

Public participation will be an important part of the analysis. Internal scoping began with the development of the Pierce Ranger District Five Year Plan in early January, 1997. External scoping will begin with this notice. Public meetings to announce this proposal, including at least one field review of the project area, will be scheduled between July and September of 1997. Issues which emerge from internal and external scoping will be used to develop additional alternatives to this proposal.

The lead agency for this project is the U.S. Forest Service. The Forest Service will cooperate with other Federal agencies, as well as County, State, and tribal governments who display an interest in the project, and who require assessment and concurrence.

The responsible official for decisions regarding this analysis is James Caswell, Clearwater National Forest Supervisor. His address is 12730 Highway 12, Orofino, ID 83544.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in January, 1998. At that time, the EPA will publish a Notice of Availability of the draft EIS in the **Federal Register**. 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 final EIS is scheduled to be completed by May, 1998.

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 Regulations for implementing the procedural provisions of the National Environmental Policy Act of 40 CFR 1503.3 in addressing these points.

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 decision under 36 CFR part 215 or 217.

Dated: July 31, 1997.

James L. Caswell,
Forest Supervisor.

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DEPARTMENT OF AGRICULTURE

Forest Service

Treasure Mountain Winter Sports Area Conceptual Development Plan; Kootenai National Forest, Lincoln County, Montana

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare environmental impact statement.

SUMMARY: The USDA, Forest Service, will prepare an environmental impact statement (EIS) to develop the Treasure Mountain Winter Sports Area which includes management of a 1,700+/- acre tract of land of which approximately 242 acres would be devoted to alpine ski trail development. The ski area would have a vertical rise of 2,700 feet with the potential to increase to 3,500 feet and would include a separate beginner/teaching slope with its own chairlift as well as trails and chairlifts for novice, low intermediate, intermediate, advanced intermediate and expert skiers. The proposal includes the construction of ski trails, chair lifts,

base lodge and facilities and parking facilities. The base lodge will provide the full range of skier services including food service, rest rooms, lockers, rental, retail and first aid. The proposal also includes a forest plan amendment to change Kootenai Forest land allocations from MA8 (Proposed Wilderness), MA-13 (Designated Old-growth), MA-14 (Grizzly Bear habitat) and MA-16 (Timber with viewing allocation) to MA6 (Developed Recreation).

The proposed Treasure Mountain Winter Sports Area is approximately five miles west of US Highway 2 and one mile south of Libby in Lincoln County, Montana, ninety miles south of the Canadian border and thirty miles east of the Idaho border. The proposed ski area is located adjacent to the Cabinet Mountain Wilderness Area and within the Municipal Watershed for the town of Libby, Montana. Approximately half of the proposed ski area is located within the Inventoried Roadless Area #671—Cabinet Face East. The decision area is also occupied Grizzly Bear habitat.

DATES: Written comments and suggestions should be received on or before September 8, 1997.

ADDRESSES: The Responsible Official is Robert L. Schrenk, Forest Supervisor, Kootenai National Forest. Written comments and suggestions concerning the scope of the analysis should be sent to Lawrence A. Froberg, District Ranger, Libby Ranger District, 12557 US Hwy 37 N, Libby, Montana, 59923.

FOR FURTHER INFORMATION CONTACT: Tim Charnon, Project Coordinator, Libby Ranger District. Phone: (406) 293-7773.

SUPPLEMENTARY INFORMATION:

Historical Context

A preliminary proposal for the Treasure Mountain Winter Sports Area was presented to the Libby Ranger District, U.S. Forest Service, Libby, Montana, in September 1990. This was followed by a request for land designation change presented to the U.S. Senate in 1991. An evaluation of the proposed Treasure Mountain Winter Sports Area was compiled in June 1992 followed by modifications to the evaluation in 1994. In March 1995, the Lincoln County Economic Development Council was presented with a Conceptual Development Plan and Feasibility Study prepared by Barnhart Malcolm, Inc. The evaluation of this report was that the proposed Treasure Mountain Winter Sports Area site has superior physical attributes for regional destination alpine ski potential customers to generate cumulative positive cash flow. Finally, in November

1995, the U.S. Department of Commerce Economic Development Administration awarded the Lincoln County Economic Development Council a long-term Economic Deterioration Adjustment Strategy Grant to provide the final information needed to determine the feasibility of development of the Treasure Mountain site.

Proposed Action

LCEDC resubmitted the proposal for the Treasure Mountain Winter Sports Area to the Libby Ranger District, on October 23, 1996. Based on this proposal the decisions to be made are:

Should a Special Use Permit be authorized for Treasure Mountain Winter Sports Area and if so how and under what conditions,

What mitigation measures would be required for protection of National Forest resources, and

Are Forest Plan amendments necessary to proceed with the Proposed Action within the decision area. If so, what are they and are they significant amendments?

The Kootenai National Forest Land and Resource Management Plan provides overall management objectives in individual delineated management areas (MA's). The decision area is allocated to MA-8 (Recreation wilderness), MA-13 (Designated Old-growth), MA-14 (Grizzly Bear habitat) and MA-16 (Timber with viewing allocation).

Preliminary Issues

Several preliminary issues of concern have been identified by the Forest Service. These issues are briefly described below:

- Potential impacts to grizzly bear (the proposed ski area is within designated grizzly bear habitat).
- Potential effects to the Libby municipal watershed.
- Potential impacts on the Cabinet Mountain Wilderness (adjacent to the proposed ski area).
- Potential socio-economic effects (market demand and need for the ski resort).

Public Involvement and Scoping

Public participation is an important part of the analysis, commencing with the initial scoping process (40 CFR 1501.7), which will occur August 1997 to September 1997. In addition, the public is encouraged to visit with Forest Service officials at any time during the analysis and prior to the decision. The Forest Service will be seeking information, comments, and assistance

from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. The proposed project will be presented at two Open Houses at the Libby City Hall, 952 E. Spruce, on August 14, 1997. The presentations will be at 10:00 am and at 7:00 pm. Representatives from Lincoln County Economic Development Council (LCEDC) and the Kootenai National Forest will be available at the open houses to discuss the proposed project and provide additional information.

Comments from the public and other agencies will be used in preparation of the Draft EIS. The scoping process will be used to:

1. Identify potential issues.
2. Identify major issues to be analyzed in depth.
3. Identify alternatives to the proposed action.
4. Identify potential environmental effects of the proposed action and alternatives (i.e. direct, indirect, and cumulative effects).
5. Determine potential cooperating agencies and task assignments.

The Forest Service will consider a range of alternatives. One of these will be the "no action" alternative, in which none of the proposed activities would be implemented. Additional alternatives will examine varying levels and locations for the proposed activities to achieve the proposal's purposes, as well as to respond to the issues and other resource values.

The EIS will analyze the direct, indirect, and cumulative environmental effects of the alternatives. Past, present, and projected activities on both private and National Forest lands will be considered. The EIS will disclose the analysis of site-specific mitigation measures and their effectiveness.

Estimated Dates for Filing

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by January, 1998. At that time EPA will publish a notice of availability of the draft EIS in the **Federal Register**. The comment period on the draft EIS will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register**.

The final EIS is scheduled to be completed in September, 1998. In the final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental

consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making a decision regarding the proposal.

Reviewer's Obligations

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 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 and respond to them in the final EIS.

To be most helpful, comments on the draft EIS should be as specific as possible and may address the adequacy of the statement or the merit of the alternatives discussed. 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.

Responsible Official

Robert L. Schrenk, Forest Supervisor, Kootenai National Forest, 506 US Highway 2 West, Libby, MT 59923 is the Responsible Official. As the Responsible Official I will decide which, if any, of the proposed projects will be implemented. I will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to Forest Service Appeal Regulations.

Dated: July 31, 1997.

Robert L. Schrenk,
Forest Supervisor.

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