

Approximately 5 miles of open yearlong/seasonally open road would be restricted yearlong and 16 miles of road would be decommissioned in both grizzly bear subunits. The Flathead Forest Plan has open motorized access, total motorized access, and security core standards that would be amended with a project specific amendment in this project.

More detailed scoping information and maps can be accessed on the Flathead National Forest Internet site at <http://www.fs.fed.us/rl/flathead/>.

This EIS will tier to the Flathead National Forest Land and Resource Management Plan and EIS of January 1986, and its subsequent amendments, which provides overall guidance for land management activities on the Flathead National Forest.

Preliminary issues and concerns with the proposal include potential impacts on threatened and endangered species such as grizzly bear, lynx, and bull trout, and on motorized access. Alternatives being considered at this time are this proposed action and the no action alternative.

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 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 draft environmental impact statements 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 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. *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 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 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 Responsible Official is the Forest Supervisor of the Flathead National Forest, 1935 3rd Avenue East, Kalispell, Montana 59901. The Forest Supervisor will make a decision regarding this proposal considering the comments and responses, environmental consequences discussed in the final EIS, and applicable laws, regulations, and policies. The Responsible Official will decide whether or not to select the proposed action, and if so, what design features and/or mitigation measures would be applied to proposed activities. The decision and rationale for the decision will be documented in a Record of Decision. That decision will be subject to appeal under applicable Forest Service regulations.

Dated: January 22, 2004.

**Cathy Barbouletos**,

*Forest Supervisor—Flathead National Forest.*

[FR Doc. 04-1766 Filed 1-29-04; 8:45 am]

**BILLING CODE 3410-11-M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

**Nebraska National Forest—Bessey and Pine Ridge Ranger Districts, Samuel R. McKelvie National Forest, and Oglala National Grassland Nebraska; Travel Management-Nebraska and Samuel R. McKelvie National Forests and Oglala National Grassland**

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The Nebraska National Forest—Bessey and Pine Ridge Ranger Districts, Samuel R. McKelvie National Forest, and Oglala National Grassland are proposing to manage travel, primarily, but not exclusively motorized travel, by implementing limitations on where and when various types of travel can take place on the national forests and national grassland in Nebraska.

Comments received during the recent Land and Resource Management Plan

Revision made it clear that the existing travel policy of "open (to motorized travel) unless designated closed," is unacceptable to a significant segment of national forest and grassland visitors. Forest Service Chief, Dale Bosworth, recently identified unmanaged recreation, primarily Off-Highway Vehicle (OHV) use as one of four major threats to the national forests and grasslands.

In addition, forest budgets for road maintenance do not allow the existing road system to be maintained to the identified standards, and in some cases, negative impacts to resources can be attributed to motorized vehicle use.

The intended effect of implementing limitations on motorized travel on the national forests and grassland in Nebraska will be to reduce user conflicts, reduce road maintenance costs, and reduce resource degradation where it can be attributed to the use of motorized, or non-motorized travel.

**DATES:** To be considered in the process of determining the scope of the analysis and finalizing alternatives comments must be received by March 15, 2004. The draft environmental impact statement is expected to be available for review and comment June 2004 and the final environmental impact statement is expected in October 2004.

**ADDRESSES:** For additional information, or to send written comments, contact the Travel Management Team Leader, Nebraska National Forest, 125 North Main Street, Chadron, NE, 69337, Attention: Jerry Schumacher. Comments may also be provided electronically by sending them to: [comments-rocky-mountain-nebraska@fs.fed.us](mailto:comments-rocky-mountain-nebraska@fs.fed.us)

**FOR FURTHER INFORMATION CONTACT:** For questions or information specific to the Nebraska National Forest—Bessey Ranger District or Samuel R. McKelvie National Forest, contact Patti Barney, District Ranger, USDA Forest Service, Bessey Ranger District, PO Box 39, Halsey, NE 69142-0038, Ph. 308-533-2257. For questions or information specific to the Nebraska National Forest—Pine Ridge ranger District or Oglala National Grassland, contact Charlie Marsh, District Ranger, USDA Forest Service, Pine Ridge Range District, 1240 West 16th St., Chadron, NE 69337-7364. Ph. 308-432-4475.

**SUPPLEMENTARY INFORMATION:** The Record of Decision (ROD) for the Nebraska and Samuel R. McKelvie National Forests, Oglala, Buffalo Gap, and Fort Pierre National Grasslands Land and Resource Management Plan (LRMP) was signed on July 31, 2002.

The LRMP Record of Decision directed that motorized travel on the

Nebraska National Forest units change from "open unless designated closed," to "closed unless designated open." The ROD allowed off-road motorized travel "to continue in compliance with Forest Supervisor special orders for travel restrictions until site-specific analysis with public involvement has been accomplished for the purpose of designating permanent transportation facilities." (ROD, p. 43).

The Forest Leadership Team agreed to proceed with the analysis for those units located in Nebraska during fiscal year 2004, followed by those units located in South Dakota in FY 2005.

Comments provided during the planning process included many references to values of the public lands in promoting family activities associated with hunting and OHV riding as well as the economic values to neighboring communities from participation in these activities. Others point to the risk to environmental and historic resources. Many focus upon the experiences that are available, for the most part, only on national forests and grasslands. Motorized access contributes to the use and enjoyment of NFS lands to a greater or lesser extent for nearly all users.

**Purpose and Need for Action**

*Need:* The need for this Travel Management Plan is to protect the public's national forest and national grassland resources while providing quality outdoor experiences within the capability of the ecosystems and projects funding levels. The scope of the plan includes the Nebraska National Forest, the Samuel R. McKelvie National Forest and the Oglala National Grassland in Nebraska.

*Purpose:* The purpose of this Travel Management Plan is to identify routes, areas, and times where motorized and non-motorized travel will be allowed on the Nebraska National Forest, the Samuel R. McKelvie National Forest and the Oglala National Grassland in Nebraska.

**Proposed Action**

*Alternative #2—Proposed Action*

NNF, Pine Ridge Ranger District and Oglala National Grassland

**Motorized Travel**

Vehicles over 50" width or licensed to travel on Nebraska's highways are allowed on all designated Forest System Roads (FSR) on the Pine Ridge Ranger District and Oglala National Grassland.

Vehicles under 50" width are allowed on one trail on the Pine Ridge (approximately 12 miles) and no Forest System Roads on the Pine Ridge.

All motorized vehicles are allowed to travel off designated roads from January 1 through August 14 annually on the Oglala National Grassland.

All motorized vehicles are allowed on all designated FSR roads on the Oglala National Grassland. Note: May require a Forest Service Special order.

ATV's as defined by state law are prohibited on those roads and highways under state or county jurisdiction. Those roads are:

- FSR 926—Cemetery Road—Sioux County jurisdiction
- FSR 904—Old Hwy 2 (Toadstool Road)—questions on jurisdiction (pvt., FS, Dawes, Sioux)
- FSR 902—2.5W—Cottonwood Road—Dawes/Sioux County jurisdiction
- FSR 905—Sand Creek Road—Sioux County jurisdiction
- FSR 907—6.5S—Milo Road—Sioux County jurisdiction
- FSR 914—Montrose Road—Sioux County jurisdiction
- FSR 915—Edgemont Road—Sioux County jurisdiction
- FSR 916—Indian Creek Road—Sioux County jurisdiction
- FSR 918—Orella Road—Sioux County jurisdiction
- FSR 919—Lone Tree/Snook Roads—Dawes County jurisdiction
- FSR 934—McMeekin Road—Dawes County jurisdiction
- State Hwy. 2/71, Dawes/Sioux Counties, State of Nebr. jurisdiction

Snow machines are allowed to travel cross-country on the national forest and national grassland except where motorized restrictions apply. They are not allowed on FSR's but may travel parallel to the road.

**NNF, Pine Ridge and Oglala National Grassland**

**Other Travel Restrictions**

All travel is prohibited on the trails south of the Cliffs Area between May 15 and July 15, annually.

FSR 733, which accesses Spotted Tail Trailheads, is open from sunrise to sunset only.

Mountain bike trail is allowed only on designated roads and trails outside of Soldier Creek Wilderness on the Pine Ridge.

Bison Trail is open to non-motorized travel only.

Existing FSR's To Be Closed in Part or in Total on the Pine Ridge

- 718—approximately two miles
- 725—all—approximately 3 miles
- 724—approximately one mile
- 726—approximately 1.5 miles
- 803—convert to non-motorized trail
- 804—convert to non-motorized trail

Existing FSR's To Be Closed in Part or in Total on the Oglala National Grassland

- 931—approximately one mile
- 929—approximately one mile
- 923—approximately 1.75 miles
- 913—approximately 1.75 miles

**PINE RIDGE DISTRICT AND OGLALA NATIONAL GRASSLAND**

[Total = 144,703 total acres]

Number of acres currently with non-motorized status:	
Soldier Creek Wilderness Management area	7794
Backcountry non-motorized	1830
Pine Ridge NRA (MA 1.31a)	6600
Pine Ridge Trail	173
Special interest areas—non-motorized	2048
Administrative sites	126
<b>Total non-motorized</b>	<b>18,571</b>
<b>Total motorized</b>	<b>126,132</b>
<b>Percent non-motorized</b>	<b>12.8</b>

*Alternative #2—Proposed Action*

NNF, Bessey Ranger District and Samuel R. McKelvie National Forest

**Motorized Travel—Bessey District**

Vehicles over 50" width or licensed for operation on state highways are allowed on:

- FSR 201
- FSR 203 (Circle Road),
- FSR 2211
- FSR 212 (Natick Road),
- FSR 214
- FSR 228
- FSR 259 Gaston Road)
- FSR 277 (Whitetail Road)

Motorized vehicles 50" in width and under are the only methods of travel allowed on the Dismal River Trail

All motorized travel allowed on FSR 20a, 211, 214, and 228. May need a Forest Service Special order.

**Areas Open to Off-Road Motorized Travel**

Hill Climb area on FSR 214 in Section 25 of Stoltenberg Allotment. (10 acres approx.)

Dismal River Play Area between FSR 277 and the Dismal River by Whitetail Campground (10 acres approx.)

**Other Travel Restrictions—Bessey Ranger District and Samuel R. McKelvie NF**

Horse travel allowed everywhere except Bessey Recreation Complex, Scott Lookout National Recreation Trail, and Porcupine North Allotment.

Foot traffic only is allowed on the Scott Lookout National Recreation Trail. Wheel chairs or other mobility

assistance devices required for normal daily activities are allowed.

Horse travel is allowed everywhere on the Samuel R. McKelvie NF except the Bluebird trail and within Steer Creek Campground.

Existing FSR's Closed in Part or in Total on the Bessey Ranger District

- FSR 222—totally closed, approximately one mile
- FSR 258—totally closed, approximately .75 miles
- FSR 263—totally closed, approximately 5 miles
- FSR 202—totally closed, approximately 2.5 miles

**BESSEY RANGER DISTRICT**

[Total acres (90,465)]

Number of acres currently in non-motorized status:	
Signal Hill Research Natural Area .....	504
Scott Lookout National Recreation Trail .....	22
Seasonal motorized restriction (Sept. 1—Nov. 30) .....	29,000
Total .....	29,526
Percent non-motorized .....	32.6

Motorized Travel—Samuel R. McKelvie National Forest

All motorized travel is allowed on:

- FSR 601
- FSR 602
- FSR 603
- FSR 604
- FSR 605
- FSR 621
- FSR 626 to windmill #144 enclosure
- Unclassified Road from FSR 603 by windmill #173 to FSR 602 by windmill #153
- Unclassified Road from FSR 603 by windmill #223 to FSR 602 near windmill #203

**Note:** May require a special order. No off-road motorized travel is allowed.

Existing FSR's closed in part, or in total on the Samuel R. McKelvie NF—None.

**SAMUEL R. MCKELVIE NF**

[Total acres (116,079)]

Number of acres currently in non-motorized status:	
Steer Creek Research Natural Area .....	2500
Total .....	2500
Percent non-motorized .....	2.2

**Possible Alternatives**

The Forest Plan Record of Decision directs that "Motorized use is allowed to continue on existing travel routes

until a site-specific analysis with public involvement has been accomplished for the purpose of designating the permanent transportation facilities."

**Preliminary Alternative #1—Existing Condition**

All areas are designated as open to travel under current conditions. Motorized travel is allowed wherever and whenever it is not currently restricted. Current restrictions on motorized travel include:

**Nebraska National Forest, Pine Ridge District/Oglala National Grassland**

- Soldier Creek Management Unit—9600 acres
  - Pine Ridge National Recreation Area and adjacent "keyhole"—6900 acres approx.
  - Pine Ridge Trail
  - Bur Oak Enclosure SIA—3 acres
  - Hudson-Meng Bison Bonebed Special Interest Area (SIA)—40 acres
  - Toadstool Geologic Park SIA—2000 acres
  - Quaking Aspen Stand SIA—8 acres
- Mechanized travel, such as mountain bikes or game carts, is prohibited in Soldier Creek Wilderness.

**Nebraska National Forest, Bessey Ranger District/Samuel R. McKelvie National Forest**

Motorized travel within the area enclosed by Circle road (FSR 203) and Natick Road (FSR 212) is allowed on those roads only from September 1 through November 30 annually.

ATV travel is prohibited on:

- State Spur 86B
- Circle Road (FSR 203)
- Gaston Road (FSR 259)
- Natick Road (FSR 212)
- Whitetail Road (FSR 277) and
- The area adjacent to Scott Fire Lookout Tower

Motorized travel is also prohibited in the 500-acre Signal Hill Research Natural Area (RNA)—Bessey Ranger District and the 2500-acre Steer Creek RNA—SR McKelvie NF, except on FSR 601 and 602.

Foot traffic only is allowed on the Scott Lookout National Recreation Trail.

**Alternative #3—To Be Developed, if Needed, Upon Completion of Scoping Responsible Official**

There will be two Records of Decision that result from the analysis conducted in this EIS. The responsible official for the travel management decision relating to the Nebraska National Forest, Bessey Ranger District and Samuel R. McKelvie National Forest is District Ranger, Patti Barney, PO Box 39, Halsey, NE 69142—0038, Ph. 308—533—2257.

The responsible official for the decision relating to the Nebraska National Forest, Pine Ridge Ranger District and Oglala National Grassland is District Ranger, Charles R. Marsh, 1240 West 16th St., Chadron, NE 69337—7364, Ph. 308—432—4475.

**Nature of Decision To Be Made**

The decisions to be made will detail the permanent travel facilities for the Nebraska National Forest, Bessey and Pine Ridge Ranger Districts, Samuel R. McKelvie National Forest; and Oglala National Grassland in Nebraska.

The decisions will designate travelways and areas where specific types of travel are allowed, identify the uses allowed on those travelways/areas, and describe any timing limitations during which specific types of travel are not allowed.

**Scoping Process**

The scoping process will officially begin with publication of this Notice of Intent in the **Federal Register**. Prior to its publication, the forest revised its Land and Resource Management Plan (Record of Decision signed July 31, 2002) during the analysis of which there were comments directed toward the topic of travel management. The decision was made to address the topic separately from the Plan revision effort, but comments have been saved from that effort.

Additionally, the quarterly Schedule of Proposed Actions for September and December, 2003 indicated that travel management would be addressed, with a decision expected by October, 2004.

In the summer and fall of 2003, the affected national forest and grassland units began to distribute a contact response form to those forest visitors who wished to be provided with information about upcoming opportunities to participate in the public involvement process.

Six scoping meetings are scheduled across Nebraska at the following places and dates:

- January 7, 2004, (5 p.m.—7 p.m. and 7 p.m.—9 p.m.), Chadron State College Student Center, Scottsbluff Room, 10th and Shelton Streets, Chadron, NE
- January 8, 2004, (5 p.m.—7 p.m. and 7 p.m.—9 p.m.), Gering Civic Center, 1050 M St., Gering, NE
- January 12, 2004, (5 p.m.—7 p.m. and 7 p.m.—9 p.m.), Howard Johnson's Riverside Inn, 3333 Ramada Drive, Grand Island, NE
- January 13, 2004, (5 p.m.—7 p.m. and 7 p.m.—9 p.m.), Best Western Villager Courtyard and Gardens, 5200 O Street, Lincoln, NE

January 14, 2004, (5 p.m.–7 p.m. and 7 p.m.–9 p.m.), Lifelong Learning Center, 801 East Benjamin Avenue, Norfolk, NE

January 15, 2004, (5 p.m.–7 p.m. and 7 p.m.–9 p.m.), Holiday Inn Express, 803 East Highway 20, Valentine, NE

January 20, 2004, (5 p.m.–7 p.m. and 7 p.m.–9 p.m.), Stubb's Restaurant Meeting Room, Junction Highways 2 and 83, Thedford, NE

January 21, 2004, (5 p.m.–7 p.m. and 7 p.m.–9 p.m.), Sandhills Convention Center/Quality Inn and Suites, 2102 South Jeffers Street, North Platte, NE

### Preliminary Issues

The current road and trail system cannot be maintained to established standards with the current and projected budget allocations.

Unrestricted motorized travel negatively affects the recreation experience of those who are seeking prefer a non-motorized experience. This relates primarily to big game hunting, and to a lesser extent upland hunting, judging from the comments received.

In a few locations, there is evidence that motorized travel is contributing to resource degradation.

The national forests and national grassland are essentially the only public areas in the state where motorized travel is allowed.

Restricting motorized travel could contribute to a decline in rural economies that rely in part upon motorized recreation participation on the national forests and grassland.

### Comment Requested

This notice of intent initiates the scoping process which guides the development of the environmental impact statement. A detailed description of the proposed action and available maps can be accessed at <http://www.fs.fed.us/r2/nebraska>. Comments that are most helpful for the Forest Service in making adjustments to the proposed action are those that provide specific suggestions for changes and include reasons and/or scientific documentation to support the requested changes. Comments that support the proposed action also are most helpful if they clearly describe why the writer favors the actions proposed.

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

A draft environmental impact statement 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 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 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 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, it is very important and those interested in the 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 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 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.

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

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

Dated: January 20, 2004.

**Charlie Marsh,**

*District Ranger.*

[FR Doc. 04–1988 Filed 1–29–04; 8:45 am]

**BILLING CODE 3410–CA–M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Alpine County, CA, Resource Advisory Committee (RAC)

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the authorities in the Federal Advisory Committees Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Alpine County Resource Advisory Committee (RAC) will meet on Monday, February 2, 2004, at 18:00 at the Diamond Valley School for business meetings. The purpose of the meeting is to discuss issues relating to implementing the Secure Rural Schools and Community Self-Determination Act of 2000 (Payment to States) and expenditure of Title II funds. The meetings are open to the public.

**DATES:** Monday, February 2, 2004, at 18:00 hours.

**ADDRESSES:** The meeting will be held at the Diamond Valley School (physical address, room and time). Send written comments to Franklin Pemberton, Alpine County RAC coordinator, c/o USDA Forest Service, Humboldt-Toiyabe N.F., Carson Ranger District 1536 So. Carson Street, Carson City, NV 89701.

#### FOR FURTHER INFORMATION CONTACT:

Alpine Co. RAC Coordinator, Franklin Pemberton at (775) 884–8150; or Gary Schiff, Carson District Ranger and Designated Federal Officer, at (775) 884–8100, or electronically to [fpemberton@fs.fed.us](mailto:fpemberton@fs.fed.us).

#### SUPPLEMENTARY INFORMATION:

The Meeting is open to the public. Council discussion is limited to Forest Service staff and Council members. However, persons who wish to bring urban and community forestry matters to the attention of the council may file written statements with the Council staff before and after the meeting.

Dated: January 22, 2004.

**Larry Randall,**

*Acting Carson District Ranger.*

[FR Doc. 04–1904 Filed 1–29–04; 8:45 am]

**BILLING CODE 3410–11–M**