would include, but not be limited to, improving road drainage features, installing and replacing ditch-relief culverts, gravelling portions of the road system, re-vegetation, and other practices to minimize erosion. The proposed action does not include timber harvest or temporary road construction in IRAs, RNAs, or RHCAs.

Responsible Official

Thomas J. Clifford, Forest Supervisor—2880 Skyway Drive, Helena, MT 59602.

Nature of Decision To Be Made

The decision framework refers to the scope of the decision that will be issued at the conclusion of this analysis by the responsible official. The responsible official's decision will be based on information disclosed in the environmental document, information contained in the Project Analysis File, comments submitted during the scoping of the proposed action and the comment period, comment responses, and applicable laws, regulations, and policies in making the decision and stating the rationale in the Record of Decision.

The responsible official may decide whether or not to

- Select the proposed action,
- Select an alternative to the proposed action, or
- Select portions from the developed range of alternatives and combine them in a logical package.

In selecting one of the above options, the terms and conditions of the selection will be fully displayed and understood. Within the parameters of this decision space, it will also be determined if a *Helena Land and Resource Management Plan* amendment would be necessary. The responsible official will take into consideration relationships of alternatives to the identified significant issues.

Scoping Process

Proposed Action scoping period—Scoping begins the day this notice is published in the **Federal Register** and

ends January 15, 2004. A scoping document will be mailed to Federal, State, and local agencies, tribal governments, and other individuals or organizations who may be interested in or affected by the proposed project. The scoping document will also be posted on the Helena National Forest Web site on the Internet at <http://www.fs.fed.us/r1/helena/>. A public open-house scoping meeting is tentatively scheduled from 4:30 to 6:30 p.m., December 17, 2003 in Lincoln, Montana. Draft Environmental Impact Statement release, 45-day comment period and public meetings—begins in March 2004.

Final Environmental Impact Statement and Record of Decision—June 2004.

Preliminary Issues

The Snow Talon Interdisciplinary Team has identified the following preliminary issues to be addressed in the EIS:

- Copper Creek is the most heavily used yearlong recreational areas on the Lincoln Ranger District, both for non-commercial and permitted commercial recreational activities. Public safety concerns may necessitate delays and/or temporary closures of portions of the Copper Creek drainage to public use when proposed activities are occurring.
- The analysis area provides habitat for the grizzly bear and lynx, which are both species listed as threatened under the Endangered Species Act. The analysis area is within the Northern Continental Divide Ecosystem grizzly bear recovery area.
- Copper Creek provides critical spawning habitat for upper Blackfoot River fluvial bull trout, a species listed as threatened under the Endangered Species Act.
- Other animal and plant species listed as sensitive by the U.S. Forest Service and the State of Montana are known to be present in the Copper Creek area.

Possible Alternatives

Alternatives being considered at this time are this proposed action and the no action alternative (not to conduct a salvage harvest).

Permits or Licenses Required

In order to proceed, the proposed action may require the following permits:

- State of Montana Floodplain Development Permit.
- Short-Term Exemption from Montana's Surface Water Quality Standard (3A Authorization).
- State of Montana Stream Protection Act 124 Permit.

- Federal Clean Water Act Section 404 Permit.

Comment Requested

This notice of intent initiates the scoping process which guides the development of the EIS. Scoping comments addressing this proposed action are due to the Forest Service by January 15, 2004. Concerns or issues should display points of dispute or debate relevant to the proposed action. Identifying significant issues is key in the process of developing alternatives.

Early Notice of Importance of Public Participation in Subsequent Environmental Review: A draft EIS will be prepared for comment. The 45-day comment period on the draft EIS will begin in March 2004 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 EISs 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 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 DEIS comment period so that substantive comments and objections are made available at a time when the Forest Service 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 at 40 Code of Federal Regulations (CFR) 1503.3 in addressing these points.