

Notices

Federal Register

Vol. 68, No. 75

Friday, April 18, 2003

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Carson National Forest, New Mexico, Agua/Caballos Proposed Projects

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a supplement to a Final Environmental Impact Statement.

SUMMARY: The Carson National Forest, El Rito Ranger District is preparing a supplement to the Final Environmental Impact Statement (FEIS) to disclose new information relevant to the analysis of proposed projects in the Agua/Caballos analysis area. Proposed projects include the allocation of old growth, harvesting of trees for sawtimber and forest products, prescribed burning, thinning, construction of new roads and reconstruction or closure of existing roads.

A Notice of Intent (NOI) to prepare an environmental impact statement was published in the **Federal Register** on April 22, 1997 (62 FR 195342). A Notice of Availability (NOA) for the Draft Environmental Impact Statement (DEIS) was published in the **Federal Register** on February 19, 1999 (64 FR 8356). An NOI to prepare a supplement to the DEIS was published in the **Federal Register** on December 20, 1999 (64 FR 771101). An NOA for the supplement to the DEIS was published in the **Federal Register** on August 18, 2000 (65 FR 50522).

A Record of Decision was signed on May 9, 2002 and an NOA was subsequently published in the **Federal Register** on July 19, 2002 (67 FR 47538).

The decision was appealed before the Regional Forester of the Southwestern Region on August 20, 2002. The appeal was reviewed in accordance with 36 CFR 215.7. The appeal decision issued on October 1, 2002 reversed the Responsible Official's decision on the

Agua/Caballos Proposed Projects, with the following instructions:

(1) Complete the analysis of effects on MIS, considering population and habitat information collected at the forest plan level or at an appropriate geographical scale for a particular species.

(2) Upon completion of this analysis, circulate a Supplemental Environmental Impact Statement for public comment and issue a new decision under 36 CFR 215.

The supplement will disclose additional forest-wide information on management indicator species (MIS) identified in the Forest Plan and relate this supplemental information to the effects analysis of MIS that have potential habitat in the Agua/Caballos analysis area.

DATES: It is estimated that the supplement will be completed and distributed by the end of May 2003. A 45-day comment period will follow. The Final Environmental Impact Statement and record of decision is estimated to be released in August 2003.

ADDRESSES: The supplement will be available upon request from the Carson Forest Supervisor's Office, 208 Cruz Alta Road, Taos, NM 87571, Attn: Planning. Comments related to the supplement can be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Audrey Kuykendall, Forest NEPA Coordinator, Carson Forest Supervisor's Office, 208 Cruz Alta Road, Taos, NM 87571, (505) 758-6200.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action: The supplement is needed to complete the analysis of effects on MIS, considering population and habitat information collected at the forest plan level or at an appropriate geographical scale for a particular species.

Proposed Action: The supplement to the Final Environmental Impact Statement will disclose new information relevant to the analysis of proposed projects in the Agua/Caballos analysis area. Proposed projects include the allocation of old growth, harvesting of trees for sawtimber and forest products, prescribed burning, thinning, construction of new roads and reconstruction or closure of existing roads.

Responsible Official: The Forest Supervisor, Carson National Forest, is

the responsible official and will decide whether projects will be implemented by the Forest Service in the Agua/Caballos analysis area. If so, the Forest Supervisor will decide what projects and where, how and when they will be implemented.

Scoping Process: The supplement will be circulated for public comment to those who were on the mailing list for the Record of Decision. Circulation is expected at the end of May, 2003.

Comment Requested: This notice of intent initiates the scoping process which guides the development of the supplemental environmental impact statement.

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 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.

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: April 11, 2003.

Martin D. Chavez, Jr.,

Forest Supervisor, Carson National Forest.

[FR Doc. 03-9607 Filed 4-17-03; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF AGRICULTURE

Forest Service

Helena National Forest, Montana Travel Management Plan for the South Belts, Divide, and Blackfoot Project Areas

AGENCY: Forest Service, USDA.

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

SUMMARY: This Notice of Intent (NOI) describes the Helena National Forest's proposal to revise the existing travel management on National Forest System lands in the South Belts, Divide, and Blackfoot project areas. The decisions to be made focus on what routes (both motorized and non-motorized) will be open or restricted depending on other resource needs. Signing or other physical structure will be used to implement the decision to reach chosen management objective. No route obliterations or relocations will be analyzed under this decision.

DATES: Comments concerning the scope of the analysis must be received by May 15, 2003. The draft environmental impact statement is expected late June 2003 and the final environmental impact statement is expected April 2004.

ADDRESSES: Send written comments to Kimberly Delgado-Public Affairs Officer c/o Helena National Forest, 2880 Skyway Drive, Helena, MT 59602.

For further information contact Chuck Neal-Forest Travel Planner or call at (406) 449-5201.

If you prefer, a "scoping" letter is available on the Web at r1_Helena_webmaster@fs.fed.us. You can submit comments at this location by typing on the subject line "Attention Public Affairs Officer."

SUPPLEMENTARY INFORMATION:

Background

Forest wide travel management planning update originally was proposed in November 2000. Formal public involvement for that planning effort began with the publication of the NOI to prepare an Environmental Impact Statement in the **Federal Register** in December of 2000. A scoping letter describing that proposal was mailed to over 1,300 individuals and groups and public meetings were held in the communities of Lincoln, Townsend, and Helena in December 2000.

In response to that NOI and scoping effort many letters, postcards, e-mails, petitions, and maps were received commenting on the proposal. A private contractor conducted a content analysis to identify the issues and concerns and grouped them into main categories. This content analysis was completed in March 2001. These responses are retained in the record.

In 2001, a number of factors influenced the Helena National Forest to set aside the 2000 Forest wide travel planning effort. These factors included the requirements to complete a Forest Roads Analysis and the need to place priority on restoration and timber salvage in response to the severe fires of 2000.

An additional change that influenced the complexity of the 2000 Forest wide travel planning effort was the July 2001 off-highway vehicle regulations affecting National Forests and BLM lands in Montana, North Dakota, and portions of South Dakota. This direction applies to all government lands where a site-specific travel plan has not been implemented and restricts wheeled motorized travel to roads and trails where evidence of motorized use existed at that time.

The Forest Wide Travel Plan of 2000 was rescinded in March of 2003 due to elapsed time since the appearance of the NOI in the **Federal Register** and changed scope of the proposal.

Purpose and Need for Action

The purpose for initiating this proposal is to have a network of open roads and trails that addresses the need for a variety of vehicular and non-

vehicular use while meeting goals, objectives, and standards for the multiple resources present within the project areas.

The Helena Forest Plan, signed in 1986, did not fully anticipate the growing popularity of ATV's and snowmobiles. Subsequently, off-road travel and user-created routes were increasing until the 2001 OHV decision prohibited cross-country motorized travel. The decision amended the Helena Forest Plan to eliminate this activity and further directed the Forests to prioritize areas for subsequent site-specific travel planning. Therefore, there is a need to update the Forest Travel Plan to address both motorized and non-motorized uses.

The Helena National Forest visitor map displays 23 different time blocks for restrictions. This makes understanding, implementing, and enforcing the travel plan complex both for the users and the Forest Service. Therefore, there is a need for a more clear, simplified travel plan that is easier to understand and enforce.

Proposed Action

The Helena National Forest proposes to implement a travel plan for the South Belts, Divide, and Blackfoot project areas that provides motorized and non-motorized opportunities for both roads and trails. Forest Plan goals, objectives, and standards for other resources were key to the development of this proposed action such as providing adequate seasonal habitat for wildlife and maintaining water quality.

The proposed action is summarized below. Site-specific, route-by-route detail for each project area is available upon request. The proposed action includes the following elements:

1. Motorized and non-motorized roads and trails are identified and include the following four route types:

- * Roads open to vehicles that meet the requirements of state laws,
- * Motorized trails open to vehicles 50 inches wide or less,
- * Non-motorized trails, and
- * Snowmobile routes.

2. Potential "connector" local road or trail locations are identified for possible future decisions.

3. Open and restricted routes and areas for snowmobiles are delineated. Big game winter range areas are not open to snowmobile use; however, designated snowmobile routes through winter range are identified.

4. Vehicle access within 300 feet of an open, designated road is allowed primarily to access dispersed camping sites and other uses as long it does not result in unacceptable resource damage