

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.

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

Comment Requested

This Notice of Intent initiates the scoping process, which assists the Forest Service in the development of the EIS. Comments will be most helpful if they are written and are specific in nature, stating not only the area of concern, but also the reason for the concern.

The Forest Plan revision will include a social impact analysis, which will include considerations of potential effects to environmental justice concerns and individual civil rights. Comments regarding these topics are also requested.

Proposed New Planning Regulations

The U.S. Department of Agriculture (USDA) published new planning regulations in November of 2000. Concerns regarding the ability to implement these regulations prompted a review with probable revision of these regulations. On May 10, 2001, USDA Secretary Veneman signed an interim final rule allowing *Forest Plan* amendments or revisions initiated before May 9, 2002, to proceed either under the new planning rule or under the 1982 planning regulations. The Monongahela National Forest revision process will be initiated under the 1982 planning regulations, pending future direction in revised regulations.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft EIS will be prepared for comment. The comment period for the draft EIS will be 90 days from the date the U.S. Environmental Protection

Agency publishes the Notice of Availability in the **Federal Register**.

The Forest Service believes it is important to provide 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. NRDS*, 435 U.S. 519, 553 (1978)]. Also, environmental objections that could be raised at the draft environmental impact 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 90-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 environmental impact statement 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 procedural provision of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: April 26, 2002.

Donald L. Meyer,

Acting Regional Forester.

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DEPARTMENT OF AGRICULTURE

Forest Service

Beaverhead-Deerlodge National Forest, Northern Region

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to revise the Land and Resource Management Plan (Forest

Plan) for the Beaverhead-Deerlodge National Forest.

SUMMARY: This notice announces the beginning of efforts to revise the Land and Resource Management Plan (Forest Plan) for the Beaverhead-Deerlodge National Forest. Beginning efforts are to establish a planning team and evaluate information needs. Public involvement is critical and will be requested throughout this effort. The forest is developing a communication strategy to document how the public and government entities may participate in the revision of the Forest Plan.

ADDRESSES: Send written comments concerning this notice, communication strategy and requests to be included on the Forest Plan revision mailing list to Jack DeGolia, Public Affairs Officer, Beaverhead-Deerlodge National Forest, 420 Barrett, Dillon, MT 59725.

FOR FURTHER INFORMATION CONTACT: Janet Bean-Dochstuhl, (406) 682-4253 or Anita DeZort, (406) 683-3946, Acting Forest Plan Revision Team Leaders.

SUPPLEMENTARY INFORMATION: The Forest Plan for the Beaverhead National Forest was completed in 1986 and the Deerlodge Forest Plan was completed in 1987. The Forests were administratively combined in 1996. Both plans will remain in effect and continue to be implemented until they are revised.

With this Notice we initiate revision of both forest plans. During the next several months our focus will be on organizing the revision team and evaluating information required. Once the scope of the revision is better understood the Forest will issue another Notice to announce initiation of an Environmental Impact Statement, as provided by the National Environmental Policy Act.

This Notice initiates revision under the 1982 planning regulations (36 CFR 219). The Forest Service is preparing new draft planning regulations, which are anticipated in the spring of 2002. Since these new regulations will reflect the latest national thinking on land and resource management planning, the Forest will seriously consider switching to revision under the new planning regulations. This will depend on when the regulations are finalized. An additional Notice will be issued if the Forest decides to operate under the new regulations.

Dated: April 26, 2002.

Peri Suenram,

Acting Forest Supervisor.

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