

draft environmental impact statement will be 45 days from the date that the Environmental Protection Agency (EPA) publishes the notice of availability in the **Federal Register**.

Written comments are preferred and should include the name and address of the commenter. Comments submitted for this proposed action will be considered part of the public record.

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. Reviewers of draft environmental impact statements must structure their participation in the 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, 533 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage, but that are not raised until after completion of the final environmental impact 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*, 409 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 the 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 and concerns on 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 alternative 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.

Dated: July 18, 2007.

**Nancy J. Rusho**,

*Acting Deputy Forest Supervisor.*

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**BILLING CODE 3410-11-M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### South Project; Hell Canyon Ranger District, Black Hills National Forest Custer, SD

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an Environmental Impact Statement (EIS).

**SUMMARY:** The Hell Canyon Ranger District of the Black Hills National Forest intends to prepare an Environmental Impact Statement (EIS) for a proposal to implement multiple resource management actions within the South project area as directed by the Black Hills National Forest Land and Resource Management Plan. The South project area is approximately 52,082 acres in size, with 43,045 acres of National Forest lands, 1,197 acres of state land and 7,840 acres of private land. The project proposes to reduce the risk of large-scale wildfire effects on the At-Risks Communities (ARC) of Custer, Pringle and Argyle, South Dakota, provide for wildlife habitat needs, reduce risks of mountain pine beetle infestation, provide a sustainable supply of commercial timber, and provide management and public access.

**DATES:** Comments related to this project will be most useful to the planning team if received within 30 days after publication of this notice in the **Federal Register**. The draft environmental impact statement is expected to be available January 2008 and the final environmental impact statement is expected to be completed by June 2008.

**ADDRESSES:** Send written comments to Michael D. Lloyd, District Ranger, Black Hills National Forest, Hell Canyon Ranger District, 330 Mount Rushmore Road, Custer, South Dakota 57730. Telephone number: (605) 673-4853. Fax number: (605) 673-5461. Electronic comments must be readable in Word, RichText or pdf format and must contain "South" in the subject line. Electronic comments may be e-mailed to: [comments-rocky-mountain-black-hills-hell-canyon@fs.fed.us](mailto:comments-rocky-mountain-black-hills-hell-canyon@fs.fed.us).

**FOR FURTHER INFORMATION CONTACT:** Betsy Koncerak, Project Leader, at the address listed above or by phone at (605) 673-4853.

**SUPPLEMENTARY INFORMATION:** The actions proposed are in direct response to management direction provided by the Black Hills National Forest Land and Resource Management Plan, as amended (Forest Plan). The Project Area is located approximately four miles west of Custer, South Dakota and is within

Custer County. The northernmost point of the project area lies approximately four miles north of US Highway 16 along Lightning Creek road. The southernmost point of the project area is approximately 12 miles south of US Highway 16 along Pleasant Valley Road.

#### Purpose and Need for Action

The purpose and need for action in the South project area is to reduce the risk of large-scale wildfire on the At-Risk Communities (ARCs) of Custer, Pringle and Argyle, South Dakota (66 FR 43384), provide for wildlife habitat needs, enhance vegetative diversity, reduce the risk of mountain pine beetle infestation, and provide a sustainable supply of commercial timber consistent with direction in the Revised Forest Plan for the Black Hills National Forest, as amended (Forest Plan), while providing for management and public access needs. This project is focused on implementing management actions that move toward achieving desired conditions and objectives embodied in Goals 10 (establish and maintain a mosaic of vegetation conditions to reduce occurrences of large-scale fire, insect, and disease events), 2 (provide for biologically diverse ecosystems), and 3 (provide for sustained commodity uses) of the Forest Plan.

#### Proposed Action

The proposed action includes the following management actions:

- Commercial thinning to 40 basal area on approximately 9,621 acres to reduce fuels around private lands to reduce the risk of large-scale wildfire. In addition, approximately 9,400 acres of prescribed burning is proposed to reduce fuels in other portions of the project area to create fuel breaks for community protection.
- Commercial thinning to 60 basal area on approximately 2,628 acres to increase tree growth and vigor, reduce the potential for mountain pine beetle infestation and reduce the potential for spreading crown fires.
- Releasing approximately 11,428 acres of regenerated pine stands through overstory removal prescriptions.
- Restoration and maintenance of meadows by removing conifers from approximately 2,847 acres of these habitats.
- Reducing the density of the managed road system, which is currently 5.4 miles per square mile, by closing unneeded roads and by converting needed, unauthorized roads to system roads.

**Responsible Official**

Michael D. Lloyd, District Ranger, Black Hills National Forest, Hell Canyon Ranger District, 330 Mount Rushmore Road, Custer, South Dakota 57730.

**Nature of Decision To Be Made**

The decision to be made is whether or not to implement the proposed action or an alternative to the proposed action at this time.

**Scoping Process**

The Hell Canyon Ranger District has mailed letters with comprehensive scoping documents to landowners, local and tribal government representatives, permittees, and other interested or potentially affected parties and organizations. The scoping document with attached maps will be posted on the Black Hills National Forest Web site in July 2007. Comments submitted in response to this NOI will be most useful to the project planning team if received within 30 days from the date of this notice.

**Comment Requested**

This notice of intent is part of the scoping process which will guide the development of the EIS. Comments received will assist the planning team with identification of key issues to refine the proposal, create alternative proposals, and identify necessary project design features. Comments on the Draft EIS will be requested during the 45 day comment period following publication of the Notice of Availability in the **Federal Register** which is expected in January 2008.

**Early Notice of Importance of Public Participation in Subsequent Environmental Review**

A Draft EIS will be prepared for comment. 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 planning team would like to take this opportunity to give reviewers advanced notice of several court rulings related to public participation in the environmental review process: (1) Reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alters an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978); (2) Environmental objections that could be raised at the draft environmental impact statement stage

but that are not raised until after completion of the final environmental impact 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, parties interested in this proposed action must submit comments by the close of the 45 day comment period to assure that the Forest Service planning team can meaningfully consider and respond to them in the final environmental impact statement. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. Please 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 within the statement. In addressing these points, 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.

Comments received on this proposal, including names and addresses of those who comment, will be considered part of the public record and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: July 18, 2007.

**Craig Bobzien**

Forest Supervisor, Black Hills National Forest.  
[FR Doc. 07-3621 Filed 7-24-07; 8:45 am]

**BILLING CODE 3410-11-M**

**DEPARTMENT OF AGRICULTURE****Forest Service****Notice of Southwest Idaho Resource Advisory Committee Meeting**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92-463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106-393), the Boise and Payette National Forests' Southwest Idaho Resource Advisory Committee will conduct a business meeting, which is open to the public.

**DATES:** Wednesday, August 8, 2007, beginning at 10:30 a.m.

**ADDRESSES:** Idaho Counties Risk Management Program Building, 3100 South Vista Avenue, Boise, Idaho.

**SUPPLEMENTARY INFORMATION:** Agenda topics will include review and approval of project proposals, and is an open public forum.

**FOR FURTHER INFORMATION CONTACT:** Doug Gochnour, Designated Federal Officer, at 208-392-6681 or e-mail [dgochnour@fs.fed.us](mailto:dgochnour@fs.fed.us).

Dated: July 17, 2007.

**Richard A. Smith,**

Forest Supervisor, Boise National Forest.  
[FR Doc. 07-3617 Filed 7-24-07; 8:45 am]

**BILLING CODE: 3410-11-M**

**DEPARTMENT OF AGRICULTURE****Forest Service****Sierra County, CA, Resource Advisory Committee**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Meeting.

**SUMMARY:** The Sierra County Resource Advisory Committee (RAC) will meet on August 9, 2007, in Sierraville, California. The purpose of the meeting is to discuss issues relating to implementing the *Secure Rural Schools and Community Self-Determination Act of 2000* (Payments to States) as extended by Public Law 110-28 and the expenditure of Title II funds benefiting National Forest System lands on the Humboldt-Toiyabe, Plumas and Tahoe National Forests in Sierra County.

**DATES:** The meeting will be held Thursday, August 9, 2007 at 10 a.m. (If there is a need to cancel this meeting, a back-up is scheduled for Monday, August 13, 2007 at the same time/location.)

**ADDRESSES:** The meeting will be held at the Downieville Community Hall, Downieville, CA.

**FOR FURTHER INFORMATION CONTACT:** Ann Westling, Committee Coordinator, USDA, Tahoe National Forest, 631 Coyote St., Nevada City, CA 95959, (530) 478-6205, e-mail: [awestling@fs.fed.us](mailto:awestling@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** Agenda items to be covered include: (1) Welcome and announcements; (2) status of previously approved projects; and (3) review of and decisions on new projects proposals for current year. The meeting is open to the public and the public will have an opportunity to comment at the meeting.