

Forest Service welcomes any public comments on the proposal.

### 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's notice of availability appears in the **Federal Register**. It is very important that those interested in this proposed action participate at that time. To be the most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed.

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 30-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: February 7, 2005.

**Thomas L. Tidwell**,

*Forest Supervisor*.

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**BILLING CODE 3410-11-M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Notice of Tri-County Advisory Committee Meeting

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92-463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106-393) the Beaverhead-Deerlodge National Forest's Tri-County Resource Advisory Committee will meet on Thursday, March 3, 2005, from 4 p.m. to 8 p.m. in Deer Lodge, Montana, for a business meeting. The meeting is open to the public.

**DATES:** Thursday, March 3, 2005.

**ADDRESSES:** The meeting will be held at the USDA Service Center, 1002 Hollenback Road, Deer Lodge, Montana.

**FOR FURTHER INFORMATION CONTACT:**

Thomas K. Reilly, Designated Forest Official (DFO), Forest Supervisor, Beaverhead-Deerlodge National Forest, at (406) 683-3973.

**SUPPLEMENTARY INFORMATION:** Agenda topics for this meeting includes a review of projects approved and proposed for funding as authorized under Title II of Public Law 106-393, new proposals for funding, review of a community fire plan, and public comment. If the meeting location is changed, notice will be posted in local newspapers, including The Montana Standard.

Dated: February 7, 2005.

**Thomas K. Reilly**,

*Forest Supervisor*.

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## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### Notice of Intent

**AGENCY:** Natural Resources Conservation Service, USDA.

**ACTION:** Notice of intent.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), Utah State Office, announces its intention to prepare an environmental impact statement (EIS) to evaluate the impacts of floodplain and stream channel modifications in the Coal Creek Watershed. A plan would be developed to reduce safety risks and property damage caused by flooding of Cedar City and agricultural lands, improve water quality, and address related resource and amenity issues for the community. The EIS will analyze the potential environmental and socioeconomic impacts of alternatives to the human environment, as identified in the NEPA planning process, including any structural and non-structural measures that would address resource concerns in Coal Creek floodplain.

The purpose of this notice is to request participation and invite comments from all those individuals and organizations interested in the development of the EIS.

**Proposed Action:** The section of Coal Creek that traverses through Cedar City, Utah has channel stability and capacity deficiencies that pose a threat to existing infrastructure and development. Typical summer, fall, and winter discharges through this section of Coal Creek range from 5 to 15 cubic feet per second (cfs). However, intense summer cloudburst events centered in the upper Coal Creek watershed during the past 100 years have resulted in several flood events with peak discharges of between 4,000 and 5,000 cfs. The peak snowmelt event on record is approximately 1,800 cfs.

The NRCS, in cooperation with Cedar City, proposes to modify portions of the Coal Creek channel that are located east of Interstate 15 within the corporate limits of Cedar City. Channel modifications are needed to protect existing infrastructure and development from damage or loss caused by bank erosion or flood water from a 100-year flood event and to eliminate the portion of the 100-year floodplain located outside the stream channel, as defined on existing Federal Emergency Management Agency (FEMA) flood hazard boundary maps. In conjunction with needed channel improvements, one or more irrigation diversion structures on Coal Creek may have to be relocated upstream from their current locations to eliminate existing flooding hazards. It is an NRCS goal to construct new diversion facilities that will