

Federal agencies, State and local governments, individuals, and organizations on the scope of the analysis to be included in the draft environmental impact statement for the revised Forest Plan (40 CFR 1501.7). Comments should focus on (1) the preliminary issues proposed to be emphasized in revising the Forest Plan, (2) possible means of addressing concerns associated with these issues, (3) potential environmental effects and other management outcomes that should be included in the analysis, and (4) any possible impacts associated with the proposal based on an individual's civil rights (race, color, national origin, age, religion, gender, disability, political beliefs, sexual orientation, marital or family status). The Allegheny National Forest will encourage public participation in the environmental analysis and decision-making process.

Along with the release of this NOI, the Allegheny National Forest is providing for additional public engagement through a series of collaborative learning workshops held throughout the revision process. Please see the document entitled "Analysis of the Need for Change in Forest Plan Revision" for more information about the collaborative learning methodology for public involvement.

The first round of public workshops was held in May 2003, in DuBois and Bradford, PA. A second round was held in August 2003, in Warren, Erie, and University Park, PA. The next round of public involvement will be two open houses, one from 5:30 to 9:30 p.m. on October 27, 2003, at the Holiday Inn on Ludlow Street in Warren, PA., and another from 5:30 to 9:30 p.m. on October 28, 2003, at the Quality Inn and Suites at the junction of Interstate 90 and State Route 97 in Erie, PA. In addition, a formal public hearing will be held from 1 to 5 p.m. on November 5, 2003, at Toftrees Resort and Conference Center, 1 Country Club Lane, State College, PA. Five more rounds of public involvement opportunities are anticipated over the remainder of the revision process, and are tentatively planned for March 2004, November 2004, April 2005, June 2005, and February 2006.

For a discussion of the process used to narrow the range of Forest Plan Revision changes, please see the document entitled "Analysis of the Need for Change in Forest Plan Revision." You may request a copy of this document as indicated in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** sections of this notice.

**Availability of Public Comment:** Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decisions under 36 CFR parts 215 or 217.

Additionally, pursuant to 7 CFR 1.27(d), any persons may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that under FOIA confidentiality may be granted in only very limited circumstances, such as to protect trade secrets.

The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality and, where the requester is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 90 days.

**Release and Review of the Draft EIS (DEIS):** The DEIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public comment in July 2005. At that time, the EPA will publish a notice of availability in the **Federal Register**. The comment period on the DEIS will extend 90 days from the date the EPA publishes the notice of availability in the **Federal Register**.

The Forest Service believes that it is important, at this early stage, to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the DEIS 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. NRDS*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the DEIS stage but that are not raised until after completion of the final environmental impact statement (FEIS) 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 90-day comment period on the DEIS, 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 FEIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the DEIS 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 DEIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council of Environmental Quality Regulations (<http://ceq.eh.doe.gov/nepa/nepanet.htm>) for implementing the procedures of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

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

Dated: September 19, 2003.

**Randy Moore,**

*Regional Forester.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Caribou-Targhee National Forest, Teton County, ID; Big Hole Timber Sale**

**AGENCY:** Forest Service, USDA.

**ACTION:** Cancellation of the Notice of Intent to prepare an Environmental Impact Statement for the Big Hole Timber Sale, as published in the **Federal Register** pages 39728 to 39729 on August 1, 2001 (Vol. 66, No. 148).

**SUMMARY:** The USDA, Forest Service has determined that it will not prepare an Environmental Impact Statement to document the analysis and disclose the environmental impacts of the Big Hole Timber Sale located on the Teton Basin Ranger District. In response to the final disposition of the Roadless Area Conservation Rule (Agriculture Secretary Ann M. Veneman, June 9, 2003), the proposed fuel reduction treatments in urban interface that are within the boundary of the Garns Mountain Roadless Area will no longer be considered.

Dated: September 17, 2003.

**Jerry B. Reese,**

*Caribou-Targhee National Forest Supervisor.*

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