

Notes and Disclaimers to Reviewers:

Comments: A precedent established in court obliges reviewers participating in the National Environmental Policy Act (NEPA) process to alert the Forest Service to their concerns in a meaningful way. Another legal precedent has been set that has established that environmental objections may be waived if they are not raised until after completion of the Record of Decision.

Reviewers should provide the Forest Service with their comments during the review period of the draft environmental impact statement. This will enable the Forest Service to analyze and respond to the comments at one time and to use information acquired in the preparation of the final environmental impact statement, thus avoiding undue delay in the decision-making process. Reviewers have an obligation to structure their participation in the National Environmental Policy Act process so that it is meaningful and alerts the agency to the reviewers' position and contentions. Vermont Yankee Nuclear Power Corp. v. NRDC, 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. City of Angoon v. Hodel (9th Circuit, 1986) and Wisconsin Heritages, Inc. v. Harris, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Comments on the draft environmental impact statement should be specific and should address the adequacy of the statement and the merits of the alternatives discussed (40 CFR 1503.3).

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Flathead National Forest
1935 3rd Avenue East
Kalispell, MT 59901
(406) 758-5200

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