

constructed fuel breaks adjacent to private property, particularly those properties with houses and subdivisions; and increased prescribed burning of 4,000 acres to about 7,500 acres in order to have a greater impact on reducing fuels and the threat of wildfire.

- Manage big game winter range by providing openings for forage and protecting game animals during the critical winter period over a large portion of the area by expanding area closures to off-road motorized use seasonally or year-round.
- Provide a mix of motorized and non-motorized opportunities in the area by designating some areas for off-road ATV/4-wheeler use and other areas for non-motorized uses such as hiking, mountain biking and walk-in hunting.
- It is anticipated that one or more Forest Plan Amendments may be necessary to implement the proposed action or action alternatives.

#### Responsible Official

The Responsible Official for this decision will be John C. Twiss, Forest Supervisor, Black Hills National Forest, 25041 North Hwy. 16, Custer, SD 57730.

#### Nature of Decision To Be Made

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

#### Scoping Process

Comments and input regarding the proposal have been received from the public and other groups and agencies during the 30-day (plus) public comment period that took place in July and August 2002. Response to the draft EIS will be sought from the interested public beginning in May 2003.

#### Comment Requested

This revised notice of intent simply identifies the adjustment and refinement of the original proposed action in response to public comment and feedback. There will be no additional scoping on this revised NOI. The next opportunity to comment will be on the Draft EIS. Comments on the DEIS will be requested during the 45 day comment period following the Notice of Availability, anticipated to be published in the **Federal Register** in May 2003 (See discussion below).

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

A draft environmental impact statement is being prepared for comment. The comment period on the

draft environmental impact statement will be for 45 days from the date the Environmental Protection Agency publishes the Notice of Availability in the **Federal Register** in May 2003. The Forest Service believes, at this 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. (Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: May 12, 2003.

William G. Schleining,

Acting Forest Supervisor.

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Sunken Moose Project; Chequamegon-Nicolet National Forest, Bayfield County, WI

AGENCY: Forest Service, USDA.

ACTION: Revised notice, intent to prepare an environmental impact statement.

**SUMMARY:** The Forest Service proposes to implement land management activities consistent with direction in the 1986 Chequamegon National Forest Land and Resource Management Plan. Activities are proposed on National Forest in an area called "Sunken Moose." This notice revises the "responsible official" and updates expected statement dates.

**DATES:** The draft environmental impact statement is expected May 2003 and the final environmental impact statement is expected September 2003.

*Responsible Official:* This Notice revises the responsible official from Washburn District Ranger to: Anne F. Archie, Forest Supervisor, Chequamegon-Nicolet National Forest, Park Falls, Wisconsin.

**ADDRESSES:** Send written comments to Anne F. Archie, Forest Supervisor, Chequamegon-Nicolet National Forest, 1170 4th Avenue S, Park Falls, WI 54552.

**FOR FURTHER INFORMATION CONTACT:** Ray Kiewit, Project Leader, Washburn Ranger District, P.O. Box 578, Washburn, WI 54891 (phone 715/373-2667; or visit Sunken Moose Web site at [www.fs.fed.us/r9/cnnf/natres/eis/wash/sunken\\_moose/index.html](http://www.fs.fed.us/r9/cnnf/natres/eis/wash/sunken_moose/index.html)).

**SUPPLEMENTARY INFORMATION:** The original notice of intent to prepare the Sunken Moose environmental impact statement was published in the **Federal Register** on April 24, 2001 (Vol. 66, No. 79, page 20625, Tuesday, April 24, 2001/Notices). A revised notice of intent was published in the **Federal Register** on April 16, 2002 (Vol. 67, No. 73, Tuesday, April 16, 2002/Notices). The April 16, 2002 revision modified the purpose and need of the proposal.

Dated: May 8, 2003.

Anne F. Archie,

Forest Supervisor, Chequamegon-Nicolet National Forest, Park Falls, WI 54552.

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