

**USDA** United States  
Department  
of Agriculture

**Forest Service**

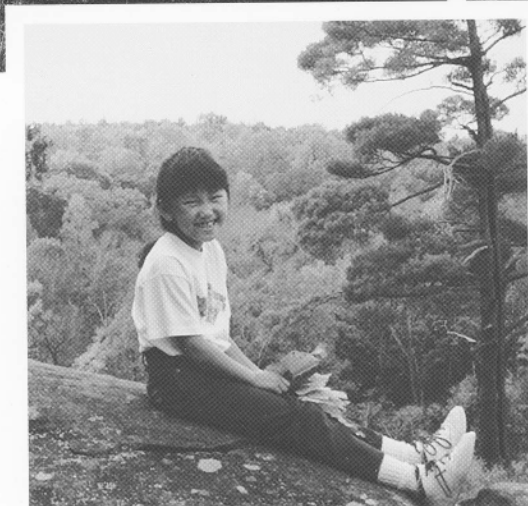
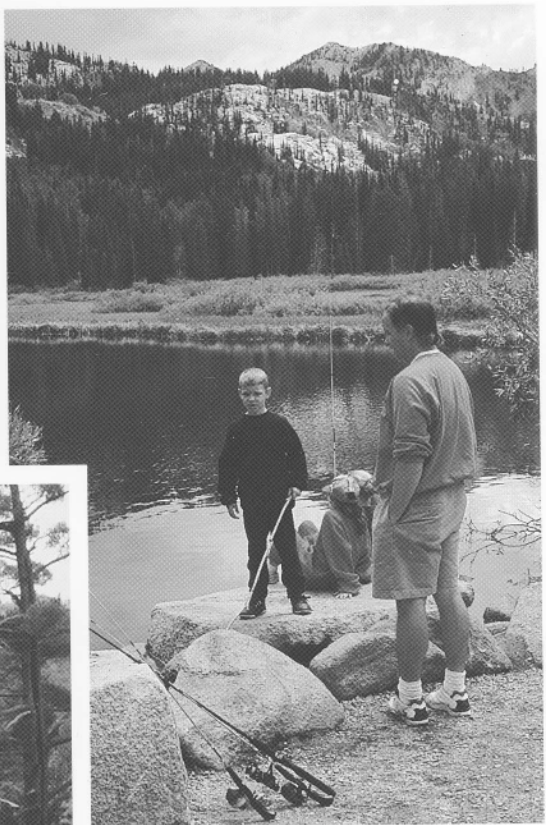
Washington Office

November 2000



# Forest Service Roadless Area Conservation

## Final Environmental Impact Statement Volume 3 – Agency Responses to Public Comments



---

## Acronyms and Abbreviations

ANILCA	Alaska National Interest Lands Conservation Act
ASQ	Allowable Sale Quantity
BBF	Billion board feet
BLM	Bureau of Land Management
BMP	Best Management Practices
CAET	Content Analysis Enterprise Team
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
DEIS	Draft Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FEIS	Final Environmental Impact Statement
FEMAT	Forest Ecosystem Management Assessment Team
GIS	Geographic Information System
ICBEMP	Interior Columbia Basin Ecosystem Management Project
LUD	Land Use Designation (Tongass National Forest)
MMBF	Million board feet
NEPA	National Environmental Policy Act
NFMA	National Forest Management Act
NFS	National Forest System (includes national forests and grasslands)
NOI	Notice of Intent
NMFS	National Marine Fisheries Service
OHV	Off-highway Vehicle
RARE	Roadless Area Review and Evaluation
RARE II	Second Roadless Area Review and Evaluation
ROD	Record of Decision
ROS	Recreation Opportunity Spectrum
SAA	Southern Appalachian Assessment
TEP	Threatened, Endangered, and Proposed
TEPS	Threatened, Endangered, Proposed, and Sensitive
TLMP	Tongass Land Management Plan
USC	United States Code
USDA	United States Department of Agriculture
USDI	United States Department of the Interior
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

---

## Table of Contents

Introduction .....	1
1. DATA .....	3
2. ECONOMICS.....	8
3. FIRE.....	17
4. INVOLVEMENT .....	26
5. LANDS.....	43
6. LANDSCAPE ECOLOGY .....	48
7. LIVESTOCK GRAZING .....	60
8. MINERALS .....	62
9. PLANNING .....	74
10. RECREATION .....	109
11. ROADS .....	120
12. SOCIAL.....	135
13. TERRESTRIAL AND AQUATIC HABITAT .....	158
14. TIMBER .....	173
15. TONGASS .....	190
16. WATERSHED AND AIR .....	200
Acronyms and Abbreviations.....	215



## Introduction

The Forest Service has documented, analyzed, and responded to the public comments received on the Draft Environmental Impact Statement (DEIS). Volume 3 describes the substantive comments received on the DEIS and provides the agency's response to those comments. This response complies with section 40 CFR 1503.4, Response to Comments, of the National Environmental Policy Act (NEPA) regulations.

### Background

During the public comment period on the DEIS running from May 9 to July 17, 2000, the public submitted approximately 1,155,000 separate pieces of input, called "responses." Responses were received in a variety of forms including letters, faxes, e-mail, web site responses, public hearing transcripts, Forest Service memos, and unconventional formats including photographs, videotapes, and t-shirts. The responses went to the agency's Content Analysis Enterprise Team (CAET) based in Salt Lake City, Utah.

### Content Analysis

Content analysis is a systematic method of compiling, categorizing, and capturing the full range of public viewpoints and concerns about the DEIS. Content analysis helps the interdisciplinary team organize, clarify, analyze, and be responsive to information the public provides to the agency.

The content analysis process is not a vote-counting process. The process is designed to read each response, capture the meaning of each individual comment within that response, and provide that meaning to the interdisciplinary team and decision-maker in a clear, understandable form.

Upon receipt of each response, CAET assigned it a unique identifier, and identified the type of respondent (individual, agency, elected official, etc.) and geographic origin. This information was compiled in a database that allowed the agency to query the comments in a number of ways.

Comment coders then read each response, highlighted substantive comments within each, and labeled each by subject area. From the 1,155,000 responses, CAET identified approximately 2,450 separate public comments in those responses.

Data entry personnel copied the highlighted comments verbatim into the database. Analysts organized them by topic, and divided them into separate, distinct public concern statements. They selected a representative variety of verbatim quotations from the database and displayed these after the concern statement. CAET sent such concerns in batches to the Roadless Area Conservation project interdisciplinary team in the Washington Office of the Forest Service for review, action, and response.

### Comment Response

The interdisciplinary team reviewed the public concern statements along with the sample quotations, considered the substance of the concerns, evaluated whether they triggered a change in the environmental analysis, and drafted responses. For some concerns, they reviewed the original letters or other input to ascertain the full context for the concern statement.

The interdisciplinary team provided any recommendations for improvements to the DEIS analysis or documentation to the leadership of the Forest Service for review, consideration, and action. The agency provided responses to approximately 1,200 consolidated concerns in this Volume of the FEIS.

In general, the agency responded in the following five basic ways to the substantive public comments as prescribed in 40 CFR 1503.4.

- 1. *Modifying alternatives.*** For example, the agency modified alternatives by adding, as possible mitigation, a new exception from the road construction and reconstruction prohibition to provide for future leasing of minerals such as coal and phosphate. The exception could apply to Alternatives 2 through 4.

2. ***Developing and analyzing alternatives not given serious consideration in the DEIS.*** The agency considered but did not analyze in detail a variety of added prohibition alternatives that public comments suggested. It did not add new alternatives in detail, but did fully develop a Tongass Not Exempt Alternative which was a clarified and reformatted description of one that was implicit in the DEIS.
3. ***Supplementing, improving, or modifying the analysis that the DEIS documented.*** The agency improved its analyses in a large number of areas. Some of the more substantial updates were in the Fire Effects sections, the Minerals Effects section, and the Cumulative Effects sections of all resources.
4. ***Making factual corrections.*** The agency made a large number of factual and technical corrections. For example, in the FEIS it removed subjective characterizations and graphical errors, updated the acreages of roadless areas across the country, and updated the corresponding roadless area maps.
5. ***Explaining why the comments do not need further Forest Service response.*** The public submitted a large number of suggestions about national forest and grassland management in general, rather than roadless area conservation in specific. This Volume 3 explains or summarizes in each resource section those comments and why it was not necessary for the agency to analyze or respond to them in further detail. Usually the comments referred to an option or alternative considered but not analyzed in detail, as explained at the end of Chapter 2. In addition, some comments were not substantive, meaning they clearly did not refer to the DEIS, the rule, or roadless areas. In most cases, Volume 3 explained that these were outside the scope of the analysis.

Preceding Chapter 1 of FEIS Volume 1 is a new section titled, “Summary of Changes Between Draft and Final EIS.” For convenience it summarizes the main changes in analysis and documentation that the agency made between the DEIS and the FEIS in response to public comment and other new information.

CAET summarized the entire content analysis process described in this introduction, in the document, *Summary of Public Comment, Proposed Roadless Areas Rulemaking, 1999-2000* (CAET 2000). That document is in the project record.

## Further Information

Chapter 1 of FEIS Volume 1 contains a new section that summarizes the public involvement activities that occurred during the DEIS public comment period, entitled “Public Review and Comment on the Draft EIS and Issues Considered.” That summary sets the stage for this Volume 3 of the FEIS – Agency Response to Public Comment.

## 1. DATA

Mapping and Data .....	3
Inventory and Definitions .....	4
Printing and Distribution .....	5
Other Concerns .....	6

### Mapping and Data

*1. The maps included with the DEIS are not sufficiently clear or detailed in several respects. For example: they do not clearly delineate the roadless areas, their boundaries, roads within their boundaries, or other landmarks. Some maps in DEIS Volume 2 do not match the web site maps or the display maps at the Forest Service offices.*

**Response:** The Forest Service produced maps using a geographic information system (GIS) for the roadless initiative at the national-, State-, and forest-level. The Forest Service used the best available data and technology, followed standard procedures in the map production, and provided the maps for public review and comment. The agency sought the most appropriate data for the scale, type, and purpose of each specific map product and used that data when and where possible. In all stages of the project, Forest Service field offices provided existing, local forest or grassland data in support of the project.

From the data supplied by the Forest Service field offices, the roadless area conservation team produced different versions of the roadless area maps to meet different purposes. They have different levels of resolution (detail):

- **DEIS and FEIS Volume 2 Maps:** Black and white, page-size State- and forest-level maps. Moderate detail. Show only major roads and larger cities and towns. Forest-level maps also show detailed categories of inventoried roadless areas, special designated areas, and other National Forest System lands.
- **Website Maps (roadless.fs.fed.us):** Color, page-size, national-, State-, and forest-level maps. Moderate-to-general in detail.
  - One version of the national- and State-level maps is limited in detail. They do not show roads. Intended as general location or “index maps.”

– Another version of the State-level maps contains more detail; identified on the website as “high resolution printer friendly.” They show major highways and roads in addition to more detailed forest-level information.

- **Public Meetings Maps:** Color, poster-size State-level maps. Also, depending on the local forest or grassland printing capability, poster size forest-level maps. They contain more detail than either the Volume 2 or the website maps. Designed for use as visual aids, they show many of the roads and smaller towns near the roadless areas.

Between DEIS and FEIS, the Forest Service made a number of corrections and updates to the inventoried roadless area information. These revisions include: 1) display of all special designated areas, 2) separation of all inventoried roadless areas which were previously included within special designated areas, 3) inclusion of updated and approved roadless area inventories associated with forest plan revisions, and 4) cartographic adjustments and corrections to inventoried roadless areas to match national forest and grassland project record information.

*2. The Maps in Volume 2 of the Draft EIS are confusing and inaccurate. Specifically, the areas shown for the Inyo National Forest that disallow road construction or reconstruction are incorrect.*

**Response:** Following the release of the DEIS, the Forest Service reviewed the roadless inventory information for all national forests and grasslands, including the Inyo National Forest. Changes in the data submitted for the FEIS have yielded changes in the number of acres defined as inventoried roadless for the Inyo National Forest. See also Response 1.

*3. The Forest Service should address the use of GIS overlays on a national scale.*

**Response:** The GIS products used for analyses and in the creation of the national overlays were developed from data collected by local national forests and grasslands. The map data were compiled and GIS overlays were presented at scales appropriate to the environmental analyses. The map data were generalized, when appropriate, to create national scale map products. See also Response 1.

*4. The Forest Service should use GIS to help define inventoried roadless areas using depth, width, and*

*acreage criteria, to ensure that the areas can be managed.*

**Response:** A Geographic Information System (GIS) was used to map and analyze inventoried roadless areas for the DEIS and FEIS. The analysis included inventoried roadless areas and other geospatial data sources listed in the References Cited section of the DEIS and FEIS. The results of the spatial analysis are incorporated in the Forest Health, Ecoregions, Fragmentation, and Size Considerations sections of Volume 1, Chapter 3, Affected Environment and Environmental Consequences.

**5. The Forest Service should avoid frequently changing the maps placed into the record for this project.**

**Response:** The maps of record were either published in the printed version of Volume 2 of the DEIS or as a digital version on the Roadless Area web site ([roadless.fs.fed.us](http://roadless.fs.fed.us)). The Forest Service released them to the public May 10th, 2000. They were not changed or revised until the FEIS was published. Revisions that were made to the maps in the FEIS were results of the public comment process and the internal review process.

**6. The Forest Service should exclude from the roadless inventories areas classified as unsuitable for Wilderness.**

**Response:** Although areas may be classified as unsuitable for Wilderness, they can still be managed for their roadless characteristics. Therefore declaring an area not suitable for Wilderness does not exclude it from the inventoried roadless area list.

## Inventory and Definitions

**7. The speed with which this initiative is being implemented has not given the Forest Service enough time to accurately inventory roads in areas under consideration.**

**Response:** The mapped inventoried roadless areas displayed in Volume 2 of this FEIS are the basis for the analysis of effects in Chapter 3. These areas were identified using the most recent inventories available from a variety of land and resource management planning and assessment processes, including RARE II. After the inventories were completed, some inventoried roadless areas were managed using land

allocations or planning prescriptions that allowed road construction. While many inventoried roadless areas remain “roadless,” others have been roaded to varying degrees.

In the DEIS, the prohibitions did not apply to “the roaded portions of inventoried roadless areas.” Due to confusion expressed by both the public and Forest Service field units over differentiation between the roaded and unroaded portions of the inventoried roadless areas, the application of the prohibitions has been changed. For the FEIS, the prohibitions will apply to the entire inventoried roadless areas.

Decisions on the management of unroaded areas are discretionary; therefore, these areas will be identified during local planning processes in accordance with the new NFMA Planning Regulations (36 CFR 219). Therefore, there was no need to inventory these areas for this rule. See Responses 20 and 80 in the Roads section.

**8. The Clearwater National Forest roadless area maps have incorrect land status designations permitting road construction in proposed Wilderness. They do not reflect the settlement agreement on the Forest Plan.**

**Response:** The settlement agreement pertains to interim management status of the roadless areas until the next plan revision. The settlement agreement did not amend the forest plan or change the land designations. The maps of the Clearwater National Forest roadless areas (DEIS Volume 2) correctly reflected the Forest Plan allocations. The FEIS Volume 2 also shows the current inventory.

**9. The Forest Service should explain why the farthest-north portion of the Badger-Two Medicine area of the Rocky Mountain Division of Montana’s Lewis and Clark National Forest is not considered an “inventoried roadless area” on the roadless DEIS map.**

**Response:** The area referred to as the farthest north portion of the Badger-Two Medicine area was not inventoried as roadless in the RARE II process or in any Lewis and Clark National Forest plan inventory process. The prohibitions described in the DEIS and FEIS apply only to areas that have been previously inventoried. The area may be considered unroaded in a future forest plan revision.



**10. Camp Hutchins (Shawnee NF) should be included as an inventoried roadless area in the Roadless Area Conservation proposed rule and it should be included in the RARE II inventory via an errata sheet.**

**Response:** The Camp Hutchins area is not an inventoried roadless area. This area was not included in the RARE II inventory of roadless areas. Camp Hutchins was not listed in either the 1986 or 1992 Wilderness and Roadless Area Analysis for the Shawnee National Forest Land Management Plan. See also Response 9.

**11. The Forest Service should update their maps of the Ozark National Forest to ensure they do not contain “phantom roads,” specifically Forest Service road 1458A on the Ozark NF Visitors map.**

**Response:** The Forest Service made substantial efforts to prepare and distribute current and accurate data on its roadless area maps. The 1985 Ozark National Forest Visitors map is correct in showing a road 1458A along Dismal Creek as an existing Forest road within the inventoried roadless area. As the DEIS stated (p. 3-16), the RARE II mapping criteria allowed the presence of some existing roads in inventoried roadless areas in some circumstances. Also, some roads have been constructed or reconstructed in inventoried roadless areas since the recent inventories. Therefore, some minor or new roads may not appear on the roadless area maps. Further inventory and mapping of individual roads is outside the scope of this proposal. The final Roads Policy is expected to set inventory and mapping requirements. See also Responses 27, 80, and 81 in the Roads section.

**12. The Forest Service should reconcile discrepancies in information given regarding the number of acres of inventoried roadless areas. Specifically, in the Intermountain Region including Utah, the roadless area maps on the web site conflict with national forest maps, which show thousands of miles of inventoried forest roads within these areas.**

**Response:** Inventoried roadless areas may contain roads, as shown on National Forest visitors’ maps. The maps on the roadless web site were designed to show the location of the inventoried roadless areas within the specified national forest. The page-size format limits what can be displayed; therefore, only

major roads are shown on the web site maps. Acreage and other statistics for inventoried roadless area acres were developed using site-specific data provided by individual national forests and appear in the FEIS and on our website ([roadless.fs.fed.us](http://roadless.fs.fed.us)). See also Response 1.

## Printing and Distribution

**13. The Forest Service should promptly send documents to those who have requested them.**

**Response:** The Forest Service published notice of the availability of the documents in the Federal Register and Forest newspapers of record. On March 15, 2000, the agency released a public announcement describing how to place an order for a paper or CD version of the DEIS to the news media and posted it on the roadless web site. The DEIS was completed and made available for distribution to the public on May 10, 2000. An electronic version was posted on the roadless web site for downloading and public review on May 10, 2000. The web site also included a list of Forest Service offices and public libraries that received DEIS copies for the public to review. Requests for DEIS copies were processed and sent using US mail. Copies of the DEIS were made available at the public information and comment meetings. Additional copies were available at individual national forest and grassland office locations.

The agency filled thousands of requests for documents. We are aware of only a handful of instances where someone indicated he or she did not receive requested documents. In every instance where we were informed of a specific non-delivery, we took steps to ensure prompt delivery.

**14. The Forest Service should provide a separate mailing of maps of all Counties in the State of Idaho to a scale of 1:150,000.**

**Response:** Maps have been produced for the roadless area initiative at the national, State, and forest-level, as appropriate for a project of national scope. It would be beyond the need and scope of the project to produce maps at the County level for all Counties in one State.

Individual national forest and grassland offices usually have roadless area boundaries on maps at

scales such as 1:24,000 or 1:200,000 and can provide additional data to produce maps at the County-level.

**15. The Forest Service should divulge its total cost of producing, publishing, and distributing the DEIS.**

**Response:** The entire roadless initiative has cost an estimated \$9.4 million through fiscal year 2000. (This includes indirect costs to the Regional, Forest, and District levels.)

**16. The Forest Service should check the graphics in the DEIS. Specifically, some graphics in the DEIS are blackened (top graphic, header and portions of tables of alternatives, etc.).**

**Response:** The comment refers to alternatives tables S-1 through S-4 in the DEIS Summary and 2-2 through 2-5 in the DEIS. In these tables, the Forest Service used shading with the intent to make it easier to view the columns showing the proposed action and preferred alternative. To remedy the uneven shading, we changed the shading on these tables in the FEIS.

**17. The Forest Service should clarify the table of contents for Volume II. Does it include only maps?**

**Response:** Yes, Volume 2 of the DEIS and FEIS consist entirely of maps. They are maps of inventoried roadless areas by State, and by individual National Forest. Volume 2 of the FEIS also contains a table of contents and an introduction page.

## Other Concerns

**18. The Forest Service should explain how and why the estimated roadless acreage has grown from 8% to 25% over the course of planning for the proposed rule.**

**Response:** The DEIS did not imply that only 8% of the National Forest System lands would be affected by the rule. As indicated in the FEIS, inventoried roadless areas account for 31% of all NFS lands.

**19. The Final EIS must reflect inventories and evaluations no more than five years old.**

**Response:** The regulations directing planning in the Forest Service, Code of Federal Regulations Title 36 (revised as of July 1, 1999), part 219.17, Evaluation

of roadless areas, state no requirement that an EIS must reflect inventories and evaluations no more than five years old.

**20. The Forest Service should evaluate the adequacy of the Wilderness area maps.**

**Response:** We have updated our data for Wilderness since the DEIS was published. All Wildernesses and other designated areas in Forest Service lands are now included in the maps in the FEIS.

**21. The Forest Service should address the data presented for the Medicine Bow National Forest in Appendix B.**

**Response:** The inventoried roadless acres listed for the Medicine Bow National Forest in the DEIS were based on RARE II inventory data. The Medicine Bow National Forest was in the process of revising its Forest Plan when the DEIS was prepared. Following the release of the DEIS, the forest updated its roadless area inventory, which received public review, consistent with forest plan revision policy. These new acreages are the most current and now appear in the FEIS.

**22. The final EIS should include maps of uninventoried unroaded areas.**

**Response:** The Forest Service cannot generate maps of uninventoried areas because these areas have not been identified. Uninventoried unroaded areas, or the unroaded areas referred to in the DEIS, will be identified in the future at the time of forest or grassland plan revision, using the roads planning framework established in the new Planning Regulations (36 CFR 219).

**23. The Forest Service should include Wilderness Study Areas in roadless area inventories.**

**Response:** Wilderness Study Areas (WSAs) within inventoried roadless areas that were not included in the DEIS have been added to the inventory of roadless areas mapped in the FEIS Volume 2.

**24. The Forest Service should include land acquired since previous inventories were completed.**

**Response:** The prohibition alternatives would apply to lands acquired since the previous inventories if they are within inventoried roadless areas as defined

in FEIS Volume 2. Newer land acquisitions that remain unroaded would be considered for roadless area conservation during forest and grassland plan revisions, consistent with the new Planning Regulations (36 CFR 219).

***25. The Forest Service should use a hierarchical numbering system for the pages of Chapter 3.***

**Response:** Although it was 246 pages long, DEIS Chapter 3 had only five hierarchical levels and did not require the more formal numerical outline system appropriate for more technical EISs. The FEIS retains an informal format similar to the DEIS.

***26. The Forest Service should improve the shading of Figure 3-17 on page 3-50 of the Draft EIS.***

**Response:** In the FEIS we have corrected the inconsistent shading in the legend on the DEIS's ecoregions map.

*End of Data Section*

## 2. ECONOMICS

National Economy .....	8
Subsidized Uses .....	9
Agency Funding and Costs .....	9
State and Rural Communities .....	10
Economic Analysis .....	11
Regional and Global Impacts .....	13
Unemployment and Job Training .....	13
Recreation and Tourism .....	14
Legal Compliance .....	14
Other Concerns .....	15

### National Economy

#### *1. The Roadless Rule will or could impact timber production and the nation’s economy.*

**Response:** *General.* A number of respondents raised concerns about the national economic impacts of the proposed rule. While some believe that the rule will have significant negative effects, others believe the effects will be minimal or positive. These effects were described both qualitatively and quantitatively in the Social and Economic Factors section of Chapter 3 of the DEIS. Because most of the effects could not be quantified, it was not possible to estimate the net effect on the national economy.

The economic effects on amenity uses (such as recreation) and commodities other than timber were described qualitatively in the DEIS (pp. 3-160 through 3-182 and 3-192 through 3-222). Since inventoried roadless areas are concentrated in some geographic areas, the economic effects also tend to be concentrated in those areas. Because of the public concern raised about national economic effects, the FEIS includes a more detailed discussion of national economic effects in the Social and Economic Factors section.

*Timber.* A number of comments specifically addressed the effects of the proposed rule on timber production and timber prices. The alternatives in the DEIS could result in a reduction in the total National Forest System timber harvest ranging from 3% to 4% (DEIS pp. 3-182 through 3-191). The reduced harvest is likely to be replaced through a combination of increased harvest on other ownerships and increased imports. The change in harvest is not expected to affect timber prices, and

the percentage change in imports would be negligible.

Per capita wood consumption in the U.S. has been relatively stable at 75 cubic feet per person per year. Total consumption has been growing because of increased population. Changes in the domestic supply of timber are accompanied by a number of economic adjustments. The market response to the reduction in harvest on public lands in the 1990s has included increased imports of softwood lumber from Canada and increased harvest on private lands in the South. Wood-saving technologies have also been widely adopted in home construction. Increased paper recycling has eased the pressure for more fiber from the forest for paper production. See the *Socioeconomic Specialist Report (May 2000)*, Timber section, pp. F-1 through F-2.

#### *2. The argument that our economy depends on the extraction of natural resources from national forest lands is not sound.*

**Response:** The national economy does not depend on any one commodity from the national forests and grasslands. With declining levels of timber harvest, the contribution of NFS timber to the national economy has declined. However, commodities (including minerals) from the national forests and grasslands continue to make important contributions to the national economy. The alternatives considered in the DEIS and FEIS result in varying levels of change in the flow of commodity and amenity values, as described in Chapter 3, Social and Economic Factors section.

#### *3. The Proposed Rule will cause increases in the costs of housing development.*

**Response:** The value of lumber in the average house accounts for a relatively small proportion of the overall cost of a house, usually less than 5%. Therefore, changes in lumber prices have a minor impact on the cost of houses. Although previous declines in national forest harvest have resulted in increased prices for wood products (particularly softwood sawtimber prices), the estimated changes in timber harvest from the alternatives are not expected to affect wood product prices.

## Subsidized Uses

### *4. The Forest Service should reduce or end subsidies for commercial and recreational users of national forests.*

**Response:** A number of respondents expressed concern about subsidizing commercial and recreational users of the National Forest System. Some respondents expressed concerns that current policies governing commercial uses of the national forests and grasslands do not charge market values for these uses or do not incorporate all expenses relative to timber sales. Others focused on using tax dollars to subsidize recreation uses or other amenity values. Many commercial uses of the national forests and grasslands are managed according to the statutory requirements in various laws. Changes to those laws are the prerogative of Congress.

The rule does not change any existing policies governing commercial or recreational uses of the national forests and grasslands, and therefore this issue is outside of the scope of the analysis.

## Agency Funding and Costs

### *5. The Forest Service could have better spent the money used for the Roadless Area Conservation project.*

**Response:** Controversy over roadless areas has often delayed forest and project planning on the national forests and grasslands. Because 20 years of using a forest-level approach hasn't resolved the issue, the agency believes a national-level approach is the best option for instituting a consistent policy that would reduce the costly delays in the future at the forest level.

### *6. Consider the funds, fees, and services contributed by users to maintain roads and trails.*

**Response:** Fees collected through the fee demonstration program are used to improve or maintain recreation sites, roads, and trails. None of the alternatives would affect ongoing efforts to maintain roads and trails through use of fees or by volunteer organizations. Rather, the action alternatives would prohibit road construction and reconstruction in inventoried roadless areas. None of the alternatives considered in the DEIS close any existing roads or trails.

### *7. Money currently spent on road maintenance should be spent on facilities upkeep.*

**Response:** Several respondents provided comments on the funding for road maintenance. While some emphasized the need to focus scarce resources on maintenance, other believed those funds could be better used for other activities. The Forest Service has a responsibility to maintain roads to a standard that protects public safety and minimizes environmental damage. The agency is focusing more attention on maintaining the existing road system within budget constraints. As described in the DEIS (p. 3-17), the backlog in road maintenance and capital improvement was estimated at \$8.4 billion.

### *8. The Forest Service should address how declines in revenues from commodity uses will affect the agency and its ability to implement this proposal.*

**Response:** The Forest Service is generally not dependent on revenues for operating funds. Rather, funds appropriated by Congress are the main source of agency funding.

The agency is allowed to retain a portion of some revenues for activities such as reforestation and environmental mitigation. However, most revenues are returned to the General Treasury, or to the States under revenue-sharing formulas determined by payments to States.

### *9. The Forest Service should analyze the effects of the proposed rule on agency costs due to prohibitions. The analysis should take place in roadless areas where "high risk" conditions call for large amounts of money for "risk reducing" activities.*

**Response:** The effects of the proposed rule on agency costs are described in the DEIS (pp. 3-200 through 3-201) and the FEIS (Chapter 3, Social and Economic Factors section).

### *10. The Forest Service should explain the statement, "overall agency costs are expected to remain the same" under Alternatives 2 through 4. They should explain how managing 60 million fewer acres would not affect agencies cost.*

**Response:** The Forest Service will continue to manage all NFS lands affected by the roadless rule.

The effects on agency costs from prohibitions are expected to be minor. The potential reduction in timber sales will reduce sale preparation and other planning costs on sales that would have been offered from inventoried roadless areas. Other areas including but not limited to planning, fuel treatments, and road construction would only experience minor effects (DEIS p. 3-200).

## State and Rural Communities

### *11. Reductions in payments to States will further degrade local economies. Alternative revenue-sharing formulas should be considered.*

**Response:** Numerous respondents raised a concern about reductions in revenues to local communities as a result of the proposed rule. The proposed rule would reduce payments to States between \$1.4 and \$4.2 million per year as a result of reduced timber harvest. This reduction is between 1% and 3% of average payments to States from National Forest System receipts in the last 4 years. Although these declines are relatively small, the agency recognizes that payments to States associated with timber harvest have declined over the past decade, and have had serious economic impacts on some local economies (DEIS p. 3-187). In some cases, reductions in payments to States are offset partially by payments in lieu of taxes. Supplemental payments are being made to parts of California, Oregon, and Washington to offset reductions in harvest associated with the Northwest Forest Plan.

Several respondents suggested alternative approaches to providing a more stable flow of payments to States. The U.S. Congress is considering legislation to provide stable levels of payments to States that are not tied to current commodity production levels.

### *12. The proposed rule will adversely impact small communities, local employment and businesses—effects that were not adequately addressed. This may lead citizens to view the Forest Service as their enemy. Mill closures and unemployment due to National Forest timber being unavailable will be hard to accept in communities surrounded by vast stands of that timber.*

**Response:** The DEIS included a list of communities that would potentially be affected by estimated reductions in timber harvest resulting from the

proposed rule and the alternatives (DEIS pp. 3-212 through 3-214). Effects on social and economic factors were described (DEIS pp. 3-160 through 3-222). Public comments and internal reviews were used in updating the list of communities in the FEIS. In addition, a section on affected communities dependent on mining has been added in the FEIS. An Initial Regulatory Flexibility Analysis was also conducted to assess impacts on small businesses, and was available for public comment. The Final Regulatory Flexibility Analysis reflects input from the public comments. These analyses acknowledged that some small communities and businesses could be adversely affected by some of the alternatives analyzed.

### *13. The proposed rule should provide “community stability” as required by 36 CFR 221.3(a)(3), the Senate Report on the 1897 Organic Act, and the Use Book.*

**Response:** Section 36 CFR 221.3(a)(3) states: “Provide, so far as feasible, an even flow of national forest timber in order to facilitate the stabilization of communities and of opportunities for employment.” As discussed in Chapter 3, Forest Dependent Communities, the ability of the Forest Service to provide “community stability” has been a source of debate even when harvests from national forests were much greater than current levels. Changes in the timber industry, combined with declines in national forest harvest, have made it increasingly difficult for the agency to assure a flow of raw materials to specific local communities. The DEIS on pp. 3-114 through 3-116 discussed the effects of the alternatives on timber harvest levels. All the alternatives, except Alternative 1, No Action, would result in a small reduction of timber harvest levels. This reduction is likely to affect some communities more than others. However, nationally there would be little noticeable effect.

### *14. The suggestion that a government payment or rural development funding can be made to areas negatively impacted by the loss of logging revenue may or may not be acceptable.*

**Response:** Some respondents expressed a concern that government payments are not an acceptable solution to reductions in payments to States from reduced timber receipts. Others expressed a concern that attempts to mitigate community effects from this proposal would reduce funds available for other

communities. The Forest Service has programs that may be used to assist communities affected by the roadless rule. The U.S. Congress is considering legislation to provide stable levels of payments to States that are not tied to current commodity production levels.

***15. The proposed rule will negatively impact the West.***

**Response:** The majority of the inventoried roadless areas are in the western United States. The costs and benefits associated with changes in management of these areas will therefore disproportionately occur in the west. The Social and Economic Factors in Chapter 3 of the DEIS and FEIS describe the effects of the alternatives and their geographic distribution.

***16. The Forest Service should not analyze single communities as if they were based on stand alone economies.***

**Response:** The analysis used to assess the resiliency of communities (pp. 3-209 through 3-222 of the DEIS) analyzed the communities by comparing the economic diversity of their County in comparison to the surrounding Counties within their region as defined by the Bureau of Economic Analysis. Therefore, the analysis did not treat the communities as if their economies are isolated from the surrounding economy.

***17. The Forest Service should conclude that the economic and social impacts of the proposed rule on timber dependent communities will be minimal.***

**Response:** The effects on timber dependent communities were described in the DEIS (pp. 3-209 through 3-222) and in the Social and Economic Factors section of Chapter 3 of the FEIS. Although the national level effects of reduced timber harvest are small relative to total U.S. production (less than 0.5%), the effects are not evenly distributed. Therefore, some communities may be adversely affected by the roadless rule.

## **Economic Analysis**

***18. The Forest Service underestimated the job losses by including only direct effects.***

**Response:** Although the summary of the DEIS showed only direct jobs associated with declines in

timber harvest, the more detailed analysis of job impacts from reductions in timber harvest estimated both direct and total job and income effects (DEIS pp. 3-186 through 3-187). Updated estimates of job effects are included in the Timber Harvest section of the Social and Economic Factors portion of Chapter 3 of the FEIS.

***19. The proposed rule and supporting environmental analysis should call for prohibitions in only those areas where the benefits of protection exceed the costs.***

**Response:** The economic analysis included in the Social and Economic Factors of the DEIS, Chapter 3, described the trade-offs associated with the alternatives examined. The focus of the analysis was generally at the regional level. Because of the continuing controversy over management of inventoried roadless areas, the agency believes a national policy is appropriate. Because of the variability in local conditions, it was determined that the benefits and costs of prohibiting activities other than timber harvest and road building could not be adequately analyzed at the national level. The appropriateness of other uses of roadless areas will be determined at the local level, and would include a consideration of the benefits and costs associated with those uses.

***20. The Forest Service should clarify miles of roads across NFS lands and payments to States figures in the DEIS.***

**Response:** The DEIS discussed the miles of roads on p. 1-3, and payments to States were addressed in Chapter 3, pp. 3-182 through 3-191.

***21. The claim that State timber affects only 3% of the economic viability of Montana is not true.***

**Response:** The DEIS did not attempt to estimate State level impacts. Economic impacts from reduced timber harvest are summarized by State in the FEIS (Appendix B).

***22. The Forest Service used biased methodologies and low baselines to address the timber impacts of the proposed action by not including job loss created by conservation policies and political motivations over the past 10 years.***

**Response:** There are a variety of factors influencing changes in National Forest System policies. The timber baseline developed for the DEIS was based on the timber program between 1996 and 1999. Those years were chosen because the agency believes they most accurately reflect the likely future described for the “no action alternative.” Timber harvest levels of the early 1990s are not likely to be achieved in the near future. Although the agency recognizes that past declines in timber harvest have had serious economic impacts in some communities, those effects cannot be attributed to the roadless rule. The potential impacts on communities of the roadless rule are described in the DEIS (pp. 3-209 through 3-222) and in Chapter 3, Social and Economic Factors in the FEIS.

**23. *The Forest Service should provide a reference for statements on page 3-9 of the DEIS and disclose any associated cumulative effects.***

**Response:** The DEIS (p. 3-9) stated, “The increasing demand for wood fiber will be met through a combination of international trade and domestic supply.” Declines in Federal timber supply in the last decade were replaced by increased imports and increased harvest from other domestic sources (Martin, R.M. and D.R. Darr. 1997 Market Responses to the U.S. Timber Demand-Supply Situation of the 1990s. Forest Products Journal 47(11/12): 27-32). Similar responses can be expected in the future. Economic cumulative effects are described at the end of the Social and Economic Factors in Chapter 3 of the FEIS.

**24. *The Forest Service should not have made the statement “the reduction in National Forest harvest resulting from the prohibitions are not likely to affect timber prices.”***

**Response:** The declines in timber harvest on National Forest System lands associated with the range of alternatives analyzed would account for less than 0.5% of total U.S. timber production. Therefore, no effect is expected on timber prices.

**25. *The Forest Service should consider not only the impact of the roadless plan on total U.S. production, but also the impact on the Tongass National Forest individually.***

**Response:** The impacts on the Tongass National Forest were addressed in the DEIS, pp. 3-226

through 3-239, and in the FEIS, Chapter 3, Effects of the Tongass Alternatives.

**26. *The Forest Service should consider whether or not passive values of resources should be quantified.***

**Response:** Some respondents believed the analysis did not adequately account for the value contributed by standing trees, particularly in terms of ecological values. Others believe that passive values should not be considered in the analysis. The Forest Service treats both commodity and amenity values (including ecological values) as equally important in determining appropriate management strategies. The DEIS qualitatively described the passive values associated with inventoried roadless areas, while the commodity values are addressed in both quantitative and qualitative terms (DEIS pp. 3-161 through 3-166, and 3-182 through 3-197).

**27. *The DEIS Summary is inconsistent in its portrayal of the relationship between jobs and reduced timber harvest.***

**Response:** There was some confusion resulting from comparing information shown in the DEIS Summary. The Summary presented a subset of information from the DEIS. In particular, estimates of NFS timber related employment were shown, but not estimates of reductions in timber harvest. In order to compare jobs per MMBF of harvest in each alternative, the job effects shown in the Summary must be compared to the harvest effects (DEIS pp. 3-183 through 3-191), not to the offer volumes shown in the Summary. We have clarified this in the FEIS.

**28. *The Forest Service should consider the impacts on jobs indirectly related to the timber industry.***

**Response:** The Forest Service recognizes that other industries are related to the timber industry. However, it was not possible to trace all of the potential linkages in the analysis of effects. These types of effects are most likely to be important in the same regions where the greatest declines in timber harvest are estimated to occur.

**29. *The Federal government should quantify the full social and economic impacts on mining jobs and States related to mineral exploration, development, and production, including undiscovered resources.***



**Response:** The FEIS contains an expanded discussion of the social and economic effects of the alternatives based on information provided in the public comments and from additional Forest Service information. The DEIS qualitatively discussed the possible range of effects on exploration and development (pp. 3-192 through 3-197) for locatable, leasable, and saleable minerals. The values of undiscovered resources by region were addressed in the DEIS, pp. 3-192 through 3-197 and Tables 3-49 and 3-50 on p. 3-196. Although these undiscovered resources have high potential value, assessing future development and economic impacts would be highly speculative and was not attempted in the DEIS or FEIS.

**30. The Forest Service should address discrepancies in the tables in the Draft EIS p. 3-213, which do not include working sawmills in Gunnison, UT or Wellington, UT.**

**Response:** We have incorporated this information on the sawmill status into the FEIS.

**31. The Forest Service should clarify the controversial issues surrounding roadless that would make the transaction costs high, as mentioned in the DEIS.**

**Response:** The elements of controversy surrounding management of roadless areas were summarized in Chapter 1 of the DEIS (pp. 1-3 and 1-4) and in Chapter 1 of the FEIS.

## Regional and Global Impacts

**32. The DEIS should include an evaluation of the impact of displaced usage on all land values and all forest lands, including States and other ownerships. The Forest Service should address the impacts of the proposed rule on the global environment, forests, cultures, relations, markets and economies including trade surplus and deficit.**

**Response:** The DEIS discussed the availability of substitute opportunities for recreation (p. 3-168) and for timber harvest (p. 3-187). It also recognized that reductions in timber harvest could result in an increase in imports. The cumulative effects section of the FEIS Chapter 3 includes an expanded discussion of the effects of the alternatives on other

land ownerships in the United States and the resulting global implications.

## Unemployment and Job Training

**33. Families who rely on the forest as a source of income should adapt with the changing job market.**

**Response:** In a changing economy, people are often faced with changing job markets. The ability of any individual to adapt to these changing circumstances depends on many factors, such as transferable skills, re-training opportunities, and family ties to certain geographic areas. The DEIS addressed potential job losses associated with reductions in timber harvest in inventoried roadless area (pp. 3-186 through 3-187), and identified communities that might be affected by these harvest declines (pp. 3-211 through 3-220). The DEIS also discussed possible mitigation options (p. 3-243) that could be considered to address people and communities most affected by the alternatives. We have updated this analysis in the FEIS.

**34. The Forest Service should consider the impact of job loss for the Forest Service employees.**

**Response:** The alternatives examined in the DEIS are expected to have minor effects on Forest Service employment, with one exception. Applying the prohibitions to the Tongass National Forest may have localized adverse impacts on local communities dependent on Forest Service jobs. This topic is specifically addressed in Chapter 3 of the FEIS in the Timber Harvest Section, Social and Economic Factors and in the Effects of the Tongass National Forest Alternatives section.

**35. The Forest Service should address the impacts of changes in timber harvest quantity on unemployment rates and help financially with relocation and/or education.**

**Response:** A number of respondents suggested providing assistance for individuals affected by the roadless rule. Some options for assistance, such as using dollars saved from decreased road building to help with relocation and/or education, are not possible to implement.

The Forest Service does not pay for the cost of road building for timber sales. The timber purchaser either reflects the cost of road construction in the bid price and does the work, or opts for the Forest Service to

construct the roads and pays more for the timber. Other options, such as support for job re-training programs, could be used to address dislocation of timber jobs. The DEIS and FEIS discussed mitigation options that could assist communities affected by changes in resource flows from the national forests and grasslands. Any mitigation proposals would be developed in consultation with the Congress.

## Recreation and Tourism

### *36. The Forest Service should address whether the tourism sector would be enhanced or harmed by the roadless rule.*

**Response:** Some respondents believe the prohibitions in the alternatives would be beneficial to maintaining an environment that attracts tourism. Others believe the alternatives would limit opportunities for tourism if road access becomes limited. Others feared tourism is a seasonal industry and will not sustain community economies. The DEIS discussed the importance of tourism in the U.S. economy, and as a source of economic activity in many communities associated with national forests and grasslands (pp. 3-126, 3-168 through 3-169, 3-172). The alternatives examined do not result in any major shifts in the recreation opportunities available in the short-run, and therefore should have minimal effects on the tourism sector.

Some concerns were raised related to off-highway motorized recreation. The proposed rule does not change existing access for off-highway motorized recreation. Also, the alternatives do not affect access or construction of motorized trails. Therefore, no adverse economic effects are expected to occur related to off-highway motorized recreation.

### *37. The Forest Service should inform snowmobilers of the economic disaster and infringement of their freedoms created by the proposed rule.*

**Response:** Snowmobile use would not be affected by any of the alternatives, since none of the alternatives affect existing access to inventoried roadless areas.

### *38. The proposed rule leaves our forests susceptible to catastrophic fires resulting in loss of wildlife habitat and pollution of air and water, which hurts the tourism industry.*

**Response:** There would be a slight decrease in the ability to meet the Forest Service goal of reducing uncharacteristic wildfire threat; and a slight increase in the number of wildland fires that cause uncharacteristic effects (FEIS, Chapter 3, Fire Effects section). When fires are burning, certain types of tourism may be affected, but the effects of fire on tourism are expected to be minimal.

### *39. The Forest Service should address the socio-economic impacts of the proposed rule on outfitters and guides working in roadless areas.*

**Response:** Outfitters and guides are addressed in the Social and Economic Factors of the DEIS (pp. 3-169 through 3-172) and FEIS, as well as in the Initial Regulatory Flexibility Analysis and Final Regulatory Flexibility Analysis.

### *40. The Forest Service should display the financial contribution of roaded vs. the unroaded recreation to local economies in the Draft EIS, including revenue generated from hunting and fishing.*

**Response:** Recreation use data distinguishing between roaded and unroaded use are not available. Therefore, such an analysis was not possible.

## Legal Compliance

### *41. The DEIS should include a cost-benefit analysis to meet the requirements of NEPA; and*

### *42. The proposed rule should comply with Executive Order 12866.*

**Response:** The DEIS and FEIS include an economic analysis in the Social and Economic Factors section of Chapter 3. Both qualitative and quantitative measures were used to describe the economic effects of the alternatives.

Executive Order 12866 requires that a cost-benefit analysis be performed in association with the rulemaking process. In addition to the economic analysis contained in the DEIS and FEIS, a separate cost-benefit analysis was prepared. The Forest Service made the cost-benefit analysis for the proposed rule available during the public comment period, as noted in the project's Federal Register notice and on its web site. A cost-benefit analysis will also be completed for the final rule.

**43. The Forest Service should not violate the Regulatory Flexibility Act and should analyze the impacts of the proposed rule on motorized recreation in its Regulatory Flexibility Analysis.**

**Response:** The agency completed an Initial Regulatory Flexibility Analysis in accordance with the Regulatory Flexibility Act. This analysis was available for public comment. A Final Regulatory Flexibility Analysis will also be completed. Both analyses use Small Business Administration (SBA) definitions of “small entities” and address possible effects of the rule.

**44. The Forest Service should require local forest planners to perform a Regulatory Flexibility Analysis during forest plan revisions and amendments.**

**Response:** The Regulatory Flexibility Act applies to promulgation of certain rules, not to forest and grassland planning and decision-making. However, the Forest Service routinely assesses impacts of its forest and grassland-level management decisions on the local economies and affected communities.

**45. The Forest Service should comply with Executive Order 12612.**

**Response:** Executive Order 12612 (Federalism) requires Federal agencies to assess the effects of their proposals on other levels of government. The agency considered the proposed rule under the requirements of the E.O. and made a preliminary assessment that the proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. (See preamble of the proposed rule, DEIS p. A-24.) The agency will re-assess these requirements and report their findings in the preamble to the final rule.

**46. The Forest Service should consider that protecting the environment early on is more cost effective than being forced to later by the courts.**

**Response:** The Forest Service makes every effort to comply with the wide range of laws, regulations, and policies governing public land management whenever it makes a management decision.

**47. The Forest Service should include the costs of litigating this proposal in its agency costs; and**

**48. The Forest Service should not base scientific decisions on the possibility of reducing the costs of potential litigation (DEIS Table S-4).**

**Response:** Actual litigation costs can only be known after final disposition of the case. The DEIS provided a qualitative description of future cost changes expected under the alternatives (DEIS p. 2-34). The Forest Service has not quantified future litigation costs, but the potential controversy that would result from appeals and litigation is an appropriate consideration in the comparison of alternatives for the rule.

**49. Monies should be collected and kept in trust as a long-term environmental insurance to pay for environmental cleanup following extractive activities.**

**Response:** A number of respondents provided suggestions on alternative methods to fund restoration activities, such as establishment of trust funds to cover the cost of environmental rehabilitation. Development of such funding mechanisms would require Congressional action and therefore is outside the scope of the proposed rule.

## Other Concerns

The Forest Service considered these concerns and suggestions but did not analyze them in detail for the reasons given below. These concerns are in three categories.

**50. The Forest Service should provide incentives in areas like trail-building, tree planting, and wildlife habitat improvement;**

**51. The Forest Service should institute a policy aimed at reducing the consumption of the resources that would potentially be extracted from the lands;**

**52. The Government should ensure that Wilderness and potential mineralized areas do not overlap, as in evaluating potential Wilderness areas during the RARE II process;**

**53. The Forest Service should turn public lands over to the Montana Department of Lands to be managed. All the moneys received should go to**

*fund State public education within the primary, elementary, and high school systems;*

*54. The Forest Service should tax certain individuals in order to pass this proposed rule;*

*55. National forest timber should be sold "when the price is right" and not offered on a set schedule;*

*56. The General Accounting Office should perform routine inspections to keep the Forest Service "on track" and inform the public about the "economic viability" of Forest Service timber harvest activities;*

*57. The Forest Service should correct the "disconnect" between plans and the alternatives and budgets. Budgets should be presented to Congress on a forest-by-forest basis;*

*58. Consumers should be taxed on the purchase of nonrenewable resources to be consumed. This would aid in lowering the consumption of nonrenewable resources;*

*59. The Government should consider charging a Federal land use fee good for entry to Federal lands and then charge additional fees for special uses such as hunting, fishing, campgrounds, etc.;*

*60. The Forest Service should charge fees based on the amount of damage a particular activity causes; and*

*61. The Forest Service should not attempt to counteract the macroeconomic forces causing most job loss in the timber sector with Federal timber flow policies.*

**Response:** These concerns address options and alternatives for land and resource management of the National Forest System lands in general rather than roadless areas in specific. They do not pertain to the purpose and need, proposed action, alternatives, or effects in the Roadless Area Conservation EIS. Therefore they are beyond the scope of this analysis.

*62. The Forest Service should address the relation between its lack of funding for road maintenance and continued funding for International Forestry Programs;*

*63. The Forest Service should explain whether the interim moratorium of no road building or maintenance saved money;*

*64. The Forest Service should address how it accounts for "below cost" timber sales (independent of this roadless area conservation proposal); and*

*65. Each timber sale should include the potential loss of tourist revenue in Alaska (in quantifiable terms) and a risk assessment for the potential loss of revenue for cruise ships.*

**Response:** These concerns suggest analysis or study that would not be required in or pertinent to addressing the purpose and need, alternatives, or impacts of the roadless area conservation proposal. Therefore they are beyond the scope of this analysis.

*66. This proposed plan does not violate the Forest and Rangeland Renewable Resources Planning Act. It balances the economic cost to loggers and communities that have traditionally depended upon logging for their livelihood with the environmental benefits of a prohibition on logging activities;*

*67. With adequate funding the Forest Service could manage and enforce the laws already on the books; and*

*68. The public should appeal for sustained increases in funding for the Forest Service so that they can continue to do the jobs expected of them. A side effect of increased funding to the Forest Service would be the betterment of local economies near forests and grasslands.*

**Response:** These concerns are observations on economic aspects of forest management generally, or specific to the rule, and do not require further response by the agency.

*End of Economics Section*

### 3. FIRE

Natural Fire .....	17
Fuel Management – General .....	18
Fuel Management – Techniques .....	19
Fuel Management – Funding .....	21
Fire Suppression – General .....	21
Fire Suppression – Private Property .....	23
Fire Suppression – Road Access .....	23

#### Natural Fire

***1. The Forest Service should refine its open-ended definition of wildfire on page 3-99 and drop the term “catastrophic.”***

**Response:** The term “catastrophic fire” was defined on p. 3-99 of the DEIS. It has been replaced in the FEIS by the term: “*Uncharacteristic wildfire effects—An increase in wildfire size, severity, and resistance to control, and the associated impacts to people and property.*” The definition is broad enough to include the harm a wildfire may do to both the ecosystem and humans (and their communities).

***2. The Forest Service should explain how vegetation and tree stocking will be managed to protect roadless areas from catastrophic disturbance and allow for the return of natural fires that are an integral part of the natural ecosystem processes.***

**Response:** Ecological structure, composition, and process were discussed in the DEIS and used to identify a variety of ecological factors to analyze and qualitatively rate relative differences between alternatives (DEIS pp. 3-20 through 3-21). While disturbances such as fire are a natural part of the ecosystem, human activities have influenced the size, intensity, frequency, and effects of these natural processes. The Forest Service has recently completed intensive national fire regime mapping (Hardy and others 2000) to help determine which vegetation management strategies are most appropriate for increasing an area’s resilience to disturbances such as fire (DEIS p. 3-99), and for maintaining and improving biodiversity by conserving habitat for threatened, endangered, proposed, and sensitive species (DEIS p. 3-97). Chapter 3 of the FEIS contains an expanded discussion of the effects of restoring natural fire within roadless areas.

The implementation guide to national fire policy (Zimmerman and Bunnell 1998) acknowledges how past land use and fire management actions have affected modern fire management (DEIS p. 3-149). The report of the U.S. General Accounting Office (GAO/RCED-99-65) focused national attention on the increasing size and severity of wildfires occurring on National Forest System (NFS) lands (DEIS p. 3-98). The Forest Service response to that draft report, *Protecting People and Sustaining Resources in Fire Adapted Ecosystems – A Cohesive Strategy* (Lavery and Williams 2000), outlines an implementation schedule for reducing some of these wildland fire threats (DEIS p. 3-99). Information from these sources and other sources was used in the DEIS and FEIS to identify the risk of fire starts becoming large enough to harm one or more key ecological factors within inventoried roadless areas, and to conduct the fuel management effects analysis.

One factor used in the fuels management analysis was how each alternative would affect the use of appropriate vegetation management techniques (such as thinning the density of overstocked stands and prescribed fire) to restore and maintain ecosystem health and lessen the chance of uncharacteristic wildfire effects (DEIS pp. 3-99 through 3-100; 3-103). The cost of implementing fuel management work for ecosystem restoration was another factor used to analyze fuel management effects. Any alternative that makes it more difficult and time consuming to complete fuel treatment work, by either limiting access or by removing a direct treatment technique such as thinning (as proposed in Alternative 4), would hinder restoration efforts – both logistically and economically – and have incremental negative cumulative effects in inventoried roadless areas (DEIS pp. 3-105 through 3-107).

The FEIS addresses natural fire in the analysis. Wildland Fire Use for Resource Benefit (WFURB) is a lightning-ignited wildland fire that can be allowed to burn if it meets land management plan objectives. WFURB is commonly used in Wilderness as a fire management action that is as close to natural as possible. Many people think that WFURB is more “natural” than human ignited prescribed fires. Using WFURB as a primary fuel treatment tool to reduce the occurrence of uncharacteristic wildfire within roadless areas is feasible, especially in inventoried roadless areas that are large and are located adjacent

to existing Wilderness (FEIS Chapter 3, Fuel Management section, Indirect Effects section, Alternatives 2 through 4).

***3. The Forest Service should use vegetation management that allows for natural fires appropriate to the forest type.***

**Response:** For each alternative in the FEIS, the Fuel Management section of Chapter 3 discusses Wildland Fire Use for Resource Benefit (WFURB). The FEIS states that there is a distinct possibility that WFURB can be used in roadless areas, particularly in large roadless areas that border Wildernesses where land management plans allow lightning fires to burn.

***4. The Forest Service should consider the effects of long-interval fire regimes.***

**Response:** Long-interval fire regimes are discussed in the Fire Ecology and Fuel Management sections of the FEIS at both the National and Regional scales. It is also noted that long fire return interval forests – Fire Regimes III, IV, and V – were not considered fuel treatment priorities for purposes of the FEIS.

## **Fuel Management – General**

***5. The Forest Service should clear away excessive growth and burned or bug-killed stands through forest management to prevent catastrophic fires.***

**Response:** The DEIS analyzed alternatives for effectiveness in reducing levels of hazardous fuels to restore and maintain sustainable, healthy vegetation (DEIS pp. 3-97 through 3-98). Alternative 1 (No Action) provides the highest potential to meet these goals because it permits a full range of vegetative manipulation. The type of vegetation manipulation used would be determined by site-specific analysis. Less than 1% of all moderate- to high-risk forests in inventoried roadless areas would be manipulated using timber harvest to meet fuel management objectives over the next five years (DEIS p. 3-104).

Alternative 4 provides the fewest fuel management options because it prohibits road construction and reconstruction (including temporary roads) and most timber harvest. Without thinning of timber as a pretreatment, prescribed burning in many inventoried roadless areas of the West would pose a high risk of

unwanted, severe damage due to the denser forest stands.

Each alternative analyzes how timber harvest can be used to reduce the risk from fire, insects, and disease. In Alternative 1, timber harvest could be used to mechanically treat as many as 94,000 acres; in Alternative 2, as many as 40,000 acres; and in Alternative 3, as many as 14,000 acres. Prescribed burning remains an option under Alternative 4 (DEIS pp. 3-104, 3-106, 3-108, and 3-109). The FEIS contains expanded descriptions of the effects of the alternatives on fuels management.

***6. The Forest Service should not allow timber harvest on public land to protect private property.***

**Response:** The responsibilities for and methods of fuel treatment on boundaries between private property and Forest Service inventoried roadless areas would be determined at the local level. As noted in the FEIS, currently there are few intersections of the wildland-urban interface and inventoried roadless areas.

***7. Given the changes in forest structure and increased catastrophic fire hazard caused by cattle grazing, the Forest Service should prohibit this activity in roadless areas targeted for fireproofing treatments.***

**Response:** Whether grazing increases or decreases fire hazard is an analysis beyond this EIS. The DEIS considered, but did not analyze in detail, alternatives that prohibit more activities (such as grazing) than just road construction, reconstruction, and timber harvest. See DEIS and FEIS Chapter 2, Alternatives Considered but Eliminated From Detailed Study, Alternative Sets of Prohibitions.

***8. The Forest Service needs to do active, restoration management of Beaver Park to protect this small area from fire; but it should be done without the influence of loggers or roads.***

**Response:** There are many site-specific areas needing special management considerations in the inventoried roadless areas covered by this analysis. Local decision-makers would consider the specific social and ecological characteristics of those areas through local planning efforts. Site-specific decisions are made outside the scope of this EIS. A State-specific breakdown of acres at risk of

uncharacteristic wildfire as outlined by the *Cohesive Strategy* (Lavery and Williams 2000) was added to the FEIS (Table 3-14).

Local responsible officials could not authorize the construction or reconstruction of roads but would retain discretion to consider appropriate additional management protection for inventoried roadless areas.

**9. The Forest Service should clarify the data presented in Table 3-20 of the Draft EIS.**

**Response:** The percentage error for the State of South Dakota in Table 3-20 of the DEIS has been corrected. The FEIS now contains a revised Table 3-14 that portrays the high priority treatment by condition class for inventoried roadless areas located in each State.

**10. The final plan should include effects analysis on the social and environmental impacts of insect and disease infestations and urban-wildfire interactions.**

**Response:** Insect and disease interactions with fuels were analyzed and discussed in the DEIS (pp. 3-97 through 3-100; and pp. 3-107 through 3-109). The Forest Service's ability to manage fuels to ensure public safety was a key factor throughout the analysis. For further discussion of this concern, refer to Response 5 in this section.

**11. The cumulative effects discussion in the Fuel Management section (DEIS p. 3-107) does not address potential impacts of catastrophic fire on public safety, property, and air quality.**

**Response:** As explained in the DEIS (p. 3-103), several factors were addressed as priorities for fuel treatment areas identified as high risk from uncharacteristic wildfire: human life, private property, threatened and endangered species, watershed protection, and local considerations. In addition, potential fuel management effects on air quality were addressed in the Air Quality section (DEIS pp. 3-44 through 3-45). An expanded cumulative effects analysis of impacts to all of these resources has been added to the FEIS.

**12. The Forest Service should disclose where the personnel and equipment resources will come from to implement a fuels reduction program.**

**Response:** Discussion or analysis of personnel and equipment for fuel reduction or fire suppression availability, assignments, and inventory is outside the scope of this analysis. Rather, decisions on budget and personnel allocations are made at the national level and the local forest or grassland level through normal planning and budgeting processes.

## Fuel Management – Techniques

**13. The Forest Service should allow controlled burns to be used as a forest management tool.**

**Response:** The alternatives do not prohibit any actions other than road construction, reconstruction, and timber harvest. The appropriate use of controlled burning would be decided at the local level during the site-specific analysis.

**14. The proposed rule should include fire as the key USFS management tool in roadless areas with exceptions for thinning from current roads in special cases.**

**Response:** A full range of alternatives concerning fire and thinning is presented in the FEIS. Prescribed fire and wildland fire are the key management tools in all alternatives. Thinning, either pre-commercial or commercial, is allowed in all alternatives except Alternative 4.

**15. Prescribed burning is not as economically viable for reducing excess forest fuels as is judicious timber harvesting or grazing; and**

**16. Restricting access eliminates sound forest management practices, specifically timber harvest and thinning, which are needed to control forest density, pests, and disease, and for reducing fire risk.**

**Response:** The scientific community recognizes the restoration of fire as an ecosystem process that is vital for sustaining many forest ecosystems, especially in the West (Smith and Arno 1989). Validation of prescribed fire as a forest management tool is outside the scope of this project. The DEIS did not analyze the effectiveness of one fuel treatment option over another. The discussion in this analysis is whether road construction and/or timber harvest should be prohibited in inventoried roadless areas (DEIS p. 1-12).

Timber harvest is permitted in three of the four alternatives (DEIS pp. 3-112 through 3-116). Some control of stocking levels to reduce the “fuel ladder” caused by overstocking of small, understory trees would be necessary in some areas before prescribed fire could be safely used (DEIS p. 3-103). The ability to implement a fuel reduction program to lessen the chance of uncharacteristic wildfire would be adversely affected under Alternative 4, which prohibits all timber harvest activities associated with tree removal, including the cutting of small diameter understory trees (DEIS p. 2-6; pp. 3-106 through 3-107).

The fuel management effects analysis in the DEIS revealed the need for thinning to reduce the risk of uncharacteristic wildfire. The DEIS analyzed how each alternative for managing roadless areas affects both the fuel management options and fire suppression capability (DEIS pp. 3-98 through 3-107; pp. 3-149 through 3-153). Costs for completing fuel management work necessary to reduce this risk was calculated for each alternative (DEIS pp. 3-104 through 3-107). Any changes to these costs are updated in the FEIS. In addition, see Responses 9 and 25 in the Timber section.

***17. The Forest Service should not rely on managing National Forest lands with prescribed fire, and needs to redefine and narrow the parameters for its use or put a moratorium on burning.***

**Response:** Prescribed fire and timber harvest can serve as tools used to manage forest fuels and to restore the ecological factors (structure, composition, and process) that contribute to an area’s resilience to natural disturbances (DEIS pp. 3-20 through 3-21). Prescribed fire is recognized as an essential tool for reducing fire hazard and increasing the sustainability of many national forest ecosystems, and it would be allowed in all the alternatives. In 1999, 95% of the 1.4 million acres of National Forest System lands treated for fuel management purposes were treated by prescribed burning (DEIS p. 3-104).

Discussion on the use of prescribed fire as a tool for fire hazard reduction, and for maintenance and restoration of forest health, appear throughout the DEIS and FEIS. The analysis indicates how each alternative affects fuel and fire suppression capability.

A redefinition of national fire management policy, or implementation of a moratorium on prescribed burning, is outside the scope of this analysis. The decision to result from this analysis is whether road construction and/or timber harvest should be prohibited in inventoried roadless areas (DEIS p. 1-12).

***18. Timber harvest, through its effects on forest structure, local microclimate, and fuel accumulation, has caused an increase in fire hazard more than any other recent human activity.***

**Response:** Removing biomass through harvesting trees does affect forest structure, microclimate, and fuel loading – which, in turn, affect fire behavior on a site. The removal of large fuels, whether live tree trunks or dead and down logs, can reduce how hot (severe) a forest fire will become. Timber harvest can also open up a forest to drying of fine fuels, as well as moisture during snow and rain, and penetration by wind. Then, once a fire starts, it can sometimes spread faster and grow larger (Countryman 1955, DEIS p. 3-156).

Timber harvest also reduces ladder fuels that can cause fires to enter tree crowns. In addition, logging an area at high risk from uncharacteristic wildfire coupled with prescribed burning would lower the fire hazard and possibility of severe wildland fire (DEIS p. 3-106).

The DEIS and FEIS analyze how restricting timber harvest would affect fuel management and fire suppression. Prohibiting timber harvest would limit one option for treating forest fuels. However, because the amount of acres expected to be treated the first five years through timber harvest is less than 1% of all inventoried roadless area lands needing fuel treatment, the effect of timber harvesting would be negligible to the overall fire suppression program (DEIS p. 3-156). This discussion has been expanded in the FEIS.

***19. The proposed rule will cause a concurrent buildup of fuels due to restricted access that will increase potential wildfire risk.***

**Response:** The DEIS and FEIS analyze how lack of access would affect fuel management potential and wildfire occurrence. Incremental negative cumulative effects are expected under Alternative 4, which prohibits timber cutting and road construction. As a



result of that prohibition, fuels in forests affected by insects, disease, windthrow, dense over-stocking of sapling trees, or trees killed by wildfire, could accumulate to hazardous levels (DEIS pp. 3-100 through 3-107). This discussion has been expanded in the FEIS. Also see Response 36.

## Fuel Management – Funding

**20. Restoration harvesting, controlled burning, and other measures to reduce fire risk are expensive and grossly under-funded. The Forest Service should request more funds from Congress, and prioritize use of limited funds in currently roaded areas, particularly on the "urban interface" where there is high risk to private property. If funds increase dramatically, fire control can be expanded to roadless areas in the future.**

**Response:** The agency used the *Cohesive Strategy* to frame the evaluation of the effects for all four alternatives in the Fuel Management section of the FEIS. Linking the strategic guidelines implied in the *Cohesive Strategy*, the FEIS assumed that the high priorities for fuel treatment would occur outside of roadless areas where resource and human values are higher. For purposes of the FEIS analysis, it is doubtful that fire hazard reduction work would occur within inventoried roadless areas for at least 20 years.

The effect on the wildland-urban interface (WUI) and the cost of completing necessary fuel treatment to reduce wildfire hazard were primary factors used to analyze each alternative. An assumption common to all alternatives was that inventoried roadless areas would be a low priority for treatment unless there was an imminent threat to public safety, private property, water quality, or threatened and endangered species (DEIS pp. 3-100 through 3-107). The basis for this assumption is that little to no human infrastructure is located within most inventoried roadless areas. On a national scale, 86.7% of the land within one mile of NFS inventoried roadless area boundaries has fewer than three people per square mile. The FEIS contains a table showing population density classes in the wildland-urban interface (Chapter 3, Fuel Management, Affected Environment).

Although budgets to treat fuels have risen over the last decade, the analysis revealed costs for doing work in areas at risk from uncharacteristic wildfire

will increase from a low of \$15-\$150 per acre to a high of \$500-\$1,800 per acre (DEIS p. 3-104). The FEIS references an interagency report to the President and the need for accelerated fuel reduction work outside inventoried roadless areas. The report is: *Managing the Impact of Wildfires on Communities and the Environment: A Report to the President in Response to the Wildfires of 2000* (September 8, 2000).

**21. The cost of fuel hazard mitigation and regeneration should be taken from the value of the timber products harvested.**

**Response:** Timber sales have often been used as a "least-cost" method to manage vegetation to meet resource objectives (DEIS p. 3-112). Existing legislation, including the Organic Act (which includes brush disposal provisions) and the Knutsen-Vandenburg (KV) Act, provides for collection of funds from timber receipts for fuel hazard reduction and regeneration. The FEIS notes that rarely has fire management paid for road construction costs. The determination of other funding methods for these programs is beyond the scope of this proposal.

**22. The Forest Service should lobby Congress for funding to address the issue of thinning in fire prone areas.**

**Response:** Lobbying Congress for dollars to thin fire prone areas is outside the scope of the FEIS. However, the FEIS noted that the recent interagency report to the President indicated the need for "significant investments to treat landscapes through thinning and prescribed fire."

## Fire Suppression – General

**23. The Forest Service should clarify what constitutes "imminent" threat.**

**Response:** When the phrase "an imminent threat" is used in the context of wildfire suppression in the FEIS, it means that a wildfire is burning or threatening humans and/or private or public property.

**24. The Forest Service should consider the cost of not controlling fires.**

**Response:** Under current fire management policy, the level of suppression carried out on any fire depends on the local forest or grassland land and

resource management planning direction and local Fire Management Plans. While the value of the resources at risk and the cost of fire suppression are always considered, firefighter and public safety are always the highest priorities (DEIS p. 3-150).

To analyze risk from uncharacteristic wildfire for inventoried roadless areas, the FEIS utilized the *Cohesive Strategy* for fire management (see Response 2), which outlines an implementation schedule to reduce wildland fire risks and consequences on human life, private property, watersheds, and threatened and endangered species. Also used were national wildland fire trend information and information from the national fire regime mapping effort (DEIS pp. 3-99, 3-150). Costs for completing fuel management work necessary to reduce this risk were calculated for each alternative (DEIS pp. 3-104 through 3-107).

The DEIS and FEIS displayed the annual average expenditure for emergency fire suppression graphically (DEIS Figure 3-27). The analysis revealed that under a national prohibition on road construction and reconstruction, any increase in wildland fires escaping initial attack would not rise above the 11 year average of 17 large (1,000 acres or larger) fires per year. It further revealed that 98% of all fires ignited inside inventoried roadless areas would be successfully controlled at a relatively small size. The DEIS and FEIS describe an example from northern California in which size and cost can be affected when a wildfire ignited in an unroaded, remote area is allowed to burn due to priority setting (DEIS p. 3-158). In addition, see Response 36.

**25. *The Forest Service should update its analysis of the cost of fire suppression versus the cost of fuel treatment.***

**Response:** The issue that fuel management costs should be balanced with fire suppression costs is a legitimate concern in all national fire management programs, but it is outside the scope of this FEIS. Fire hazard reduction costs were portrayed in the Affected Environment of the DEIS and FEIS, and for each alternative in the Fuel Management section of the FEIS. The average emergency costs for suppressing wildfires will continue to fluctuate around the extremes displayed in Figure 3-27 of the DEIS. That data set in Figure 3-27 is representative of both high- and low- fire years for both total cost and total acres burned. It includes such large fire

years as 1987 (Pacific Northwest), and 1988 (Western Montana and Yellowstone Park), and 1994 (Central Idaho and Western Montana) balanced with fire years with extremely low acreages burned (1983 and 1984).

**26. *The Forest Service should develop plans for managing large-scale disturbances in roadless areas.***

**Response:** It is beyond the scope of this analysis to determine how the Forest Service would manage large-scale disturbances in roadless areas. However, the FEIS does show the fire occurrence probability for areas that are essentially roadless (Wilderness and inventoried roadless areas) and areas that are essentially roaded (lands outside of Wilderness and inventoried roadless areas). Among fuel management practitioners and researchers, uncertainty exists over how to design and spatially locate fuel management projects, particularly at the landscape level, to prevent uncharacteristic wildfire (FEIS, Chapter 3, Fuel Management section).

**27. *The Forest Service should explain the dynamics and control of forest fires.***

**Response:** While there are many outstanding references available that discuss wildland fire dynamics and fire suppression techniques, further discussion in this EIS would be beyond the scope and purpose of the proposed rule.

**28. *Many roadless areas are at high risk of catastrophic fire, despite the fire statistic implication in the DEIS's Table 3-19 that this is not so.***

**Response:** The DEIS and FEIS analyses concluded that an abundance of high and moderate risk acres occur on National Forest System lands. Specifically, as the FEIS Table 3-13 confirms, 22 million acres in inventoried roadless areas are presently at risk in these two categories. For further discussion related to this concern, see Response 36.

**29. *The Forest Service analysis should include the potential for large catastrophic wildfire caused by lightning.***

**Response:** A description of large fires started by lightning (as well as human-caused, and all causes) has been added to Table 3-22 in the FEIS.

**30. *The Forest Service should address the effects each alternative would have on fire suppression tactics.***

**Response:** The DEIS and FEIS alternatives do not limit the implementation of any fire suppression tactics. Evaluation or determination of such tactics would be made locally for each individual wildfire and would therefore not be within the scope of this analysis.

## Fire Suppression – Private Property

**31. *The rulemaking and the DEIS fail to adequately address the effects of catastrophic fires and increased incidence of insects and disease on surrounding properties and communities, including the potential liability resulting from restricted access.***

**Response:** Risk of uncharacteristic wildfire was a major factor used to compare alternatives for the protection of roadless areas within the National Forest System (DEIS p. 3-105). The fuel management effects analysis focused on private property located at the wildland-urban interface. The analysis showed that few populated areas are near inventoried roadless areas of the national forests and grasslands (DEIS p. 3-154). On a national scale, 86.7% of the land within one mile of NFS inventoried roadless area boundaries has fewer than three people per square mile. The FEIS contains a table showing population density classes in the wildland-urban interface (Chapter 3, Fuel Management, Affected Environment). The actual number of fire-hazard reduction projects in roadless areas needed to protect private property along the border of the WUI is very low.

Protection of private property has always been and will continue to be a high priority (see FEIS Chapter 3). Each alternative in the DEIS and FEIS was analyzed to determine how it affects the agency's ability to efficiently manage fuels in the WUI and to implement an aggressive fuel reduction program to lessen the chance of uncharacteristic wildfire. The FEIS updates this analysis.

The issue of liability (who is responsible and who should pay for damages) for a wildland fire escaping from an inventoried roadless area is addressed on a

case-by-case basis and is outside the scope of this analysis.

**32. *The Forest Service should narrow the exception language for catastrophic fire to include a requirement for private property owners to fire-proof their property.***

**Response:** An exception to the road construction and reconstruction prohibition in Alternatives 2, 3, and 4 allow a fire manager to build a road into a roadless area when there is imminent threat to life or property while a wildland fire is burning.

Whether private landowners should be responsible for fire-proofing their property is beyond the scope of the analysis for this roadless area conservation rulemaking.

**33. *What emergency response and evacuation procedures and replanned compensation program has the Forest Service developed for property owners if a wildfire should move from roadless areas into communities?***

**Response:** The Forest Service's liability for fire damage to private property resulting from wildfire occurrence is outside the scope of this analysis. The risk of uncharacteristic wildfire, however, was a major factor used to compare alternatives. In addition, constructing a road if an imminent threat of fire exists that poses a risk to life or property was a design element common to all EIS alternatives. For further discussion of this concern, see Response 31.

**34. *The Forest Service should consult with local communities about prevention of and planning for catastrophic wildfires.***

**Response:** The Forest Service is committed to collaboration and planning with local communities, and does so whenever possible. Consultation and collaboration with the public regarding site-specific planning for the prevention of uncharacteristic wildfire is outside the scope of this proposal.

## Fire Suppression – Road Access

**35. *The Forest Service should not allow timber harvest or road building in unroaded areas because these human activities increase the catastrophic fire potential.***

**Response:** The Forest Service generally constructs roads for multiple uses. Few roads, however, are constructed for solely fire management purposes (DEIS p. 3-13). Roading an area does not necessarily safeguard it from uncharacteristic wildfire occurrence (DEIS p. 3-157). Scientific analysis in the DEIS revealed that building roads into high-risk fire areas can actually increase the risk of human-caused fires (DEIS p. 3-158).

Whether or not timber harvest and thinning can reduce the number of acres burned each year by wildfires is also analyzed in the DEIS and FEIS. While removal or thinning of trees can reduce a fire's intensity, this removal does not necessarily preclude the potential spread of fire. In some cases, if not treated, this fuel could even increase the fire spread potential (DEIS p. 3-156). The FEIS updates this analysis.

**36. *The proposed rule and preferred alternative increases the susceptibility of our forests to catastrophic wildfire, threatens multiple uses and resources, and restricts access which compromises firefighter safety.***

**Response:** The DEIS and FEIS analyze whether building roads into roadless areas was a strategically effective pre-suppression action to limit the size, number, and intensity of future wildfires. A design element (exception) common to all alternatives allows a road to be constructed if an imminent threat of fire exists that would cause loss of life or property (FEIS Chapter 2, Exceptions Common to All Action Alternatives). Thus, the proposed rule allows for the use of mechanical equipment during wildfire situations.

The DEIS and other national assessments reveal that areas with more roads actually have a higher potential for uncharacteristic wildfire than unroaded areas (USDA Forest Service 1996B). Fire management trends were used to determine the effect the proposed action would have on fire suppression capability (DEIS p. 3-156). The analysis revealed that a national prohibition on road construction and reconstruction would not result in an increase in wildland fires escaping initial attack. A review of fire occurrence data for inventoried roadless areas further revealed that 98% of all fires ignited inside inventoried roadless areas would be successfully controlled at a relatively small size (Tables 3-31 and 3-32 on DEIS p. 3-152).

Because the amount of land area at risk to large wildland fires is large compared to the small amount of road that would be built into these same areas, the effect of the road construction prohibition on the fire suppression program is expected to be negligible (DEIS p. 3-156). In addition, because firefighter and public safety are always highest priorities, high hazard threats would be mitigated before a suppression action is taken (DEIS p. 3-150). The FEIS reiterated this analysis.

**37. *The Forest Service should address the need for a complex system of roads to insure firefighter safety.***

**Response:** Firefighter safety was a key issue taken into account in the analysis of all three road prohibition alternatives (2, 3, and 4). As stated in the fire assumption portion of Chapter 3 of the FEIS: "Firefighter and public safety are always the highest priority. Regardless of the selected fire management strategy... all high hazard threats affecting firefighter... safety would be mitigated before a suppression action is taken." During a wildfire, if an imminent threat to firefighter safety exists, a road could be constructed or reconstructed in inventoried roadless areas.

**38. *The Forest Service should address the economic impacts of aerial firefighting in roadless areas that would be necessitated by this proposed rule.***

**Response:** The rugged terrain of many inventoried roadless areas necessitates support from aerial firefighting equipment to remain an essential tactical tool. In the fire management effects analysis in the DEIS, "annual expenditure for fire pre-suppression and emergency fire suppression" served as one of the components used to compare alternatives against no action (DEIS pp. 3-149 through 3-150). Current cost trends under the No Action Alternative 1 are projected to continue with Alternatives 2, 3, and 4 (DEIS p. 3-156). In addition, see Response 36.

**39. *The Forest Service should disclose the costs of managing roads versus the costs of fire management.***

**Response:** The Fire Suppression section of the FEIS addresses the costs of managing roads versus the costs of fire management. The effects analysis in the FEIS (Chapter 3) determined that, even if one knew

where a future uncharacteristic wildfire would occur, the environmental and economic cost of building a road into this high-risk area could be higher than the value of the resource protected. Furthermore, past road construction was paid for by the use that benefited most from the initial access, mainly timber harvesting. Therefore, the location of the current NFS road system was based more on the accessing commodities for commercial use than on creating a route for the speedy delivery of firefighters to forests at risk from fire.

*End of Fire Section*

## 4. INVOLVEMENT

Collaboration .....	26
Government-to-Government Consultation .....	28
Implementation.....	28
Legal.....	29
Outreach.....	30
Separation of Powers.....	38
Use of Public Comments.....	39

### Collaboration

***1. The Federal Government should work with States to preserve roadless areas on State and private lands.***

**Response:** Management of lands in other Federal, State, or private ownerships is beyond the scope of the proposed action and the purpose and need for the EIS. Jurisdiction over other Federal, State, or private ownerships is not within the authority of the Forest Service. Through its State and Private Forestry branch, the Forest Service works closely with State officials and State Foresters to provide technical assistance, financial initiatives, and cost sharing for a wide variety of work designed to enhance natural resource conservation.

***2. The Forest Service should work to see that the good that may come from this process would not be undone by any future Presidential Administration.***

**Response:** Future Administration policy is beyond the scope of the EIS.

***3. The proposed rule should call for a Memorandum of Understanding (MOU) between the Forest Service and County commissioners because the County commissioners are the ones who are ultimately in control of the roads in their Counties.***

**Response:** Memoranda of Understanding (MOUs) with local government officials are usually prepared at the local level by Forest Supervisors and are outside the scope of the EIS. The Roadless Area Conservation Proposed Rule would prevent building additional roads in inventoried roadless areas; it does not address the Forest Service’s existing road system. The 18-month interim rule halting new road construction in roadless areas was invoked to allow the Forest Service time to analyze its existing road

system and develop a policy for more effective management. That analysis resulted in the Forest Service’s proposed Roads Policy, which includes local procedures for maintenance and decommissioning of existing Forest Service roads. County commissioners have jurisdiction over County roads; the Forest Service has jurisdiction over roads in the National Forest Transportation System.

***4. The Forest Service did not actively solicit comments from local governments, Counties, or conservation districts that have some legal jurisdiction and special expertise in determining the effects and impacts of the proposed action on economies, fire, dependency and resiliency, noxious weeds, recreation and tourism, and water. The Forest Service should collaborate with County governments, local agencies and stakeholders, and other public planning efforts, and should not refuse reasonable requests from Senators, Representatives, Governors, and County commissioners seeking cooperating agency status to participate in the development and assessment of impacts from the proposed rule.***

**Response:** The Forest Service received several requests to grant cooperating agency status. One of the first requests came from the Western Governors Association. Forest Service Chief Mike Dombeck and Agriculture Under Secretary for Natural Resources and the Environment Jim Lyons jointly responded to the Western Governors Association request indicating their support for establishing and maintaining collaborative relationships with non-Federal government partners, and describing procedures developed to facilitate such collaboration. Public comments and responses, including response to correspondence from Tribes and elected officials, were made part of the official record for this rulemaking.

***5. The Forest Service should invite the participation of affected Federal, State and local agencies. The Forest Service did not take into account the ecological and resource use factors that other agencies contribute through their management for biodiversity, ecoregions, fragmentation, size, open space, and roadless recreation. The U.S. Department of the Interior Bureau of Land Management, U.S. Department of Interior National Park Service, and U.S. Department of Interior Fish and Wildlife Service should be considered. The National Environmental Policy Act regulations at***

**40 CFR 1501.6 emphasize early interagency cooperation, and 40 CFR 1508.5 requires the Forest Service to collaborate with State or local agencies and Tribes having similar qualifications. Because this analysis is on a national scale, all agencies need to be considered for their contributions.**

**Response:** The proposed action is limited in application to inventoried roadless areas and unroaded areas in the National Forest System. Management of other lands in the National Forest System and public lands administered by other Federal agencies are outside the scope of this EIS.

Interagency cooperation was continuous throughout this rulemaking process. Additional collaboration will occur with Federal, Tribal, State, and local officials during subsequent planning and implementation efforts under the provisions of the new Planning Regulations (36 CFR 219). As required by law, policy, and regulation, formal consultation processes were established with the U.S. Department of Interior Fish and Wildlife Service, U.S. Department of Commerce National Marine Fisheries Service, and Tribal officials with treaty or trust interests on affected National Forest System lands.

**6. The Forest Service should explain why local conservation districts were not included in the analysis, nor included in the distribution list, as mandated by the 1996 Farm Bill.**

**Response:** The 1996 Farm Bill does not speak directly to the role of local conservation districts in the development of administrative rulemaking, such as the Roadless Area Conservation rulemaking. In that sense, acknowledging or defining the roles and responsibilities of local conservation districts is beyond the scope of the EIS.

However, involvement of local conservation districts in the rulemaking process has been ensured through the public involvement and outreach process. Access to the DEIS by local conservation districts was widely available through a variety of sources. The DEIS and proposed rule were distributed to Congressional delegations, Governors, State agencies, County and municipal libraries, and individuals requesting a copy. This distribution strategy, combined with the availability of the DEIS on the Internet and at Forest Service offices

nationwide, was designed to make the DEIS documents readily available to all interested parties.

**7. The Forest Service conducted a secret inventory of the Alpine County portion of the Humboldt-Toiyabe National Forest without the participation of local citizens and County officials or proper notification. Requests through the Freedom of Information Act to find out the participants and process used in this inventory have been stonewalled. In a public meeting, a member of the Sierra Club claimed that the Sierra Club paid for the inventory.**

**Response:** The agency is not aware of any secret inventory nor of any inventories sponsored and paid for by the Sierra Club or any other organization, agency, or individual. The Forest Service conducted an inventory of roadless areas on the Humboldt and Toiyabe National Forests as part of the RARE II inventory process, which was publicly reviewed and published. The review results were reiterated, publicly reviewed, and published again in the forest plans for the Humboldt and Toiyabe National Forests. This information is public record and available by request from the Forest Service. Additional information about the inventory process is found in Response 7 in the Data section.

The Forest Service's Washington office has received about 60 requests for information and documents regarding the Roadless Area Conservation rulemaking pursuant to the Freedom of Information Act. The Forest Service responded to each of these requests.

**8. The Forest Service failed to meet the requirements of 40 CFR 1503.1 to obtain comments from any Federal agency that has special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards.**

**Response:** The public involvement strategy for this rulemaking includes coordination and collaboration with Federal regulatory agencies, other Federal agencies with public land management responsibilities, and Federal agencies with natural resource management expertise. Throughout the rulemaking and environmental analysis, the interdisciplinary team and Forest Service leadership have consulted with members of an interagency team that includes oversight, regulatory, and land and

resource management expertise. The names and affiliations of the interagency team members were listed in the DEIS, p. 4-8, and are in the FEIS.

**9. The rule should not be based on the opinions voiced by majorities at public comment meetings because the meetings were often dominated by vocal interest group members, while individuals with different views were not able to attend, stayed away, or remained silent. The confrontational circus atmosphere of the meetings made them a waste of time and resources. It is unrealistic to expect people who prefer solitude to crowds to provide meaningful input through a public meeting venue; and**

**10. The Forest Service should listen to the majority voice at public meetings.**

**Response:** Several respondents expressed concerns that scoping, information meetings, and public comment forums on the roadless proposal were held at the convenience of a few and dominated by special interest groups, either environmental groups or commodity interests. Others believe the Forest Service should heed these majority views because they were expressed at these open meetings.

Public comment meetings were only one of several ways the Forest Service listened to the public, established a dialogue with interested persons and organizations, and collected comment on the roadless issue. The Forest Service also considered written, faxed, and electronic mail responses and responses in other media formats such as videos, charts, and t-shirts. Furthermore, analysis of public comments is not a vote-counting procedure. Every comment has value, whether expressed by a single person or by thousands.

**11. The Forest Service should suspend the decision process until all interested parties set aside differences and provide balanced viewpoints.**

**Response:** Achieving consensus among the many diverse and conflicting interests regarding the roadless area issue is beyond the scope of the EIS. Although desirable, it is not feasible given the 20-year history of debate at both the national and local levels. Due to the magnitude of the different viewpoints expressed, consensus by all interested parties may never be reached on a national-level proposal. Nonetheless, full and public dialogue about

this proposal has taken place in order to bring about an informed decision on roadless area conservation.

## Government-to-Government Consultation

**12. The regulations at 36 CFR 219.6(k) and 219.7 require the Forest Service to coordinate planning efforts with American Indian and Alaska Native Tribes. This coordination includes reviewing Native planning and land use policies, noting their objectives, impacts, and where they conflict with Forest Service planning; and developing alternatives for resolving such conflicts; and**

**13. The Forest Service must consult with each affected Tribe.**

**Response:** The cited regulations refer to consultation for the development, amendment, and revision of land and resource management plans under NFMA, not to informal administrative rulemaking. Even so, the Forest Service recognizes the broad scope of this rulemaking, and has undertaken considerable efforts to consult and coordinate with American Indian and Native American Tribes.

Such consultation has occurred throughout the rulemaking. Consultation is an iterative, ongoing process. The Forest Service has consulted Tribal officials from potentially affected and interested Tribes individually or as members of multi-Tribal and inter-Tribal organizations, councils, and commissions. Tribes were proactively involved in scoping and development of the proposed rule and DEIS. Many Tribal organizations have provided written comments on the rulemaking and DEIS, as shown in letters from American Indian and Native Alaska Tribes in Volume 4 of this FEIS.

Consultation would continue to occur during forest and grassland plan revision under the provisions of the new Planning Regulations (36 CFR 219).

## Implementation

**14. The Forest Service should notify the public of any change in the draft proposal to close, block off, or restrict access to any existing roads.**

**Response:** None of the alternatives propose to block existing public access to National Forest System



lands, nor do they propose to close any existing roads or trails. Existing rights are protected. The local responsible official may authorize road construction or reconstruction when a road is needed pursuant to reserved or outstanding rights or as provided by statute or treaty (DEIS p. 2-4).

**15. The Forest Service should address the willingness of local Forest Service staff to implement roadless protection. Forest Service employees nationwide are biased against multiple-use; and**

**16. Field employees want proper scientific management of the land, not Washington, D.C. politics – and Forest Service leadership should heed them.**

**Response:** The analysis of environmental, social, and economic effects analysis in the DEIS, FEIS, and Specialist Reports is based on and employs the best available science for land and resource management. Proper scientific methodology and analysis, not politics, are the basis of the analysis and its conclusions. Citations and references to scientific information and literature are included in the References Cited section of the DEIS and FEIS.

Opinions of Forest Service employees are outside the scope of the EIS. Forest Service employees, just as other members of the public, have opinions, values, and personal and professional views. In addition, the Forest Service is a decentralized organization that traditionally has made most decisions at the local level. Forest Service employees have expressed comments both supporting and opposing the proposed rule. However, even when they hold differing personal views, Forest Service employees are required to abide by agency regulations and policy on the job.

**17. The Forest Service should not insult citizens by suspecting they cannot use forests without destroying them.**

**Response:** The Forest Service does not claim that use will automatically destroy forestlands, resources, or values. As one response to budgetary realities and to conserve roadless area values, the agency is proposing to prohibit road building, and in some alternatives, timber harvest, in inventoried roadless areas. Other multiple-use activities may continue

unless limited through local decisions, such as forest or grassland plan direction.

**18. The Forest Service should clarify its statement in the Questions and Answers booklet, page 9, which says this proposal will prohibit construction and reconstruction in most inventoried roadless areas. Does this mean the prohibition would not cover all areas?**

**Response:** The DEIS stated that the portions of inventoried roadless areas that already contain classified roads would not be subject to the prohibitions (DEIS p. 2-3). This definition has been changed in the FEIS to apply the prohibitions to the entire geographic span of inventoried roadless areas (see FEIS Chapter 1). Chapter 2 in the DEIS and FEIS also details some exceptions to the prohibitions for reasons such as public health and safety, reserved and outstanding rights, and prevention of irreparable resource damage.

## Legal

**19. The National Environmental Policy Act regulations at 40 CFR 1502.21 require Federal agencies to ensure that materials incorporated by reference are reasonably available for inspection by reviewers within the time period allowed for comment. The DEIS references include more than 350 sources of information. The Forest Service should allow adequate time for interested parties to obtain and review information incorporated by reference.**

**Response:** All materials cited in the DEIS were reasonably available for inspection through normal library and Internet sources, as well as in the Roadless Area Conservation Project records. The same holds true for FEIS materials.

**20. The public meetings for the DEIS and Proposed Rule violated sections 553, 556, and 557 of the Administrative Procedures Act rules against ex parte communication between agency employees and interested persons outside the agency.**

**Response:** “Ex parte communication” refers to proceedings, which were conducted on behalf of one party only, as distinguished from proceedings in which one of the parties has not received notice and, therefore, is neither present nor represented. In the case of the Roadless Area Conservation rulemaking,

all notification requirements of the Administrative Procedures Act were met. These included use of the *Federal Register* (Notice of Intent, the proposed rule, and public meeting dates) and further notice of specific public meetings through publication in national, regional, and local newspapers, and on a toll-free telephone hotline and the Internet. These public meetings were open to anyone.

**21. *The DEIS does not adequately respond to concerns raised during scoping that the Notice of Intent did not give full consideration to the Alaska National Interests Lands Conservation Act (ANILCA) sections 101, 708, and 1326, which prohibit the Forest Service from considering this roads prohibition in Alaska.***

**Response:** Alaska National Interests Lands Conservation Act (ANILCA) Section 101 establishes conservation system units and expresses Congressional intent that no additional conservation units be established by legislation. The proposed rule does not seek legislation or establishment of new types of areas; rather it proposes to regulate areas already in the National Forest System and under the authority of the Executive Branch.

ANILCA Section 708 states that further review of Wilderness potential for inventoried roadless areas in Alaska (initially evaluated in the RARE II process) should be done through forest planning. It states that the Secretary of Agriculture need not undertake further Wilderness reviews of these areas. The DEIS did not review inventoried roadless areas for purposes of evaluating their Wilderness potential. Instead, it proposes conservation measures to protect roadless area values in inventoried roadless and unroaded areas of the National Forest System. The DEIS analyzed alternatives that forego building roads in lands not yet roaded, which does not represent managing or designating those lands as Wilderness. Wilderness designation remains the sole prerogative of Congress. The new NFMA Planning Regulations (36 CFR 219) assigned to forest planning the identification of and further protections for unroaded areas.

ANILCA Section 1326(b) says, “No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, or for related or similar purposes shall be conducted unless authorized by this Act or by further Act of

Congress.” The roadless DEIS did not identify additional conservation system units. It proposed prohibitions and procedures for future management of inventoried roadless areas located on National Forest System lands. The prohibitions in the FEIS do not make these areas conservation system units. The decision on procedures has been made in the new Planning Regulations (36 CFR 219).

**22. *The National Forest Management Act at 16 USC 1604(d) requires the agency to provide for meaningful public participation in the development, review, or revision of a forest plan. The implementing regulations at 36 CFR 219.6(g) require the Forest Service to give the public at least 30 days' prior notice of all public participation activities conducted in connection with plan amendments.***

**Response:** This rulemaking does not mandate a forest plan amendment or revision and therefore does not violate the 36 CFR 219 Planning Regulations that implement NFMA. Nonetheless, the Forest Service public involvement strategy did include multiple opportunities for public participation. See Response 24 in this section.

**23. *The proposed rule speaks to honoring treaty rights by allowing access to roadless areas; the rule should also discuss denying access to roadless areas to honor treaty rights where access would conflict with Native American desires.***

**Response:** The alternatives analyzed in the DEIS honor existing permits, contracts, and legal instruments. Treaty rights acknowledged by the United States Government would be considered an existing legal instrument. Existing access under treaty rights would continue.

## Outreach

**24. *The public should be informed about meeting content in advance of public meetings. The Forest Service should make its public meeting times and locations convenient for the majority of citizens, and where large numbers of people are expected to attend, the Forest Service needs to use meeting facilities large enough to accommodate them. Presentations at public meetings should be clear and tell the whole story.***

**Response:** The Forest Service chose to undertake a far-reaching and comprehensive public involvement process because of the overwhelming public interest in the issue of roadless area management and in consideration of local management needs. To accommodate the large volume of participants with the least disruption to participants' normal daily schedules, many Forest Service offices throughout the country held daylong and concurrent evening sessions to ensure that all who wished to participate would be heard. The large number of local meetings was intended to provide citizens with opportunities to interact with local Forest Service officials and agency representatives so they could jointly explore implications of the proposal on their local area.

Early in the rulemaking process, during the formal scoping phase (October 19 through December 20, 1999), the agency hosted more than 190 public meetings to allow interested persons an opportunity to ask questions and obtain information. Upon release of the DEIS, more than 400 meetings were held to provide information and accept public comments. Based on public requests, additional meetings were held in some States, particularly Texas and Hawaii.

A schedule of all meetings for the DEIS comment period was posted in early May 2000 on the Roadless Project's website – several weeks before the public meetings began. The schedule was also available via a “fax-on-demand” toll-free telephone line that was included in all news releases and documents about the roadless proposal. Knowledgeable personnel also monitored a telephone information line at the Roadless Team's national headquarters during normal business hours (8:00 a.m. to 5:00 p.m. Eastern Time) to answer public queries about the meetings and schedules. Field units publicized meetings in local newspapers.

Roadless Area Conservation presentations, materials, maps, and information were made available on the ([roadless.fs.fed.us](http://roadless.fs.fed.us)) Internet website. The materials, presentations, and website were designed to provide the maximum amount of information about the proposal, environmental analysis, and administrative rulemaking processes and their implications, as well as to disclose the data used in the analysis.

**25. *The Forest Service should address the Internet accessibility of its documents.***

**Response:** The project's Internet website ([roadless.fs.fed.us](http://roadless.fs.fed.us)) has been available to employees and the public since late November 1999. The proposed rule, DEIS, DEIS Summary, and supporting documentation, including maps, have been on the website since early May 2000. Specialist reports and other data, profiles of roadless areas across the nation, meeting schedules, news clips and other media resources, and a wide variety of supporting and background data and information – all of which can be downloaded and printed – were made available from this source and updated regularly to reflect the most recent data and information. In addition, the website, since its inception, was designed for accessibility to the sight impaired and is Bobby (v3.1.1) approved. Bobby is a consortium that reviews and certifies web accessibility.

**26. *The Forest Service should extend the comment period; and***

**27. *Extending the public comment period is just a delay tactic employed by opponents of the proposal; do not extend the comment period.***

**Response:** The Forest Service's extensive public involvement efforts made it unnecessary to extend the public comment period for scoping beyond December 20, 1999, as published in the Notice of Intent. The relative lack of complexity of the proposed rule and the Forest Service's broad and far-reaching public involvement efforts made it unnecessary to extend the public comment period for the DEIS beyond the published date of July 17, 2000. The proposed rule and DEIS, released on May 9, 2000, are based on a strong foundation of public comment and the best available science. Throughout this rulemaking, the Forest Service has conducted extensive public involvement efforts to give as many interested people as possible an opportunity to help define the issues, alternatives, scope, and effects of the proposal. The agency has received an unprecedented volume of comments from the public, academia, organizations, and elected officials.

**28. *The Forest Service should create more opportunities for citizen input and respect the results of that input. The meetings to discuss the DEIS were not enough to make the public aware of the total plan.***

**Response:** The Forest Service has gone to extraordinary lengths to ensure that interested citizens received information about the roadless proposal and had many opportunities to review and to provide timely comment on it. These included:

- Taking advance orders from citizens for the DEIS and Summary documents
- Distributing 50,000 copies of the Summary and 43,000 copies of the full DEIS
- Distributing the DEIS and Summary to 10,500 public libraries for public review
- Making the DEIS available at all Forest Service offices for public review and acquisition
- Making copies of the DEIS and Summary available via the Internet
- Hosting more than 600 public meetings, including more than 200 meetings to collect verbal comments for the record, and also accepting written comments at all meetings
- Accepting comments in many formats, including hardcopy mail, electronic mail, fax, and other media
- Providing a toll-free hotline with meeting schedule information, document ordering information, and voicemail to record and then respond to public questions
- Holding meetings with Tribal officials, elected officials, and a wide variety of interest groups to discuss the proposal.

The Forest Service reviewed all public comments and responded to them. See Response 29.

***29. The Forest Service should respond to requests for information and comments from individuals.***

**Response:** *Scoping Comments:* During the formal comment period for scoping (October 19 through December 20, 1999), the Forest Service received about 365,000 responses from the public, Tribes, and elected officials. (A response is a separate piece of input, such as a letter or e-mail.) By the time the DEIS was released on May 9, 2000, this number had

increased to more than 517,000 responses about the proposal described in the Notice of Intent. There is no statutory duty to respond to comments received during the scoping process, so the agency did not choose to provide individual responses to them. The agency used the insights from the scoping comments to assess the level of controversy about this proposal, to identify issues and concerns that were not identified through internal deliberations, to identify potential alternatives to the proposed action, and to obtain a preliminary assessment of potential environmental, social, and economic effects. The interdisciplinary team evaluated and considered the content of scoping comments during the design and analysis of the DEIS and proposed rule, and included them in the project record for the rulemaking.

*DEIS Comments:* The DEIS comment period elicited 1,155,000 responses from the public, Tribes, and elected officials. Those responses, when added to the 517,000 scoping comments, totaled more than 1,600,000 written responses on the proposed rule and DEIS. This volume of comment is the largest ever received by the Forest Service, and possibly by a Federal agency, on a single proposal. All comments on the DEIS and proposed rule, oral or written or electronic, postmarked by July 17, 2000, were included in the public comment content analysis process, recorded in a database, and summarized for use by the interdisciplinary team and the official responsible for the decision.

The comment period for the DEIS ended July 17, 2000. Published requests for comments originally indicated that comments were to be received by July 17, 2000, at the specified addresses for hardcopy mail, electronic mail, or fax. On July 28, Chief Mike Dombeck rescinded this direction and directed the Deputy Chief for the National Forest System to accept all comments postmarked by July 17, 2000. This change was made to accommodate parties who made a good faith effort to submit timely comments but misunderstood either the addressing directions or the submittal date. In compliance with National Environmental Policy Act procedures, the Forest Service response to public comments on the DEIS is provided to the public in this Volume 3 of the FEIS. Volume 4 of the FEIS shows the comment letters from elected officials, agencies, Tribes, and other government entities.

People seeking general information about the DEIS and proposed rule were directed to information

sources available from the ([roadless.fs.fed.us](http://roadless.fs.fed.us)) website, to information and expertise available at local Forest Service offices, and to published information available at municipal and technical libraries. Questions directed to the National Roadless Team's telephone lines were answered directly by knowledgeable team members.

**30. *The Forest Service should choose appropriate spokespeople for this issue and instruct them to speak with sensitivity and forthrightness. The agency should also address the attitude problem of many of its District Rangers. In the past Rangers were courteous; now many seem overbearing, and others are rude, terse, and arrogant; and***

**31. *The Forest Service should be more considerate in dealing with the public because many people are thinking about lawsuits or worse.***

**Response:** Some commentors referenced quotations from agency spokespersons about Forest Service policy that were published in newspapers, characterizing the quotes as "insensitive." The agency and its spokespeople adhere to Federal civil rights statutes and regulations when addressing the media about public policy.

**32. *The proposed rule should be based on a broad public involvement effort and not just the input of a few select groups. The Forest Service mailing list should include organizations that indicate they want to be actively involved with planning this project.***

**Response:** Environmental, multiple-use, and disability groups and their State, local, and Congressional representatives have all engaged the Forest Service during the Roadless Area Conservation rulemaking process. Their views have been widely quoted and their actions reported in the news media. Throughout the process, the Forest Service has sought the broadest possible public involvement.

Early in the process, the Forest Service contacted a broad range of interests that had not yet been engaged in the roadless issue, and other interests that had previously expressed concerns. Among the interests contacted were academic groups and advocacy groups for motorized recreation, disability access, travel and tourism, and hunting and fishing. Agency line officers also initiated formal

Government-to-Government consultation with Tribal officials. The goal for these contacts was to share information, answer questions, and ensure that all parties had adequate understanding of the proposal so they could effectively comment when the DEIS was released. In addition, the Forest Service has had numerous contacts with Congressional, State, and local officials through briefings, hearings, correspondence, and meetings.

During development of the proposed rule and DEIS, many data sources were reviewed or used for the analysis, including interest group databases, roadless inventory data supplied by Forest Service field units, and information from scientific literature. No interest group's views and comments were given preferential treatment or consideration, nor did any interest group monopolize the rulemaking or environmental analysis processes.

**33. *The process used by interest groups to solicit comments on the proposed rule and DEIS is unfair because most people who sign comment cards handed out by solicitors don't understand the issue, and neither do the people asking for their signatures.***

**Response:** A number of interest groups have solicited signatures from the public at large on petitions and postcards supporting their views. The Forest Service does not endorse or prohibit these efforts because they are expressions of citizens' freedom to participate in the democratic process, as guaranteed by the First Amendment to the Constitution of the United States and regulatory processes such as the Administrative Procedures Act.

Although the democratic process is invoked when a Federal agency solicits comments on an environmental analysis or rulemaking, it should not be construed to be a vote-counting procedure. Every comment has value, whether expressed by a single person or by thousands. The Forest Service's public involvement and outreach focus is to consider the substance of the comments received, rather than the number. Our goal is to ensure that the concerns identified in the comments are addressed in the final rule and FEIS. No interest group's views and comments are given preferential treatment or consideration, and comments are considered without regard to their origin or the commenter's affiliation.

The content analysis process produces a database of the names and addresses of respondents who submitted comments on the Notice of Intent and DEIS. The agency recognizes that many members of the public who regularly participate in planning efforts are accustomed to being placed on a mailing list of participants to receive information and progress reports. However, this proposal is for a national rulemaking and does not always adhere to the same processes that field offices follow during programmatic and site-specific planning. For this rulemaking, the agency did not choose to mail progress reports to respondents. Instead, regular updates were made to the ([roadless.fs.fed.us](http://roadless.fs.fed.us)) Internet website so that up-to-date information was available to the public. Likewise, the agency did not choose to maintain a list of persons and organizations requesting to participate in this process. Instead, the Forest Service made a concerted effort to solicit information from a wide array of sources and provide multiple public comment opportunities.

**34. *The Forest Service rule should allow more time for accurate and fair input from all users of our forests.***

**Response:** The schedule provided adequate time for public comment and completion of the necessary analysis. During the course of the rulemaking process, the Forest Service provided two formal and numerous informal opportunities for interested persons and organizations to provide comment. The first formal comment period, which occurred during scoping, began October 19, 1999 with publication of the Notice of Intent, and ended on December 20, 1999. The second formal comment period, following development of a proposed action, proposed rule, and effects analysis, was initiated by publication of the DEIS and proposed rule on May 9, 2000. This formal public comment period ended July 17, 2000. Both formal comment opportunities included public meetings and open invitations to send written comments using postal mail, electronic mail, and fax; and to provide oral comments at specified public meetings. Informal opportunities to submit comments were available at all times throughout the rulemaking process.

A number of people expressed concerns about the agency's ability to complete the rulemaking and environmental analyses in 14 months. The Forest Service points out that agency officials have devoted

significant resources and time to roadless area issues over the past 20 years. In 1998, almost two years before the Notice of Intent was published, the Forest Service issued an interim rule to temporarily suspend road building in most roadless areas, initiated analysis, and received public comment on both road system and roadless area issues. Many members of the public, Tribes, State and local government officials, and members of Congress have been actively engaged in these issues for some time. The Roadless Area Conservation rulemaking is an attempt to address and resolve these long-standing issues.

**35. *The public involvement and education efforts for the proposed rule have been helpful and should continue. Use photographs that show the country this proposal will conserve.***

**Response:** Forest Service employees nationwide who assisted with more than 600 public meetings (for scoping, information sharing, and public comment) and a wide range of communication efforts for this rulemaking will appreciate knowing their work was useful to public participants. The Forest Service plans to continue its educational efforts throughout the final phases of the rulemaking process and during implementation of the final rule. These efforts include: (a) ongoing conservation education about roadless management topics using radio and other popular media; (b) developing additional profiles of roadless areas from around the country that include photographs and narrative similar to those currently on the ([roadless.fs.fed.us](http://roadless.fs.fed.us)) website; and (c) ongoing dialogue with Forest Service field leadership and citizens once a final rule is adopted and implemented. The Forest Service appreciates the thousands of people who were involved with this issue and urges them to continue working with local Forest Service officials in applying the final rule.

**36. *The proposed rule should provide enough information so that people can understand its relationship to other ongoing strategic planning efforts.***

**Response:** Several respondents indicated concerns about the relationship of the Roadless Area Conservation rulemaking to other policy proposals – particularly the proposed Roads Policy and the proposed Planning Regulations.

The Roadless Area Conservation rule applies to areas that do not already have roads; the proposed Roads Policy addresses existing roads in the National Forest Transportation System; and the new Planning Regulations (36 CFR 219) cover local planning for each administrative unit in the National Forest System. Taken together, these separate initiatives form a cohesive strategy for dealing with vital conservation issues. They seek long-term sustainability of lands and resources, collaboration with the public, and integration of science into decision-making. The new Planning Regulations provide the overarching framework for implementing the roadless area and roads management rules. The Planning Regulations incorporate recommendations from the Committee of Scientists and the Forest Service's two decades of experience in implementing forest and grassland management plans. Much of the Roads Policy and Roadless Area Conservation Rule would be implemented during forest and grassland plan revisions at the local level.

The agency is in the process of revising plans for 36 administrative units (national forests and grasslands) that have published Notices of Intent in the *Federal Register* to revise or establish a land and resource management plan, of which only a few are nearing completion of a draft environmental impact statement. It is unlikely any of these plans would be adopted before promulgation of a final rule for roadless area conservation. As part of the revision of these plans, the agency would evaluate roadless areas and determine how best to conserve them within overall multiple-use objectives. Completion of this rulemaking is not expected to cause delays in ongoing revision processes.

Two large-scale analyses are also underway – the Sierra Nevada Framework for Conservation and Collaboration and the Interior Columbia River Basin Ecosystem Management Project. The Roadless Area Conservation rulemaking is coordinating with these efforts and is not expected to delay these ongoing planning processes (DEIS pp. 3-240 through 3-242). See also Chapter 3 in the FEIS and Responses in the Planning section in this volume that describe the improved analysis of cumulative effects and the relationship of the Roadless Area Conservation rulemaking to other strategic planning efforts underway in the agency.

**37. *The Roadless Area Conservation website is very helpful and well organized; the agency should be commended.***

**Response:** The Roadless Area website was carefully designed to facilitate accessibility and usefulness to the public. We have updated it periodically. Open communication and dialogue with the public is key to this rulemaking.

**38. *The Forest Service is in violation of the Freedom of Information Act because it has repeatedly refused to provide information requested under the auspices of the Act; therefore, the agency should not refuse simple requests for an extension.***

**Response:** The Forest Service's National Headquarters (Chief's Office) has received about 60 requests for information and documentation regarding the Roadless Area Conservation rulemaking under the Freedom of Information Act. The agency has responded to each of these requests.

**39. *The Forest Service should communicate that timber industry folks have a concern and love for the forests, too.***

**Response:** The Forest Service does not claim that those who benefit from commodity or extractive use of National Forest System lands and resources lack respect, love, or concern for those lands and resources. The agency recognizes that roadless lands are important to the American people, no matter what their affiliation, and that the Forest Service, as the Federal agency with jurisdiction over National Forest System roadless lands, has a responsibility for providing a safe, healthy, and productive environment for today's citizens and for future generations (DEIS p. 1-1).

**40. *The Department of Agriculture needs an advocacy panel or group to ensure fairness in the proposed rule.***

**Response:** Creation of an advocacy panel or group to oversee the Roadless Area Conservation rulemaking is beyond the scope of the EIS. The Forest Service's extensive public involvement effort complied with the requirements of the National Environmental Policy Act (42 USC 4321 through 4347) and its regulations (40 CFR 1501.7), and the Administrative Procedures Act (5 USC 553(c)).

**41. *The Forest Service should make local managers available to receive public comment and review before decisions are implemented.***

**Response:** The Forest Service conducted over 600 public information and public comment meetings on the Roadless Area Conservation proposal during scoping and comment on the proposed rule and DEIS. The new Planning Regulations (36 CFR 219) have finalized the procedures that the agency will use through the forest and grassland planning revision process for further protection of roadless areas. This process includes substantial public involvement by local Forest Service officials.

**42. *The USDA should clarify whether its employees are allowed to express opinions about the proposed rule through political activism.***

**Response:** The provisions of several Federal statutes somewhat limit the extent to which Federal employees may partake in political activism. The Hatch Act generally prohibits Federal employees from running for partisan political office, engaging in political activity when on duty, or using their official authority or influence for the purpose of interfering with or affecting activities covered by the Act. The Anti-Lobbying Act prohibits the unauthorized use of appropriated money to influence any member of Congress to favor or oppose any legislation. Two other statutes that prohibit the use of appropriated funds for lobbying activities are Section 637 of the 1999 Treasury and General Government Appropriations Act, and Section 303 of the 1999 Department of the Interior and Related Agencies Appropriations Act. Also, Forest Service policy, (Forest Service Manual 1510.1(c)) cautions Forest Service employees that they may only express personal views on legislation on off-duty time and as a private citizen. Each of these statutes and policies carries substantial penalties for violations.

It is important to note that restrictions in these statutes and policies apply expressly to partisan activities – such as campaigning for a particular political party. A reminder letter is issued annually to all Department employees from the Secretary of Agriculture (Hatch Act notification letter, January 20, 2000). Because it is an election year, additional emphasis and reminders about allowable and restricted political activities have been sent to employees this year.

The Hatch Act’s provisions do not limit a Federal employee’s right to comment as a private citizen on the Roadless Area Conservation Proposed Rule and DEIS. In fact, Forest Service leadership has specifically solicited employee involvement. During the public comment period, Associate Chief Hilda Diaz-Soltero directed line officers throughout the Forest Service to “ensure that interested employees are given the opportunity to participate in a consolidated review process.” Employee responses were considered internal deliberations and were therefore reviewed separately from public comments. In addition, the Associate Chief’s direction emphasized, “individual employees may also choose to submit personal comments, opinions, and recommendations as a private citizen on their own time when off duty, as may any other private citizen.”

Natural resources professionals often have strong and diverse opinions about natural resources issues. Within the Forest Service workforce, issues such as salvage logging and the roads moratorium have evoked strong employee responses in the forms of letters, electronic mail, petitions, and discussion. Chief Mike Dombeck has sought an open debate within the organization on all resource issues. He believes internal dialogue is very healthy and helps identify relevant issues and concerns, and enables the agency to arrive at better decisions.

**43. *The process for this proposal has been rife with misleading and incorrect information, dubious legality and science, and lack of local flexibility. The Forest Service should consider how this process is negatively affecting its credibility and trust with the public.***

**Response:** Public trust is indeed essential to successful decision-making and implementation of any public policy. For this reason, the Forest Service has employed a broad spectrum of public involvement strategies to ensure an open dialogue with interested individuals and organizations. See Responses 15 and 24 in this section.

**44. *The Forest Service should ensure that public meeting comments are recorded.***

**Response:** During the formal scoping period in late November and early December 1999, many members of the public indicated they needed time and information to understand the Roadless Area



Conservation proposal. Some people expressed a desire to obtain more information, while others desired an opportunity to provide oral comment on the proposal. In response to these public requests, and to ensure that the public was given adequate opportunities to obtain materials and information and ask questions about the proposed rule and DEIS, each national forest and grassland and regional headquarters office hosted at least two public meetings between May and July 2000 – for a total of more than 400 meetings nationwide.

The first sessions were informational, providing a description of the proposal, explanatory materials and maps, and local Forest Service officials to explain them. No verbal comments were recorded at these meetings, but written comments were accepted. Subsequent sessions were designed as comment forums in which local Forest Service officials listened to oral comments from the public. These oral comments were also recorded, and later transcribed for the project record, by certified court reporters. The two meeting types were separated to allow participants time to obtain documents and materials at the information meetings and then have adequate time (about 30 days) to review the documents and materials before providing oral comments at the second meeting. Written comments were accepted at both types of meetings.

Some respondents indicated that no one was available to record their comments when they attended a public meeting. It is important to understand that only about 200 of the more than 400 public meetings on the DEIS and Proposed Rule were designed to include recording of public comments. The other meetings were designed to provide information and answer questions, and to receive written comments. It was never the agency's intent to collect verbal comments at the information meetings. That said, the agency acknowledges that in six instances the meetings designed for the collection of oral comments did not follow the design intent. In these six instances, the court reporter contracted by the Forest Service to record public comments was either tardy or did not appear. In five of those cases, the local Forest Service officials recorded the comments using audio recording equipment. In the sixth case, participants were called back by telephone and asked if they wanted the local national forest to hold another meeting or were encouraged to submit written comments.

**45. *The Forest Service should provide statistics to validate and clarify the results of the content analysis process.***

**Response:** Content analysis of public comments was undertaken during two critical phases of the rulemaking. During scoping after publication of the Notice of Intent, the Forest Service received more than 517,000 public responses. In response to release of the proposed rule and DEIS, the agency received more than 1.1 million public responses.

The Forest Service's Content Analysis Enterprise Team (CAET) analyzed the more than 1.6 million responses. CAET is a specialized Forest Service unit experienced in both qualitative and quantitative methods of analyzing public comments. CAET uses a systematic process to generate a list of respondents, extract concerns from each piece of correspondence, track similar concerns from different respondents, and identify specific issues. The content analysis process includes methods for tracking specific comments through the entire coding, summarizing, database entry, and response processes to determine how a specific comment or concern was answered by the agency, even where similar comments are summarized, grouped, or consolidated and answered together.

Content analysis of public comments is not a vote-counting procedure, nor is it a measure for determining the number of proponents or opponents of a particular proposal, issue, or concern. Content analysis should not be construed as a scientific or statistical sampling of public opinion because the agency does not control what the public may choose to submit to the content analysis process. In that process, every comment has value, whether expressed by a single person or by thousands. Content of the comment is what matters.

**46. *The Forest Service should avoid solicitation of emotionally charged comments.***

**Response:** In allowing the public to provide verbal comment on the roadless area proposal, the Forest Service is fulfilling a legal obligation to provide citizens a forum to speak their mind about the roadless area proposal (40 CFR 1506.6(a), (c), (d), and (e)). When conducting the public meetings where public comments were recorded by a court reporter, Forest Service officials provided "rules of order" as a means of ensuring fair opportunity for

those who desired to speak. Agency personnel were there to listen, not to manage the expression of opinions or emotions of those commenting.

**47. The Forest Service should consider the appropriateness of allowing preservation organizations to sell merchandise at its public meetings, and, in the interest of supporting citizens freedom of expression, should allow people to bring signs to the public meetings.**

**Response:** During several of the public meetings for the roadless proposal, interest groups staged demonstrations, set up tables or booths to promote their views and products, and disseminated information supporting their viewpoints. The Forest Service and management of contracted meeting facilities recognized individuals' and organizations' rights to freedom of expression and did not oppose their signs, booths, demonstrations, and other activities, as long as these activities were confined to spaces outside the rooms designated for the public meetings and met safety standards (such as fire codes) for the facility.

**48. The Forest Service should clarify the difference between the terms “response” and “comment.”**

**Response:** For the purposes of the DEIS and FEIS, “response” means an individual letter or other form of media received during the comment period. Each concern or issue identified within the letter or other media is considered a “comment.” Thus, a single response could include several comments.

For the purposes of this volume, a “response” is the agency’s answer to those comments.

**49. The informational meetings did not comply with the legal requirements of the National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA) because public involvement by rural persons was deliberately discouraged. The public involvement process discriminates against rural residents living closest to, and in a dependent economic relationship with, these Federal lands. The public involvement process discriminated against persons without access to computers, persons in certain socio-economic strata, and persons of certain race. The Forest Service should improve public involvement for rural persons without computer access.**

**Response:** The Forest Service recognizes that everyone does not have convenient access to personal computers or the Internet. To serve citizens who lacked personal computers and Internet access, the agency provided opportunities to obtain information and documents and provide comments through a toll-free telephone line and a toll-free fax-on-demand line, in addition to postal mail. To encourage access and review, copies of the DEIS and proposed rule, and other materials were made available at public meetings, all Forest Services offices across the Nation, and at 10,500 municipal libraries throughout the country.

Some commentors expressed concern that people in rural areas were unable to attend public meetings due to excessive distances. Meeting locations were determined in collaboration with Forest Service field offices at locations the local officials deemed most accessible to their public. In response to requests from the public, field offices in some rural areas hosted additional meetings in locations suggested by the public. Other public involvement tools used to facilitate participation by rural communities included news releases published in local newspapers providing information about the rulemaking and soliciting comments, and the diverse media used for providing comment via postal mail, telephone, and fax.

## Separation of Powers

**50. The Forest Service cannot rely on the rationale that, in bypassing Congressional authority over Wilderness designation, its proposal merely serves as “guidance.”**

**Response:** None of the alternatives propose to designate, identify, or recommend additions to the National Wilderness Preservation System; those decisions are outside the scope of the proposed action. The rule would provide regulatory direction that is consistent with the statutes governing management of the National Forest System enacted by Congress. Designation of lands to the National Wilderness Preservation System remains the exclusive prerogative of Congress.

**51. The proposed rule places too much power in the Executive Branch. For this reason, the Forest Service should follow Congressional directives and better involve Congress in its rulemaking, rather**

*than just follow direction from the President and Administration.*

**Response:** The Forest Service is an agency of the Department of Agriculture. The Department of Agriculture is part of the Executive Branch that is charged with the duty, authority, and responsibility to carry out laws enacted by Congress. Administrative rulemaking is within the authority of the Department of Agriculture, the Executive Branch department that administers the Forest Service.

The Legislative Branch, Congress, has passed laws setting aside the National Forest System and requiring the Forest Service to manage these lands within their natural capacity. Congress also appropriates the funds for this work. Congress has exercised its oversight role through many hearings and letters of inquiry throughout this rulemaking. Therefore, the rulemaking process has been subject to direction from both the Executive Branch (the President and Administration) and the Legislative Branch (the Congress).

**52. *The Senate should hold hearings on the Forest Service's handling of public meetings and its failure to provide a sufficient comment period.***

**Response:** The Forest Service has participated in seven hearings with House and Senate committees and subcommittees pertaining to the Roadless Area Conservation process. The public comment period and public meetings were among the topics discussed.

## **Use of Public Comments**

**53. *The Forest Service should respond to the request made by the Board of County Commissioners for Josephine County, Oregon.***

**Response:** Public comments and responses including response to correspondence from elected officials were made part of the official record for this rulemaking. Correspondence from the Board of County Commissioners for Josephine County, Oregon was answered in a response sent to Jim Brock, Chair of the Josephine County Board of County Commissioners, dated June 14, 2000.

**54. *The Forest Service should respond to the majority opinion advocating Wilderness and environmental values over development. To this***

*end, there should be a nationwide vote to determine what the people want in public land management decisions.*

**Response:** The Forest Service does not have legal authority to conduct a national referendum by vote. The Privacy Act prevents the Forest Service from using public opinion polling to validate public comments or to carry out any administrative responsibility.

The Forest Service requests public comment on both environmental analyses and informal rulemakings and considers all comments and responses received. The public comment process for rulemaking is not a vote-counting procedure. Every comment has value, whether expressed by a single person or by thousands. The content of the comments is what matters, so that the agency considers the important issues and alternatives in its analysis (40 CFR 1503.3(a); and Final Questions and Answers, May 2000, as displayed on the web). All comments were considered equally and without regard to their origin or whether they came from local or national interests.

**55. *The Forest Service should give assurance that the public's comments are considered.***

**Response:** This volume of the FEIS represents the Forest Service's disclosure to citizens that their comments were received, considered, and addressed as part of the environmental analysis and decision-making processes, as required by the implementing regulations for NEPA (40 CFR 1503.4). Active public involvement and participation are critical to the democratic process of directing national policy. Public comments are reflected in the scope of the proposed action; the development of alternatives to the proposed action; the analysis of potential social, economic, and environmental impacts; and in changes to the document between the DEIS and the FEIS.

**56. *The Forest Service should address roadless area designation in a fair and compromising format that includes both environmental and multiple-use perspectives. Rural communities should not be ignored through failure to notify them about public meetings. Opinions from individuals should be weighed equally with those of special interest lobbies. No particular interest should unduly influence the Forest Service decision. To ensure fair and open government, a list of lobbyists and***

*legislators who contacted the Forest Service on this issue should be added as an appendix in the final rule.*

**Response:** As directed by the President, the Roadless Area Conservation rulemaking process was designed to facilitate an open and public dialogue. All public interests were encouraged to comment during scoping about the initial proposal and again during the public comment on the proposed rule and DEIS. More than 600 public meetings were held throughout the nation, particularly sited to ensure that local citizens – not just national interests – could provide comment. In an effort to accommodate as many people as possible, comments were accepted in a wide variety of formats, including oral testimony, written comments, fax, video, as well as hardcopy and electronic mail.

The comments were used to identify issues; develop alternatives that enhance important roadless area characteristics and limit or eliminate certain activities in inventoried roadless areas; analyze potential effects from implementation of the proposed action; and develop a public process for identifying the social, economic, and ecological values that make roadless areas important and unique (DEIS pp. 2-1 through 2-38).

Forest Service officials met with elected officials from Federal, State, and local governments and their agencies; American Indian and Native Alaska Tribal officials in fulfillment of Government-to-Government relationship requirements; and a wide array of interest groups, professional organizations, school and university faculty and students, and national forest and grassland users. Among these were off-highway vehicle use advocates, developed and dispersed recreation enthusiasts, disability advocacy groups, transportation and tourism officials, and commodity and environmental advocacy groups. The national Roadless Team maintained ongoing contacts with Forest Service employees in field offices throughout the country to ensure that diverse local interests were addressed in public involvement and outreach efforts.

Specialist reports, data, maps, information, analysis background materials, news releases, and a wide variety of other materials helpful to the understanding of the proposal have been available to interested members of the public through the

Roadless Area Conservation website at ([roadless.fs.fed.us](http://roadless.fs.fed.us)) since early May 2000.

Throughout the rulemaking, interest groups from very different perspectives have worked to mobilize their members to provide comment and be involved in the rulemaking and environmental analysis processes. Their views have been widely quoted and their actions reported in the news media. However, the Forest Service's public involvement and outreach focus is to consider public feedback based on the substance of comments received and to ensure that the concerns identified in these comments are addressed in this volume of the FEIS and in the decision. No interest group's views and comments were given preferential treatment or consideration, nor did any interest group monopolize the rulemaking or environmental analysis processes.

Concerns from individuals and groups are considered equally – the focus is the substance of the issue or concern. Volume 4 of this FEIS contains copies of letters received from agencies, Tribes, and elected officials who submitted comments on the DEIS.

***57. The Forest Service and the Fish and Wildlife Service should be completely overhauled.***

**Response:** Management of other Federal agencies is beyond the scope of the purpose and need for this rulemaking for roadless area conservation on NFS lands.

***58. The Forest Service should note that not all special interest group leaders speak on behalf of everyone in their membership.***

**Response:** All public comments submitted on the Roadless Area Conservation Proposed Rule and DEIS were considered equally, whether from individuals or from groups. The content of comments is what matters.

***59. The DEIS is flawed because it claims to be a response to public concerns but is actually only a response to special interests who want to lock up the land.***

**Response:** The more than 517,000 individual responses submitted during the scoping for the roadless proposal covered many viewpoints and issues, not a singular interest. For example, although many commentators were concerned that the proposal

might limit public access to national forests, others said that access should be limited to protect roadless area values. Many expressed concern that local decision-making and involvement might be undermined by a national proposal, while others said a national rule was needed because local decisions were not solving the problem. The public comment analysis used by the Forest Service focused on the content of what people said, not how many people said it.

***60. Environmental groups pursue conflict and lawsuits to generate revenue. They have no business dominating public land policy.***

**Response:** The activities and motives of interest groups are outside the scope of the EIS.

***61. The Forest Service should address inadequate and rushed scoping for the DEIS. The agency did not even have maps of inventoried roadless areas available.***

**Response:** The Council on Environmental Quality's NEPA regulations do not mandate specific procedures to be followed for scoping. The manner in which public input is sought remains the discretion of the agency (Council on Environmental Quality Guidance Regarding National Environmental Policy Act Regulations, July 22, 1983). The Forest Service used the scoping period listening sessions as a tool for allowing various people to hear from one another, while at the same time informing the agency about their views. Affected national forests and grasslands hosted more than 190 public meetings throughout the Nation during the scoping period. At the same time, line officers were directed to initiate formal consultation with potentially affected Tribes.

Scoping for the Notice of Intent was designed to ensure that a full range of public issues, opportunities, and concerns was identified and considered during development of the proposed rule and DEIS. The scoping process initiated a dialogue with the public that assisted the agency with development of the proposed action, identification of potential alternatives and effects, and identification of significant issues to be addressed during the environmental analysis. Scoping culminated with publication of the proposed rule and DEIS.

A number of people requested an extension of the scoping comment period. The Department and other

agencies with oversight responsibilities for rulemaking decided the public was given sufficient opportunities to comment on the proposal, as published in the Notice of Intent, during the formal scoping period that began on October 19, 1999 and ended on December 20, 1999. During this time, the agency accepted public comments through a variety of formats such as letters, postcards, electronic mail messages, and other media. Although outside the formal scoping comment period published in the Notice of Intent, the agency continued to accept written scoping comments until release of the proposed rule and DEIS on May 9, 2000.

Many interests claimed the agency did not provide the public with adequate information during scoping. A particular concern was that maps of inventoried roadless areas under consideration were not available. Inventoried roadless areas in this analysis were identified using previous forest and grassland planning and assessment processes, including RARE II. This existing information was available for review at local national forest and grassland offices. During the analysis process, this existing inventory was compiled into a national GIS database. The GIS database was used to display maps of the inventoried roadless areas for the DEIS and FEIS.

***62. The Forest Service should consider that its public announcement of the numbers of comments received during a public policy making process might falsely imply strong support for the policy, thereby discouraging further comment.***

**Response:** The Forest Service provided tallies of the number of respondents to solicitations for public comment in response to media and Congressional requests. This information is public record and therefore available for dissemination upon request.

***63. The Forest Service should clarify the relative importance of form letter comments in the content analysis process. Are concerns and signatures on a form letter of less significance than individual letters?***

**Response:** Of the more than 517,000 responses received in response to the solicitation of scoping comments (October 19, 1999 through May 8, 2000), about 60% responses were duplicative of about 300 form letters or postcard campaigns. Of the more than 1,155,000 responses received in response to release of the proposed rule and DEIS (May 9 through July

17, 2000), about 97% were duplicative of about 310 different form letters or postcard campaigns.

The content analysis process places equal value on each comment received from the public. The origin of the comment, the number of times it is repeated, and the format in which it is presented are not relevant. Each unique concern has value because the focus of content analysis is content, not volume.

*End of Involvement Section*

## 5. LANDS

Definitions1 .....	43
Non-Federal Real Property Rights .....	43
Land Adjustments: Acquisition and Exchange .....	44
Access to Public Land .....	44
Special Uses .....	45
Utility Corridors .....	46
Land Use Rents .....	47
Cumulative Effects .....	47

### Definitions

**1. The Forest Service should specify the reference of the word “treaty” in the DEIS.**

**Response:** In the DEIS and FEIS the Forest Service is referring to treaties with American Indians.

**2. The Forest Service should define the term “valid” when used to describe access to public or private land within roadless areas; and**

**3. The Forest Service should clarify the definition of “valid existing rights.”**

**Response:** “Valid existing rights” was a term used in the DEIS to collectively describe rights that exist pursuant to reserved or outstanding rights or as provided by statute or treaty. We have removed the term valid existing rights from the FEIS. The FEIS refers to rights to use and occupy National Forest System (NFS) lands, as rights granted pursuant to a reserved or outstanding right or as provided by statute or treaty. The FEIS continues to use the term “valid” in reference to access pursuant to ANILCA or R.S. 2477 assertions. See Response 4.

### Non-Federal Real Property Rights

**4. The Forest Service should honor R.S. 2477 claims.**

**Response:** Future claims and existing rights under Revised Statute (R.S.) 2477 will not be affected by this rule. There are exceptions to the prohibition on road construction and reconstruction in inventoried roadless areas. One exception is a road needed pursuant to reserved or outstanding rights or as provided by statute or treaty (section 294.12 of the proposed rule, paragraphs (a), (b), and (b)(3) on

DEIS p. A-27.) The DEIS disclosed that under all alternatives, the use and occupancy of NFS lands as part of a valid existing right would be accommodated in all inventoried roadless and unroaded areas (DEIS p. 3-140). The FEIS removed the collective term “valid existing rights.” See Response 3.

R.S. 2477 rights pre-date the designation of NFS lands, and rights must be exerted by a public road authority. Therefore, even though R.S. 2477 was repealed with passage of the Federal Land Management and Policy Act of 1976, the rights that preexisted the establishment of the national forest or grassland remain. The Forest Service recognizes valid R.S. 2477 rights-of-way as outstanding rights. See Response 43 in the Roads section.

**5. The Forest Service should consider the impacts of the proposed rule on in-holdings, access to in-holdings and adjacent private, Tribal and non-Federal lands, including State Lands.**

**Response:** The alternatives described in the DEIS are only applicable to National Forest System lands within inventoried roadless areas and unroaded areas as defined in the DEIS, Volume 1 and Volume 2 (Maps). Additionally, responsible officials may authorize road construction or reconstruction in inventoried roadless areas when needed pursuant to reserved or outstanding rights or as provided for by statute or treaty such as the Alaska National Interest Lands Conservation Act (ANILCA) (DEIS p. 3-140). These rights would continue to be recognized under all alternatives.

The DEIS further described (p. 3-140) that landowner access need not be the most direct, economical, or convenient route for the landowner. Pursuant to Title 36 Code of Federal Regulations 251, Subpart D, the authorized officer shall authorize such access deemed adequate to secure the landowner the reasonable use and enjoyment of their land. Adequate access may not be a road access in all cases, and alternative modes of access may be considered. If a landowner has an alternative mode of access, the Forest Service is not obligated to authorize access. Reasonable access would continue to be determined on a case-by-case basis under all alternatives. In addition, the cost to construct, reconstruct and/or maintain access to non-Federal lands is usually incumbent upon the non-Federal landowner and not the agency.

**6. *The proposed rule at section 294.12(b)(3) should be rewritten to reflect Forest Service authority to regulate (under ANILCA) the means of access to private in-holdings in inventoried roadless areas, to non-motorized means and deny applications to construct and reconstruct roads in these areas.***

**Response:** The Forest Service recognizes valid ANILCA access as a statutory right. The DEIS (p. 3-140) identified that valid ANILCA rights of access would be recognized by the proposed rule. The regulations proposed in the rule cannot supersede rights granted in statute. See also Response 5 in this section.

## **Land Adjustments: Acquisition and Exchange**

**7. *The Forest Service should acquire all in-holdings.***

**Response:** The Forest Service has authority to acquire lands through direct purchase and equal value exchange. The Forest Service has an active land adjustment program working with voluntary, willing sellers. The analysis in the FEIS is expanded to address the effects of the proposed rulemaking on land acquisitions. However, the broad issue of acquiring in-holdings is outside the scope of this rulemaking and environmental analysis.

**8. *Any land trades from or to roadless areas should be critically analyzed by a team of qualified neutral professionals with the authority to pass or reject the proposal.***

**Response:** The Forest Service agrees that a team of qualified professionals should analyze land exchange proposals. Therefore, Forest Service land exchange proposals are analyzed through the National Environmental Policy Act (NEPA) process. Pursuant to NEPA, the Forest Service analyzes land exchange proposals using an interdisciplinary team approach. These teams typically consist of professionals from various natural resource fields. In addition, the process provides for extensive public involvement and participation in providing input and comment prior to any decision to approve a land exchange. Land exchanges that may involve lands identified within the Roadless Area Conservation rule would continue to be critically analyzed under the agency's procedures pursuant to NEPA.

The FEIS analysis is expanded to address the effects of the proposed rule on landownership adjustments. However, the broad issue of the land exchange analysis process is not within the scope of this rulemaking and environmental analysis.

**9. *The Forest Service should consider the changes and hardships the eminent right of public domain caused in the Southern Appalachians and apply this to present private landowners.***

**Response:** The Forest Service recognizes the impacts of exercising the right of eminent domain and does not propose invoking those rights with this rule. Exercising the right of eminent domain is not within the scope of this rulemaking and environmental analysis.

**10. *The Forest Service should do a better job evaluating and appraising properties for land exchanges.***

**Response:** The Forest Service may use land exchange and direct purchase acquisitions to acquire non-Federal parcels within NFS lands to enhance existing natural resources, or reduce management costs to the public due to boundary irregularities or other in-holding issues. The FEIS analysis was expanded to describe the effects of the proposed rule upon landownership adjustments.

However, the broad issue of land adjustment practices of evaluation and appraisal is not within the scope of this rulemaking and environmental analysis.

**11. *The Forest Service should address the impacts of the proposed rule on private property values.***

**Response:** The prohibition alternatives would not affect private property values. The past inventories and identification of roadless areas has already had the effect of increasing the market value of the private property if that property is within or adjacent to an inventoried roadless area. However, there would be no such effect if the private property does not share a common boundary with National Forest System lands.

## **Access to Public Land**

**12. *The Forest Service should address access to public land through private land.***



**Response:** Securing reasonable public access to National Forest System lands is a goal of the Forest Service. An April 1992, General Accounting Office (GAO) Report concluded that approximately 17 million acres of National Forest System lands have inadequate access.

The Forest Service will continue to emphasize the importance of the rights-of-way acquisition program; however the broad issue of acquiring access to public lands through private lands is not within the scope of this rulemaking and environmental analysis. See also Response 8 in the Roads section of this volume.

**13. Clarify how this proposal will affect access to and use of lands acquired in the future.**

**Response:** The Forest Service sometimes acquires private, State, or other Federal land adjacent to or surrounded by National Forest System land by exchange, purchase, or other means. In the future, some lands within or adjacent to inventoried roadless areas could be acquired to consolidate NFS lands and make their management more consistent with the overall management of the roadless area. For lands acquired through *exchange*, Forest Service regulation provides that lands within areas having an administrative designation set through the forest and grassland planning process, shall automatically become part of the area within which they are located, and shall be managed in accordance with the laws, regulations, and land and resource management plans applicable to the area (36 CFR 254.3(f)). For lands acquired through *purchase or other means*, Forest Service policy provides similar direction. Under the alternatives, any existing access to acquired lands would be unchanged. Access to lands acquired in the future would be subject to local forest and grassland planning, and project planning, consistent with the Roads Policy, the new Planning Regulations (36 CFR 219), and the NEPA regulations and procedures, including public participation.

**14. Access to public lands is being jeopardized by the proposed rules governing Cost Recovery for Processing Special Use Applications and Monitoring compliance with special use authorizations.**

**Response:** On November 24, 1999, the Forest Service published for notice and comment proposed regulations to recover costs for processing special

use applications and monitoring compliance with special use authorizations. The comment period closed on March 9, 2000. The agency received 602 individual responses to the proposed cost recovery regulations and is currently evaluating the issues and concerns these respondents raised, including the issues raised by this respondent. The Forest Service expects to have published final cost recovery regulations in the fall of 2000.

The broad issue of cost recovery regulations is not within the scope of this rulemaking and environmental analysis.

## Special Uses

**15. When the Forest Service issues permits for certain activities, they should ensure those activities will enhance the land for our society in the long run.**

**Response:** The Forest Service agrees that uses authorized on National Forest System lands should be for appropriate uses and properly administered to minimize impacts to natural resources. On November 30, 1998, the agency adopted a revision to its special use regulations found in Title 36 Code of Federal Regulations that formalized a screening process to ensure that requests to use NFS lands are appropriate.

The specific concern is beyond the scope of this rulemaking and environmental analysis.

**16. The Forest Service should reword for grammatical purposes, the first sentence of paragraph five on p. 3-141 of the DEIS, regarding limited effects to non-recreation special uses.**

**Response:** We have expanded the paragraph in the FEIS regarding non-recreation special uses. The first sentence in question in the DEIS was intended to read: “Under all action alternatives, potential effects on non-recreation special uses within inventoried roadless areas would be limited.” The sentence has been corrected for grammar.

**17. The Forest Service should clarify whether the proposed rule would restrict access to Snowtel sites (access is usually by snowmobile), or other similar uses authorized under a special use permit.**

**Response:** The proposed rule would not suspend or

modify any existing permit, contract, or other legal instrument authorizing the use and occupancy of NFS land (DEIS, Appendix A, p. A-27). Use of existing roads included as part of an authorized use or occupancy would be continued as provided in the authorization. No existing roads or trails would be closed as a result of the proposed rule. Whether or not to allow off-highway vehicle (OHV) use on national forest and grasslands is beyond the scope of this rulemaking and environmental analysis. See also Response 6 in the Roads section, under Access.

***18. The proposed rule should comply with special use evaluation criteria in the Code of Federal Regulations, Part 251, Subpart B – Special Uses (36 CFR 251).***

**Response:** The proposed rule does not conflict with the regulations governing special uses found at 36 CFR 251. The screening criteria identified in regulation are used to screen proposals to better identify if the proposal is an appropriate use of NFS lands. Successfully meeting the screening criteria does not imply that a use will be approved and authorized. Decisions on formal applications for use and occupancy of NFS lands are determined by Forest Service procedures pursuant to NEPA.

***19. The Forest Service should analyze the economic effects of the proposed rule on railroad companies.***

**Response:** The Forest Service conducted a data call to each national forest and grassland requesting information on planned or anticipated projects that would necessitate the construction or reconstruction of a road in inventoried roadless areas before 2005. Review of this data indicated no requests for railroad construction in inventoried roadless areas.

Under all action alternatives, non-recreation special uses including railroads may be authorized in inventoried roadless areas if the use could be accommodated without road access and the use and occupancy is consistent with the management objectives of an area's roadless values.

A cumulative effects discussion on non-recreation special uses has been added to the FEIS. The analysis shows that the economic, social, and biological impacts are believed negligible given the limited number and small scope of non-recreation special use requests that are likely to be affected by the rulemaking.

***20. Existing non-recreation special use facilities that reside within or adjacent to inventoried roadless areas, including the Hat Creek Observatory, should be exempt from the rulemaking and allowed to expand facilities into inventoried roadless areas.***

**Response:** The proposed rule would not suspend or modify any existing permit, contract, or other legal instrument authorizing the use and occupancy of NFS lands (DEIS, Chapter 2) including uses that are currently authorized within an inventoried roadless area. Under the action alternatives, new construction or projects proposed outside an existing special use authorization boundary, including the proposed Hat Creek Observatory expansion, Lassen National Forest, could be subject to the prohibitions; it would depend on the design, method of construction, location, and proposed implementation of the project.

Expansion or new construction, inside or outside a special use authorization boundary, could occur in an inventoried roadless area provided that expansion or construction was addressed in an environmental analysis and approved by a signed NEPA decision document before implementation of the rule. Currently, the Hat Creek Observatory expansion proposal is in a conceptual planning phase and has not yet been analyzed pursuant to Forest Service procedures under NEPA, and thus has not received approval.

## Utility Corridors

***21. The roadless area rule should not interfere with the building, maintenance, or operation of electrical facilities.***

**Response:** The proposed rule would not suspend or modify any existing permit, contract, or other legal instrument authorizing the use and occupancy of NFS lands (DEIS, Chapter 2). Use of existing roads included as part of an authorized use or occupancy would be continued as provided in the authorization. No existing roads or trails would be closed as a result of the proposed rule. The prohibitions on road construction and reconstruction described in the alternatives do not include a prohibition on road maintenance. Therefore, existing uses are not precluded from using existing roads for the operation and maintenance of the authorized facilities. Whether

or not to allow OHV use on national forest and grasslands is beyond the scope of this rulemaking and environmental analysis. See also Response 6 in the Roads section, under Access.

The FEIS includes additional analysis that describes effects upon proposed utility corridors in inventoried roadless areas.

***22. The Forest Service should expand the “public health and safety” exemption at Section 294.12(b)(1) of the proposed rule, to accommodate access to utility facilities, to ensure operation of these facilities for public health and safety.***

**Response:** Under the range of alternatives analyzed in the DEIS Chapter 3, no existing roads or trails would be closed as a result of the prohibitions, including roads and trails that may access authorized utilities. See also Response 6 in the Roads section, under Access.

Exemptions in the proposed rule have been clarified and expanded to better address health and safety concerns associated with existing roads.

## **Land Use Rents**

***23. The Forest Service is collecting too much land use rent and should do activities that don’t cost so much.***

**Response:** Land use rents are deposited in the General Treasury and are not retained by the agency. Land use rents are unrelated to funding priorities and are outside the scope of this rulemaking and environmental analysis.

## **Cumulative Effects**

***24. The Forest Service must develop a Cumulative Effects section to Real Estate Management.***

**Response:** A cumulative effects section has been added to the FEIS for Real Estate Management.

*End of Lands Section*

## 6. LANDSCAPE ECOLOGY

General.....	48
Biodiversity.....	52
Cumulative Effects.....	54
Fire Ecology.....	55
Research and Monitoring.....	55
Restoration.....	56
Scale of Analysis.....	57
Science.....	57
Size and Distribution.....	58
Special Designated Areas.....	59

### General

***1. The Forest Service priorities should be shifted from resource extraction to resource conservation.***

**Response:** The Forest Service is directed by laws including the Organic Act of 1897, the Multiple-Use Sustained Yield Act of 1960, and the National Forest Management Act of 1976. Within that direction, the agency has been in the process of shifting its conservation priorities for more than a decade. These changes were described throughout the DEIS. For example, timber harvest on the national forests has declined from more than 11 billion board feet in 1987 to 2.2 in 1999 (DEIS p. 3-114), and an increasing number of timber sales are designed to accomplish stewardship purposes (DEIS pp. 3-11 and 3-112; FEIS Chapter 3). These changes are also reflected in the Forest Service Natural Resource Agenda, new Planning Regulations (36 CFR 219), the proposed Roads Policy, and other initiatives described in the cumulative effects section of the DEIS and FEIS.

***2. If resource extraction is allowed, then the techniques used should minimize the destruction of the forests.***

**Response:** The Forest Service considers environmental effects of its activities during forest and grassland and site-specific project planning. The Forest Service plans and implements activities consistent with applicable laws and regulations, including the National Forest Management Act, the Endangered Species Act, the National Environment Policy Act, and the Clean Water Act. The proposed rule specifically addresses the effects of prohibiting timber harvest, road construction, and road

reconstruction. The overall potential effects of timber harvest and roads, and the effects of prohibiting these activities in inventoried roadless areas were described in Chapter 3 of the DEIS and FEIS.

Proposed activities such as road building or timber harvest outside inventoried roadless will be analyzed site-specifically at the local level.

***3. Do not cite agricultural land lost to urban sprawl as a reason for restricting road building and timber harvest on roadless areas in national forests; they are two separate issues.***

**Response:** The reference to cropland in Chapter 1 (p. 1-3) of the DEIS was to help provide an explanation of why demand for open space recreational experiences on public land is increasing. Based on the available literature, this growing demand appears to be at least partly related to an increasing human population and declining open spaces in the private sector due to urbanization of private land. The FEIS contains an expanded discussion of land conversion in the U.S. from rural to urban uses, and the relevance of this trend to roadless area conservation.

***4. The Forest Service should address whether the real goal of this proposed rule is to save ecosystems or to appease environmentalists while still allowing destructive activities to continue.***

**Response:** The purpose and need section of the DEIS (pp. 1-10 through 1-12) described the goals of the roadless conservation proposal. The intent of the proposal is to protect roadless areas by prohibiting activities that pose the greatest risk to roadless characteristics: road construction, reconstruction, and in some cases, timber harvest. Decisions about specific activities not prohibited by this proposal, within inventoried roadless areas and unroaded areas, will be made locally with full public involvement under the new Planning Regulations (36 CFR 219). See also Response 5.

***5. Many activities, including road construction, threaten the health and integrity of the ecosystem. The Forest Service should restrict these activities.***

**Response:** A number of comments requested prohibitions on a wide variety of activities that they felt damaged ecosystems. Rationale for limiting the scope of the prohibition alternatives was outlined in the DEIS in Chapter 1 and Chapter 2.

Chapter 1 (pp. 1-10, 11, Purpose and Need) stated:

*... only those uses and activities that are likely to significantly alter landscapes and cause landscape fragmentation on a national scale be considered for prohibition in this proposal.*

*Other activities identified by the public, such as motorized vehicle use, grazing, mining, and developed recreation facilities, were determined by the agency to either not pose the same level of national risk for adversely impacting roadless areas, as do road construction, reconstruction, and timber harvesting, or some of these activities, such as mining, are already governed by law.*

Chapter 2 (p. 2-18), the second and third paragraphs, provided the rationale for limiting the scope of prohibited activities to those described in the alternatives:

*The scope of prohibition actions considered in detail has been limited to road construction, road reconstruction, and timber harvesting because these activities pose disproportionately greater risks of alteration and fragmentation of natural landscapes....*

*In addition, data on uses in roadless areas including OHVs, rights-of-ways, and special uses, are not available, nor have the protocols been established for collecting this information. Until the protocols are established and these data are available, it is premature to address these other uses at this time.*

**6. Restricting access and use of some areas will concentrate uses in other areas, which will lead to more environmental damage than if the uses were dispersed.**

**Response:** There are currently over 380,000 miles of roads in the National Forest System. The projected miles of road that will not be constructed because of this rule is less than 1% of the existing roads within the National Forest System. Therefore, the overall effect of the rule on access would be limited. The rule does not restrict existing access in inventoried roadless areas, and therefore does not shift existing human uses from these areas to other areas. The road prohibition would not allow for expansion of roaded recreation into inventoried roadless areas, so

increased congestion in existing roaded areas is possible in the future. A majority of the projected timber harvest (220 million board feet annually) that would not be harvested under the alternatives would not be replaced on other NFS lands, so potential effects of timber harvest are not likely to be concentrated in other areas of the NFS. Adverse environmental effects that could result from concentrated or shifting of human use are addressed through local management decisions, either during forest and grassland planning or during site-specific project planning. The effects of restricting future roaded access and related human uses in inventoried roadless areas were discussed in the DEIS, and have been expanded in the cumulative effects section in the FEIS.

**7. Natural phenomena cause more environmental damage than human recreational or commercial activities, so restricting human activities will not solve these environmental problems.**

**Response:** The important role of disturbance processes in shaping ecological systems is well described in the scientific literature. See the References Cited section in the FEIS for a partial list. Typically, disturbance is characterized by type, frequency, intensity, and size. Current literature suggests that human disturbance should be within historical or “natural” levels in order to maintain the full suite of native plants and animals. The impacts on ecosystems from recreational activities and natural disturbances such as wildfires are discussed in the biodiversity cumulative effects section of Chapter 3 in the FEIS. The DEIS (p. 3-92) discussed the high level of extinction rates associated with relatively recent human activities.

**8. The proposal would trigger the need for alternatives to wood and paper products with resulting adverse environmental consequences.**

**Response:** The timber offer affected by Alternatives 2 through 4 is less than 0.5% of total U.S. production (DEIS p. 3-189). The DEIS recognized there would likely be some substitution of timber from private or foreign lands (DEIS p. 3-243) from implementing the alternatives, but the overall effect would be small. The supply to replace this amount could be made up from both domestic and imported sources. It is possible that any shortfall could be made up for by alternatives to forest products, but the amounts are unknown. Additional recycling could also

compensate for the predicted reduction from the national forests.

***9. Roads should not be banned except where necessary; and***

***10. Ending road building will not solve any problems.***

**Response:** The DEIS considered the option of allowing road construction in all inventoried roadless areas (p. 2-17). The DEIS also considered allowing new roads in some geographical areas, and for some selected activities (DEIS p. 2-20). Alternatives 2 through 4 restrict road construction in inventoried roadless areas; in some of these areas the applicable forest or grassland plan currently allows new road construction. Those alternatives were considered in detail in the effects analysis (DEIS Chapter 3). Chapter 3 described the beneficial and adverse effects of allowing and of prohibiting road construction. This description has been updated in the FEIS.

***11. The Forest Service should use the Northern Rockies Ecosystem Protection Act as a template for realistic ecosystem protection to be applied throughout our nation.***

**Response:** The decision on whether to enact the proposed Northern Rockies Ecosystem Protection Act (NREPA) would be made by Congress. Thus far, this bill has not been passed. The NREPA was not used as a template for analysis in the DEIS. The NREPA, this proposed rule, and other current and proposed laws and regulations seek to conserve biodiversity because of its ecological significance. Analyses of the effects of the prohibitions on biodiversity considered connectivity, fragmentation, size and types of habitat protected, risk of nonnative invasive species establishment, and conservation of habitat for threatened, endangered and proposed species (DEIS pp. 3-47 through 3-97). See the specialist reports: *Landscape Analysis of Inventoried Roadless Areas and Biodiversity (May 2000)*, *Analysis of Effects to Terrestrial and Aquatic Species (May 2000)*, and *Analysis of Effects for Biological Resources on the Tongass National Forest (May 2000)*. The FEIS has updated this analysis.

***12. The Forest Service's roadless area conservation project contributes important environmental values.***

**Response:** The benefits of roadless area conservation are part of the purpose and need described in Chapter 1 of the DEIS on p. 1-10. These values were described in detail in Chapter 3 of the DEIS on pp. 3-21 through 3-110.

***13. The Forest Service should preserve ecosystems by establishing laws without loopholes.***

**Response:** The DEIS analyzed a wide array of alternatives to decide how best to protect roadless characteristics of inventoried roadless areas on National Forest System lands. The diversity of landscapes and uses on these lands requires some exceptions to deal with legal matters that override agency authority, such as outstanding rights of citizens to access private in-holdings, and to respond to emergency needs, such as flood or fire response. These few exceptions were listed on p. A-27 of the DEIS. This list has been expanded in the FEIS.

***14. The Forest Service should consider the fact that the importance of roadless areas does not follow solely from their being roadless, but from the contribution they make to wildlife, watersheds, fisheries, habitat, and recreation, etc.***

**Response:** All of these factors were considered in the analysis (DEIS pp. 3-20 through 3-97; 3-117 through 3-141).

***15. The Forest Service should not intervene, but should allow forests to remain wild and let nature manage itself.***

**Response:** The DEIS considered the inherent values of roadless areas (devoid of road construction or timber harvest). A discussion of active and passive (natural) management has been added to the fire management section of the FEIS. For further information regarding this concern, see Responses 61 and 63 in the Social section.

***16. National Forests should be kept in a pristine, natural condition to ensure more ecological balance between the open and the naturally forested spaces; and***

***17. The Forest Service should prevent sectioning of the few remaining roadless forests by roads.***

**Response:** The national forests and grasslands are managed under the multiple-use concept that allows

a wide range of management options across its 192 million acres. Currently about 35 million acres are in Congressionally-designated Wilderness. Another 58.5 million acres are currently in some form of inventoried roadless area status. The DEIS analyzed the effects of prohibitions on road construction and reconstruction and timber harvest on inventoried roadless area characteristics and values.

**18. The Forest Service should not assume that human activity negatively impacts the resource.**

**Response:** The social, economic, and ecological effects of human activity under a full range of alternatives are analyzed and described in Chapter 3 of the DEIS and FEIS.

**19. The Forest Service must protect and preserve our roadless areas as they are important to the survival of the human species.**

**Response:** The reasons for the proposal to conserve roadless areas were described in the purpose and need in Chapter 1. The ecological, social, and economic importance of roadless areas to humans was addressed in the affected environment and consequences in Chapter 3. See also Response 31.

**20. The Forest Service parks, trails, and roads should not be removed until it can be proven that they kill flora and fauna.**

**Response:** None of the alternatives would close any parks (that is, campgrounds and related facilities), roads, or trails that already exist. Any decision to do so would be at the local level after a forest or grassland plan or site-specific project analysis with full public participation. The Forest Service's proposed Roads Policy would establish procedures for addressing management of existing roads.

**21. The Forest Service should conserve non-renewable landscapes by not harvesting trees like the Tongass has done.**

**Response:** The DEIS analyzed a broad array of alternatives to address management of inventoried roadless areas and unroaded areas across the national forests and grasslands. The effects of these alternatives were disclosed in detail in Chapter 3. The alternatives consider a mix of no-action and action alternatives that place a range of limits on road construction, reconstruction, and timber harvest

in the inventoried roadless areas. Because the agency has made the decision on procedures for roadless areas in the new Planning Regulations (36 CFR 219), the FEIS has modified its range of alternatives to include only the prohibitions, and the exemption possibilities for the Tongass.

**22. The Forest Service should apply "good husbandry," an old English word meaning "to-husband," to care, tend, plan and be willing to protect and pass on this precious environmental heritage to the next generation – intact. This is different from stewardship that means to manage another's property, finances, etc. as an administrator or supervisor.**

**Response:** Stewardship is defined in the DEIS (pp. G-6 and G-7). Husbandry is not a term that was used in the DEIS. However, it is the intent of the Forest Service to protect and pass on a valuable heritage found in some of the last remaining roadless areas in its jurisdiction, as described in the purpose and need for the proposal (DEIS p. 1-10).

The debate over roadless areas has been ongoing for over 100 years. It has become clear over the past 20 years that the RARE II process did not fully resolve this issue, nor have other large-scale assessments such as the Northwest Forest Plan. Appeals, litigation, and protests continue. The Roadless Area Conservation proposal is designed to bring closure to this debate so the agency can focus its limited resources on management of a wide array of issues in high priority areas to meet the needs of the American public. The DEIS presented a wide array of alternatives to address these roadless areas and resolve the debate and controversy.

**23. The Forest Service should clearly state the overarching long-term goal of the proposed rule.**

**Response:** The purpose and need for the Roadless Area Conservation Project was described in the DEIS (pp. 1-1 through 1-3) and in the preamble to the proposed rule (pp. A-4 to A-5).

**24. The Forest Service should include uninventoried roadless areas near the Sawtooth roadless complex of the Gifford Pinchot National Forest.**

**Response:** There is currently no inventory of unroaded areas; therefore it was not possible or

appropriate to include them in the alternatives and this analysis. Rather, unroaded areas will be identified during local forest and grassland planning under the new Planning Regulations (36 CFR 219).

**25. *The Forest Service should use findings from the World Wildlife Fund Klamath/Siskiyou project to manage roadless areas in Region 6.***

**Response:** These findings along with other pertinent information were considered in the biodiversity analysis of the DEIS. This information will be available to local managers when considering management of roadless areas in the Pacific Northwest Region (Region 6).

**26. *The Forest Service should completely rewrite Ecological Factors in the Draft EIS in an objective manner, providing specific quantitative analysis and evidence.***

**Response:** We have revised the ecological factors section in the FEIS.

**27. *The Forest Service should ensure protection of the San Joaquin roadless area.***

**Response:** The San Joaquin roadless area on the Sierra National Forest is included within all the prohibition alternatives in the FEIS.

**28. *The Forest Service should clarify its authority to designate conservation reserves.***

**Response:** The Forest Service is not designating conservation reserves in this FEIS. This term has been used in the analysis to describe many of the conservation values that would be protected in roadless areas.

**29. *The Forest Service should clearly distinguish between conservation and preservation. The project is too focused on preservation (no use) rather than conservation (wise use).***

**Response:** We reviewed and clarified the choice and application of these words where needed throughout the FEIS.

## Biodiversity

**30. *The Forest Service should designate roadless areas based on their biological value, not on their roaded status.***

**Response:** Roaded status was just one criteria used to identify inventoried roadless areas. The Forest Service has conducted evaluations of the biological and social values of inventoried roadless areas in RARE, RARE II, forest and grassland planning, regional assessments, and in this EIS. The new 36 CFR 219 Planning Regulations provide direction on evaluating inventoried roadless areas and unroaded areas during forest and grassland plan revisions.

**31. *The Forest Service should protect roadless areas in order to protect and preserve their biodiversity, genetic reservoirs, and the reserves of medicines, food, and other resources they represent.***

**Response:** Genetic composition was recognized as an important part of biodiversity in the DEIS. The effects of habitat fragmentation on genetic diversity were described on pp. 3-47, 3-82, and 3-89.

**32. *No further lands need to be set aside for ecological purposes by the Forest Service. The President’s Plan of these areas (Northwest forests) found them lacking in the ecological values needed to warrant long-term preservation.***

**Response:** The Northwest Forest Plan (NWFP) analyzed inventoried roadless areas and acknowledged the ecological value of these areas in several places. For example, page 3&4-64 of the NWFP stated: “roadless areas, are also important in terms of maintaining and restoring ecosystem processes and functions throughout the range of the northern spotted owl.” Page 3&4-70 stated: “To protect the highest quality habitat in Key Watersheds, all alternatives except 7 and 8 [alternative 9 was selected] stipulate that no new roads will be constructed in inventoried roadless areas within Key Watersheds....” Page 3&4-280 stated: “Currently there are approximately 3 million acres (Table 3&4-47) of inventoried roadless areas on Forest Service administered lands within the planning area, although a small portion of these have been roaded since the RARE II inventory. Roadless areas provide diverse, undisturbed habitats for fish and wildlife, and can be especially important for species sensitive to human disturbance. For



recreationists, roadless areas offer opportunities not available in more developed settings. Streams in roadless areas are often a source of high quality water for communities.”

**33. *The Forest Service should provide stronger protection for biodiversity than is proposed in the DEIS and the “Preferred Alternative.”***

**Response:** The Forest Service analyzed a wide range of alternatives and their effects on biodiversity (DEIS pp. 3-47 through 3-69). Alternative 2, which was the preferred alternative in the DEIS, would prohibit road construction and reconstruction except in the few cases where laws may override this proposed rule or for public health and safety. The exceptions from the prohibitions (DEIS p. 2-4) will have little effect on the overall conservation of roadless areas. The DEIS considered Alternatives 3 and 4, more restrictive alternatives than Alternative 2. It also considered alternatives that would prohibit more activities than road construction and timber harvest but eliminated them from detailed study for the reasons described in the DEIS (pp. 2-15 through 2-20).

**34. *The Forest Service should preserve roadless areas because they are important to the health and well being of ecosystems.***

**Response:** The value of roadless areas for ecosystem health is analyzed in the Ecological Factors section of the Affected Environment and Environmental Consequences chapters of the DEIS and FEIS.

**35. *The proposed rule will not benefit biodiversity in the long term because of potential for wildfire in roadless areas.***

**Response:** Fire is a natural component of ecosystems and can have beneficial effects on wildlife habitat and biodiversity. The effects on biodiversity from uncharacteristic wildfire, fires that may harm habitat, were discussed in the DEIS (pp. 3-58; 3-59; 3-66; 3-69). The discussion of fire effects on biodiversity has been expanded in Chapter 3 of the FEIS.

**36. *The Forest Service should develop a management plan that assures wildlife corridors between key Wilderness areas; and***

**37. *The Forest Service should permanently protect important roadless areas, such as those around the***

***Skagit River Bald Eagle Natural Areas because of its importance as a biological corridor.***

**Response:** Establishment of corridors was not a stated objective of this proposal. However, corridors are important for many species; especially for connecting isolated habitats. Connectivity was discussed in the DEIS on pp. 3-56 through 3-59 and on p. 3-65. Over 34% of the inventoried roadless areas are adjacent to Wilderness areas (DEIS p. 3-61). Inventoried roadless areas greatly improve the connectivity between Wildernesses (DEIS pp. 3-63 through 3-65) in the example of grizzly bear recovery areas. A site-specific analysis of all the species benefited by corridors was not done in this national-level EIS. The specific local characteristics such as the Skagit River Bald Eagle Natural Area would be considered in forest and grassland planning at the local level.

**38. *The Forest Service should consider the aesthetic experience that old-growth forest offers and that are not present in other management areas.***

**Response:** Restrictions on logging in inventoried roadless areas are part of Alternatives 3 and 4 as analyzed in the DEIS and FEIS. Local forest and grassland planning processes would consider the option to conserve older trees within roadless and unroaded areas for a variety of site-specific values including aesthetic ones.

**39. *The Forest Service should address the effects of the proposed rule on loss of vegetative diversity and water availability due to encroachment of conifers in the Targhee and Beaverhead National Forests.***

**Response:** The prohibition on timber harvest in the proposed rule is not likely to have a significant affect on conifer encroachment occurring on the almost 5.2 million acre Targhee and Beaverhead-Deerlodge National Forests. These forests have projected very little timber harvest (about 1 million board feet combined per year) from inventoried roadless areas over the next five years. This amount of vegetation removal is likely to have little to no effect on the effects of conifer encroachment on landscape vegetative diversity. The DEIS section on watershed health, particularly the subsection on water quantity and timing (pp. 3-23 through 3-26), addressed the concern about water in detail. The last two paragraphs on p. 3-24 focused directly on this

question. In summary, the volume of water consumed by encroaching conifer vegetation would not be detectable, particularly in semi-arid portions of the intermountain west.

**40. *The proposed rule should more clearly distinguish between natural and human caused fragmentation.***

**Response:** Human-caused fragmentation was discussed in the DEIS (pp. 3-56 through 3-59). Natural fragmentation was discussed on p. 3-227. The distinction between human caused and naturally occurring fragmentation has been clarified in Chapter 3 of the FEIS.

**41. *The Forest Service should apply a landscape/ecoregion approach to biodiversity protection.***

**Response:** The relationship between inventoried roadless areas and landscape characteristics (ecoregions, elevation, size, adjacency, connectivity, etc.) were analyzed in the biodiversity section of Chapter 3 (DEIS pp. 3-47 through 3-69). While inventoried roadless areas greatly improve the conservation of biodiversity, significant gaps remain in the representation of habitats nationally.

**42. *The Forest Service should only manage areas below 2500 feet in elevation.***

**Response:** National Forest System lands cover a full range of elevations from sea level to well over 12,000 feet elevation. Inventoried roadless areas likewise cover the full range of elevations. The Forest Service is legally responsible for the management of all of these lands.

**43. *The proposed rule should consider the management of other adjoining roadless areas.***

**Response:** The Special Designated Area section of the FEIS discusses all classes of land (special designated areas) that are similar to inventoried roadless areas within the NFS. The landscape analysis of biodiversity considered the extent of inventoried roadless areas adjacent to other special designated areas such as Wilderness. This analysis is described in the FEIS section on Biodiversity and in the specialist report available on the roadless web site (*Landscape Analysis of Inventoried Roadless Areas and Biodiversity, May 2000*). The science

paper (DeVelice and Martin, 2000) cited in the FEIS was used in the analysis and contains information for all lands in the U.S. Management of unroaded areas will be addressed by local decision-makers.

## Cumulative Effects

**44. *The Forest Service should address the resource pressures the proposed rule would place on global forests.***

**Response:** The FEIS has an expanded description of effects of the alternatives on lands outside the U.S. in the cumulative effects discussion of the FEIS Chapter 3. While most of the timber and other forest products imported into the United States today come from Canada, the timber harvest volume affected by Alternatives 2 through 4 is less than 0.5% of total U.S. production (DEIS p. 3-189). The DEIS recognized that there is likely to be some substitution of timber from private or foreign lands (DEIS p. 3-243) from implementing the proposed rule, but the overall effect on imports would be small. Imports would continue mainly from Canada, with minor amounts from Chile and New Zealand.

**45. *The cumulative effects analysis ignores the biological and ecological components of the forests and does not give adequate information regarding the true consequences of the proposal for any area; and***

**46. *The Forest Service should address the cumulative effects of the different timber harvesting alternatives on drinking water, wildlife, air quality, etc.***

**Response:** The direct, indirect, and cumulative effects analyses for these and other resources has been expanded in Chapter 3 of the FEIS.

**47. *The Forest Service should promote wise use management on Forests internationally.***

**Response:** The Timber cumulative effects section of the FEIS addresses the issue of increasing imports caused from increased demand and reductions in production from U.S. forests. The Forest Service International Forestry program does work with other countries on issues of sustainability, but they have no decision authority in other countries and can only advise them.

## Fire Ecology

### *48. The Roadless Area Conservation DEIS should address the fact that ecosystems are dynamic.*

**Response:** This was discussed in Chapter 3 of the DEIS. We have expanded the descriptions of the dynamic nature of ecosystems in Chapter 3, “Ecological Factors” section of the FEIS.

### *49. The Forest Service should develop plans for managing large scale disturbances in roadless areas.*

**Response:** This level of analysis and planning is beyond the scope of this EIS. Research and planning efforts to improve the agency’s ability to address wildland fire and other large-scale disturbances are underway at multiple levels of the agency.

### *50. The Forest Service should justify its claim that roadless areas are better able to respond to natural disturbances than roaded areas.*

**Response:** There is less human-caused disturbance in roadless areas than in roaded areas. Therefore, in general, many natural ecosystems are more resilient to natural disturbance events than human-altered ecosystems would be. For example, because roadless areas are generally large and often adjacent to other special designated areas such as Wilderness, wildfire has been allowed to play more of a natural role in roadless areas than in roaded areas. It is reasonable to expect that wildfire will continue to play more of a natural role in these larger areas. See the Fire section of Chapter 3 of the FEIS for more specifics on this topic.

## Research and Monitoring

### *51. The Forest Service should manage natural resources in such a way as to serve as an example to emerging nations.*

**Response:** This concern is not considered to be within the scope of the NOI or the proposed action in the DEIS. However, the agency is recognized internationally for its leadership and innovation in sustainable ecosystem management. The proposed rule is consistent with ecosystem management principles and with the agency’s legislative authority, mission, and draft strategic plan.

### *52. The Forest Service should study and use our forest resources wisely.*

**Response:** The purpose and need for this project, described on p. 1-10 of the DEIS, is two-fold: 1) to immediately stop activities that have the greatest likelihood of degrading desirable characteristics of inventoried roadless areas, and 2) to ensure that ecological and social characteristics of inventoried roadless and unroaded areas are identified and evaluated through local forest and grassland planning efforts. The value of roadless areas for scientific study was described in the DEIS on pp. 3-110 and 3-164. The new Planning Regulations (36 CFR 219) have made the decisions on the procedures for further protection of roadless areas.

### *53. The Forest Service should preserve wild forests as places for recreation and scientific study.*

**Response:** Conservation of wild forests for recreation and study are part of the purpose and need described in Chapter 1 of the DEIS on p. 1-10. These values were described in detail in Chapter 3 of the DEIS in the recreation section on pp. 3-117 through 3-126 and for scientific study on pp. 3-110 and 3-164.

### *54. The Forest Service should conduct and support research to provide a better understanding of the effects of habitat degradation.*

**Response:** The Forest Service research branch has hundreds of highly skilled scientists and has produced thousands of publications on the effects of human activities on the environment. Many of the more than 300 publications cited in the DEIS are authored by Forest Service supported researchers. The Forest Service research branch is recognized worldwide for its innovation in science.

### *55. The Forest Service should clarify the difference between reference landscapes and research natural areas.*

**Response:** This has been clarified in the Research, Monitoring, and Reference Landscape section of the FEIS, Chapter 3.

### *56. Roadless areas should not be protected as reference areas for research and teaching as Research Natural Areas and Experimental Forests are better for that purpose.*

**Response:** A research, monitoring, and reference landscape discussion has been added to Chapter 3 of the FEIS. Differences between these areas and roaded areas for purposes of research and monitoring are discussed.

**57. I am very concerned that roadless areas are just lines on a map, without regard for the organisms and habitats they contain. The Forest Service should perform biological assessments (inventories) and monitor forest resources to determine what organisms and habitat is really contained within inventoried roadless areas. I would gladly pay more taxes if I could guarantee that some of the money would go to these efforts.**

**Response:** Monitoring and evaluation is an integral part of planning, decision-making, and implementation. The Forest Service budget for monitoring and inventory is limited. Local-level forest and grassland managers are best suited to determine how to prioritize and spend these limited funds.

**58. The Forest Service should use roadless areas to study ambient noise on a forest-by-forest basis.**

**Response:** Although roadless areas would provide opportunity for such studies, this proposal is outside the scope of this action. The research, monitoring, and reference landscape section in the FEIS discusses the benefits and value of roadless areas for acquiring new information about ecosystems and human related impacts.

## Restoration

**59. The Forest Service should focus on restoration.**

**Response:** This analysis focuses on conserving current inventoried roadless areas from future road construction and timber harvest. Restoration of roaded portions of NFS lands would be covered under the proposed Roads Policy and the new NFMA Planning Regulations (36 CFR 219). The agency considered such an alternative but did not analyze it in detail (DEIS Chapter 2, Alternatives Considered But Eliminated From Detailed Study). See also Response 52.

**60. The Forest Service should define what it means by restoration forestry. Independent scientists**

***should be contracted to assist the Forest Service in determining what forest types and specific areas might benefit from active restoration and management and how such projects could be designed and implemented to maximize benefits to biodiversity while minimizing risks. Some combination of Alternatives 3 and 4 in the DEIS would provide the standards necessary to assure competent and cautious stewardship of roadless areas.***

**Response:** The term “restoration forestry” was not used in the DEIS. There are several references in the DEIS to other types of restoration and to stewardship-purpose timber sales. We have clarified the use of the term “stewardship” in the FEIS. In broad terms, the primary purpose of stewardship-purpose timber sales is to achieve ecological objectives such as reducing dense numbers of small trees that act as ladder-fuels in the forest understory, or to obtain some non-timber resource objectives such as enhancing beargrass production for American Indian basketweavers. The term “stewardship-purpose timber sales” is defined in the glossary of the FEIS. Finally, any decision to manipulate vegetation within an inventoried roadless area must be preceded by an environmental analysis at the local level with full public involvement under NEPA.

**61. Under no condition should new roads be built to conduct restoration activities. Restoration experiments must proceed cautiously, targeting mainly small roadless areas or portions of larger roadless areas first in order to test treatments in an adaptive management framework.**

**Response:** Road construction would be prohibited in Alternatives 2 through 4 with minor exceptions to comply with other laws, to protect public health and safety, and to prevent environmental damage. The section on Reference Landscapes in Chapter 3 of the FEIS has been expanded to discuss approaches to using an adaptive management framework to test treatments in inventoried roadless areas.

**62. The Forest Service cannot restore the forests to pre-Columbian condition.**

**Response:** It would be ecologically impossible to restore the national forests and grasslands to pre-Columbian conditions. Scientists have developed a concept referred to as the “historic (or natural) range

of variability” that is used by managers as a relatively recent baseline to compare current landscapes against. The basic idea is that if the land manager can maintain ecosystem processes (such as fire) and conditions within a range that existed prior to settlement, then the manager will have a better chance of maintaining biological diversity. This principle is a basis for bringing fire back into the ecosystem. We have expanded the discussion about fire ecology in the FEIS (Chapter 3, Fire Ecology section).

## Scale of Analysis

**63. The proposed rule and supporting environmental analysis, as written, would just not fit the facts as uncovered when the roadless areas are examined on-the-ground; and**

**64. We do not believe the Forest Service can make a reasonably informed decision based on this significant lack of information that is necessary to adequately analyze and disclose effects.**

**Response:** Because this analysis covers all inventoried roadless areas in the National Forest System, the level of information required is different from that required for a local decision about only one roadless area. The level of information in this analysis is state-of-the-science and appropriate for the types of decisions being made.

In this analysis, maps of each inventoried roadless area were obtained from each national forest. From these maps, a national map of all inventoried roadless areas was constructed. Subsequently, ecological, social, and economic data bases were developed and used in the analysis of roadless areas. For example, a digital terrain model was used to describe the elevations of all the inventoried roadless areas. Likewise, planned timber harvest levels were obtained from each national forest. Other examples are described in the DEIS and specialist reports.

Using this information, the Forest Service interdisciplinary team conducted multiple effects analyses using the state-of-the-art data and analysis. Each of the inventoried roadless areas was previously analyzed during RARE II, in forest or grassland plans, and other assessments.

**65. Areas should be viewed in their entirety rather than on a piecemeal basis. To make decisions at a**

**national scale about only one aspect (roadless) of the ecosystem, without locally analyzing the rest of the surrounding landscape, doesn't seem appropriate.**

**Response:** Natural resource planning on public lands is complex. It involves consideration at a variety of national, regional, and local scales. The appropriate scale of analysis and information varies with the issues and from one type of decision to another.

The management of inventoried roadless areas has been a local, regional, and national issue for decades. The Forest Service used the most recent, public-reviewed inventory available for each national forest and grassland to identify the inventoried roadless areas addressed by this rulemaking. It used forest and grassland plans, other assessments, and the Roadless Area Review and Evaluation (RARE) II inventory. The Forest Service began identifying roadless areas through the RARE in 1972. In 1979, the agency completed RARE II, a more extensive national inventory of roadless areas. National forest and grassland plans updated the RARE II inventories, and local assessments in some cases updated those plan inventories. These planning efforts have all had extensive public involvement.

## Science

**66. The information and methodologies used to evaluate this proposal are unscientific or nonexistent; it does not represent input and good science from the professional managers and people who work on the national forests;**

**67. The policy is easily defensible and uses good science from a Wilderness and biological perspective;**

**68. The Forest Service should rely on sound science in its management of forest lands, and not on the political process. It should make use of input from its research stations and sustainable policies;**

**69. The Forest Service should not proceed with the proposed rule until it is reviewed by a committee of scientists;**

**70. The Forest Service should cite studies which support the preferred alternative; and**

**71. *The Forest Service should support statements in the Draft EIS with references.***

**Response:** The EIS has a strong basis in science. Many statements in the DEIS rely on scientific research and professional judgment that is based on years of field experience. A team of experienced natural resource specialists prepared this analysis. Many of them have advanced science degrees (DEIS pp. 4-4 through 4-8). Scientists from universities and the Forest Service Research Stations assisted the team. Forest Service and other agency scientists were contacted to peer review portions of the DEIS and supporting documentation. Over 340 references are included in Appendix R of the DEIS. Over 65% of these references are from peer reviewed scientific journals or books and scientific conferences, and 25% are unpublished technical reports. The analyses conducted for the DEIS and FEIS used state-of-science databases describing the composition and pattern of biophysical features (for example, vegetation, elevation, ecological regions) at the national level.

**72. *Many of the tables of comparison of effects in the DEIS contain conjectures which are not science based.***

**Response:** Most scientific studies about nature have some degree of uncertainty, especially when it comes to predicting outcomes of human actions on complex ecosystems. This leaves natural resource managers with the job of trying to make reasonable judgments about the likely or possible effects on ecosystems with the best available science, professional judgment based on management experience, and analysis of pattern and trends from existing data. Typically, when hard data are not available, estimates of the relative direction and magnitude of change are appropriate. This results in statements such as “may increase,” “will likely decrease,” or “could increase.”

**73. *The Forest Service should establish a scientific advisory committee specializing in conservation biology.***

**Response:** This suggestion is outside the scope of the roadless area conservation project. The Forest Service does work with many scientific advisory panels. For example, scientific panels were used extensively in the Tongass National Forest Plan Revision, the Northwest Forest Plan, and the Interior

Columbia Basin Ecosystem Management Project. Conservation biology methods were used in the analysis of biodiversity in this DEIS (pp. 3-47 through 3-69).

**74. *The Forest Service should allow wise stewardship and management of forest resources based on scientific data and carried out by professional foresters and loggers.***

**Response:** The Forest Service uses the best scientific information available, working in collaboration with a wide variety of publics across the spectrum of demographics and professions, to develop policy and management direction.

**75. *The Forest Service should provide the science, information, and incentive programs necessary for private timber producers to provide an increased, sustainable share of the timber and livestock production in the United States.***

**Response:** The State and Private Forestry branch of the Forest Service is responsible for working with non-Federal interests in addressing these issues. Visit their website ([www.fs.fed.us/spf](http://www.fs.fed.us/spf)) for contacts and a full description of their mission. The provision of information and incentives to private producers is beyond the scope of the Roadless Area Conservation Project.

## Size and Distribution

**76. *The Forest Service should protect areas of any size that are of special biological importance.***

**Response:** Page 2-19 of the DEIS discussed size options for applying prohibitions or procedures to roadless areas. Over 800 of the more than 2500 inventoried roadless areas are smaller than 5000 acres. While size of an area is one criterion, many other factors must be considered before deciding to manage an area for its roadless characteristics. Protection of other areas of any size may be provided locally following the direction provided in the new Planning Regulations (36 CFR 219).

**77. *Ensure the protection of a wide range of ecosystem types and elevations; and***

**78. *The Forest Service should protect low elevation roadless areas as they contain valuable tracts of***

*land in which many species reside during the winter months.*

**Response:** The distribution and abundance of ecosystem types, including an analysis by elevation, within inventoried roadless areas, was described in the DEIS (pp. 3- 47 through 3-69). The effects of the alternatives are described by ecoregion, which expresses elevational differences. Prohibiting road construction and reconstruction in inventoried roadless areas, or timber harvest, would greatly increase the area of low elevation lands and range of ecosystem types conserved. Specific local characteristics such as elevation could be considered in forest and grassland planning at the local level.

*79. The Forest Service should manage ecological buffer zones of at least one kilometer around roadless areas.*

**Response:** Application of a one-kilometer buffer in all directions around a roadless area would be outside the scope of this analysis. This suggestion would be most appropriate for consideration at the forest and grassland planning level.

*80. The goal of the proposed rule should be to increase the “effective size” of Wilderness and “core habitat conservation areas.”*

**Response:** This goal is beyond the purpose and need of the Roadless Area Conservation Project. That purpose and need was described in the DEIS (pp. 1-1 through 1-3). About 34% of the inventoried roadless areas occur adjacent to Wilderness. Size and habitat relationships of the inventoried roadless areas were evaluated in Chapter 3 of the DEIS.

## **Special Designated Areas**

*81. The Forest Service should preserve Wilderness areas to stop habitat destruction and the undesirable processes that follow.*

**Response:** Designation or recommendation of additional areas for Wilderness is outside the scope of the Roadless Area Conservation Project (DEIS p. 2-17). Only Congress can designate an area as Wilderness.

*82. Special designations should be clarified.*

**Response:** In response to comments, we have clarified the overlap between special designated areas and inventoried roadless areas in the Recreation section of the FEIS. Special designations include Wilderness study areas, primitive areas, wild and scenic rivers, scenic areas, research natural areas, national recreation areas, and others. The maps in Volume 2 have been updated and clarified between DEIS and FEIS to show the designated special areas such as National Monuments and Seashores.

*End of Landscape Ecology Section*

## 7. LIVESTOCK GRAZING

Effects on Grazing..... 60  
 Economics..... 61  
 Access..... 61

### Effects on Grazing

**1. The roadless area rule should not interfere with ranchers’ access to roads they use to manage range facilities and maintain livestock grazing on public lands.**

**Response:** Because none of the alternatives close any existing roads or trails, they will not reduce current access to National Forest System lands (national forests and grasslands), including access for livestock grazing. This issue was addressed in the Livestock Grazing section of Chapter 3 of the DEIS. Seldom are roads built in roadless areas primarily to provide access to allotments. Any benefits that might have accrued to grazing permittees in the future as a result of new road construction for other purposes in inventoried roadless areas would not occur under the prohibition action alternatives.

**2. The Forest Service should reduce the number of grazing permits issued;**

**3. The Forest Service should curtail grazing on public lands; limit grazing by reducing herd size and protecting riparian areas; or not allow cattle grazing in riparian areas or areas above 3,000 feet in elevation, and severely limit grazing in areas below 3,000 feet;**

**4. The Forest Service should encourage grazing in order to reduce the effects of fires;**

**5. The Forest Service should ban grazing in order to reduce the effects of fires;**

**Response:** It is not the intent of the rule to directly address the management of grazing on National Forest System lands; see the purpose and need for the project on DEIS, p. 1-10. Nor are data available sufficient to be analyzed at the national scale on the effects of grazing in inventoried roadless areas (Purpose and Need section of Chapter 1 of the DEIS and FEIS). Refer to Response 6 for more detail on whether or not grazing should be permitted in

roadless areas. Chapter 3 of the DEIS (pp. 3-177 through 3-178) disclosed the impacts of the alternatives on livestock grazing.

Whether grazing increases or decreases the likelihood of fire, and its effects on fires, is a complex question. It depends on many variables including site-specific timing and conditions, and is beyond the scope of the analysis in this EIS. See also Response 7 in the Fire section of this volume.

**6. The Forest Service should ban cattle and OHVs in riparian areas; and**

**7. Address the issue of whether livestock should be permitted in roadless areas.**

**Response:** After careful review of public responses to the Notice of Intent published on October 19, 1999, the Forest Service determined it would consider prohibiting only those activities that are likely to significantly alter and fragment landscapes at the national scale (DEIS p. 1-10). Therefore, the agency decided to analyze prohibition alternatives that would limit road construction, reconstruction, and timber harvest only. These activities often result in immediate, irretrievable, and long-term loss of roadless characteristics. The reason for the focus on roads and timber was described in the Purpose and Need section of the DEIS on pp. 1-10 through 1-12.

The new NFMA Planning Regulations (36 CFR 219) have made the decision on the procedures to further protect roadless area characteristics during forest and grassland and project planning. Limiting grazing or off-highway vehicle use may be considered during this local planning process. Local processes include public involvement in decision-making.

**8. The Forest Service must protect grazing interests so that ranchers won’t sell and develop land.**

**Response:** The Livestock Grazing section of Chapter 3 of the DEIS (pp. 3-177 through 3-178) concluded that the prohibition action alternatives will not affect existing routes of access to grazing allotments, or the future supply of allotments. Because the action alternatives represent no change from current conditions, the alternatives should not cause ranchers to sell and develop their land. Refer to the DEIS and the Livestock Grazing section of the *Socioeconomic Specialist Report (May 2000)* for a full discussion of the impacts of the alternatives on ranching interests.



## Economics

### *9. The Forest Service should base animal grazing permits and fees on market rates.*

**Response:** The Forest Service recognizes the diversity of national opinion on this question. However, the issue of grazing permits and fees is beyond the scope of the proposed rule and the analysis in this FEIS. The rule does not propose any change to grazing permits or fees, nor would the prohibitions limit grazing in inventoried roadless areas. Grazing fee formulas are determined by Congressional action and are outside the authority of the Forest Service.

## Access

### *10. The Forest Service should honor statements in the initiative that the proposed plan would not affect existing routes of access to grazing allotments and that roads or trails will not be closed because of the prohibitions.*

**Response:** None of the prohibition alternatives considered in the DEIS would reduce access to the national forests or grasslands from current levels. They would not close any roads, nor would they prohibit motorized use where it is currently allowed. Under the new Planning Regulations (36 CFR 219), future decisions on motorized access to inventoried roadless areas and unroaded areas would be made at the local level with public involvement. Future decisions on road closures will be made independent of the Roadless Area Conservation Rule, under the Road Management and Transportation System Proposed Rule (proposed Roads Policy), which also includes public involvement.

Refer to Response 1 for a specific description of how the alternatives affect access for grazing.

### *11. If local managers are given the authority to consider additional management protection for roadless areas beyond the national prohibitions, they could decide to disallow grazing and motorized access to grazing allotments in roadless areas.*

**Response:** Under the new Planning Regulations, local managers would have the option to disallow grazing and other uses in inventoried roadless and unroaded areas if deemed necessary to protect their

roadless characteristics. Such planning and decisions about how to manage uses within roadless areas would occur locally with full public participation.

*End of Livestock Grazing Section*

## 8. MINERALS

Restricting Mineral Development .....	62
Surface Management .....	63
Mineral Withdrawals .....	63
General Mining Law and Related Laws .....	64
Recreational Mining .....	65
Paleontological Resources .....	65
Geologic Areas .....	65
Valid Existing Rights .....	65
Access for Mineral Exploration, Development .....	66
Future Leasable Mineral Activities .....	67
Other Laws or Programs .....	68
Resource Inventories .....	69
Economic Effects .....	71
Caves and Karst Features .....	71
Further Analysis .....	71
Site-Specific Concerns .....	71
General Concerns .....	72
Other Concerns .....	72

### Restricting Mineral Development

#### *1. The Forest Service should address whether or not this policy will restrict mining.*

**Response:** None of the alternatives examined in the DEIS or FEIS would withdraw any lands or change any laws or policies related to mining exploration and development on National Forest System lands. Under all alternatives, an exception to the road construction and reconstruction prohibition is included for ongoing activities. Future mineral development, governed by the General Mining Law (the Act of May 10, 1872 [17 Stat. 91, as amended]), would not be prohibited by the rule.

The proposed rule, as discussed in the DEIS (pp. 3-144 through 3-145 and 3-194 through 3-197) has the potential to affect future mineral leasing. In the FEIS, the effects on mineral leasing are examined in more detail. In addition, the effects of a proposed mitigation measure to allow road construction and reconstruction for mineral leasing are also examined.

The Forest Service regulates extractive activities on the national forests and grasslands as consistent with governing legislation and with land allocations determined through the forest and grassland planning process. These activities are managed to minimize environmental damage, and restoration is undertaken when necessary.

#### *2. Mining should be banned on Federal lands because it causes pollution and long-term destruction of our national resources; and*

#### *3. This policy should restrict mining in our forests.*

**Response:** The right to explore for and develop locatable mineral resources is provided by the General Mining Law. The Mineral Leasing Act of 1920 (41 Stat. 437, as amended) provides for exploration and development of leasable minerals. To generally restrict or prohibit development of these resources would require Congress to abolish or amend these laws. To prohibit development of these resources in inventoried roadless areas would necessitate that these lands be withdrawn from appropriation under these laws. This is not proposed by the Roadless Area Conservation Rule for reasons described on p. 2-18 of the DEIS.

#### *4. The Forest Service should not allow mineral and/or petroleum mining because they will never make a net return.*

**Response:** Mineral and petroleum values are a function of market demand and subject to change at any time. Therefore, this assessment of the general economic value of mineral or petroleum deposits is speculative. Also see Response 2.

#### *5. The Forest Service should monitor, control, or eliminate grazing and mining;*

#### *6. The Forest Service should eliminate all mining and grazing permits in roadless areas to reduce fire hazard and protect watershed values for the future; and*

#### *7. The Forest Service should comply with the Organic Act as it pertains to mining.*

**Response:** The Forest Service does comply with the Organic Act. The authority for 36 CFR 228, Subpart A, regulations used to administer mining activities on NFS lands, is the Organic Act.

For grazing-related issues, refer to the section of Responses on Livestock Grazing in this volume.

#### *8. We should not allow oil and gas developments on national forests, and should use alternatives to fossil fuels; and*

**9. Oil and gas development and mining that degrade roadless areas should be prohibited.**

**Response:** The Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) expresses agency policy on mining.

*... that it is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries ... and the study and development of methods for the disposal, control, and reclamation of mineral waste products, and the reclamation of mined land, so as to lessen any adverse impact of mineral extraction and processing upon the physical environment that may result from mining or mineral activities.*

The Act defines "minerals" as used in this section to include all minerals and mineral fuels including oil, gas, coal, oil shale, and uranium.

Furthermore:

*It is the goal of the United States in carrying out energy supply and energy conservation research and development – to strengthen national energy security by reducing dependence on imported oil ...” (42 U.S.C. 13401).*

Also, see Response 2.

## Surface Management

**10. The DEIS relies on outdated surface management regulations for mining in inventoried roadless areas.**

**Response:** The surface management regulations at 36 CFR 228.4(f) specifically recognize the requirement to conduct the appropriate level of NEPA analysis for any particular proposal. They are not intended to duplicate the objectives of NEPA, nor is the Roadless Area Conservation proposal intended to override the 36 CFR 228, Subpart A regulations. The surface management regulations, NEPA, and the Roadless Area Conservation Rule will work with one another to accomplish the environmental objectives expressed in this concern.

This comment is also addressed in Responses 5, 14, and 23.

**11. The Forest Service should update regulations used for surface mining; and**

**12. The Forest Service mining regulations should be revised and subject to public review under the National Environmental Policy Act.**

**Response:** The Forest Service has not yet revised its regulations at 36 CFR 228, Subpart A. Revision of these regulations is beyond the scope of this EIS.

## Mineral Withdrawals

**13. The proposed rule should comply with the Forest Service Manual for mineral withdrawal;**

**14. The Forest Service should explain why conserving roadless characteristics could increase the number of areas recommended for mineral withdrawal;**

**15. The Forest Service should institute mineral withdrawal procedures whenever possible in all the remaining roadless areas of 1,000 acres or more;**

**16. The Forest Service should give full consideration to instituting formal mineral withdrawal procedures at the national level. If that is again deemed inappropriate or too onerous a task, then each Regional Forester and Forest Supervisor should be directed to undertake an immediate analysis of each forest's roadless areas with the goal of withdrawing from mining all areas that have any potential for ecologically destructive mining activities;**

**17. The Forest Service should withdraw roadless areas from mineral entry and require valid existing rights determinations on mining claims within them before processing mining plans of operations; and**

**18. The Forest Service should withdraw all mining rights from inventoried roadless areas and other roadless areas.**

**Response:** Withdrawals are not proposed as part of the Roadless Area Conservation Rule. See p. 2-18 in the DEIS. This alternative was considered but dismissed from detailed consideration because specific requirements must be followed for mineral

withdrawal and would be difficult to do in an agency-wide proposal. However, mineral withdrawal for specific inventoried roadless areas could be proposed through the forest planning process or specific project proposals.

**19. *The Forest Service should address the perception of the Roadless Area Conservation proposal as a “de facto withdrawal” from mineral entry.***

**Response:** This comment was addressed in part in Responses 14 and 23. As discussed in the effects of action Alternatives 2 through 4 in the Minerals and Geology section of the DEIS and FEIS, the action alternatives will have the likely effect of increasing the cost of doing business for exploration and development of locatable mineral resources. They would preclude the development of saleable mineral resources in inventoried roadless areas. They could preclude future leasing of mineral resources where exploration or development activities require road construction or reconstruction in inventoried roadless areas; however, a social and economic mitigation measure has been developed that, if selected, would allow construction or reconstruction of roads necessary for exploration and development of leasable minerals. Also see Response 52.

**20. *The proposed rule should be consistent with existing laws and court rulings by requiring the discovery of a valuable mineral deposit in inventoried roadless areas.***

**Response:** This comment assumes that the Roadless Area Conservation proposal will impose a mineral withdrawal. The action alternatives do not propose a mineral withdrawal. See Response 14.

**21. *The Forest Service should use SRNRA regulations as a model for roadless areas conservation.***

**Response:** Congress established the Smith River National Recreation Area (SRNRA) and included a mineral withdrawal in the legislation. The Roadless Area Conservation proposal does not have the same objectives as the SRNRA. See the Purpose and Need in the DEIS on pp. 1-10 through 1-12.

**22. *The Forest Service should modify section 294.13 in the final rule to require evaluation of***

***mineral withdrawal in the rule implementation process.***

**Response:** The new 36 CFR 219 Planning Regulations provide direction on evaluating inventoried roadless areas during forest and grassland plan revisions. Mineral withdrawal is one of a number of actions that can be considered for a particular land management unit during this process.

**General Mining Law and Related Laws**

**23. *The Forest Service should comply with the General Mining Law of 1872;***

**24. *The Forest Service should comply with the Organic Act as it pertains to mining;***

**25. *The Forest Service should address the Multiple Use Sustained Yield Act as it pertains to mining claims;***

**26. *In light of the clear legal provisions that provide for access to minerals on the public lands, the Forest Service should more thoroughly address how access for minerals will be provided for under the proposal. It is NOT enough to say that the agency will protect “valid existing rights.” The mining law guarantees access to public lands to search for undiscovered and unclaimed mineral deposits – even if there are no preexisting claims and no “valid existing rights;” and***

**27. *The Forest Service should develop regulations for “grandfathered-in” mining claims in roadless areas. The Sand Creek Area should be protected from mining.***

**Response:** It is not the intent of the Roadless Area Conservation proposal to withdraw lands from entry and location under the general mining laws. It recognizes the right of access provided by the General Mining Law of 1872, as amended. In addition, both the Organic Act and the Multiple-Use Sustained Yield Act allow for mining on NFS lands. The term “valid existing rights” is no longer used with reference to minerals in the FEIS.

**28. *The final rule should comply with Federal laws governing mining by requiring that valid existing rights apply only to a discovery of a valuable mineral deposit.***

**Response:** The General Mining Law also authorizes mineral exploration on public lands. This activity does not presume the existence of a discovery.

**29. *The Forest Service should use the updated 2000 mining moratorium of Wisconsin, not 1872 law.***

**Response:** The right to explore for and develop locatable mineral resources on Federal lands is provided by the General Mining Law, which also applies to lands reserved from the public domain under the Organic Act. On acquired lands, exploration and development of these types of mineral resources is directed by the Mineral Leasing Act for Acquired Lands (Act of August 7, 1947 [61 Stat. 913, as amended]). The cited reference is not an amendment to either of these laws. Rather, the Wisconsin Mining Moratorium Law (1997 Wisconsin Act 171) provides an additional requirement that a mining applicant must meet in order to receive a State permit for the mining of a sulfide ore body in Wisconsin. This is not applicable in this rulemaking.

## Recreational Mining

**30. *The Forest Service should not allow recreational placer mining in roadless areas because it is not protected under the 1872 Mining Law.***

**Response:** While many people refer to gold panning, small-scale sluicing, and suction dredging as recreational activities, there is no legal provision for removing precious metals from National Forest System lands by any other means except under the provisions of the General Mining Law. Therefore, these activities can only be conducted in inventoried roadless areas or on any other NFS lands as provided by law. The suggestion is beyond the scope of the roadless area conservation proposal.

## Paleontological Resources

**31. *The Forest Service should allow road access for the excavation and preservation of paleontological resources.***

**Response:** The effects of road access to these paleontological features have been identified and added to the FEIS, Chapter 3, Minerals and Geology section.

## Geologic Areas

**32. *In Part 294.13(a) of the proposed rule, "geological areas" should be added to the list.***

**Response:** As described in FEIS Chapter 1, the agency has determined that roadless area characteristics are appropriate for consideration in the context of forest and grassland planning under the new 36 CFR 219 Planning Regulations. Geologic areas could be considered in land and resource management planning of inventoried roadless areas.

## Valid Existing Rights

**33. *The Forest Service should explain why mineral activities with "valid existing rights" would be required to prepare an EIS. The preparation of an EIS for mining exploration and development would take years and cost and waste money.***

**Response:** This has been clarified in the discussion of the effects of the prohibition alternatives in the locatable minerals section of Chapter 3 of the FEIS. Also see Response 34.

**34. *The Forest Service should explain the meaning of valid existing rights and address the impacts of the prohibition of road construction and reconstruction in roadless conservation areas as it pertains to mineral withdrawal and valid existing rights determinations;***

**35. *The Forest Service should explain valid existing rights in the context of mining claims and the Federal Mining Law of 1872. The statutory right of exploration under the Mining Law extends even to a prospector who has not yet staked mining claims. A mining claimant has a statutory right to conduct surface disturbance, including necessary road construction, in the search for valuable minerals on public lands open to mineral entry;***

**36. *The DEIS should include an analysis of the effects of the application of valid existing rights to tens of millions of acres of lands otherwise open to exploration and mining claim location pursuant to the 1872 Mining Law. It appears that Alternatives 2-4 will result in the DE FACTO withdrawal of all lands under consideration for mineral entry in the proposal; and***

**37. The Forest Service should explain contradictory language in the proposed rule regarding the right to build mining exploration roads.**

**Response:** The reference to “valid existing rights” caused concern among many of the commentors. There is an exception to the prohibition of road construction or reconstruction in inventoried roadless areas for where a road is needed pursuant to reserved or outstanding rights or as provided for by statute or treaty. The term “valid existing rights” is no longer used with reference to minerals in this EIS. Also see Response 23.

**38. The Forest Service should re-evaluate the use of Surface Use Determinations (SUD) for protection for roadless characteristics.**

**Response:** The Forest Service is not required to perform Surface-Use Determinations of mining proposals. This is done at the discretion of the authorized officer.

As described in FEIS Chapter 1, the agency has determined that roadless area characteristics are appropriate for consideration in the context of forest and grassland planning under the new 36 CFR 219 Planning Regulations. Mineral activities could be considered in land management decisions affecting inventoried roadless areas.

## Access for Mineral Exploration, Development

**39. The Forest Service should address whether track-mounted core drills will be allowed to travel cross-country in inventoried roadless areas.**

**Response:** The proposed rule does not prohibit the use of track-mounted core drills. It would prohibit construction or reconstruction of roads in inventoried roadless areas. It would not prohibit road construction or reconstruction necessary for mineral exploration or development conducted under the General Mining Law (Act of May 10, 1872 [17 Stat. 91, as amended]) or exploration or development associated with existing mineral leases. In addition, a social and economic mitigation measure may be applied to any of the prohibition alternatives that would except road construction or reconstruction necessary for exploration or development of leasable minerals if selected by the responsible official for inclusion in the final rule. See Response 52.

**40. The statement on page S-20 of the Draft EIS, that "Prohibiting road construction may reduce exploration and development activity in response to higher access costs..." should be revised to state that it will in fact eliminate exploration and mineral extraction by 99.5%; and**

**41. The Forest Service should be aware that the preferred alternative does not impact access to locatable minerals; this is governed by the 1872 Mining Law.**

**Response:** Situations where a road is needed pursuant to reserved or outstanding rights or as provided for by statute or treaty, such as activities conducted under the General Mining Law of 1872, as amended, and activities conducted on existing leases, are excepted from the prohibition of road construction or reconstruction in inventoried roadless areas. In addition, a social and economic mitigation measure can be applied to any of the prohibition alternatives that would except road construction or reconstruction necessary for exploration or development of leasable minerals if selected by the responsible official for inclusion in the final rule. See Response 34.

**42. The Forest Service should explain how the current DEIS addresses the unique, world-class palladium/platinum mineral resources on the Gallatin and Custer National Forests along the Absaroka-Beartooth Wilderness boundary within the Stillwater mineral complex.**

**Response:** Undiscovered mineral resources are anticipated to occur in inventoried roadless areas or unroaded areas. Access to locatable minerals, such as palladium and platinum, is governed by the 1872 General Mining Law and would not be affected by any of the prohibition alternatives.

**43. The statement in the Draft EIS that "Construction and reconstruction of roads considered reasonable and necessary for energy or mineral development on existing leases would be allowed as necessary to fulfill the terms of the lease" should be revised to state that access to, from, on and under the lease is allowable; and**

**44. The Forest Service should state who will determine what is “considered reasonable and**

*necessary” to develop a lease and how that determination will be made.*

**Response:** The suggested revisions have been made in the Leasable Minerals section of the FEIS.

**45. The Forest Service should define reasonable access as it relates to mineral development and discuss how it will preserve access for both existing and future exploration and mineral development activities in the affected Roadless Areas.**

**Response:** Reasonable access was described on p. 3-143 of the DEIS as what is considered reasonable and necessary for the particular activity being proposed. For example, the construction of higher-grade haul roads would not be considered reasonable for exploration activities.

In response to public comments, a social and economic mitigation measure that would exempt road construction or reconstruction necessary for exploration or development of leasable minerals can be applied to any of the prohibition alternatives if selected by the responsible official for inclusion in the final rule. See Response 34.

**46. The Forest Service should exercise its statutory authority (*Clouser v. Espy*) to restrict mode of access to valid mining claims and other valid existing rights by eliminating any road-building exemptions for mining activity.**

**Response:** The referenced 9<sup>th</sup> Circuit Court decision, *Clouser v. Espy*, focused on mining claims and other lands located in an area that is legislatively withdrawn from mineral entry as part of the National Wilderness Preservation System. Withdrawals are not proposed as part of the Roadless Area Conservation Rule. Therefore, if road construction or reconstruction is necessary for exploration or development of locatable mineral resources in these areas, the Forest Service does not have the authority to prohibit such access.

**47. The Forest Service should limit access to mining claims in inventoried roadless areas to non-motorized methods or helicopters.**

**Response:** It is not the purpose of the Roadless Area Conservation proposal to generally limit access necessary for locatable mineral exploration or development in inventoried roadless areas to a level

that may not be reasonable. See the Purpose and Need in the DEIS, pp. 1-10 through 1-20.

**48. The Forest Service should assure that the final rule will not restrict existing mineral leases such that lessees will require Federal compensation.**

**Response:** The proposed rule provides for construction or reconstruction of roads that are reasonable and necessary for resource exploration and development on existing mineral leases. Also, see Response 52.

## Future Leasable Mineral Activities

**49. Oil exploration and inventory should be allowed in the national forests.**

**Response:** Oil exploration, inventory, and development are allowed on National Forest System lands with certain exceptions. These include lands withdrawn from mineral leasing, limits imposed by forest or grassland plan that guide leasing, or irresolvable conflicts with other resource protection laws, such as the Endangered Species Act or Clean Water Act.

**50. The Forest Service should consider the impacts of the proposed rule on existing and future coal, oil and gas, phosphate or other mineral leases overlapping inventoried roadless areas.**

**Response:** The proposed rule allows, through exception, existing authorizations. Proposed expansion of coal, oil and gas, phosphate, or other mineral lease developments into inventoried roadless areas would be allowed to continue under existing Forest Service policies if the special use permits and leases are in existence and the proposed activities take place within boundaries established by the lease or special use authorization. Future coal, oil and gas, phosphate or other mineral lease expansions outside lease or special use permit boundaries in inventoried roadless areas could be affected, if the road prohibitions are applied to future leasing decisions. In the FEIS, an exception for mineral leasing is analyzed (Chapter 3, Minerals and Geology Section of Human Uses, and Energy and Non-Energy Minerals Section of Social and Economic Factors). If the exception is included in the final rule, local decision-makers would retain authority for allowing road construction and reconstruction in exploration and development for coal, oil and gas, phosphate,

and all other leasables, following existing processes and regulations.

**51. The Forest Service should consider allowing oil and gas development on a carefully controlled basis;**

**52. Roadless areas should remain open to mineral exploration activities, including mineral leasing and the construction of temporary access roads for test drilling;**

**53. A shortcoming of the preferred alternative is that it does not preclude oil and gas leasing, but does restrict road access for any new leases in roadless areas;**

**54. The Forest Service should allow access and road construction and reconstruction to leases to retrieve coal, oil, and gas reserves;**

**55. The Forest Service should not restrict future oil production activity in the North Dakota Grasslands. Road construction is necessary for drilling rigs, pipelines and other utility corridors;**

**56. The Forest Service should allow oil drilling in the Targhee National Forest; and**

**57. The Forest Service should make restitution for the investments in licensing and exploration costs that mining operations will not be allowed to recoup because of this rule.**

**Response:** Several new exceptions were developed as a result of public comments of the DEIS. While similar in nature to the original exceptions, they act as social and economic mitigation measures that could be selected by the responsible official as part of the final rule. One of these mitigation measures would allow local responsible officials to authorize road construction or reconstruction in any inventoried roadless area when a road is necessary for permitted mineral leasing activities. See Response 50.

**58. The Forest Service should exempt future leasing activities from the purview of the proposed rule. It is not possible to access and develop all leasable minerals in roadless areas by non-motorized or aerial means. The Forest Service should explain the effects of this rule on the**

**nation's electricity supply, home heating prices and availability of motor vehicle fuels;**

**59. To avoid conflict with the National Materials and Minerals Policy, Research and Development Act of 1980, the Forest Service should give clear exceptions for both locatable and leasable minerals in the proposed Roadless Conservation Rule;**

**60. The Forest Service should create a leasable minerals alternative; and**

**61. The proposed rule should comply with the Leasing Reform Act.**

**Response:** In response to public comments, a social and economic mitigation measure that would except road construction or reconstruction necessary for exploration or development of leasable minerals can be applied to any of the prohibition alternatives if selected by the responsible official in the final rule. See Response 52.

**62. The Forest Service should not allow the following in inventoried roadless areas: new mineral leases, existing leases no longer able to meet "capable of production" standards, and communitization agreements.**

**Response:** Administration of lease terms, "capable of production" standards, and communitization agreements are under the regulatory authority of the Bureau of Land Management and therefore outside the scope of the proposal. Also, see Responses 49 and 51.

**63. The Forest Service should exempt lands exchanged under P.L. 105-335 from the proposed rule.**

**Response:** The proposed rule at §294.12(b)(3) specifically provides for this type of exception and this provision is retained in the alternatives for the FEIS.

## Other Laws or Programs

**64. The government should support and encourage mining on the Public Lands because of its importance to local and State economies and National Defense.**



**Response:** The Federal Government's policy for minerals resource management, as expressed in the Mining and Minerals Policy Act of 1970 is to:

*... foster and encourage private enterprise in the... development of economically sound and stable industries, [and in] the orderly and economic development of domestic resources... to help assure satisfaction of industrial, security and environmental needs....*

Within this context, exploration, development, and production of mineral and energy resources and reclamation of activities are part of the Forest Service management responsibility. The Forest Service will administer its minerals program to provide commodities for current and future generations commensurate with the need to sustain the long-term health and biological diversity of ecosystems.

**65. The Proposed Rule conflicts with the Mining and Minerals Policy Act of 1970; and the National Materials Research and Development Act of 1980; and**

**66. Prohibition of road construction and reconstruction in the unroaded portions of inventoried roadless areas may cause a review of earlier forest plan decisions that identified certain NFS lands as being available for lease, or where these lands have been scheduled for lease sales after the proposed rule becomes final. The proposed action should not restrict the opportunity for exploration and development of presently undiscovered leasable mineral resources in inventoried roadless areas.**

**Response:** The prohibition alternatives provide for construction or reconstruction of roads considered reasonable and necessary for resource exploration or development associated with the General Mining Law. The FEIS now provides an option for selection of a mitigation measure for road construction or reconstruction necessary for and reasonably incident to exploration and development of leasable minerals in the final rule. See Response 52.

**67. The Forest Service should not ignore the Federal Coal Management Program regulations, or their statutory basis, by declaring vast amounts of public land off-limits to future coal leasing activities.**

**Response:** In the context of the Roadless Area Conservation proposal, these areas may be considered for suitability for coal leasing in subsequent forest plan revisions and in response to lease applications submitted by industry. It is notable that unsuitability criterion number 1 of the Federal Coal Management Program regulations at 43 CFR 3461.5(a)(1) states that National Forests shall be considered unsuitable. However, a lease may be issued within the boundaries of any National Forest under the exceptions described in 43 CFR 3461.5(a)(2)(i). See Response 58.

## Resource Inventories

**68. The Forest Service has ignored RARE II's entire knowledge base of mineral potential in order to mislead the American public and Congress about the true effects of the proposed rule; and**

**69. The Forest Service should address the impacts of the proposed roadless conservation areas upon mineral activities, and impacts to the economy – both local and national. They should utilize the site-specific minerals and geologic data developed by the Forest Service, the Bureau of Mines, the U.S. Geological Survey, and the various State agencies. Those agencies responsible for regulatory management and change, and for keeping the public and Congress adequately informed, should attempt to provide timely, accurate information regarding how they manage their lands and the status of mining projects under their jurisdiction.**

**Response:** Since the RARE II FEIS in 1979, detailed studies have been conducted on a forest-wide basis by USGS and Bureau of Mines. USGS Resource Assessments and Bureau of Mines Minerals Resource Surveys have been used in assessing the affected environment and effects of the prohibition alternatives in the Minerals and Geology and Social and Economic Effects on Energy and Non-Energy Minerals sections of the FEIS, particularly for leasable minerals. Also, see Response 70.

**70. Using a single map of an entire geographic region of multiple States showing permissive tracts of undiscovered mineral deposits combined with a similar scale map of roadless areas results in a gross misunderstanding of the effects of the proposal upon minerals production and economics. The conclusion is incorrect on page G-14 of the**

*Socioeconomic Specialist Report; it states: “Therefore, little economic effect is expected in the short term...” Moreover, the detailed geologic and minerals data collected by the Forest Service, USGS, and BOM during the RARE II process and after are available, but have been ignored by the Forest Service. This indicates that the Forest Service is deliberately seeking to avoid acknowledging the adverse economic impacts of its proposal.*

**Response:** For both locatable and leasable minerals, the FEIS (Chapter 3) has further developed the analysis of short-term economic effects of the action alternatives described in the DEIS.

The RARE II process identified roadless areas with existing energy resource or mineral production. RARE II also assigned, to each roadless area, energy resource and mineral potential ratings for selected commodities (RARE II Final Environmental Impact Statement, USDA 1979). Characterization of potential for each roadless area in RARE II was based on broad scale information and interpretation. Other than known producing mines, and geothermal or oil and gas fields, site-specific data for each RARE II area were not available.

*Locatable Minerals* - The roadless area conservation proposal provides an exception for road construction or reconstruction for exploration or development of locatable minerals. Therefore, the prohibition alternatives do not affect exploration or development of locatable minerals, and there is no need to display such information for locatable minerals.

*Leasable Minerals* - The discussion and associated tables in the FEIS for leasable minerals (Chapter 3, Minerals and Geology section) rely upon more recent assessments conducted by the U.S. Geological Survey (USGS) or site-specific information from the Bureau of Land Management (BLM) and Forest Service field offices. The prohibition alternatives would affect exploration and development of the leasable minerals in inventoried roadless areas, principally coal, oil and gas, and phosphate. The FEIS summarizes roadless acres for coal and oil and gas potential by Region. Although RARE II did display minerals information described above for individual roadless areas, this information had a high potential for misapplication and can lead to erroneous conclusions about any specific roadless area. To avoid these potential problems in this

analysis, this roadless EIS used information at a regional level. Further, a display of this information by individual roadless area would neither add to the economic analysis nor enable a better understanding of environmental effects. Therefore, the FEIS does not include such a display.

In order to be able to estimate economic impacts for leasable minerals, development scenarios specifying production levels and timing is required. Some specific information was available for coal production levels on the Grand Mesa-Uncompaghe-Gunnison National Forest and phosphate production levels on the Caribou-Targhee National Forest. Where this information was available, the FEIS displayed the potential economic effects. See the discussion of economic impacts of Alternatives 2 through 4 on coal and phosphate mining in FEIS Chapter 3, Energy and Minerals section.

**71. *The Forest Service should study, investigate, and inventory for possible, probable, and/or actual occurrence of mineral deposits before designating proposed roadless areas; and***

**72. *The Forest Service should provide baseline information on leasable minerals, geology, and hard rock minerals currently found on National Forest System lands.***

**Response:** The prohibition of road construction or reconstruction does not apply to exploration or development of locatable minerals or leasable minerals within existing leases; therefore, baseline information is not necessary for them. Information on important leasable mineral resources within inventoried roadless areas has been added to the Minerals and Geology and the Social and Economic Factors of Energy and Non-Energy affected environment sections of the FEIS. See Response 58.

**73. *The Forest Service should provide a detailed analysis of the paleontological resources that are present in areas proposed for closure.***

**Response:** The Forest Service only recently began to inventory paleontological resources on National Forest System lands for purposes of land and resource management planning. The first effort is now occurring on the Dakota National Grasslands. It is likely, however, that paleontological resource information would not be available for those areas lacking roaded access. A statement to this effect has

been included in the Geological and Paleontological section in Chapter 3 of the FEIS.

## Economic Effects

**74. *The DEIS should analyze the effects of the rulemaking on coal production, exploration, or leasing opportunities in the Delta and Gunnison Counties of the GMUG National Forest in Colorado. The proposed Roadless Area Conservation Rule will cause negative impacts to the economy of the local communities, and to the ability of coal-fired power plants to obtain high quality, environmental "compliance" coal, and for the region as well due to the electric utilities who rely on this coal and the communities served by those utilities. The Forest Service should not delay decision-making because it can result in the by-pass of coal in the leasing and mining processes that may not ever become economic in the future, because the development infrastructure of the ongoing mining operation would be lost.***

**Response:** The effects of the prohibition alternatives on coal resources are discussed in the FEIS in the Social and Economic Factors of Energy and Non-Energy Minerals section. The effects to these Counties and to the area of the Grand Mesa-Uncompaghre-Gunnison National Forest are part of this discussion.

**75. *The Forest Service should address the feasibility and cost of mining inside roadless areas or in areas surrounded by roadless areas.***

**Response:** The DEIS contained and the FEIS updated a qualitative discussion of the effects of the alternatives on possible exploration and development (FEIS Chapter 3). More specific predictions and comparisons of future feasibilities and costs of mining inside or outside roadless areas would be beyond the scope of this analysis.

## Caves and Karst Features

**76. *The Forest Service should not build logging roads or schedule timber harvest because of the negative impacts on karst formations and ultimately the destruction of the ecosystem.***

**Response:** Recognition of the existence of karst and cave resources on NFS lands was addressed on p. 3-

148 of the DEIS. The effects of construction or reconstruction of roads to these resources are addressed on p. 3-149 of the DEIS. The FEIS also includes further discussion in the Tongass section of Chapter 3. See Response 42 in the Tongass section of this volume.

## Further Analysis

**77. *The Forest Service should address possible access, lease and development restrictions the proposed rule may impose on mineral exploration and leasing in roadless and other unroaded areas.***

**Response:** The Roadless Area Conservation FEIS clarifies the right of access provided by the General Mining Law of 1872, as amended. The effects analysis in Chapter 3 of the FEIS has been expanded to address this comment. The decision on procedures for management of unroaded areas was made in the new Planning Regulations (36 CFR 219). See Response 58.

**78. *The Forest Service should complete a site-specific analysis of the impacts of the proposed rule on mineral entry.***

**Response:** A site-specific analysis of the impacts of the proposed rule on mineral entry would not be necessary to analyze the effects of the alternatives because the Roadless Area Conservation proposal does not deny mineral activity. While it might limit the construction or reconstruction of roads that may be associated with mineral activities, those effects are discussed in Chapter 3 of the FEIS at the level appropriate for the decision being made.

## Site-Specific Concerns

**79. *The Forest Service should permanently protect the Rough & Ready South Kalmiopsis Area.***

**Response:** The suggested action would have to be done by mineral withdrawal. The proposed Roadless Conservation Rule does not address withdrawal from mineral entry for reasons discussed on p. 2-18 of the DEIS. This concern is more appropriately addressed in forest plan revision for the Siskiyou National Forest.

## General Concerns

**80. The Forest Service should adequately address oil and gas operations in the draft proposal.**

**Response:** This has been clarified in the Minerals and Geology section of Chapter 3 in the FEIS. See Response 51.

**81. The Forest Service should clarify the term “existing lease”; and**

**82. The Forest Service should modify its definition of “existing lease” to mean “existing” at the time of issuance, not the time activity is approved to commence.**

**Response:** A definition of “existing mineral lease” has been included in the FEIS Glossary. As suggested, it recognizes the issuance date.

**83. The Forest Service has a hidden agenda to prohibit future mineral development to the maximum possible extent.**

**Response:** The Roadless Area Conservation Rule Proposed is not intended to prohibit future mineral development to the maximum extent possible. It is intended to protect the characteristics of certain roadless areas within the National Forest System as described in Chapter 1 of the DEIS. Also see Response 58.

## Other Concerns

**84. Instead of using fossil fuels, the United States should develop solar power and wind power.**

**Response:** This suggestion is beyond the scope of the Forest Service’s Roadless Area Conservation proposal. It lies within the realm of national energy policy.

**85. The Forest Service should allow only mining by hand.**

**Response:** This suggestion lies beyond the scope of the rulemaking because it would require a change in the relevant mining laws in order to implement.

**86. The Forest Service should prohibit strip mining, which is more offensive than road construction.**

**Response:** The agency is required by law to recognize where a road is needed pursuant to reserved or outstanding rights or as provided for by statute or treaty. Mineral rights are one type of these existing rights. A general prohibition of strip-mining on NFS lands is not within the scope of the Roadless Area Conservation proposal.

**87. The Fiscal Year 2000 budget advice calls for prioritizing the administration of existing operations to standard over approving new operations. To be consistent with out-year budget requests, maintain agency credibility, and fulfill agency stewardship responsibilities, existing operations must be administered to standard before new proposals are introduced into the system. The Forest Service should not delay time frames for approval of mineral operations.**

**Response:** The broad issue of the agency’s minerals and geology program is not within the scope of the Roadless Area Conservation proposal.

**88. The Forest Service should consider the environmental impacts of mining and prospecting.**

**Response:** The environmental impacts of any site-specific mineral development proposal are addressed in the required NEPA analysis as consistent with NEPA and the 36 CFR 228, Subpart A regulations. The effects of mining associated with the alternatives in this EIS have been addressed to a level appropriate for the decision being made.

**89. The Forest Service should encourage the safe and sanitary disposal of mining and drilling tailings and toxic substances to safeguard our rivers, lakes, and aquifers.**

**Response:** The Forest Service surface management regulations at 36 CFR 228, Subpart A have been designed to safeguard the environment including the disposal of mining and drilling byproducts. The agency must also meet the requirements of NEPA, the Clean Water Act, and other pertinent environmental laws. This issue is outside the scope of the Roadless Area Conservation proposal.

**90. The Forest Service should end the 1872 Mining Act.**

**Response:** This action is outside the agency's authority and the scope of this proposal. It would require an act of Congress.

has no relationship to the provisions of the Wilderness Act.

**91. The Forest Service should purchase all mineral rights on National Forest System lands to stop oil and gas and hard rock mining; and**

*End of Minerals Section*

**92. To protect roadless areas, the Forest Service should discontinue current mining operations in roadless areas and eliminate claims through public purchase at fair market value.**

**Response:** To enable the Forest Service to purchase mining claims in roadless areas nationwide would require legislation and appropriation of the necessary funds by Congress. This is beyond the scope of the Roadless Area Conservation proposal. Also see Response 2.

**93. The Forest Service should limit the amount of methane wells allotted on a certain amount of acreage.**

**Response:** This suggested limitation is beyond the scope of the Forest Service Roadless Area Conservation proposal.

**94. The Forest Service should work with the Michigan Oil and Gas Association to develop a stable oil and natural gas development framework on national forest lands.**

**Response:** This undertaking is more appropriately within the realm of national policy formulation for the development of oil and gas resources on National Forest System lands; therefore, it is beyond the scope of the Roadless Area Conservation proposal.

**95. The Wilderness Act provides that the Secretary of Agriculture shall permit ingress and egress to valid mining claims within Wilderness by means that have been or are being customarily enjoyed with respect to other such areas similarly situated.**

**Response:** The alternatives would not affect access to Wilderness mining claims. The prohibition alternatives include an exception to allow road construction or reconstruction in roadless areas if needed for outstanding or reserved rights (DEIS p. 2-4). See Response 34. The Roadless Area Conservation proposal addresses roadless areas, not designated Wilderness. Therefore, the rulemaking

## 9. PLANNING

Definitions and Criteria.....	74
New Alternatives .....	78
Less Local Planning Authority.....	78
More Local Planning Authority .....	79
Less Restrictive Oversight .....	81
More Protection Than Alternatives Offer.....	82
Alternative Preferences.....	85
Clarifying Alternatives .....	86
Wider Range of Alternatives .....	87
Exemptions and Exceptions.....	88
Timelines For Decision-Making.....	89
Clarifying How To Implement.....	89
Considering More Information.....	90
Cumulative Effects Analysis.....	92
More Analysis.....	93
Process Points .....	94
Technical Points .....	94
Clarifying Analysis .....	95
State, Local Authorities .....	96
Constitution, Federal Laws.....	96
Executive Orders.....	99
FLPMA, Mining Laws .....	99
Organic Act, MUSY Act, Related Acts .....	100
NEPA.....	101
NFMA, RPA.....	103
Wilderness Acts.....	103
General Planning Concerns.....	104
Other Concerns.....	107

### Definitions and Criteria

**1. The Forest Service should define the word “protect.”**

**Response:** In an October 13, 1999 Memorandum to the Secretary of Agriculture, President Clinton directed the Forest Service to “provide appropriate long-term protection for most or all of the currently inventoried “roadless” areas, and to determine whether such protection is warranted for any smaller “roadless” areas not yet inventoried.”

The public scoping process that followed the Notice of Intent to prepare this EIS helped to define the scope of the analysis and scope of the proposal to protect roadless areas (DEIS pp. 1-4 through 1-9). “The Forest Service has developed a proposed action that meets the need to protect the values prevalent in roadless areas...” (DEIS p. 1-10). Protection of roadless areas is the purpose of this analysis as stated in the DEIS. Page 1-10 defines that purpose: “1) to

immediately stop activities that have the greatest likelihood of degrading desirable characteristics of inventoried roadless areas, and 2) to ensure that ecological and social characteristics of inventoried roadless and unroaded areas are identified and evaluated through local forest planning efforts.” In the FEIS, protection is provided in the form of prohibitions on certain activities within inventoried roadless areas: road construction, reconstruction, and timber harvest. The final planning regulations recently issued at 36 CFR 219 have determined the procedures for providing further protection for roadless and unroaded areas.

**2. The Forest Service should evaluate the use of the word “natural” in describing roadless areas.**

**Response:** A number of respondents requested that definitions be provided for a variety of words, or commented that the use of a particular word in the DEIS may not be appropriate. For words of common daily usage we did not define or include them in the glossary. We are using standard industry definitions defined by the Society of American Foresters for forestry terms. The Glossary for the FEIS includes only words not commonly used or otherwise defined.

**3. The Forest Service should remove the word “whether to protect” from all the alternatives in the DEIS and replace with “how to protect”; and**

**4. The Forest Service should replace the phrase “ensure consideration” with “ensure compliance with the rule” in item #2 of the proposed rule.**

**Response:** The prohibitions in the action alternatives in the FEIS provide protection to roadless characteristics in inventoried roadless areas. The procedural alternatives in the DEIS have not carried forwarded into the FEIS, because the new Planning Regulations at 36 CFR 219 made decisions on how to consider future management of inventoried roadless areas and unroaded areas. The Planning Regulations contain flexibility for local line officers to adjust to local needs as part of an emphasis on collaborative planning. Compliance with the intent of the Roadless Area Conservation Rule would occur during public involvement under NEPA for proposed projects and agency reviews.

**5. The Forest Service should write the DEIS in such a way as to rule out loopholes.**

**Response:** The agency's intent in the FEIS is to clearly define to the public and local agency managers the options for the conservation of inventoried roadless areas and the effects of those options. We have identified exceptions and mitigations to provide for situations that warrant special consideration.

**6. The Forest Service should modify Section 294.11 of the Rule and change the definition of "Inventoried Roadless Areas" to include the statement "Roadless areas shall typically be at least 1,000 acres in size, though smaller areas may be classified as "roadless" under this Rule where the Forest Service determines such areas have important values that warrant such classification."**

**Response:** In the past the definition of Inventoried Roadless Areas was used to refer to those areas inventoried under RARE or RARE II. It now also includes areas inventoried more recently. The new definition of Inventoried Roadless Areas is: "Undeveloped areas typically exceeding 5,000 acres that met the minimum criteria for Wilderness consideration under the Wilderness Act and that were inventoried during the Forest Service's Roadless area Review and Evaluation (RARE II) process, subsequent assessments, or forest planning. These areas are identified in a set of inventoried roadless area maps, contained in *Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Volume 2*, dated November 2000, which are held at the Nation headquarters office of the Forest Service.

Direction for classification of unroaded areas (not currently inventoried) is established in the Planning Regulations (36 CFR 219) and so the procedural alternatives were not carried forward into the FEIS.

**7. The Forest Service should define "unroaded characteristics"; and**

**8. The Forest Service should revise the list of characteristics and values of roadless areas identified in the DEIS. We have listed seven additional characteristics that should be considered as well: roadlessness; natural quiet; opportunity for solitude; natural fire regime; natural watershed function; shape and size of area; roadless area integrity; wildland values; and associated characteristics.**

**Response:** The DEIS defined the nine roadless characteristics as part of the procedural alternatives description on p. 2-8. The FEIS defines the same list in the introduction section of Chapter 3. The new Planning Regulations have made the decisions regarding the process for planning for management of roadless and unroaded areas (36 CFR 219).

**9. The Forest Service should consider "lack of roads" as a "roadless characteristic."**

**Response:** The characteristics found in the DEIS include those which the agency found are the most essential for conservation of roadless areas (DEIS Chapter 2). The new Planning Regulations have made decisions regarding the process for planning for management of roadless areas (36 CFR 219). Locally identified unique characteristics can play a role as well when Forests and Grasslands undertake Plan amendments or revisions.

**10. In Chapter 3 p. 11, the Forest Service needs to define "irreversible loss of roadless character."**

**Response:** The DEIS described this effects incorrectly as "irreversible." The effect of road construction would be "irretrievable" on roadless character. We have corrected this error in the FEIS.

An "irreversible" loss is a permanent loss. An "irretrievable" loss is one that is a loss of an opportunity. The section referenced in this comment relates to the estimate that up to 368 miles of road could be constructed in inventoried roadless areas due to the exceptions described in Chapter 2 of the DEIS on p. 2-9. Such construction is considered an irretrievable, rather than irreversible, commitment of roadless character. Also see Response 136.

**11. Before a final decision is made on the FEIS, specific criteria should be established for making decisions about protecting further unroaded areas. The Forest Service should conduct multi-agency collaboration on local levels to establish criteria for those local decisions. Commodity resource potential should be one of the criteria. These criteria should clearly balance the impact on a regional scale, taking into account local concerns.**

**12. The Forest Service should identify roadless area characteristics, which are clear and not open to competing interpretations.**

**Response:** The new Planning Regulations have made the decisions regarding the process for planning for management of unroaded areas (36 CFR 219). Therefore, procedures for protection of unroaded areas are not addressed in this FEIS. The Planning Regulations call for multi-agency collaboration and local involvement. Roadless area characteristics are appropriate considerations during local forest and grassland planning.

***13. The Forest Service should explain how the roaded portions of inventoried roadless areas will be determined.***

**Response:** The agency received extensive public comment asking for a better definition of the term “unroaded portions of inventoried roadless areas” than the definition on p. 2-2 of the DEIS. The main concern was that these areas had never been identified or mapped before and needed to be. After careful review of many possible criteria to clarify the definition, the agency determined that it would discontinue use of the term and, and that the prohibitions, if selected, would apply to all National Forest System lands within the boundaries of the inventoried roadless areas. The FEIS, Chapter 2, includes this clarified direction. Also see Response 15.

***14. The Forest Service should mandate follow-up planning that identifies and protects uninventoried roadless areas and permanently ends damage to both inventoried and uninventoried areas.***

**Response:** The purpose of the rulemaking is to conserve roadless lands for their unique values (DEIS p. 1-3 and 1-10). This rule would achieve this through prohibitions on activities that have a high likelihood of adversely affecting those values in inventoried roadless areas (DEIS p. 2-3). The new Planning Regulations contain procedures that local forest and grassland managers will follow as they revise forest and grassland plans and determine whether or not to extend additional protection to inventoried roadless areas and unroaded areas (36 CFR 219).

***15. The Forest Service should give the same protection to uninventoried roadless areas as it does to inventoried areas.***

**Response:** An alternative was considered in the DEIS and FEIS that would have applied the

prohibitions to all unroaded areas. As explained in the DEIS and FEIS, the necessary data were not available on the extent or location of unroaded areas other than those roadless areas already inventoried. National prohibitions were not considered to be appropriate at this time. These unroaded areas are best identified, characterized, and addressed through local forest and grassland planning processes (DEIS p. 1-11 and DEIS, p. 2-19).

The DEIS recognized that such unroaded areas have the potential to possess characteristics and values equivalent to those in the inventoried roadless areas (DEIS p. 1-4). Because of their undefined nature, and in order to conserve their roadless character, the unroaded areas were included in the procedural alternatives (DEIS p. 1-11). These procedural alternatives were not carried forward into the FEIS. The new Planning Regulations (36 CFR 219) contain explicit guidance for considering and managing unroaded areas.

***16. The Forest Service should ensure that under the procedural alternatives local participation is not dominated by economics.***

**Response:** The National Forest Management Act and Forest Service policies and procedures guide the forest and grassland planning process. The new Planning Regulations consider ecological stewardship as a key policy. See also Response 56 in the Involvement section.

***17. The Forest Service should clarify who holds the authority and how much “local latitude” will be allowed to consider access and recreation.***

**Response:** The DEIS described the nature of the latitude provided by the procedural alternatives (DEIS pp. 2-6 through 2-10, Appendix A, pp. A-27 and A-28) as well as who will be authorized to make those decisions (DEIS p. A-26). See also Responses 31 and 65. The new Planning Regulations have made the decisions regarding the process for planning for management of roadless areas (36 CFR 219), which includes an emphasis on collaboration and local involvement.

***18. The Forest Service should explain “essential management” in terms of exceptions to the roadless areas.***



**Response:** The exception to the road construction prohibition in the DEIS was on pp. 2-4, A-9, and A-27. It was referring to realignment of an existing road that is “deemed essential for access, management, or public health and safety....” The phrase has been rewritten in the FEIS to clarify that the phrase “essential for management” refers to essential for “natural resource management.”

**19. Alternative 3 should be modified to include safeguards to limit the diameter size of the trees allowed for removal, and if there are limits on the amount of time this stewardship will be practiced.**

**Response:** Due to the diverse nature of the national forests and grasslands, a national limitation on the size of trees allowed for removal would prove impractical. There are, however, numerous regional efforts taking place that will help define limits if needed. These regional efforts include the Sierra Nevada Framework for Collaboration and Conservation that is currently underway in California and the Interior Columbia Basin Ecosystem Management Project. Finally, stewardship is an ongoing and adaptive process that must be tailored to local situations and needs.

**20. The Forest Service should consider that sections 294.13(c) and (d) allow for added protections in addition to no roads, thus opening a Pandora’s box for additional regulations without review by the public or Congress.**

**Response:** As stated in section 294.13 of the proposed rule, all national forests and grasslands are required by NFMA to “develop, maintain, and as appropriate, revise land and resource management plans for units of the National Forest System” (16 U.S.C. 1604(a)). Determining protections under Sections 294.13 (c) and (d) of the proposed rule would take place at the local level during forest and grassland plan revisions on the individual units. This process includes full public involvement of the concerned public. The new Planning Regulations have made the decisions regarding the process for planning for management of roadless areas (36 CFR 219). Therefore the procedural alternatives were not carried forward into the FEIS.

**21. The Forest Service should define “unroaded areas” in terms of size and attributes as the loose definition will only impair the ability of local**

**managers to make decisions and increase litigation cost.**

**Response:** Unroaded areas were defined in the DEIS, and Glossary. The definition is refined in the FEIS. The new Planning Regulations have made the decisions regarding the process for planning for management of roadless areas (36 CFR 219). Therefore the procedural alternatives were not carried forward into the FEIS. See also Response 21 in this section, and Response 20 in the Roads section.

**22. The Draft EIS should list the actual procedures to be implemented.**

**Response:** The procedures are now part of the Planning Regulations rather than this rule. Analysis of public comments on the DEIS showed confusion over how the procedural alternatives (A through D) would be implemented. Comments on the proposed Planning Regulations (36 CFR 219) and Forest Service comments on the roadless DEIS suggested that the procedures were best suited for the Planning Regulations. Upon review, the agency recognized that most of the roadless area characteristics identified in the DEIS and proposed rule were similarly required by the Planning Regulations. Therefore, the procedures are an explicit part of the plan revision process as addressed in 36 CFR 219.9(b)(8) of the final Planning Regulations. Therefore, the procedures and procedural alternatives analyzed in the DEIS do not appear in this FEIS. See FEIS Chapter 1, Background; and Chapter 2, Alternatives Considered in Detail.

**23. The Forest Service definitions of “unroaded” and “classified roads” eliminate too many areas deserving of protection.**

**Response:** The combination of this Roadless Area Conservation Rule and the new Planning Regulations, together with the proposed Roads Policy, will provide latitude for local line officers to protect roaded and roadless areas to the extent such protection is warranted.

## New Alternatives

**24. *The Forest Service should adopt a new alternative that would be called the preservation alternative. This alternative would add to the prohibitions and include all unroaded areas in with the prohibitions.***

**Response:** This alternative was considered but not analyzed in detail in the DEIS (pp. 2-17 through 2-19), or FEIS (Chapter 2). See also Response 15.

**25. *The Forest Service should develop one or more “access for all” alternatives.***

**Response:** The agency considered an option that would have encouraged road construction and other development activities in roadless areas, but did not develop it in detail for reasons explained in DEIS and FEIS Chapter 2 (Alternatives Considered But Eliminated From Detailed Study, Alternative Land Use Designations). Also see Response 62 in the Roads section.

**26. *The “No Action” Alternative should be modified to initiate a viable program of land use education, partnering with public interest individuals and groups, and revamping the funding and resources available to the Forest Service.***

**Response:** The No Action Alternative forms a baseline for comparison and represents current management. Nothing in the proposed rule precludes educational and budgeting activities. However, at best these activities would provide roadless area conservation results over a longer time period without an immediate beneficial effect. Therefore, such actions do not meet the purpose for the rule, which is to conserve inventoried roadless areas now.

**27. *The Forest Service should develop a range of alternatives that vary the amount of roadless acres for which environmentally sensitive multiple use road construction is allowed in conformance with laws and other initiatives (such as the Transportation Management Initiative).***

**Response:** The DEIS and FEIS display the relationship between this rulemaking and other rulemaking also occurring (DEIS Chapter 3, Cumulative Effects of the Roadless Rule with Other Rules and Initiatives; FEIS Chapter 3, Summary of Cumulative Effects, Other Federal Policies). The

range of alternatives includes options that allow road construction and reconstruction. In addition, exceptions have been included to provide conformance with existing laws. See FEIS, Chapter 2 Alternatives Considered in Detail.

**28. *The Forest Service should combine Alternatives 2 and 3 in order to protect areas from timber harvesting.***

**Response:** Both Alternatives 2 and 3 would prohibit road construction and reconstruction. Alternative 3 also prohibits timber harvest in inventoried roadless areas except when expressly designed for stewardship purposes. These alternatives are different and therefore warrant consideration in the FEIS. They represent two of the many alternatives considered during this rulemaking.

## Less Local Planning Authority

**29. *The Forest Service should ensure that roadless areas are protected and not leave the decision up to the local forest planning process to decide;***

**30. *Management decisions regarding roadless areas are appropriately made at the national level; and***

**31. *Under procedural Alternative B, the Forest Service should limit the authority of local managers to protect roadless areas from local user group pressures. Before any authority is given to local managers to approve unroaded classifications for any areas, specific, clear, and concrete criteria should be listed by which the general public may understand what is being decided and why. The Forest Service should not allow final decisions to be made during the forest planning process.***

**Response:** The Roadless Area Conservation Rule provides a national level prohibition in part as a response to sentiment among some of the public that roadless areas and their characteristics need to be protected. The local-level procedures contained in the new Planning Regulations (36 CFR 219) encourage public involvement, and do not preclude the involvement of local and national interests in decision-making. The two-tiered approach was described in Chapter 2 of the DEIS on pp. 2-1 through 2-10, and FEIS Chapter 2.

This two-tiered approach is still possible by the combination of the Roadless Rule and the new Planning Regulations (36 CFR 219).

Alternatives 2 through 4 establish prohibitions that provide for immediate protection of the inventoried roadless areas from activities with the most potential to directly alter their roadless character: road construction and reconstruction. The DEIS also considered alternatives that provide two different levels of restrictions on timber harvest within the inventoried roadless areas (DEIS pp. 2-4 through 2-6; and FEIS Chapter 2). The rationale for limiting the scope of the proposed action was described in the DEIS (pp. 1-10 and 1-11; and FEIS Chapter 1). In addition to the prohibitions, Alternatives B through D would have established procedures to enable local agency managers to identify, evaluate, and conserve or enhance the characteristics of inventoried roadless areas and unroaded areas through local planning (DEIS p. 1-12 and 1-13). The new Planning Regulations (36 CFR 219) have made the decisions regarding the process for planning for management of roadless areas. Therefore, the DEIS procedural alternatives were not carried forward into the FEIS. See also Responses 8 and 11.

***32. The Forest Service should ensure that forest plans currently being developed in the Southern Appalachians set aside all roadless areas (inventoried roadless and unroaded areas) in the most protective prescriptions.***

**Response:** Alternatives 2 through 4 prohibit those activities that may have the greatest potential to adversely affect the roadless characteristics of inventoried roadless areas. Decisions on land use designation will be made during local forest planning.

An alternative that would set aside all roadless areas with protected designations (such as primitive recreation, research natural areas, monuments) was considered but not analyzed in detail in the DEIS and FEIS. The reasons were: a lack of data that can be aggregated and analyzed meaningfully at the national level, the local nature of the affected uses and impacts, and the relationship of these alternatives to the rulemaking's purpose and need (DEIS p. 2-16 and FEIS Chapter 2). See also Response 15.

***33. The type of activities to be allowed in roadless areas should be clearly spelled out in the***

***Environmental Impact Statement. Discretion to allow destructive activities should not be left open for the local forest manager to decide. Local interest groups will apply pressure and roadless areas will suffer. Consider an alternative that keeps decision-making out of the local managers' hands.***

**Response:** The rationale for developing the range of alternatives was described in the DEIS (pp. 1-10, 1-11, 2-4). An alternative that would have established prohibitions from a national level on many other activities was considered and eliminated from detailed review because either the activities were not considered to have some significant national impacts on roadless areas or the data were not available that would allow for a national level analysis (DEIS p. 2-18). Local decision-making authority was an area of concern during scoping of the proposed action (DEIS pp. 1-8 and 1-9). The new Forest Planning Regulations (36 CFR 219) reflect the agency position that local planning is the appropriate method for decisions on most activities that occur on national forests and grasslands. See also Response 38.

***34. The Forest Service should not adopt Alternative B because it allows local managers to make decisions about the roadless areas outside inventoried roadless areas. This will result in loss of many high value areas, which need to be identified before a decision is made.***

**Response:** Prohibitions were not applied to uninventoried unroaded areas for a number of reasons described in Chapters 1 and 2 of the DEIS and FEIS. One is that the data are not available on the extent and location of unroaded areas across the national forests and grasslands. The rationale for providing procedures for unroaded areas outside inventoried roadless areas focused on the need to consider unroaded lands, not simply those already inventoried or those that have a larger area than a certain size (DEIS p. 2-19). However, decisions on how to proceed with planning of inventoried roadless areas and unroaded areas were made in the new Planning Regulations (36 CFR 219), and so the procedural alternatives were not carried forward into the FEIS.

## **More Local Planning Authority**

***35. Local managers should be allowed to recognize on the ground where environmentally sound roads can be built when they are needed. The Forest***

*Service should not tie the hands of local managers with additional restrictions; and*

**36. Management decisions regarding roadless areas should be made at the local level.**

**Response:** The Forest Service has addressed roadless area management for more than 25 years. However, local decisions about inventoried roadless areas and unroaded areas were often contested through administrative appeals and litigation, especially when the decisions dealt with road building, timber harvest, or other activities that alter an area's intrinsic roadless characteristics. Additionally, there was debate about the Forest Service's deteriorating 380,000-mile road system and the wisdom of building additional roads. In 1996, the House of Representatives came within a single vote of cutting 42 million dollars from the agency's road budget because of these issues.

As the DEIS and FEIS Chapter 1 states, national-level direction is appropriate to address the national debate and controversy over roadless areas while leaving decision space for local managers working with public involvement. The proposed rule attempts to balance national direction to conserve roadless areas with the need to maintain local decision-making. The prohibition alternatives examine prohibiting different levels of activities in inventoried roadless areas. However, the procedures in the new Planning Regulations (36 CFR 219) allow local managers to make decisions about how to conserve roadless area values in the specific inventoried and unroaded areas under their authority. The new Planning Regulations emphasize conducting this process in collaboration and with substantial involvement of the public. See also Response 30.

**37. The proposed rule should be limited to the development and management of a transportation system needed to achieve forest plan goals and objectives. Land allocation decisions should be left to forest planning.**

**Response:** The proposed rule would make no land allocation decisions. The proposed rule would only prohibit road construction and reconstruction and possibly timber harvest in inventoried roadless areas, depending on the alternative selected. Making or changing land allocations would still take place

during the local forest and grassland planning process.

The new Planning Regulations (36 CFR 219) recognize "roadless areas" and "unroaded areas" as possible special designations. Forest and grassland plans make land allocations, and nothing in the proposed rule would make land allocation changes.

**38. The Forest Service should allow individual forests to develop their own management plans over a longer time frame.**

**Response:** The procedural alternatives in the DEIS (Alternatives B through D) have been eliminated because the new Planning Regulations (36 CFR 219) make the decisions on how to plan for these areas. They recognize the role of local planning by establishing procedures to evaluate each roadless area in its own context and social setting. However, the limitations of local planning were recognized as an important reason for establishing national policy on inventoried roadless areas. Therefore, the DEIS and FEIS analyze a range of alternatives that prohibit road construction, road reconstruction, and timber harvest in all inventoried roadless areas depending on the alternative. These activities pose the greatest risk to the roadless character of these areas, are common to nearly all national forests and grasslands, and can be analyzed at the national level.

The amount of time individual forests and grasslands take to develop their land management plans depends on local conditions and national budgets and cannot meaningfully be determined through this rulemaking and environmental analysis.

**39. The Forest Service should modify its preferred alternative to allow the local managers the opportunity to make decisions in cases of justifiable need.**

**Response:** The agency developed alternatives that included exceptions to the road construction and reconstruction prohibition (DEIS p. 2-4, pp. A-9 and A-27) in certain limited circumstances. Some new exceptions for additional circumstances have been added to the alternatives in the FEIS (Chapter 2) as a result of public comment, for consideration by the local decision-maker.

Under the new Planning Regulations (36 CFR 219), decisions in roadless and unroaded areas are now

made as part of the forest and grassland planning processes, which provide for public participation and discretion to local decision-makers.

## Less Restrictive Oversight

**40. The Forest Service should provide better monitoring and enforcement of multiple use rules to accommodate all users without excluding anyone, while protecting forests and lands. Develop an “access for all” alternative.**

**Response:** The agency developed the alternatives within the authority of multiple-use mandated by current laws and policies, specifically the Organic Administration Act, the Multiple-Use Sustained Yield Act, and the National Forest Management Act (NFMA). Alternatives 1, 2, and 3 provide for inventoried roadless areas to continue to contribute different levels of timber and other renewable resources, goods, and services from national forests and grasslands at a sustained rate. Also, an alternative to fully develop roadless areas was considered but eliminated from detailed consideration because it did not meet the President’s direction for the rulemaking nor did it satisfy the purpose and need (FEIS Chapter 2, Alternatives Considered But Eliminated From Detailed Study). See also Response 62 in the Roads section.

**41. Given its intent to eliminate timber harvesting on National Forest lands, the Forest Service should propose that these lands be reconstituted as National Parks.**

**Response:** The intent of the rulemaking is to conserve roadless lands for their unique ecological, social, and economic values (DEIS p. 1-3), not to eliminate timber harvest from all NFS lands.

Changing National Forest System lands to National Parks is a Congressional action outside the scope of this analysis.

**42. Current plans for logging, road and trail building should continue until new forest plans are adopted.**

**Response:** The DEIS and FEIS analyzed a range of alternatives including Alternative 1 which allows such activities to continue, and Alternative 2 which allows all activities but road construction and

reconstruction to continue. There are no proposed prohibitions on trail building.

**43. The Forest Service should prepare an alternative that allows road construction in specific roadless areas threatened by insects, disease and fire.**

**Response:** The DEIS and FEIS displayed an alternative considered but eliminated from detailed study that would have activity exemptions (Chapter 2). In all prohibition alternatives, road construction and reconstruction would not be permitted except as needed for protection of public health and safety, for meeting CERCLA mandates, for redeeming reserved or outstanding rights, and to allow for road realignment to prevent irreparable resource damage. In most cases, road construction would detract from attainment of the need for roadless area protection even though other multiple-use goals may be attained. The FEIS (Chapter 2) describes additional exceptions that have been provided as possible mitigation measures.

**44. The Forest Service should consider an alternative that prevents road construction in all inventoried roadless areas in a manner that does not harm the timber production objectives stated in each forest plan.**

**Response:** Because harvest schedules for many forest plans were predicated primarily on new road construction, these are two conflicting objectives, and such an alternative would not be feasible. See also Response 9 in the Timber section.

**45. The Forest Service should recognize that in Montana access to many roadless areas is limited. Private lands contain the main routes leading to many of these areas and these roads are not open to the public. By eliminating road building in public lands, the Forest Service will eliminate public access because of the lack of roads to the perimeter of these areas. This would set aside many of these areas for the privileged and for outfitters/guides’ personal use.**

**Response:** The prohibition alternatives do not eliminate access on existing classified roads, unclassified roads, or trails. As described in the DEIS and FEIS, the prohibition alternatives (Alternatives 2-4) limit future expansion of the road

system only within inventoried roadless areas (DEIS pp. 3-197 through 3-199; FEIS Chapter 3).

Actual road access policy decisions will be addressed under the proposed Roads Management Policy for the National Forest Transportation System (Roads Policy). The Road Policy is intended to make the existing forest road system safe, responsive to public needs, environmentally sound, affordable, and efficient to manage. Under this policy, the responsible Forest Service official would conduct a science-based road analysis to determine the minimum road system needed to achieve National Forest resource goals. These goals include identifying needed and unneeded roads. This analysis and the resulting decisions will be part of forest and grassland planning and project planning. The FEIS describes the Roads Policy and its relationship to the Roadless Area Conservation proposal (Chapter 3).

## More Protection Than Alternatives Offer

**46. *The scope of the study should be returned to the original 60 million, no roads, no logging.***

**Response:** The original figure of 60 million acres was an estimate. The acreage figure listed in the DEIS was 54 million (DEIS p.1-1). This figure has been updated in the FEIS to 58.5 million (FEIS p. 1-1). The updated acreage in the FEIS is based on updates of the data provided by the individual national forests and grasslands.

**47. *The Forest Service should keep roadless areas roadless in perpetuity.***

**48. *The Forest Service should prohibit changing roadless designations for 200 years; and***

**49. *The Forest Service should not make any choices permanent.***

**Response:** There are no provisions of law that would allow the agency to restrict the President or Congress from making future decisions to change this rule after adoption. For the purposes of the Forest Service, this rule would remain in effect until changed through formal public notice and rulemaking. The purpose of this rulemaking is described in the DEIS and FEIS, Chapter 1. Creating temporary prohibitions would not have met the intent and purpose of the rulemaking.

The alternatives that prohibit road construction and reconstruction and timber harvest include exceptions for specifically defined circumstances. See also Response 51.

**50. *The Forest Service should modify its preferred alternative so that the Forest Service imposes more strict protections.***

**Response:** A range of alternatives to conserve roadless areas was developed in response to public comment (DEIS p. 1-5 through 1-9 and 2-2 through 2-13). Another set of alternatives also suggested through public comment was considered but not analyzed in detail for a variety of reasons as described in the DEIS and FEIS (Chapter 2). These alternatives included protections that are more restrictive, as well as opportunities for more development (DEIS p. 2-17). The preferred alternative is identified in Chapter 2 of the DEIS and FEIS.

**51. *The restrictions found in Alternative 4 should be expanded to include all unroaded areas (not just inventoried roadless) and expanded to include more prohibited activities, such as motorized use, gas/oil leasing, and mining. The increased impacts of such activities as horse use and mountain bikes should also be considered if road development is prohibited.***

**Response:** The scope of the rulemaking process was described in the DEIS (pp. 1-10 through 1-11). Prohibitions were not extended to activities beyond those included in Alternatives 2 through 4 because of the variable impacts of many of these activities, the lack of national data from which to conduct meaningful analysis, and the limitations that this rulemaking process has due to rights guaranteed by laws, such as the 1872 Mining Law (DEIS p. 1-11 and 1-13). Also see Response 15 in this section.

The appropriate context to consider effects of recreational livestock and mountain bike use would be the local national forest and grassland planning process including the travel management planning process.

**52. *The proposed rule should provide permanent protection from dams and other harmful activities. Such activities include road construction,***

*reconstruction, all logging, mining, grazing, oil and gas development, and off-road vehicle use.*

**Response:** The agency considered additional prohibitions on uses and activities beyond the road construction, reconstruction, and timber harvesting in the prohibition alternatives. However, for a number of reasons it determined that it would not be appropriate to develop or apply those options (DEIS and FEIS Chapter 1, Purpose and Need; Chapter 2, Alternatives Considered But Eliminated From Detailed Study, Alternative Sets of Prohibitions). These activities included off-highway vehicle use, grazing, and mining. See Responses 15 and 51.

Construction and operation of dams on National Forest System lands are forms of special use permit authorization. The prohibition alternatives would not suspend or modify any existing permit, contract, or other legal instrument authorizing the use and occupancy of NFS lands. Therefore, existing authorized uses such as dams would continue to be maintained and operated within the parameters of their special use authorization.

However, proposed new uses or expansion of authorized uses and occupancies into or within inventoried roadless areas would be allowed only if it does not require a prohibited activity under this rule, or if it excepted, or if the special use authorization already exists and the proposed activities take place within the boundaries already established by the special use authorization.

An alternative to prohibit other activities such as grazing and off-highway vehicles (OHVs) was considered but dismissed from detailed consideration (DEIS and FEIS Chapter 2) because the activities do not pose the same risk to roadless areas posed by road construction and road reconstruction.

**53. *The proposed rule should be secured against being overturned by future administrations, along with endangered species protection, the Clean Water Act, and the Clean Air Act.***

**Response:** The Forest Service anticipates that the rule that will be adopted as the agency's final decision is intended to remain in effect until such time as future public notice and rulemaking leads to change. See Response 49.

The rulemaking would be fully consistent with environmental laws including the Endangered Species Act, the Clean Water Act, and the Clean Air Act. However, it would be beyond the scope and intent of this Roadless Area Conservation Rulemaking to address the longevity of such laws. See also Response 49.

**54. *Preserve more roadless areas for the non-commodity values that they provide; and***

**55. *Non-commodity values of forest ecosystems should not be sacrificed for logging, mining, etc.***

**Response:** Concern for the non-commodity values of roadless areas is directly addressed by the Purpose and Need for this action. The prohibition alternatives are designed to conserve roadless area characteristics, which include non-commodity values such as clean air and water, wildlife habitat, species diversity, scenic beauty, and opportunities for dispersed recreation. This was discussed in detail in Chapter 1 of the DEIS and FEIS. The positive effects of the action alternatives on non-commodity values is documented throughout Chapter 3 of the DEIS and FEIS; see especially the sections on Ecological Factors, Recreation, Scenic Quality, Heritage Resources, Wilderness, and Wildland Values.

**56. *The Forest Service should provide interim protection through project-by-project analysis for all roadless areas, including those in the Tongass National Forest.***

**Response:** The new Planning Regulations (36 CFR 219) provide the direction on the protection and management of roadless areas on all national forests including the Tongass.

**57. *The Forest Service should expand the alternatives by considering one that would build no new roads in roadless lands and abandon the roads it currently has open, conduct restoration, purchase lands for restoration, and disallow extractive uses, development, off road vehicles, investment, and commercial use. It should prohibit roads in uninventoried roadless areas. It should adopt an Alternative 5 more protective than the others.***

**Response:** The DEIS and FEIS considered but eliminated from detailed study most of these alternatives and features as described in the DEIS

and FEIS (Chapter 2, Alternatives Considered But Eliminated From Detailed Study).

The Notice of Intent published in October 1999, and the purpose and need in Chapter 1 of the DEIS, stated that the objective of this effort is the protection of current inventoried roadless areas and unroaded areas that have not yet been inventoried, rather than creation of roadless areas.

The DEIS and FEIS considered an alternative to prohibit more activities than road construction and reconstruction and timber harvest. The agency elected to focus on those activities that significantly alter landscapes and cause fragmentation at a national scale.

The agency elected not to consider closure and decommissioning of any roads within inventoried roadless areas as part of this national proposal. A decision to close all roads would preclude activities that have already been approved and activities that the agency has determined are more appropriately addressed at the local level.

The DEIS and FEIS explain the rationale for not extending the prohibitions to uninventoried unroaded areas (Chapter 2).

The likelihood that unroaded areas may be created as a result of implementing this rule in conjunction with other Forest Service initiatives and rules was addressed in the DEIS on pp. 3-240 through 3-241. This section has been expanded in the FEIS.

Purchasing additional lands for the purpose of restoration or for other reasons is outside the scope of the roadless area conservation proposal for protecting the agency's current inventoried roadless areas.

**58. *The Forest Service should include a prohibition of grazing in Alternative 4.***

**Response:** The rationale for what activities were considered to be prohibited is described in the DEIS. Grazing is an activity that does not occur at a similar, nationwide scale as road construction and timber harvest, and it does not pose a similar high likelihood of altering landscapes (DEIS p. 1-10). The new Planning Regulations (36 CFR 219) provide a means to analyze on a local scale in an appropriate context the impacts of a particular activity, such as grazing,

on roadless values (DEIS p. 2-6). Also see Response 6 in Livestock Grazing section.

**59. *The Forest Service should protect all individual unroaded areas, without considering size. Many areas have not been considered in the past, especially in the East, because of their relatively small size. Expand the protection policy to all roadless areas without exceptions, and include all national forests.***

**Response:** The DEIS and FEIS describe the rationale for how consideration of inventoried and uninventoried areas was determined. It is not the intent nor is it appropriate that the management of areas currently uninventoried be subject to a national prohibition until such areas can be inventoried, characterized, and addressed through local forest and grassland planning processes. There is no need to either undertake an inventory at the national level or make decisions on delineation of such areas until they have first been subjected to local consideration. Provision for evaluating these areas is now contained in the new Planning Regulations (36 CFR 219).

**60. *The Forest Service should select Prohibition Alternative 3 and include provisions in Alternative 3 for the prohibition of high-impact activities such as the establishment of new routes for off-road recreational vehicles; and***

**61. *The Forest Service should select Alternative 4 with the addition that all-terrain vehicles be banned from all unroaded areas of public land.***

**Response:** The alternatives of limiting or prohibiting other activities in roadless areas such as OHV use were considered but not analyzed in detail (DEIS and FEIS, Chapter 2). Data on OHV use in roadless areas are too limited, and local managers already have the authority to regulate OHV use. See also Response 25 in the Recreation section.

**62. *The Forest Service should delete "...with unroaded areas of 5000 acres or more..." from Section 294.13 of the Draft EIS.***

**Response:** It is the intent of this section of the rule to provide guidance to the local decision-maker to consider roadless areas other than those addressed in proposed section 294.12 at the forest and grassland plan level. This includes all unroaded areas. Consideration of roadless areas that are adjacent to



roadless areas managed by other Federal agencies is one example of areas that now may be considered under the new Planning Regulations (36 CFR 219).

**63. *The Forest Service should continue the road moratorium in the White River National Forest until its LRMP is incorporated with section 294.13.***

**Response:** The 18-month moratorium has expired. If the decision-maker selects prohibition Alternative 2, 3, or 4, upon adoption of the final rule, there would be no need for a moratorium on road construction in inventoried roadless areas on the White River or any other forest.

**64. *The Final EIS should recommend to the President that all roadless areas be designated National Monuments.***

**Response:** The DEIS and FEIS (Chapter 2) considered an alternative that would have designated all inventoried roadless areas as National Monuments. Although the President has the authority under the Antiquities Act to designate National Monuments, he did not elect to designate roadless areas as National Monuments in this situation. The President issued on October 13, 1999 a Memorandum to the Secretary of Agriculture. It directed the Forest Service to develop “appropriate long-term protection” for roadless area conservation through rulemaking within authorities available to the Secretary of Agriculture. Therefore, designating roadless areas as National Monuments was considered but not analyzed in detail.

## Alternative Preferences

**65. *The proposed rule is unnecessary because existing regulations, policies, and processes provide adequate protection for roadless areas.***

**Response:** We acknowledge the preference of many commentors for the agency to take no action or for making limited changes to current rules. Nevertheless, the purpose of the proposed Roadless Area Conservation Rule is to conserve and maintain roadless lands for their unique ecological, social, and economic values (DEIS p. 1-3). The DEIS and FEIS describe in detail how the current processes and regulations fail to adequately protect roadless areas. For instance, although forest and grassland planning processes call for considering roadless character, local planning efforts might not adequately recognize

the national significance of roadless areas and their values (DEIS pp. 1-4 through 1-5). The DEIS and FEIS describe the values of roadless areas (DEIS pp. 1-1 through 1-4, 2-8 through 2-14) and discuss the controversy over how roadless lands are handled in the forest and grassland planning process (DEIS pp. 1-4, 1-5). The new Planning Regulations (36 CFR 219) provide direction for considering roadless values.

Of the 58.5 million acres of inventoried roadless area in the US (including Alaska), roughly two-thirds are available for some sort of road construction and timber harvest activities (DEIS pp. 3-12, 3-71). Under current policy, roadless acreage is expected to decline by about 0.5% over the next 20 years. The impacts of this trend on affected resource values are described in the DEIS and FEIS.

**66. *The Forest Service should adopt an alternative that provides more protection and oversight than the preferred alternative.***

**Response:** A number of respondents supported prohibition alternatives other than Alternative 2, the preferred alternative in the DEIS. Some specifically supported Alternative 3, which would prohibit all but stewardship timber harvest in inventoried roadless areas. Some specifically supported Alternative 4, which would prohibit timber harvest in inventoried roadless areas with few exceptions. Some endorsed a new alternative not in the DEIS, sometimes referred to as Alternative 5, which would provide additional protections for roadless areas that could include removal of existing roads.

Chapter 2 of the FEIS identifies the current preferred alternative. Chapter 3 of the DEIS and FEIS identify the environmental effects of the alternatives in terms of the protection each affords to roadless characteristics.

**67. *The Forest Service should adopt a balanced approach to the proposed rule. The preferred alternative is supported; and***

**68. *The Forest Service should adopt the Roadless Area Conservation Proposed Rule.***

**Response:** We acknowledge the preference for the proposed rule and the preferred alternative in the DEIS. The FEIS Chapter 2 identifies the current preferred alternative.

**69. Assessment on a project-by-project basis, rather than assessment of all roadless areas at once, makes public input increasingly difficult.**

**Response:** The new Planning Regulations (36 CFR 219) provide the direction on the protection and management of roadless areas. See also Responses 30 and 36 in the Involvement section.

**70. The Forest Service should implement Alternative 3 west of the 100<sup>th</sup> Meridian and Alternative 4 east of the 100<sup>th</sup> Meridian.**

**Response:** Your preference for Alternative 3 west of the 100<sup>th</sup> meridian and Alternative 4 east of the 100<sup>th</sup> meridian is acknowledged.

## Clarifying Alternatives

**71. The Forest Service should adopt the prohibitions Alternative 3, but clarify what low impact activities such as hiking and cross-country skiing, will be allowed. Include the Tongass in Alternative 3.**

**Response:** The prohibitions described in the alternatives apply to road construction, road reconstruction, and timber harvest within inventoried roadless areas. The alternatives would not directly affect other activities including hiking and cross-country skiing.

The new Planning Regulations (36 CFR 219) provide a means to evaluate management in inventoried roadless areas and unroaded areas. Furthermore, based on public comments and further review after release of the DEIS, the Tongass Not Exempt Alternative has been clarified in the FEIS. This alternative would provide no exemption for the Tongass National Forest, and the prohibitions in Alternative 3 could apply. See Responses 15 and 16 in the Tongass section.

**72. Alternative sets of prohibitions applicable to inventoried roadless areas (which includes prohibitions on grazing, OHV use, and others) found on p. S-16, should be removed from the DEIS because they contradict the preferred alternative.**

**Response:** The set of prohibitions described in the DEIS Summary (p. S-16) referred to alternatives

considered but eliminated from detailed study for various reasons (DEIS pp. 2-15 through 2-20). These alternatives were therefore not among those available for the responsible official to select. However, Federal agencies are required by NEPA to include a discussion of alternatives considered but eliminated from detailed study such as these.

**73. The Forest Service should address contradictions between Alternatives 2 and B.**

**Response:** In the DEIS, the alternatives are different but not contradictory. The notice of intent for the proposed rule identified two possible methods to conserve and protect the remaining inventoried roadless areas and unroaded areas (DEIS p. 2-1). Prohibition alternatives (Alternatives 2, 3, 4) offer one method, and procedural alternatives (Alternative B, C, D) offer another. As described in the NOI, the prohibition and procedural alternatives complement one another. The prohibitions refer to the activities that would not be allowed in inventoried roadless areas (DEIS p. 2-3).

Alternative B and the other procedural alternatives have been eliminated in the FEIS because the new Planning Regulations (36 CFR 219) made the decisions on how to plan for inventoried roadless areas and unroaded areas.

**74. It should be clarified whether the rule applies only to the Forest Service.**

**Response:** The rule applies only to National Forest System lands as described in the DEIS and FEIS (Chapter 1) and proposed rule (Appendix A pp. A-7 and A-25).

**75. The Forest Service should clarify phrasing of the alternatives on the web site to make sure that the No Action alternative means “no change.” It does not mean “no logging.”**

**Response:** The alternatives in the DEIS were displayed on the Roadless web site. The site described Alternative 1, No Action as, “No prohibition of activities in inventoried roadless areas.”

**76. The proposed rule should not supercede projects which have already met all legal requirements.**

**Response:** Section 294.14 of the propose rule, Scope and applicability, subsection (c) states: “This subpart does not suspend or modify any decision made prior to [Effective date of final rule].”

**77. The Forest Service should clarify the term “can” with regard to “road building can degrade IRA characteristics.” Road building can enhance as well and should be noted.**

**Response:** Impacts of road construction were described in the DEIS and FEIS, Chapter 3. Because of the nature of roadless areas, road building consistently has an adverse impact to many roadless characteristics.

**78. Sometimes the DEIS says that Alternative 4 is “most restrictive.” This is accurate but casts this alternative in a negative light. It would be better to say “most protective.”**

**Response:** The term “most restrictive” is characterizing the types and degrees of prohibitions applied. Alternative 4 is the “most restrictive” of the four prohibitions alternatives because it places restrictions on the most activities: road construction, reconstruction, and timber harvest.

## Wider Range of Alternatives

**79. The range of alternatives is too narrow. More information about what lands are involved would help define this range. Also, the range of alternatives should be consistent with the scope of the rule and other rulemaking, such as the Road Management Strategy.**

**Response:** The DEIS described the process for developing the alternatives considered in detail (DEIS pp. 1-10, 1-11, 2-1, 2-2), and the scope of the rulemaking (p. 1-10). Also, alternatives considered and then eliminated from detailed analysis were described (DEIS pp. 2-15 through 2-20). The interrelationship between this initiative and other rulemakings was described in Chapter 3 of the DEIS and FEIS. The discussion includes the cumulative effects section in the FEIS, Section, (“Cumulative Effects of the Rule with Other Rules and Initiatives”).

**80. The lack of a full range of alternatives can be attributed in large part to the flawed public scoping process implemented by the Forest Service under**

**the NOI. The scoping period was of inadequate length and the paucity of information provided to the public during that process was totally insufficient to make objective decisions regarding formulation of alternatives.**

**Response:** The Forest Service considered a full range of alternatives. The alternatives considered in detail were described in the DEIS on pp. 2-2 through 2-13. Alternatives considered but eliminated from detailed study were described in the DEIS on pp. 2-15 through 2-20. The FEIS also describes these alternatives (Chapter 2).

The scoping period was 60 days. The process was described in the DEIS on pp. 1-5 and A-6. As described, the Forest Service went to extraordinary efforts to outreach to the public for input during the scoping period.

The Notice of Intent provided several options for protection of inventoried roadless areas for the public to consider during the scoping period. A web site was provided, an audio-visual presentation was given at the public meetings to provide additional information, and other information materials were available from multiple sources. The agency received over 517,000 responses from the public; they assisted us in developing the appropriate range of alternatives. See also Response 29 in the Involvement section.

**81. The proposed rule should call for Wilderness designations in Idaho because extractive companies are only interested in immediate profits and cannot legislate themselves for an outcome that would benefit all society.**

**Response:** The DEIS considered an alternative that would have recommended all inventoried roadless areas for Wilderness designation (DEIS p. 2-17), but eliminated it from detailed study. There were two primary reasons for not further considering this alternative. (1) Most of the inventoried roadless areas in question have already been evaluated for Wilderness character in the land and resource management planning process, and it was determined for various reasons that they should not be designated as Wilderness, and (2) the agency uses the NFMA planning process as the mechanism for making recommendations to Congress for future Wilderness consideration.

## Exemptions and Exceptions

**82. The proposed rule should allow exemptions and waivers, including less restrictive waivers to benefit public health and safety; and**

**83. The Forest Service should include language that minimizes “other exemptions” in the alternatives.**

**Response:** The portion of the rule that establishes prohibitions on road construction and reconstruction allows for exceptions (DEIS p. 2-4). The agency also identified and considered other possible exceptions but did not include them in an alternative (DEIS p. 2-20).

As a result of public comment and further discussions after release of the DEIS, several additional exceptions have been included in addition to the four listed in the DEIS. One of these additional exceptions in the FEIS is for the purpose of further benefiting public health and safety.

**84. In the road construction prohibition exceptions, the Forest Service should insert “A road is needed to carry out the multiple uses provided for in the authorities cited for these regulations” following Section 294.12(b)(4) of the Draft EIS.**

**Response:** Section 294.12(b) of the proposed rule (DEIS p. A-27) listed the exceptions to the roadless prohibitions. The addition of the exception such as described would essentially make the proposed rule the same as Alternative 1, No Action.

**85. The Forest Service should revise the EIS to include an exemption to allow road construction for the purpose of mining and exploration, since studies indicate that mining affects less than 0.1% of the National Forest System, and since mining and exploration are held to strict restoration requirements.**

**Response:** Prohibition Alternatives 2 through 4 in the FEIS provide a possible exception for mining exploration and certain other activities. The FEIS identifies an exception for cases where a road is needed pursuant to reserved or outstanding rights or as provided for by statute or treaty. This exception is also stated in the proposed rule at 294.12(b)(3) (DEIS p. A-27), which states in part “and rights granted under the General Mining Law of 1872, as

amended.” This exception is available to the responsible official to adopt. The FEIS in Chapter 3 describes the effects of including this exception as well as not including it.

**86. The proposed rule should not apply to national forests that have recently completed their forest plans.**

**Response:** This alternative was considered but not afforded detailed study, because revised plans do not provide the duration of protection that would be established by a roadless area conservation rule (FEIS Chapter 2, Alternatives Considered But Eliminated From Detailed Study, Geographic Area Exemptions).

**87. The Forest Service should remove all inventoried roadless areas in the various regions of the nation from the proposed rule; and**

**88. The Forest Service should consider an alternative that would not ban road construction in inventoried roadless areas that were considered in post-1995 revisions to forest plans.**

**Response:** The DEIS and FEIS addressed this concern in the section of Chapter 2 titled Alternative Exemptions and Exceptions.

The number of potential exemptions or inclusions is inexhaustible and could include consideration of many specific roadless areas. Examples include exempting the Tongass National Forest, and other national forests and grasslands where land management plan revisions are complete, and national forests and grasslands exempted under the Interim Roads Rule. In addition certain activities could be exempted.

Geographical area exemptions were considered. Forest and grassland planning, including the Pacific Northwest Forest Plan, the Tongass Forest Plan, and other recently revised forest and grassland plans have not specifically addressed the need to protect roadless areas nor responded to the purpose and need described in Chapter 1.

Tongass is the only national forest or grassland for which specific alternatives were developed and analyzed in the DEIS. The unique economic and social reasons for developing and analyzing Tongass

alternatives were described in the DEIS (DEIS pp. 1-11 and 1-12).

**89. In the prohibition on road construction, the Forest Service should modify the phrase “unless they (roads) are needed for public health and safety, for reserved or outstanding right, or for other specified reason” to be less broad and arbitrary.**

**Response:** The proposed rule (DEIS p. A-27) in section 294.12 (b) lists very specifically the exceptions under which road construction and reconstruction will be allowed. In addition, all proposed projects using an exception will go through the Forest Service’s normal NEPA environmental analysis and administrative review process (appeals) prior to any action being taken.

## Timelines For Decision-Making

**90. The proposed rule is moving too fast because experience has shown the USFS can’t even put up timber salvage in less than three years; and**

**91. The proposed rule should be enacted now to protect the forests from future abuses.**

**Response:** The agency is following the required timelines and processes during this rulemaking.

**92. The proposed rule is inconsistent with the proposed Planning Regulations and should be postponed until those Planning Regulations have been adopted.**

**Response:** The revised Planning Regulations (36 CFR 219) rewrote the existing Forest Service planning regulations that implement NFMA to address ecological, economic, and social sustainability. It builds on the recommendations of a select committee of scientists and more than 20 years of experience with forest planning and provides the overarching framework for the proposed Roads Policy and the proposed Roadless Rule (DEIS pp. 1-4 through 1-6).

**93. The Forest Service should delay the decision of the proposed rule until after promulgation of other pending rules at this time; and**

**94. Both the roadless initiative and the Roads Policy proposal will impact the regional proposals,**

**like ICBEMP and SNFCC. Yet the development of these regional land management proposals continues as if these two road proposals did not exist. Therefore, the Forest Service should propose rules one-at-a-time in a logical sequence, not concurrently.**

**Response:** Because of the time involved in completing any single one of these planning efforts, it would not be appropriate to set up a sequence that would complete them one-at-a-time. However, the agency is working at all levels to assure that all of these initiatives are consistent with each other. For example, this FEIS has an updated analysis of the cumulative effects of all the ongoing initiatives and how they affect and interrelate with each other. The Sierra Nevada Framework for Conservation and Collaboration (SNFCC) FEIS addresses how this effort and others may potentially overlay with the alternatives being considered.

## Clarifying How To Implement

**95. The Forest Service should address the enforcement and interpretation of its policies.**

**Response:** Some respondents expressed concern that the Forest Service would be unable to ensure consistency in the implementation of the rule or to make sure that local Forest Service officials comply fully with the final rule. The agency has a variety of methods for determining whether regulations are being put into practice. First, the public involvement process allows for direct input into the planning process and management decisions on the ground. This local collaboration serves as an important check on any tendency to minimize or ignore requirements. Second, the agency has an administrative appeals process, through which the public can raise concerns about program implementation and agency practices. Last, the Forest Service conducts regular management reviews, designed to assess to what degree the agency is complying with rules and policies.

**96. The Forest Service should address how it will inspect or enforce compliance with the proposed rule.**

**Response:** The prohibitions, and exceptions of the final rule would become effective with adoption of the rule. Implementation would be overseen in the

same manner as other rules governing Forest Service activities, including regional and national reviews.

**97. *The Forest Service should make a stronger statement to make clear that the prohibitions against road building in inventoried roadless areas apply until superseded by another rule. Make clear that the prohibitions cannot be overruled at the forest level in forest plan revision.***

**Response:** The DEIS and FEIS discussed the duration and precedence of the prohibitions. See Response 1 in the Roads section and 47 in this section.

**98. *The Forest Service should modify the language of 36 CFR 294.13, to allow for citizens to petition for classification of lands as roadless or unroaded.***

**Response:** The opportunity already exists for citizens to identify areas that they feel are important including for reasons of roadless character. This may take place during forest or grassland planning or site-specific project level analysis efforts at the time of scoping.

## Considering More Information

**99. *The Forest Service should recognize that areas with a few roads that could be blocked or obliterated should be considered roadless.***

**Response:** The purpose of the rule is to stop activities that have the greatest likelihood of degrading desirable characteristics of inventoried roadless areas. It is not to create additional roadless areas or add acreages to existing roadless areas. Closing roads would be outside the scope of the prohibitions under the proposed rule but would be addressed under the proposed Roads Policy.

If implemented, Alternatives 2 through 4 would require the responsible officials to apply the prohibitions on road construction and reconstruction to inventoried roadless areas.

Unroaded areas or areas that contain only a few roads but still have a mostly unroaded character can be considered under the new NFMA Planning Regulations (36 CFR 219).

The DEIS and FEIS (Chapter 2) considered an alternative that would have gone beyond prohibitions

and required removal of any existing roads from inventoried roadless areas through road closure or decommissioning. Existing roads would be scheduled for closure and removal in a timely manner. This alternative was not analyzed in detail because specific road closures cannot be directed from a national level because of previously approved activities, existing rights, and the need to conduct specific environmental analysis for ground disturbing activities such as road decommissioning.

**100. *The Forest Service should address the effect this Proposed Rule will have on Forest plans throughout the nation.***

**Response:** The DEIS and FEIS describe the interrelationship of the roadless area rulemaking with the new Planning Regulations (36 CFR 219), as explained in Chapter 1. These new Planning Regulations determine the process for revising forest and grassland plans.

**101. *The Forest Service should clarify the effect of this proposed rule on the local process.***

**Response:** This concern refers to the sentences on p. 3-209 of the DEIS: “National prohibitions will not have an effect on the local involvement process itself. They would narrow the scope of what is to be decided upon locally with regard to the management of inventoried roadless areas.” This means that local forests and grasslands and their involvement processes will not be changed by this rulemaking. The public will continue to be involved in the decision-making process as always, but the scope of those discussions may be narrowed because the decision on certain aspects of management of inventoried roadless areas will have already been made at the national level if a prohibition alternative (Alternative 2 through 4) is selected.

**102. *The Forest Service should carry out a comprehensive review of all factors, both local and national in scope, before instituting a unilateral protection policy protecting all areas of more than 1000 acres.***

**Response:** The DEIS and FEIS document the Forest Service’s interdisciplinary review, which took into account national factors and local factors as appropriate for the scope of the analysis (DEIS p. 1-10). In addition, the FEIS examines additional prohibitions on inventoried roadless areas only.

Unroaded areas—including those 1,000 acres or larger—will be addressed locally through the provisions of the new Planning Regulations (36 CFR 219).

**103. All proposed action alternatives should be compared with the No Action Alternative, which should be calibrated to use the time period before the “new roads” moratorium went into effect;**

**104. The Forest Service should use the forest plans as the no action alternative (in particular ASQ objectives) and not use estimates from programs and budget projections; and**

**105. The Forest Service should use a proper baseline for comparing alternatives, such as using Forest Plan ASQ for the baseline.**

**Response:** The purpose of Alternative 1, the No Action alternative, is to provide a baseline in which no prohibitions would be issued and road construction and reconstruction would not be prohibited unless forest or grassland plan prescriptions so direct (DEIS p. 2-4).

The forest and grassland plans represent the no action alternative in the DEIS. In the description of Alternative 1 – No Action; No Prohibitions (DEIS p. 2-4) says, “No rule prohibiting activities in inventoried roadless areas would be issued. Road construction and reconstruction would continue to be prohibited only where land management prescriptions prohibit such action.”

The data displayed in the DEIS and FEIS were based on current timber sale and other program projections. The five year projection of projects was to give a reference point for the purpose of the analysis of the effects. Although forest and grassland plans provide goals for the life of the plan, projections give a more accurate viewpoint of the short-term expectations. For example, few of the national forests and grasslands in the U.S. are managing at the timber harvest levels (ASQ) of the existing plans.

Trend lines were used for qualitative projections farther in time. Also see Response 12 in the Economics section.

**106. The Forest Service should address the size of non-inventoried roadless areas and the potential**

**impacts of this rule on use of these lands for the future.**

**Response:** The new Planning Regulations (36 CFR 219) made the decision on how to plan for management of unroaded areas.

**107. The Forest Service should explain Alternatives 2-4 and explain if the intent is to remove economic bases (i.e. mining, grazing, recreation, etc.) from forest-dependent economies and to destroy these communities.**

**Response:** Social and economic effects were described in detail in the DEIS on pp. 3-160 through 3-178. Additional social and economic effects identified during the public comment period are addressed in the FEIS.

**108. The Forest Service should modify language in the Draft EIS to acknowledge that RARE II and Forest Plan inventories do not reflect new knowledge and public awareness of the important values of roadless areas.**

**Response:** The DEIS acknowledged that the Forest Service has previously evaluated the character of the roadless areas inventoried in RARE II: once during RARE II and again during the first round of forest and grassland planning, as well as during the current round of plan revisions. In most cases, areas that the agency determined were suitable for Wilderness designation have been recommended to Congress for inclusion in the Wilderness Preservation System. The new knowledge and public awareness of the importance of roadless areas has led to this roadless rulemaking effort.

**109. The proposed rule will centralize power.**

**Response:** The prohibition alternatives would not change the levels of delegated decision-making in the agency. It may limit the ability of forests and grassland managers to construct or reconstruct roads or harvest timber in inventoried roadless areas, depending on which alternative is selected. Management decisions for unroaded areas and other activities in inventoried roadless areas will be made at the local level following the new Planning Regulations (36 CFR 219).

**110. The Forest Service will jeopardize national defense by limiting public access.**

**Response:** Exceptions provided in the DEIS and FEIS will ensure that public health and safety as well as other exceptional needs (such as mineral extraction) may be allowed if a justification exists. Most uses that may have national defense ramifications are provided for on national forest system lands that are not included as part of the Roadless Area Conservation Proposal.

If access were necessary for national defense purposes it would likely fall under exception (1) in the proposed rule (DEIS p. A-27, section 294.12(b)(1)): “A road is needed to protect public health and safety in cases of imminent threat of flood, fire, or other catastrophic event that, without intervention, cause the loss of life or property.”

***111. The Final EIS should include all roadless areas that were included in the Draft EIS.***

**Response:** The DEIS addressed 54 million acres (DEIS p. 1-1), the FEIS has updated the acreage addressed based on updated mapping to 58.5 million acres (FEIS p. 1-1).

The prohibition alternatives provide protection for roadless areas inventoried during RARE II and other planning processes.

The new Planning Regulations will provide a means of planning for management of unroaded areas. See also Response 2 in the Data section.

## Cumulative Effects Analysis

***112. The Forest Service should provide information on how the many proposed rulemakings and policies are related and what their cumulative impact will be. These initiatives include national and regional efforts such as Roadless Conservation, Road Management, Unified Federal Watershed Policy, Sierra Nevada Forest Plan Amendment, Strategic 2000 and others;***

***113. The Forest Service should address the adequacy of the cumulative effects analyses for the alternatives; and***

***114. The Forest Service should address contradictions in the cumulative effects analysis.***

**Response:** The DEIS described the context of the rulemaking (pp. 1-14 through 1-16), as well as the cumulative effects of the various policies (pp. 3-11, 3-240 through 3-242). The FEIS contains additional analysis of the cumulative impacts of this rule when added to other initiatives being proposed. See the section in the FEIS, (Chapter 3) called Cumulative Effects of the Rule with Other Rules and Initiatives. Cumulative effects discussions have been expanded throughout Chapter 3.

***115. The Forest Service should avoid incorporating cumulative actions effects into baseline data.***

**Response:** The affected environment describes the current situation or the baseline data. It is used as the baseline for impacts to add to and further evaluate the alternatives against to determine cumulative effects. By the very nature of baseline data, past and present actions are included. Reasonably foreseeable future actions, which must also be considered during cumulative effects analysis, are not included in the baseline, and neither is the current proposed action.

***116. The Forest Service should evaluate the use of indirect effects as the cumulative effects in the DEIS.***

**Response:** The DEIS described many cumulative effects throughout Chapter 3. The cumulative effects section from the DEIS has undergone extensive rewriting in the FEIS to provide additional analysis and further clarification. Due to the nature of effects analysis, it can sometimes be difficult to discern between the different types of effects: direct, indirect and cumulative. The agency attempted to separate out the different types of effects for reader clarity.

***117. The Forest Service should analyze the cumulative effects of road decommissioning in the proposed rule.***

**Response:** There would be no road decommissioning authorized under the proposed rule. The information provided in the DEIS on road construction and decommissioning (DEIS pp. 3-15 through 3-19 and 3-240 through 3-242) is provided for informational purposes and to provide a background to the reader. Since no decommissioning is proposed under the rule, there would be no addition of effects to consider in a cumulative effects analysis on decommissioned roads. The FEIS contains a rewritten cumulative effects section that identifies



the effects of potential road decommissioning as a result of the proposed Roads Policy.

**118. *The cumulative effects analysis fails to analyze the effects of the proposed rule on air, water and the Endangered Species Act.***

**Response:** The effects on water quality were displayed in the DEIS on pp. 3-28 through 3-32. The effects on air resources were displayed in the DEIS on pp. 3-44 through 3-46. The effects on endangered species were displayed in the DEIS on pp. 3-93 through 3-97. Additional clarification is provided in the FEIS in each respective resource section as well as the cumulative effects sections in Chapter 3.

## More Analysis

**119. *An EIS should be required for any proposed commercial activity in the national forests, which discusses the negative impacts versus the jobs provided.***

**Response:** Any proposed commercial activity on National Forest System lands requires analysis in accordance with the National Environmental Policy Act (NEPA), following Forest Service procedures (Forest Service Handbook 1909.15). Such analyses include an analysis of environmental effects, as well as social and economic effects, if these effects are relevant to making a decision. Depending on degree of impact, the analysis may be documented in an environmental impact statement (EIS), or an environmental assessment (EA), or another type of document.

**120. *The programmatic EIS is not site-specific. The analysis is too general and assumes that all roadless lands are pristine, when in fact, many are in deplorable conditions. The analysis ignores this fact.***

**Response:** The DEIS and FEIS described the current state of the inventoried roadless areas in Chapter 3, and showed current maps of all inventoried roadless areas in Volume 2. The analysis regarding the prohibition alternatives provides adequate information to support a reasoned choice among the alternatives. This analysis was displayed in the DEIS and FEIS.

**121. *To ensure that conclusions are not suspect, the impact statement in the DEIS should rely on***

***balanced and impartial contributions. The DEIS lacks thorough insight into all of the ramifications and the language of the proposed rule will include areas greater than the inventoried roadless areas; and***

**122. *The Forest Service should comply with Council on Environmental Quality regulations by providing accurate scientific analysis.***

**Response:** The DEIS and FEIS describe this effects analysis conducted for the alternatives using the pertinent physical, biological, and social sciences. In compliance with section 102(A) of NEPA and section 40 CFR 1502.6 of the NEPA regulations, the agency convened an interdisciplinary team to analyze the scope, issues, and effects of the proposal. The FEIS has refined the effects analysis to provide additional analysis and further clarification partly in response to public comment (FEIS Chapter 3).

**123. *The Forest Service should not attempt to generalize an alternative. Alternative 4 would work for an old-growth forest, but Alternative 3 would work better for returning a previously logged area to a healthy environment.***

**Response:** Federal agencies develop reasonable alternatives in sufficient detail to display for the responsible official the trade-offs of different courses of action (40 CFR 1502.1, 1502.14, 1505.1(e)). The DEIS described the rationale for developing alternatives (DEIS pp. 2-1 through 2-4) and provided detailed descriptions of those alternatives analyzed at length (DEIS pp. 2-4 through 2-12). The relative benefits of the alternatives to old-growth and managed areas were displayed in Chapter 3 in terms of fragmentation (DEIS pp. 3-56 through 3-58), and in terms of forest health and fuel management (pp. 3-97 through 3-109). These discussions have been updated in the FEIS.

**124. *The effects analysis (p. 3-223 of the DEIS) should fully outline the prohibitions that will result from the preferred procedural alternative; and***

**125. *The Forest Service should fully outline the prohibited uses in uninventoried roadless areas and unroaded areas on page 3-223 of the DEIS.***

**Response:** The new Planning Regulations (36 CFR 219) made the decisions on planning for

management for inventoried roadless areas and unroaded areas.

**126. *The Forest Service should more thoroughly analyze the Procedural Alternatives.***

**Response:** The new Planning Regulations (36 CFR 219) made the decisions on the procedures for planning for management within inventoried roadless areas and unroaded areas. Therefore, the procedural alternatives have not been carried forward into the FEIS.

## Process Points

**127. *The proposed rule does not effectively estimate how many of the 53 million acres will be declared “protected,” so it is misleading.***

**Response:** In the DEIS, Table 2-5 Summary of the Combined Effects of the Proposed Action on p. 2-32 displayed the acres of inventoried roadless areas that would fall under the prohibitions. These figures have been updated in the FEIS. See Response 1 in the Data section.

**128. *The proposed rule should be examined in accordance with democratic law and principles, which means both the Senate and House of Representatives and the President should be involved.***

**Response:** The DEIS described an alternative that was considered but eliminated from detailed study that considered enactment of legislation (DEIS p.2-16). On June 18, 1999, 166 Members of Congress requested that the President “take decisive action to protect the remaining roadless areas in our national forests.” The agency has adequate statutory authority to undertake this initiative without additional legislation.

**129. *The Forest Service should issue a supplement to the Draft EIS pursuant to 40 CFR 1502.9, “to address the significant new circumstances and information that is relevant to our environmental concerns and bearing on the proposed action and its impacts” and 40 CFR 1502.9(a) “to address the inadequacies that preclude meaningful analysis.”***

**Response:** The agency has determined that the threshold that would trigger a need to prepare either a supplement or revised draft EIS has not been met.

**130. *The Forest Service should analyze and identify the environmental/social impacts of the no action alternative in the DEIS.***

**Response:** Chapter 3 of the DEIS displayed the consequences of the no action alternative for every resource identified including social and economic factors (pp. 3-160 through 3-222). We have used additional information obtained during and after the public comment period to improve the analysis and documentation in the FEIS.

## Technical Points

**131. *The Forest Service should make its Environmental Impact Statements shorter and less complicated;***

**132. *The proposed rule should be simplified and made less complicated and cumbersome; and***

**133. *The Forest Service should address the clarity of the DEIS.***

**Response:** The Council on Environmental Quality (CEQ) has issued procedural guidance on the preparation of environmental impact statements, which the Forest Service follows during decision-making (40 CFR 1500 - 1508). Forest Service policy also guides the preparation of environmental impact statements, and emphasizes conciseness where possible (FSH 1909.15 Section 10 and 20). In general, the complexity of the action being studied dictates the complexity of the EIS. Although the proposed rule for conservation of roadless areas is a relatively brief and simple rule, it has many benefits and impacts that need to be disclosed to the public. The DEIS and FEIS represent the interdisciplinary team’s best efforts to provide a detailed, accurate, and clear description of the necessary analysis so the responsible official can make an informed decision about the physical, biological, and social consequences of the proposed rule.

**134. *The DEIS includes grammatical and typographical errors, and there is a lack of consistency within the body of the DEIS. There is also inconsistency between the DEIS and the Summary. Some statements and passages are difficult to understand, while others lack supporting reference documentation.***

**Response:** A number of comments pointed out specific examples of editorial and technical flaws and inconsistencies in the DEIS and Summary. The Forest Service has revised and edited the FEIS for the Roadless Area Conservation Proposed Rule to correct these and other errors in grammar, spelling, consistency, style, and format. Sections have been reviewed for accuracy and logic, and revised as needed. We have examined and updated the Summary and the body of the FEIS for consistency and clarity of information. Throughout the FEIS, the interdisciplinary team has removed subjective characterizations and terminology that could imply bias. The Forest Service has also further quantified statements of effects and added references whenever appropriate.

**135. *The Forest Service should only send an EIS to someone who requests it.***

**Response:** In general, we attempt to limit distribution to those who request the documents in order to conserve resources and minimize costs. The agency met distribution requirements of law, regulation, and policy. CEQ regulations (40 CFR 1502.19, 1503.1) include some mandatory distributions, and agency policy is to provide copies to those who submit substantive comments during scoping or on the DEIS (40 CFR 1502.19 and Forest Service handbook 1909.15 section 22.4). In addition, the Forest Service provided copies to over 10,500 public libraries to facilitate wide distribution and ease of availability to reviewers.

**136. *The Forest Service should address contradictions in the DEIS regarding whether road construction causes irreversible and irretrievable commitments of dispersed recreation activities in roadless areas.***

**Response:** The DEIS indicated that road construction and use can create irretrievable and sometimes irreversible commitments of resources. “If implemented, the proposed prohibition on road construction would reduce road-caused irreversible and irretrievable commitments to watersheds, soils, critical habitat, and dispersed recreation activities in inventoried roadless areas on NFS lands compared to potential roading effects under the No Action Alternative” (DEIS p. 3-245). Elsewhere it described road effects on inventoried roadless areas as “irreversible” (pp. 1-10 and 3-11).

An irreversible commitment would occur when a resource is committed permanently, such as ore removed from a mine. An irretrievable commitment of the roadless resource would occur when a new road is constructed within it, because the area would no longer be roadless, at least for the life of the road. If the roadbed were later restored to natural conditions, the effect would end. Although the DEIS portrayed road construction as an irreversible commitment, it would actually be irretrievable. The FEIS expresses this effect correctly. See also Response 10.

**137. *The Forest Service should address all roadless issues in a single EIS.***

**Response:** The Forest Service has had two ongoing rulemaking efforts related to the Roadless Area Conservation Rule: the proposed National Forest System Land and Resource Management Planning Regulations, and the proposed National Forest System Road Management and Transportation System Rule (the Roads Policy). The Planning Regulations have been completed. As stated in the DEIS, as rulemakings proceed, the agency may choose to integrate and clarify certain provisions within each rule to ensure consistency, clarity, and effectiveness (DEIS p. 3-240). This is one of the reasons that the new Planning Regulations (36 CFR 219) made decisions on planning for inventoried roadless areas and unroaded areas. The description of the interrelationships between these rulemakings has been expanded in the FEIS (Chapter 3, Cumulative Effects of the Rule with other Rules and Initiatives).

## Clarifying Analysis

**138. *The Forest Service should justify its choice of 5000 acres as the minimum size.***

**Response:** The 5000 acre figure is a standard minimum size originating in the Wilderness Act. It was also used in the RARE II inventory of 1977-1979 as the standard minimum size for inventoried roadless areas. However, the RARE II inventory procedures allowed exceptions such as areas adjacent to Wilderness, islands, or other areas manageable as potential Wilderness. The prohibitions in Alternatives 2 through 4 would apply to all the inventoried roadless areas from RARE II, forest and grassland plans, or as updated officially with public involvement.

The new Planning Regulations (36 CFR 219) have made the decisions regarding the process for planning for management of roadless areas.

**139. The Forest Service should modify tables 2-2 and 2-3 to include all information disclosed in chapter 3 of the Draft EIS.**

**Response:** As explained on p. 2-21 of the DEIS, this section focuses on areas or resources where effects are actually expected to occur and where different levels of effects or outputs can be distinguished among alternatives. It is not intended to be an all-inclusive statement of the environmental consequences described in Chapter 3.

**140. The Forest Service should re-evaluate the description of the No Action Alternatives.**

**Response:** It was not the intent in the description of the no action alternative to restate all Forest Service management direction. Detail on the no action alternative can be found in the DEIS and FEIS, and Chapter 3 under the Affected Environment sections in each resource area.

**141. The Forest Service should address false assumptions in the Alternatives on p. 3-122 with regard to dispersed recreation opportunities in the context of the current situation, where road construction is already disallowed on 20 million acres of national forest lands.**

**Response:** The lands outside the inventoried roadless areas that prohibit road development (such as Wilderness) have been factored into the baseline Alternative 1.

The DEIS (p. 3-122) recognized that of the 54 million acres of inventoried roadless areas in the national forest system, 38% (or 20.5 million acres) are currently covered by forest plan prescriptions that restrict road construction and reconstruction. The other 62% are not. These figures have been updated in the FEIS.

The assumption described on p. 3-122 of the DEIS states:

*Road construction, timber harvesting, and other resource management activities in inventoried roadless areas (where forest and grassland plan prescriptions allow it) and unroaded areas would*

*reduce the supply of areas available for dispersed recreation opportunities in the SPM, SPNM, and P classes.*

**142. In light of the many recent initiatives, the Forest Service should evaluate its ability to receive adequate input from the public, from its staff, and from technical experts.**

**Response:** Over 517,000 comments were received during scoping for the Roadless Area Conservation Initiative, with over 1.1 million comments received during the comment period on the DEIS. The agency was able to analyze, assimilate, and utilize all of the comments. The public concerns raised during the DEIS comment period, as well as additional technical and scientific information, were evaluated, addressed, and described in the FEIS. See also Response 29 in the Involvement section.

## State, Local Authorities

**143. The Forest Service should consider that the final plan would override existing forest plans involving water management.**

**Response:** The DEIS presented a range of alternatives that limit road construction and reconstruction, and in some cases timber harvest, in inventoried roadless areas. The alternatives would not interfere with water rights. They would not require forest plan amendments, although forest decision-makers may choose to amend their plans if they believe it best serves the interest of the forest and public. Where planned water management activities require construction or reconstruction of roads, proponents may be required to find alternate methods of access to accomplish their goals. These situations would be infrequent because most existing water management structures, whether in roaded areas or within inventoried roadless areas, are located along existing roads or trails. The new Planning Regulations (36 CFR 219) provide for integrating water rights issues into forest and grassland planning.

## Constitution, Federal Laws

**144. The Forest Service should comply with laws in proposing these rules.**

**Response:** The public comments mentioned several laws without providing specific suggestions for how

the agency should comply with them. Some comments provided unclear legal citations, making a direct response by the agency impossible.

All or portions of more than 160 laws apply directly to national forest and grassland management. The rule is consistent with applicable statutory direction as contained in laws passed by Congress.

**145. The government may legally own only 5% of the land; and**

**146. The government may only exercise exclusive legislation over ten square miles of Washington D.C.**

**Response:** Congress has passed statutes such as the Organic Act and the Multiple-Use Sustained Yield Act authorizing the Forest Service to manage National Forest System lands as it does. See Response 154.

**147. The Proposed Rule infringes on civil liberties and Constitutional property rights.**

**Response:** The proposed rule addresses management of Federal lands subject to Congressional direction. The proposed rule complies with statutory requirements and recognizes the exception for existing rights.

**148. The Forest Service is violating the “Takings Clause” of the Fifth Amendment of the Constitution.**

**Response:** As the DEIS and FEIS described, and as the preamble to the proposed rule stated, the rule was reviewed for private property rights, and it was determined that it does not pose a risk of taking Constitutionally-protected private property (DEIS p. A-24). See Responses 147 and 154.

**149. The Proposed Rule violates the Tenth Amendment of the Constitution.**

**Response:** Congress has the authority to make laws governing the use and management of Federal lands. This proposal will not infringe on States’ rights. See Response 154.

**150. The Forest Service is not justified in basing its action on the Reservation Act of 1907;**

**151. The Proposed Rule violates the Treaty of Guadalupe Hidalgo and Article IV of the New Mexico State Constitution;**

**152. The proposed rule should comply with the intent of the Weeks Act;**

**153. Congress should be the only authority over Federal lands pursuant to the property clause of the Constitution; and**

**154. The Forest Service should manage national forests under the concept of multiple use as stated in the Organic Act of 1897, the Weeks Act of 1911, Clark-McNary Act of 1924, the Multiple-Use Sustained Yield Act, and the National Forest Management Act.**

**Response:** The purpose of the rule is to provide lasting protection in the context of multiple-use management for inventoried roadless areas and unroaded areas within the National Forest System (DEIS, Appendix A, p. A-26).

The constitution provides the fundamental basis for control, acquisition, disposition, use and management of all Federally owned lands, including National Forest System lands. Article IV, Section 3, paragraph 2 of the Constitution states:

*The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States.*

Federal Courts have repeatedly interpreted this clause to mean that Congress has exclusive jurisdiction over Federal lands. Congress has authorized the Secretary of Agriculture to manage NFS lands under conditions described in various acts, including the Organic Administration Act of 1897 and the Multiple-Use Sustained Yield Act of 1960.

Congress has the sole authority to designate areas as part of the National Wilderness Preservation System. However, the Organic Administration Act of 1897 provides the Secretary of Agriculture with the authority to make “rules and regulations” that will provide protection from fire and depredation, regulate occupancy and use, and preserve the forest from destruction.

The preamble to the proposed rule (DEIS, Appendix A, p. A-7) includes this statement:

*The proposed rulemaking is within the scope of the Secretary of Agriculture’s authority, as granted by the Organic Administration Act of 1897 (16 U.S.C.551), “to regulate the occupancy and use and to preserve the forests thereon from destruction.*

The USDA Forest Service has proposed this rule under the scope of the Secretary’s authority.

**155. *The Forest Service should comply with the Administrative Procedures Act and the Federal Advisory Council Act in order to assure no special interests have been granted undue influence.***

**Response:** The rule was prepared under the procedures governing rulemaking, including the Administrative Procedures Act and Federal Advisory Committee Act. Also see Response 56 in the Involvement section.

**156. *The Forest Service should address the influences of the Access to Justice Act on Forest Service actions.***

**Response:** The Equal Access to Justice Act deals primarily with questions of attorney’s fees. Effects of such legislation on operations of the Forest Service is beyond the intent of this analysis of roadless area conservation.

**157. *The Forest Service should meet the Americans with Disabilities Act by providing adequate access to public lands. As much land as possible should be left to development for people who would not be able to see it. Building roads opens the land to everyone.***

**Response:** The Americans with Disabilities Act of 1990 (ADA) aims to remove barriers for people with disabilities. Federal executive agencies are required to make their programs and activities accessible under Section 504 of the Rehabilitation Act of 1973, not the Americans with Disabilities Act. ADA applies to State and local government services, public accommodations, public transportation, and commercial establishments.

Neither act requires Federal agencies to fundamentally alter their programs in order to

provide access into roadless areas for the disabled over other considerations. Constructing or reconstructing roads in roadless areas could fundamentally alter Forest Service programs to protect soil, water, wildlife, and fish habitat. See also Responses 31 in the Social section and 99 in this section.

**158. *The proposed rule should comply with the Alaska Native Claims Settlement Act (ANCSA).***

**Response:** The rulemaking process for the Roadless Area Conservation proposal has followed all appropriate laws, including the Alaska Native Claims Settlement Act (ANCSA). None of the alternatives would result in a decision that would abrogate or supercede the rights of Alaska Natives under ANCSA.

**159. *The proposed rule violates ANILCA by ignoring the subsistence lifestyle.***

**Response:** Alaska’s unique social and physical setting was recognized through development of a set of alternatives specific to the Tongass National Forest (DEIS pp. 1-11, 1-12, 2-10 through 2-13). The alternatives were analyzed with regard to their impact to specific Alaskan issues, such as subsistence fishing (DEIS p. 3-174) and effects of the Tongass National Forest alternatives (DEIS pp. 3-226 through 239). See also Response 8 in the Tongass section. The discussion on subsistence has been expanded in Chapter 3 of the FEIS.

**160. *By complying with the Civil Justice Reform Act (see Appendix A, p. A-24), the Forest Service is usurping individual rights.***

**Response:** The proposed rule includes provisions to ensure it respects existing reserved or outstanding rights (propose section 294.12 (b), DEIS p. A-27). The rulemaking process for the Roadless Area Conservation initiative has followed all appropriate laws, including the Civil Justice Reform Act, while recognizing private rights.

**161. *The Proposed Rule should comply with the Paperwork Reduction Act and the Unfunded Mandates Act;***

**162. *The Forest Service needs to adhere to the principles of the 1995 Unfunded Mandates Act; and***

**163. The agency should comply with the Paperwork Reduction Act in its rulemaking.**

**Response:** The proposed rule complies with these Acts. The Unfunded Mandates Act requires Federal agencies to assess the effects of their regulations on other levels of government and the private sector. The DEIS described on p. A-23 how it has addressed the Unfunded Mandate Reform Act of 1995 (2 USC 1531 through 1538). The Department assessed the effects of the proposed rule on State, local, and Tribal governments, and on the private sector. It concluded that the proposed rule would not compel the expenditure of \$100 million or more by any State, local, or Tribal government, or anyone in the private sector. Therefore, a statement under section 202 of the Unfunded Mandates Act is not required (DEIS p. A-23).

The agency reviewed the requirements of the Paperwork Reduction Act of 1995 (44 USC 3501, et seq.) and its implementing regulations at 5 CFR 1320. It determined that the Act and its regulations do not apply because the proposed rule does not contain any record keeping, reporting, or other information collection requirements, and therefore imposes no paperwork burden on the public (DEIS p. A-24).

**164. The Forest Service should comply with the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).**

**Response:** As the DEIS described, CERCLA actions would have an exception from the prohibitions of the proposed rule (section 294.12 (2), DEIS p. A-27). Road construction or reconstruction could occur in an inventoried roadless area if needed for a CERCLA response action or a natural resource restoration under CERCLA, subject to compliance with all CERCLA as well as NEPA requirements.

**165. The Forest Service should comply with the Endangered Species Act.**

**Response:** The DEIS and FEIS describe the benefits to species listed pursuant to the Endangered Species Act. In addition, the agency is consulting with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. Consultation will be completed prior to the issuance of the final rule.

**166. The proposed rule should comply with Government Performance and Results Act.**

**Response:** The DEIS on p. 1-15 described how the proposed rule is consistent with the GPRA. Additional analysis has been added to Chapter 3 in the FEIS in the section on Cumulative Effects of the Rule with Other Rules and Initiatives. The agency has been briefing Congress on the proposed rule regularly.

## Executive Orders

**167. The proposed rule should be withdrawn until it has been subjected to analysis pursuant to Executive Order 12630 (Private Property Rights) and reviewed by Congress.**

**Response:** The proposed rule has a specific exemption for existing property rights (DEIS p. A-27). Subsection 294.12(b)(3) states in part “a road may be constructed or reconstructed in an inventoried roadless area if the responsible official determines that one of the following circumstances exists: ... (3) A road is needed pursuant to reserved or outstanding rights or as provided for by statute or treaty. . . .”

**168. The proposed rule should comply with Executive Order 12988. Specifically objected to is the statement on p. A-24 of the DEIS that “The proposed revision: (1) preempts all State and local laws and regulations that are found to be in conflict with or that would impede its full implementation...”**

**Response:** Executive Order 12988 implements the Civil Justice Reform Act. The E.O. requires that during rulemaking, Federal agencies must identify if it is their intent to allow a rule to be overridden or preempted by local laws or regulations. The statement the comment objects to is in response to that requirement. The statement in the preamble to the proposed rule (DEIS p. A-24) is merely stating that it is the agency’s intent that this rule pre-empt State and local laws that are found to be in conflict, and that no State or local law may be passed to override this rule.

## FLPMA, Mining Laws

**169. The Secretary of the Department of Agriculture violated the Federal Land Policy and**

*Management Act by withdrawing lands from use, by not adequately consulting with other agencies, and by not designating utility corridors;*

*170. The proposed rule should comply with the Federal Land Policy and Management Act of 1976;*

*171. The Federal Land Policy and Management Act of 1976 Sec. 202(c)(9) requires the Secretary to coordinate the land use inventory, planning, and management of such lands with other agencies, States, and local governments. These laws are being ignored; and*

*172. The Forest Service is violating Section 503 of the Federal Land Policy and Management Act of 1976 by not establishing utility planning corridors.*

**Response:** Nothing in the alternatives would withdraw land from public use. The alternatives only address construction and reconstruction of roads and harvesting of timber in roadless areas. Extensive consultation occurred during the rulemaking and several comments have led to additional exceptions to the prohibition alternatives that serve as mitigation measures.

U.S.C. 43, Section 103(g) in FLPMA contains the phrase “...unless specifically designated otherwise means the Secretary of the Interior.” Section 202(c)(9) of FLPMA does not specifically designate the Secretary of Agriculture and therefore is not intended to apply to the Department of Agriculture.

Section 503 of FLMPA references “the Secretary concerned” and therefore does include the Secretary of Agriculture. However, this section does not require the Secretary to designate utility corridors. It requires that when they are being designated, that “in order to reduce proliferation of separate rights-of-way, the utilization of rights-of-way in common shall be required to the extent practical.”

*173. The proposed rule ignores the USFS regulations on locatable minerals.*

**Response:** The alternatives do not prohibit exploration or development of locatable mineral resources. There are provisions in 36 CFR 228, subpart A regulations for administering mining activities on National Forest System lands. Nothing in the proposal would affect these regulations.

## Organic Act, MUSY Act, Related Acts

*174. The Forest Service should continue multiple use as providing more developed uses, including some level of commodity extraction and motorized use, and generally, more emphasis on management. This multiple use approach provides a better, healthier environment and provides better forest access for everyone, not just the young and healthy;*

*175. The Forest Service should consider multiple use as an emphasis on environmental and non-motorized recreational uses of the forest, with less emphasis on timber and other commodity extraction activities, and less motorized recreation. To meet the MUSY Act’s non-impairment standard, timber harvest should be avoided in these roadless areas;*

*176. The Forest Service should abandon multiple use and set aside some areas for timber and some areas for habitat restoration because shared use does not work; and*

*177. The proposed rule should comply with the Multiple Use Sustained Yield Act and the Forest and Rangeland Renewable Resources Act.*

**Response:** The proposed rule is also in compliance with the Forest and Rangeland Renewable Resources Act (RPA) of 1974, and the Multiple-Use Sustained Yield Act (MUSYA) of 1960.

The Multiple-Use Sustained Yield Act (MUSYA) defines the meaning of multiple-use for the agency. MUSYA recognizes that “that some land will be used for less than all of the resources” (MUSY Section 4).

The comments received in these categories reflect the ongoing debate over management of the inventoried roadless areas (DEIS pp. 1-1, 1-4). The continued controversy caused by this issue illustrates one of the reasons to establish national direction. The DEIS analysis examined the tradeoffs involved in selecting different management policies. The roadless conservation proposal focuses on the conservation, protection, and maintenance of roadless lands for their unique ecological, social, and economic values (DEIS pp. 1-3, 2-1). The rationale for this focus was explained in the DEIS on p. 1-10. See Response 19.



The proposed rule also identifies the importance of compliance with 16 U.S.C. 532 as follows:

*Furthermore, National Forest System management must be accomplished in compliance with a host of administrative and environmental laws. Of particular relevance to this proposal is the Secretary of Agriculture's responsibility for the administration of an adequate system of roads and trails on the National Forest System authorized by the National Forest Roads and Trails Act (16 U.S.C. 532-538).*

**178. The Multiple Use and Sustained Yield Act states the purposes for the national forests and these cannot be changed without Congressional action. At a national scale MUSYA requires that the Forest Service give equal value to all uses. An area-by-area analysis must be conducted to weigh relative values of resources for a given area.**

**Response:** The proposed rule does not conflict with the provisions of the Multiple-Use Sustained Yield Act. The preamble to the rule describes the legal authorities for this rulemaking and explains how this rule fits within the MUSYA mandate.

The action alternatives alter neither the statutory multiple-use mandate nor the agency's compliance with that mandate. Lands administered by the Forest Service will continue to be managed for a balance of resource uses according to forest and grassland plans, which are prepared in compliance with the Multiple-Use Sustained Yield Act of 1960 (16 U.S.C. 528) and the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.). The action alternatives address road construction, reconstruction, and timber harvest within inventoried roadless areas, although some projects and activities dependent on road construction or reconstruction could be affected to various degrees.

**179. The Organic Act states that no national forest shall be established except to secure favorable water flows and to furnish continuous supply of timber. These are still the primary purposes of the national forests with aesthetic, environmental, recreation and wildlife preservation being secondary. The Forest Service cannot change this mandate without Congressional action.**

**Response:** The purposes identified in the Organic Act were reaffirmed and expanded by the Multiple-

Use Sustained Yield Act of 1960. MUSYA defines multiple-use for the agency. It means:

*the management of all the various renewable surface resources of the National Forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the lands, with consideration given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.”* (MUSYA Section 4).

## NEPA

**180. The proposed rule may follow NEPA law but by completing the document in under a year it is not following original intent of NEPA.**

**Response:** The timelines for this analysis are consistent with laws, regulations, and agency policies for implementing NEPA. The intent of the National Environmental Policy Act of 1969 (NEPA) is expressed in Section 101 of the Act:

*... fulfill the responsibilities of each generation as trustee of the environment for succeeding generations... assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings... attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences... achieve a balance between population and resource use which will permit a high standard of living and a wide sharing of life's amenities...*

NEPA has other requirements as well. The purpose of the proposed rule meets this intent of NEPA.

**181. This proposed roads policy does not follow NEPA mandates by increasing the demand of**

*depleteable resources by allowing renewable resources to fall over and rot.*

**Response:** NEPA mandates that Federal agencies consider the impacts to the human environment during decision-making with the overall goal of providing a healthier environment (National Environmental Policy Act, Section 101). The purpose and need in Chapter 1 of the DEIS and FEIS state how the Roadless Area Conservation Rule will promote NEPA’s Section 101 goals. Information and analysis displayed in Chapter 3 also describes how the impacts of the policy promote and accomplish Section 101 goals.

In addition, the analysis displayed in the DEIS, the FEIS, and the project record complies with the procedural laws and regulations for implementing NEPA at 40 CFR 1500-1508, as well as the Forest Service policies and procedures for implementing NEPA (FSH 1909.15).

*182. The DEIS fails to meet NEPA requirement to provide an accurate summary.*

**Response:** The Forest Service printed and distributed a DEIS summary as required. The summary has been updated and accompanies the FEIS.

*183. The proposed rule fails to meet the basic Council on Environmental Quality (CEQ) regulations because the document is long.*

**Response:** The length of the DEIS does not conflict with any provision of the CEQ Regulations.

*184. The Forest Service failed to act in the spirit of 16 U.S.C 1601, 1602 and 1606 by not informing Congress of the Roadless Initiative; and*

*185. The Forest Service should comply with the Contract with America Act and consult with Congress.*

**Response:** Congressional briefings by the Forest Service have occurred periodically since the beginning of the rulemaking process. The agency has participated in seven Congressional hearings on the subject. See Response 51 in the Involvement section of this volume.

*186. All decisions made at the project and forest planning level regarding the status of inventoried*

*roadless areas and unroaded areas and their suitability as Wilderness, should comply with the National Environmental Policy Act.*

**Response:** Nothing in the proposed rule was intended to exempt plan and project decision-making from NEPA.

*187. Section 40 CFR 1502.8 of the NEPA regulations directs that an EIS: “Be written in plain language and may use appropriate graphics so that decision-makers can readily understand them.” The vague maps that apply to our area, which were just recently obtained, do not meet this standard.*

**Response:** The maps provided in the DEIS have been verified and where necessary changes were made. See Volume 2 of the FEIS for the current maps. See also Response 1 in the Data section.

*188. The proposal may violate NEPA because the DEIS was issued before consultation with the US Fish and Wildlife Service and National Marine Fisheries Service was completed.*

**Response:** The CEQ NEPA regulations allow for integration with other planning and environmental review procedures (40 CFR 1500.2). Completion of consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service is not required until the final decision is made by the agency. The Forest Service has an ongoing consultation process with these agencies on this proposed rulemaking. No final decision will be made until consultation has been completed.

*189. Any excepted activities made in the proposed rule should be subjected to the proper NEPA analysis process and independent scientific review.*

**Response:** Any exceptions made to the rule at the local level are still subject to NEPA analysis and administrative review (appeals) just like any other Forest Service proposal. Other agency reviews can be conducted as necessary.

*190. The Forest Service is in violation of Federal regulations because you haven’t contacted local governments (such as the Josephine County Board of Commissioners). The Forest Service has not adequately consulted conservation districts and other local agencies.*

**Response:** Public involvement for the rulemaking process was extensive. It involved local governments during early scoping and during the DEIS review (DEIS pp. 4-9 through 4-11). The NEPA process afforded Counties, including Josephine County, an opportunity to comment on the Notice of Intent, and on the DEIS. See also Responses 53 and 56 in the Involvement section.

## NFMA, RPA

**191. *The National Forest Management Act calls for local planning decisions. This effort at national planning is inappropriate and illegal.***

**Response:** As described in the DEIS, the prohibition alternatives aimed to establish prohibitions at a national scale for those activities that have been shown to affect roadless character on a national scale and for which a meaningful analysis can be accomplished (DEIS p. 1-10).

The procedural alternatives in the DEIS offered a second level of direction for local planners to use in forest and grassland plan revisions. The new NFMA Planning Regulations (36 CFR 219) now provide direction for that planning context. See also Responses 30, 35, 36 and 193.

**192. *The proposed rule should comply with the planning regulations, specifically at 36 C.F.R. sections 219.7(a), (c), (c)(4), (d), and (f);***

**193. *The Forest Service should complete an environmental analysis for each roadless area, taking into account current forest plan direction; and***

**194. *The agency must complete site-specific analysis for this proposal consistent with the proposed Planning Regulations for plan amendments.***

**Response:** As described in the preamble to the proposed rule in the DEIS (pp. A-7 to A-8), this rule is being promulgated under the authority of the Secretary of Agriculture. This rulemaking will not amend or revise forest plans. Through prohibitions to road construction, road reconstruction (and various levels of timber harvest depending on the alternative), the rule provides national direction for

the protection of inventoried roadless areas on national forests and grasslands.

The new NFMA Planning Regulations (36 CFR 219) have made the decisions regarding the process for planning for management of roadless areas on a local level.

## Wilderness Acts

**195. *The Forest Service should address the relationship between the proposed rule and State Wilderness Acts. Specifically, most of these acts included language for areas not included as Wilderness that allowed for multiple-use management of these areas (sometimes referred to as “release language”). Prohibiting road construction and reconstruction in these areas contravenes that Congressional intent. Also, some of these Acts provided that areas near Wilderness should not be managed as buffer zones to protect Wilderness values, but the DEIS indicates this is the case; and***

**196. *The Forest Service must comply with State Wilderness act direction that appropriate use for roadless areas be decided during the Forest Planning process. Making a national decision that these areas should remain unroaded overrides that Congressional intent.***

*(States specifically mentioned included California, Colorado, Michigan, Nevada, New Hampshire, Oregon, Washington, Wyoming, Utah, as well as the Montana Wilderness Study Act.)*

**Response:** There is no conflict between the proposed rulemaking and State-level Wilderness Acts enacted since the 1964 Wilderness Act. Wilderness recommendations are part of the process directed by the new Planning Regulations (36 CFR 219). See also Response 19 in the Recreation section.

**197. *The Wilderness Act provides no limitation on rights-of-ways or other multiple-use activities in areas not designated as Wilderness areas, unless stated in legislation regarding individual States, for example, the Montana Wilderness Study Act.***

**Response:** The Wilderness Act and State wilderness acts do not generally impose limitations for non-Wilderness lands. The Forest Service manages the

National Forest System lands under the multiple-use sustained yield concept. The proposed rule and the alternatives are consistent with the Wilderness Act and the Multiple-Use Sustained Yield Act.

***198. The proposal will have impacts on existing oil and gas leases, in violation of the Colorado Wilderness Act.***

**Response:** Several new exceptions were developed as a result of public comment on the DEIS. While similar in nature to the original exceptions, these additional exceptions act as mitigation measures that could be selected by the responsible official as part of the final rule. One of these mitigation measures would allow the responsible official to authorize road construction or reconstruction in any inventoried roadless area when a road is needed for permitted mineral leasing activities, which cannot occur without the use of a road, and where no other feasible alternative exists. See Response 51 in the Minerals section and Response 195 in this section.

## General Planning Concerns

***199. National forest land management should be turned over to more local control. Management decisions should be handled by the respective State legislatures or by respective County governments. This would result in better management of these lands.***

**Response:** Legislation such as the Organic Administration Act (1897), the Multiple-Use Sustained Yield Act (1960), and the National Forest Management Act (1976) has established and reaffirmed the national purposes of the National Forest System. The action alternatives aim to continue to achieve those purposes already established (DEIS pp. 1-1 and 1-2), and they do not establish new ones.

The specific purpose of the Roadless Area Conservation Rule is to resolve an issue that has been active for more than 25 years. This history indicates that local decisions about inventoried roadless areas and unroaded areas were often contested through administrative appeals and litigation, especially when the decisions dealt with road building, timber harvest, or other local activities that alter an area's intrinsic roadless characteristics. Turning national forests and grasslands over to local control would be beyond the scope of a decision that

can be made by this rule. It would not achieve the purpose and need of the rulemaking.

***200. Public land management decisions should not be politically motivated or influenced by election campaigns.***

**Response:** Laws such as the Civil Service Reform Act (5 USC 1101) and the Hatch Act (5 U.S.C. 7323) serve to limit the influence of the political process on civil servants, as well as to limit their involvement in the political process.

The Roadless Area Conservation rulemaking is a decision process by a Federal agency. It is an informal rulemaking process being conducted in accordance with Administrative Procedures Act.

***201. The Forest Service should not let State political delegations dictate public land management. Nor should the agency be dictated to by the Alaska Congressional delegation that wants to separate Alaska's national forests from the rest of the system.***

**Response:** The Forest Service is addressing the management of inventoried roadless areas nationwide through a rulemaking process. The inventoried roadless areas of the Chugach National Forest in Alaska would be treated the same as other inventoried roadless areas in the nation for reasons disclosed in the DEIS (Chapter 2, Alternatives Considered But Eliminated from Detailed Study). The Tongass National Forest has been identified as deserving special attention in formulating alternatives due to its unique social and economic situation as discussed in the DEIS and FEIS, Chapter 1, Purpose and Need.

This rulemaking is an administrative process within the scope of the Secretary of Agriculture's statutory authority, not the political agenda of any State delegation. The rulemaking process included public comments and did not exclude comments from any source. See also Response 200.

***202. The Administration in Washington should not dictate public land management by Executive Order.***

**Response:** On October 13, 1999, President Clinton directed the Forest Service to begin an open and public dialogue to develop regulations designed to

conserve roadless areas located on National Forest System lands. The President's announcement was not an Executive Order and did not proclaim a decision to be enacted by the Federal Government. It was direction to the Secretary of Agriculture to develop a proposal to conserve roadless areas and their important values. The President directed the Secretary to use an open public process culminating in a rulemaking accompanied by an environmental impact statement consistent with the National Environmental Policy Act and the Administrative Procedures Act. This rulemaking complies with the President's direction and is within the scope of the Secretary of Agriculture's statutory authority.

**203. *The decision has already been made. The tone of the DEIS and statements by the Administration suggest the proposal is biased toward the preferred alternative, and the outcome is preordained.***

**Response:** A final rule has not been adopted. The DEIS includes a range of alternative for conserving inventoried roadless areas on National Forest System lands. One set of these alternatives, which was displayed in the DEIS, would prohibit road construction and reconstruction in inventoried roadless areas. This DEIS identified and described the Forest Service's then-current preferred alternative, as does the FEIS. However, a final alternative and final decision will not be adopted until a final rule is signed and published by the Secretary of Agriculture or his designee.

**204. *The Forest Service should continue with the Natural Resource Agenda.***

**Response:** The Roadless Area Conservation rulemaking is consistent with the Natural Resource Agenda and is a step forward in its implementation.

**205. *This proposal is within the Forest Service's Authority.***

**Response:** The rulemaking is consistent with statutory authority provided to the department and agency by Congress.

**206. *We firmly disagree with the listed purposes for the proposed action; and***

**207. *The Forest Service should stop wasting taxpayers' money on the proposed plan process and***

***put the money into facility maintenance and forest management.***

**Response:** The purpose and need for the Roadless Area Conservation proposal were described in the DEIS (p. 1-10 through 1-12; FEIS Chapter 1), which was used to determine the scope of the analysis and the appropriate range of alternatives.

**208. *The Forest Service should not close another 6% of the Ottawa National Forest as proposed in the 1986 Forest Plan; and***

**209. *The Forest Service should maintain the present percentage of land open to multiple use management on the Panhandle National Forest.***

**Response:** None of the alternatives propose closing public lands. The prohibition alternatives would restrict road construction and reconstruction, and timber harvest to some extent (DEIS pp. 2-4 through 2-9). The new Planning Regulations govern the planning for inventoried roadless areas and unroaded areas, which will be evaluated at the local level to determine the roadless characteristics to be protected and appropriate methods to accomplish that protection.

**210. *The Forest Service and BLM should be commended for research, work, and presenting the options clearly to the public.***

**Response:** We acknowledge your statement.

**211. *The proposed rule will not cut down on litigation.***

**Response:** The purpose and need for this proposal was described in the DEIS (pp. 1-10 through 1-12). The DEIS and FEIS anticipate some reduction in agency appeals and litigation regarding roadless areas and therefore associated costs (Chapter 3, Environmental Consequences, Agency Costs). The analysis indicates that implementing the prohibition on road construction in roadless areas would reduce appeals and litigation costs to the government.

**212. *The proposed rule should be made through a public rulemaking process that incorporates an EIS.***

**Response:** This rulemaking process complies fully with NEPA and rulemaking requirements. It included

extensive public involvement, publication of a Notice of Intent, scoping, release of a DEIS and proposed rule for public comment, release of a FEIS and Response to Comments, to be followed by a Record of Decision and a final rule.

**213. *The proposed rule should establish a watchdog advocacy group that will be unaffected by political pressure.***

**Response:** The agency did not find that establishing a separate oversight group would be necessary in this rulemaking. See Response 95.

**214. *Management direction of the Forest Service should not evolve from a series of regulations but from Congress.***

**Response:** Congress makes laws relating to Forest Service management. The Department of Agriculture is responsible for developing regulations that interpret and implement the laws. These regulations evolved through an extensive public review process prior to implementation. The Secretary of Agriculture has authority granted by Congress in the Organic Act and the Multiple-Use Sustained Yield Act to create rules pertaining to the management of the national forests.

**215. *Citizens should be allowed to appeal this Forest Service rulemaking.***

**Response:** Authority for rulemaking is held with the Secretary of Agriculture level unless specifically delegated to the Chief of the Forest Service. In either case, rulemaking is not an appealable decision under 36 CFR 215, 217, or 251.

**216. *The Forest Service is not exceeding its authority or sidestepping Congress by trying to enact this policy.***

**Response:** The rulemaking is consistent with statutory authority of the agency.

**217. *The Forest Service should divide national forests in half with one side open to off-road vehicle use and the other closed to off-road vehicles.***

**Response:** None of the alternatives described in the DEIS limits the use of off-highway vehicles on existing roads or trails. Rather, the alternatives analyze prohibitions on new road construction and

reconstruction as well as limits or prohibitions on timber harvest in inventoried roadless areas. A limitation on OHV use in inventoried roadless areas was an option the agency considered but did not develop in detail for reasons explained in DEIS and FEIS Chapter 2, Alternatives Considered But Eliminated From Detailed Study, Alternative Sets of Prohibitions.

**218. *The Forest Service has lost its vision and is no longer a world leader in resource management, as is obvious in the DEIS; and***

**219. *The Forest Service should clarify its mission.***

**Response:** The Congress has defined the Forest Service mission in a number of laws, including the Organic Act of 1897, the Multiple-Use Sustained Yield Act of 1960, and the Renewable Resources Planning Act (RPA) of 1974, as amended by the National Forest Management Act (NFMA) of 1976. The agency has developed forest and grassland plans, and has recently drafted a Strategic Plan and a Natural Resource Agenda that emphasizes watershed health and restoration, ecologically sustainable management, roads and roadless areas, and recreation. The Roadless Area Conservation Proposed Rule is a step in implementing the Agenda.

The Forest Service is recognized internationally as a leader in multiple-use and sustainable ecosystem management. The agency's mission seeks balance between the capacity of the land and what people want from that land. Discussion continues between the general public, elected officials, scientists, and professional managers on how best to manage these lands. The Forest Service works to respond to changing public needs and demands while incorporating new scientific information.

**220. *The Forest Service should consider recreationists separate from resource harvesters when making public policy.***

**Response:** The prohibition alternatives focus on actions (road construction and timber harvest) that have an impact on roadless characteristics. The new Planning Regulations (36 CFR 219) made the decision on how to plan for management of inventoried roadless areas and unroaded areas. Therefore, forest and grassland planning will provide a means of distinguishing and evaluating the relative impacts of recreation use and other uses in roadless

areas. See also Response 54 in the Involvement section.

**221. *The Forest Service should develop more alternatives that would replace wood as building material; and***

**222. *The Forest Service should promote solar energy.***

**Response:** The purpose of this proposed rule is to conserve roadless lands for their unique values (DEIS p. 1-3). Alternatives considered are described in Chapter 2 (DEIS pp. 2-2 through 2-20). An alternative that reduces the demand for wood or promotes solar energy was not considered because it would be outside the scope of the project's purpose which is : (1) to immediately stop activities that have the greatest likelihood of degrading desirable characteristics of inventoried roadless areas, and (2) to ensure that ecological and social characteristics of inventoried roadless and unroaded areas are identified and evaluated through local forest planning efforts (DEIS p.1-10). The new Planning Regulations (36 CFR 219) have addressed the second part.

**223. *The rulemaking process must include the current planning regulation criteria at 36 CFR 219.17 because that criterion is not included in the new (proposed) Planning Regulations and should continue to be used.***

**Response:** The new Planning Regulations (36 CFR 219) have made the decisions regarding the process for planning for management of unroaded areas.

**224. *The Forest Service should invoke rules of procedure upon those groups that file local appeals and litigation about management activities. These groups should be accountable in case of damage that results from their stopping projects from occurring.***

**Response:** Congress mandated the agency's project-level administrative appeal process in section 322 of Public Law 102-381, which is codified in the Forest Service appeal rules (36 CFR 215). Changing the appeal rules or other legal remedies is beyond the scope of this rulemaking process.

## Other Concerns

Three categories of concern were found to lie outside the scope of the Roadless Area Conservation rulemaking process for the following reasons. 1) They expressed general concerns about land and resource management that did not pertain to the rule, or they made suggestions for the rule that are beyond the agency's authority to implement. 2) They made observations and suggestions regarding the legislative process and changes to various laws, which were not directly pertinent to the rule. 3) They made general observations and suggestions regarding the Forest Service's administration and organization that were not within the intent or ability of the rule to address.

## General Management

**225. *The proposed rule should call for advisors from all user groups in future rulemaking;***

**226. *The U.S. Government should establish review panels to settle disagreements over legitimate disputes between land management and regulatory agencies;***

**227. *The Forest Service should develop a modified Public Land Law Review Commission;***

**228. *The proposed rule should work to bring urban and rural America together by having all governing bodies—national and local—work together to develop responsible management policies;***

**229. *The proposed rule is, in fact, the Wildlands Project, which was never approved by Congress;***

**230. *The proposed rule and Transportation Plan, and the Forest Planning Regulations are part of plan to deny the American people legitimate access to public lands;***

**231. *The proposed rule should recognize that the forests belong to the people of the U.S and the world and no corporation or bureaucracy should subvert that;***

**232. *Too many decisions about the Western United States are made by people in the Eastern United States;***

*233. Over the years Forest Service policies have not reflected good sense but just the idiosyncrasies of the current administrator and Washington bureaucrats;*

*234. The Forest Service should address its mismanagement of the forests. We need better management, not more Wilderness; and*

*235. The Forest Service should implement the Northwest Forest Plan.*

**Response:** These concerns, suggestions and observations regard general management of public lands and decision-making matters that the Roadless Area Conservation Rule cannot resolve. Because of such laws as the Administrative Procedures Act, it is beyond the agency's authority to set rules for rulemaking. Convening advisors, oversight panels, or commissions as suggested is also beyond the scope of this agency's rulemaking.

### **Legislative Process**

*236. The proposed rule should comply with the First Amendment and not favor a religion;*

*237. The NEPA process is unconstitutional;*

*238. Congress should amend the National Environmental Policy Act to allow the Forest Service to use Categorical Exclusions for small timber sales;*

*239. The Forest Service should not proceed with the proposed rule until the Committee on Resources – Subcommittee on Forest and Forest Health completes its investigation of improprieties in developing the rule; and*

*240. Senator Gregg's bill would reduce needed roadless areas in the Northeast.*

**Response:** The Forest Service does not have authority to change laws or comment on them unless as requested. Congressional action takes place independently from agency rulemaking. In the event that the Congress changes that authority, the agency would then modify or suspend its rulemaking in compliance with the direction. The observations regarding legislative and constitutional matters are issues that are beyond the scope of the Roadless Area Conservation Rule.

### **Agency Administration Observations and Suggestions**

*241. The Chief of the Forest Service should speak independently of the administration when presenting budget requests to Congress;*

*242. The appointed Chief of the Forest Service should continue to hold office through changes in the administration;*

*243. The Chief of the Forest Service should be solely responsible for carrying out policy and directing the Forest Service;*

*244. The Chief of the Forest Service should be considered the primary expert on national resource management policy within the administration;*

*245. Top decision-makers should be those who were promoted up through the ranks, not just appointed to their positions;*

*246. The Chief of the Forest Service should be consulted on any policy or activity that he/she is expected to execute; and*

*247. The Forest Service should disclose its involvement in the International Union for the Conservation of Nature and Natural Resources.*

**Response:** These observations and suggestions regard Forest Service administrative organization, which is a larger subject that the Roadless Area Conservation Rule is not intended to evaluate or influence. They are therefore beyond the scope of this proposal.

*End of Planning Section*



## 10. RECREATION

Recreation General .....	109
Wilderness and Roadless .....	111
Motorized Recreation .....	113
Recreation Special Uses .....	115
Scenic Values .....	116
Value of Recreation and Tourism .....	117
Interpretation and Education .....	117
Volunteers.....	118
Recreation Funding .....	118
Multiple-Use Management.....	119
Exclusive Access .....	119
Other Agency Management.....	119

### Recreation General

**1. The Forest Service should address the issues of crowding, user conflicts, and exclusive use on National Forest System lands;**

**2. The Forest Service should maintain existing and create more trails and travel routes for recreation uses such as saddle and pack stock, mountain bikes, hiking, passenger vehicles, sport utility vehicles, dogsledding, recreation vehicles (RVs), and organized competitions. Also, the number of trailheads, campgrounds, and other recreation facilities should be maintained or increased; and**

**3. Rather than close recreation access, the Forest Service should develop rules, regulations, standards, and even a permit system for recreation activities such as hiking, biking, horseback riding, fishing, hunting, off-road vehicle use, cross-country skiing, and snowshoeing. It should then provide maintenance, monitoring, and enforcement.**

**Response:** The Forest Service recreation goal is to provide the opportunity for satisfying a range of recreation experiences within the capabilities of the land. Recreation activities occur along a continuum, or Recreation Opportunity Spectrum (ROS), which is divided into six classes from Primitive to Urban. The recreation planning process considers the appropriate uses in an area and the capability of the land and other resources to accommodate these uses while minimizing the amount of resource damage and user conflicts. The process also considers the recreation capacity, or the maximum number of people who can obtain given kinds of recreation experiences at an

established standard on a Forest. Refer to the DEIS, Chapter 3, Recreation, for more detail regarding ROS.

The respondents raised issues of crowding and user conflicts between different kinds of users such as different watercraft users, between mountain bikers, horse riders, hikers, and motor vehicle drivers, and between cross-country skiers, snowshoes, and snowmobilers. They also raised issues of exclusive use, and maintaining or developing recreation trails and facilities.

These issues are more properly addressed at the individual national forest or grassland level, where recreation planning processes specifically address local public concerns. The resulting decisions are a distinct reflection of the rules, regulations, and procedures affecting national forests and grasslands in addition to local social and environmental conditions. These decisions determine appropriate types of local recreation uses, their amount and location, their proportion of the local budget, their potential impacts to the resources, and their level of regulation, monitoring, and law enforcement. While forests and grasslands use national policies to guide decisions, site-specific recreation decisions are made locally and are outside the scope of this DEIS. See Chapter 1 of the DEIS and FEIS.

**4. The Recreation section of the DEIS was unclear and deficient because certain information was not included. For example, it did not: provide an inventory of recreation opportunities or describe the impacts on these opportunities, have a complete trails inventory, discuss recreation separately from the commodity sections, provide data on recreation use in roadless areas, reference RIM data, illustrate rates of supply and demand on graphs, or discuss impacts on individual communities.**

**Response:** In the Roadless Area Conservation FEIS, the agency has clarified and expanded the recreation effects sections. Impacts on recreation opportunities were discussed (DEIS pp. 3-122, 3-125, 3-129, and 3-130 through 3-131). Recreation and Recreation Special Uses were distinct sections and were not combined with others (DEIS pp. 3-117 through 3-127 and 3-127 through 3-132). Neither the RIM (Recreation Information Management) system, ROS (Recreation Opportunity Spectrum), nor any other information collection effort has collected data specifically for inventoried roadless areas or

unroaded areas. Community effects were discussed from a national perspective throughout the Recreation, Recreation Special Uses, Scenic Quality, and the Social and Economic Factors sections of the DEIS (for example, pp. 3-126 through 3-127, 3-128, 3-131, 3-133, 3-171 through 3-172).

Recreation use data have never been collected specifically for inventoried roadless areas and unroaded areas. As a result, only estimates of use were made in the environmental consequences. Comparison of the alternatives was based on known factors, such as trends in recreation use and road building, availability of supply to meet demands, and conditions that influence shifts in recreation patterns (DEIS p. 3-120).

Additional information, data, or studies were not needed to compare the alternatives at the national scale. Dispersed and developed recreation opportunities were compared in the alternatives by their relative ability to maintain the existing supply of inventoried roadless areas. The prohibition alternatives would maintain the area of land available for dispersed recreation activities in the Primitive (P), Semi-Primitive Non-Motorized (SPNM), and Semi-Primitive Motorized (SPM) settings. Local management decisions for existing roads would be addressed under the proposed Roads Policy.

***5. The Final EIS should include an analysis of the cumulative effects of numerous concurrent national and regional planning processes on recreation, including the roadless rule.***

**Response:** Implications to recreation from the proposed policy and other initiatives have been updated and are described in FEIS Chapter 3 under Other Indirect and Cumulative Effects on Recreation, and Summary of Cumulative Effects.

***6. The final EIS should re-analyze the conclusion that the rule will have a detrimental effect on recreation; development on the non-Federal land in Southeast Alaska should also be considered.***

**Response:** The agency has clarified the effects of road construction in inventoried roadless areas (FEIS, Chapter 3, Recreation Section).

Regarding Semi-Remote recreation opportunities in the Tongass section of the DEIS (p. 3-238), the current Tongass Land Management Plan (TLMP) has

not identified any specific development opportunities requiring short segments of road in Semi-Remote Land Use Designations (LUDs). In the context of the reasonably foreseeable future on the Tongass, the FEIS states that if road construction were prohibited in Semi-remote LUDs, potential future developments of this type would not be possible (FEIS, Effects of the Tongass National Forest Alternatives).

Regarding opportunities on non-Federal land, very little private land occurs in Southeast Alaska (FEIS, Other Indirect and Cumulative Effects on the Tongass National Forest).

***7. The Forest Service should define the term “huge” (referring to “huge numbers of people” hiking sections of the Appalachian Trail).***

**Response:** Each year two to three million people hike portions of the trail, which is more than 2,100 miles long. Running from Georgia to Maine, the trail has over 500 access points along it. We have replaced the term with “millions” in the FEIS.

***8. The Forest Service should modify its definition of inventoried roadless areas in Section 294.11 to include areas “at least 1000 acres in size, though smaller areas may be classified.”***

**Response:** RARE II in 1977 established the definition of inventoried roadless areas used by the Forest Service; the forest and grassland planning process used the same definition and refined the roadless area maps. These maps, with some subsequent updates, are being used for this current rulemaking process. All of the inventoried roadless areas addressed in this rule are mapped in Volume 2 of the FEIS. The maps are also on file at the Washington Office of the Forest Service as a component of the National Forest System data base. The FEIS has developed a modified definition of inventoried roadless areas for the purposes of this and related analyses; see the Glossary.

***9. In Section 294.13(a)(5) of the proposed rule (DEIS p. A-2), in the roadless characteristic “(5) Primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation,” the term “dispersed recreation” should be replaced with the appropriate term “recreation setting” from the Recreation Opportunity Spectrum.***

**Response:** In the FEIS, the list of roadless characteristics appears in Chapter 3 and the Glossary. The term “dispersed recreation” was replaced with “recreation opportunities” which refers to a combination of recreation settings, experiences, and activities in the ROS. As described in FEIS Chapter 1, the agency has determined that roadless area characteristics are appropriate for consideration in the context of forest and grassland planning under the new 36 CFR 219 Planning Regulations.

**10. Section 294.13(a)(5) of the proposed rule refers to Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized classes of dispersed recreation, but there are additional categories and subcategories under the ROS classification that may be appropriate for consideration during this review.**

**Response:** Because recreation use data have never been collected by ROS class specifically for inventoried roadless areas, exact data cannot be used to conduct ROS class analysis comparing alternatives in this proposal. Since inventoried roadless areas are characterized mainly by Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized classes (and subcategories of the classes), these are the classes on which a generalized recreation trend analysis was focused.

**11. The Forest Service should clarify whether the proposed rule will apply to national monuments.**

**Response:** The agency has attempted to improve clarity in the FEIS by adding a section on Special Designated Areas (see Chapter 3). In brief, National Monuments are a category of Special Designated Areas. The action alternatives apply to inventoried roadless areas in Special Designated Areas (except for Wilderness) on National Forest System lands.

**12. The Forest Service should prohibit low over-flights of all aircraft.**

**Response:** Because the rulemaking focuses on road construction, reconstruction, and timber harvest, prohibiting low over-flights of all aircraft is beyond the scope and intent of the proposed action. The agency considered but did not study in detail alternatives that would apply additional protective measures beyond prohibiting those three activities (FEIS Chapter 2, Alternatives Considered but Eliminated from Detailed Study).

## Wilderness and Roadless

**13. The Forest Service should manage roadless areas to ensure their eligibility for designated Wilderness and support any Congressional Wilderness designation proposals;**

**14. The Forest Service should ban mechanized and motorized travel and all hunting and fishing in, on, or above designated roadless areas; and**

**15. The Forest Service should support no more Wilderness designation because it creates conflicts and is too expensive to manage. In addition, Wilderness designation reduces opportunities for public access, the amount of land available for multiple uses, and the capability of special use permitted activities to expand.**

**Response:** The process of Wilderness designation is outside the scope of this proposed action and rulemaking. The purpose of the proposed rule is to protect roadless areas, not to recommend, protect, or designate new Wilderness (DEIS pp.1-10 through 1-12). The purpose of the rule is to maintain roadless characteristics not Wilderness values. Areas that have had previous resource extraction or use such as mining or timber harvest can still be designated as Wilderness in some cases. Previous use of an area does not necessarily disqualify it from future Wilderness designation if the overall qualities meet the requirements of the Wilderness Act. Congress has the sole authority to designate areas as Wilderness.

**16. The Forest Service should define what the “threats” are to Wilderness character.**

**Response:** A threat could become a reality when activities, such as road construction, change human patterns or ecological integrity in a manner that diminishes Wilderness character or values of an existing or potential Wilderness (DEIS, Wilderness section, p. 3-138).

**17. The Forest Service should correct its statement of page A-14 of the Draft EIS that mechanized travel for the disabled is not allowed in Wilderness areas.**

**Response:** This statement on A-14 was unclear and has been rewritten in the FEIS. Mechanized wheel

chairs are permitted in designated Wilderness. The 1990 Americans with Disabilities Act in Section 507(c) states:

*(1) In General – Congress reaffirms that nothing in the Wilderness Act is to be construed as prohibiting the use of a wheelchair, and consistent with the Wilderness Act, no agency is required to provide any form of special treatment or accommodation, or to construct any facilities or modify any conditions of lands within a Wilderness area to facilitate such use.*  
*(2) Definition – for the purposes of paragraph (1), the term wheelchair means a device designed solely for use by a mobility impaired person for locomotion that is suitable for use in an indoor pedestrian area.*

**18. The Forest Service should disclose the legislative history behind the “soft release” compromise reached in 1984, which allowed 21 States to pass legislation that increased Wilderness.**

**Response:** Designating Wilderness is outside the scope of the proposed rule. See Chapter 1 and 2 of the FEIS for background information.

**19A. Establishing roadless areas provides a “transition” zone between wilderness and non-wilderness areas, thereby lessening the impact of non-wilderness activities such as logging and motorized use on the wilderness itself.**

**Response:** As the DEIS and FEIS describe, roadless areas adjacent to existing wilderness serve as a natural transition between Wilderness and areas of road-based management activity, and therefore serve to sustain existing levels of Wilderness value protection (DEIS Affected Environment, p. 3-137).

**19B. Buffer zones around Wilderness areas are contrary to congressional intent and the Forest Service Manual.**

**Response:** The Forest Service is mindful of congressional intent regarding “buffers,” as the DEIS and FEIS explain in a footnote (DEIS, Recreation and Wilderness section, p. 3-137). The description in the Affected Environment refers to the inventoried roadless areas as they function, not as planned or possible buffers.

**20. The Forest Service should state when it will conduct an inventory of the uninventoried roadless areas.**

**Response:** Direction on inventory of roadless areas is available in the new 36 CFR 219 Planning Regulations.

**21. The inventories of roadless areas used for this process should be adjusted to either leave areas out (use the original RARE inventory), or restore areas that have been left out with no explanation (in particular on the George Washington NF and the Monongahela NF).**

**Response:** The identification and disposition of inventoried roadless areas during the past 30 years is a complex subject. For example, specific legislation has designated some of the inventoried roadless areas as Wilderness or placed portions of these lands into other land uses (for example, the Oregon Cascade Recreation Area). On a local level, forest and grassland plans have been developed across the nation that have allowed management actions in some of these inventoried roadless areas, and deferred management actions in others. The maps of inventoried roadless areas in Volume 2 of the DEIS were based on information from each national forest and grassland using a set of criteria established for this specific analysis.

The DEIS summarized the RARE and RARE II processes, which the agency conducted to review and evaluate the Wilderness suitability of roadless areas greater than 5,000 acres, and which resulted in a nationwide inventory of roadless areas. Additional reviews occurred during forest and grassland planning and through other area assessments and project NEPA analyses. These have led to the “inventoried roadless areas” used as the basis for the proposed rule (DEIS p. 1-4). Not all inventoried roadless areas were recommended or designated as Wilderness.

In compiling the national GIS data layer of the inventoried roadless areas for the DEIS, each national forest and grassland was contacted to provide their most up-to-date data for their forest. That is, the most current inventoried roadless inventory that the forest has and uses for planning purposes, tied to a plan or plan revision that has included a public review and comment period. The GIS layer that each forest or grassland provided was

combined with the data from the other forests and grasslands to create the national inventoried roadless area GIS layer. It was updated for the FEIS.

Since 1972, the Forest Service conducted several nation-wide roadless area inventories. They have been supplemented with the identification of additional inventoried roadless areas by subsequent individual forest and grassland plans. It is possible that in the future the areas within the George Washington or Monongahela National Forests could be re-inventoried and included as inventoried roadless areas. This would be determined at the local forest level.

The purpose of the proposed action is to conserve and maintain roadless lands for their unique ecological, social, and economic values (DEIS p. 1-3). The proposal focused on inventoried areas, as well as smaller unroaded areas not inventoried in RARE II because they did not meet the minimum 5,000 acre size or other criteria. The DEIS recognized that many of these areas may have roadless characteristics similar to those of the larger inventoried roadless areas. The direction for management of the smaller areas is provided in the new 36 CFR 219 Planning Regulations.

The prohibition alternatives (Alternatives 2 through 4) apply to 58.5 million acres of inventoried roadless areas and apply the prohibitions on those actions that are likely to significantly alter landscapes and cause landscape fragmentation on a national scale – road construction, reconstruction, and timber harvest (DEIS pp. 1-10 and 2-4).

**22. *The Forest Service does not define the term “wildland” in the Draft EIS and should remove it from the document.***

**Response:** We have added the definition of “wildlands” to the Glossary in the FEIS.

## **Motorized Recreation**

**23. *The Forest Service should maintain access to motorized recreation opportunities, including special events, where it has historically occurred (no net loss), not limit or close it to the public; in fact, opportunities for expansion or rerouting of motorized recreation opportunities should be allowed when appropriate and allowances made for the elderly, families with young children, the***

***disabled, and those with little time to recreate. Trailheads, campgrounds, and other support facilities should also be maintained or construction of new ones should be allowed;***

**24. *The OHV community is respectful of nature and willing to work with the Forest Service to maintain access to NFS lands by maintaining a voice in shaping land management decisions, by sponsoring trail maintenance and education, by accepting a permit, reservation, or fee system, and by supporting patrols and fines for offenders;***

**25. *The Forest Service should ban motorized recreation, including OHVs (for example, motorcycles, 4x4s, ATVs, and snowmobiles) and motorboats (for example, powerboats, personal watercraft, and jet skis) from roadless areas; and***

**26. *The Forest Service should carefully plan for motorized recreation, complying with State and Federal environmental laws. It should employ restrictions such as designated areas and routes, types of engines, and emission controls. It should conduct research and monitor motorized recreation in order to better understand the situation and minimize impacts to the environment. Such impacts are introduction of exotic weeds, soil erosion and compaction, and impacts to vegetation, lake and stream ecology, wildlife, fish, and rare and sensitive plant species. And it should avoid or minimize impacts to people not participating in motorized recreation such as noise, dust, pollution, trash, shooting, vandalism, and displacement of traditional recreation use.***

**Response:** Scoping responses and DEIS comments revealed conflicting public opinions regarding motorized recreation use in, and its effects on roadless areas. This is an important issue, but the appropriate balance between motorized and non-motorized dispersed recreation use is highly variable throughout the country and dependent on distinct social and environmental conditions (DEIS, Recreation, p. 3-121). Local decisions regarding motorized recreation use and its effects, monitoring, signing, education, grants, and compliance are an on-going process and not affected by the proposed rule.

Local planning and management processes at the forest and grassland level will balance recreation demands (including special events or uses) with local resource capabilities. Such planning will apply using

Forest Service regulations and policies including the roadless rule to make local land management decisions.

Whether or not to allow motorized recreation on national forests and grasslands is outside the scope of the proposed action because definitive nationwide data on motorized recreation use are not available, and the protocols have not been established for collecting this information (DEIS p. 2-18). The alternative of prohibiting all activities, including motorized recreation (OHVs, water craft, etc.) from roadless areas, was considered but was eliminated from further study (DEIS p. 2-15).

**27. *The Forest Service should clear up confusion in the DEIS regarding what types of recreation activities, roads, and trails would be affected by the rule.***

**Response:** The agency has attempted to remove any wording that would cause confusion in the Roadless Area Conservation FEIS. Existing or future trails are not affected by the national prohibitions in inventoried roadless areas. Trail widths may vary and are not limited to 50 inches. Decisions regarding trail planning, construction, reconstruction, decommissioning, or maintenance would be made at the local national forest level based on local environmental and social conditions.

The terms “off highway” and “off road” are used interchangeably in some areas of the DEIS; however, the preferred terminology for the Forest Service is “off-highway vehicle.” Off-highway vehicle means motorized vehicles such as, but not limited to: motorcycles, all-terrain vehicles, four-wheel drive vehicles, and snowmobiles.

We have added the agency’s current definition of “trail” to the FEIS.

*TRAIL. A commonly used term denoting a pathway for purposes of travel by foot, stock, or trail vehicle [FSM 2353.05 (6)].*

The Recreation section narrative in the FEIS, Chapter 3, provides more clarification. Examples of activities associated with foot travel are hiking, skating, cross-country skiing, snowshoeing, backpacking, and rock climbing; examples of animals associated with stock use are horses, llamas, mules, and goats; and, examples of trail vehicles are

bicycles, motorcycles, snowmobiles, watercraft, 4x4s, and ATVs (all terrain vehicles). Wheelchair use is associated with the category of foot travel.

Nothing in the rule is intended to prohibit the authorized construction or maintenance of motorized or non-motorized trails of any size that are classified and managed as trails pursuant to agency direction (FSM 2350) (DEIS, Appendix A, Proposed Rule, p. A-19). This has not changed in the FEIS.

The definitions for roads in the Glossary of the FEIS have been coordinated with those in the Roads Policy.

**28. *The Forest Service should not postpone addressing motorized recreation use in roadless areas; it should address motorized recreation now in the Roadless Area Conservation Rule, immediately initiate another rulemaking process to address OHVs on NFS lands, or have Congress pass legislation to prohibit OHVs.***

**Response:** Definitive nationwide data on OHVs and other motorized recreation use are not available, nor have the protocols been established for collecting this information. Until the protocols are established and these data are available, it is premature to prohibit these uses (or determine their most suitable locations) at the national level (DEIS, Alternative Sets of Prohibitions, p. 2-18). Therefore, motorized recreation would not be included in this or any other rulemaking at this time.

The Forest Service considered but did not analyze in detail an alternative that would have applied prohibitions on various activities such as OHV use through the enactment of legislation (DEIS and FEIS Chapter 2, Alternatives Considered but Eliminated From Detailed Study). The proposal to have Congress pass legislation to prohibit OHVs is beyond the purpose and need of this rulemaking. Under the Constitution, it is solely the prerogative of Congress to determine if legislation is warranted.

**29. *The Forest Service should enforce existing regulations (including Executive Order 11644 as amended by Executive Order 11989), create guidelines and ensure that they are available through education, signing, maps, trail guides, etc., close unauthorized motorized trails and “ghost roads,” and follow through with fines when necessary.***

**Response:** Local, on-going decisions regarding motorized use (for example developing guidelines, education, closing roads and trails, and compliance) are not affected by the proposed action.

Executive Orders 11644 (Nixon, 1972) and 11989 (Carter, 1977) together direct that the nation have policies to manage OHVs. Title 36 CFR 295 provides the regulatory direction to implement these Executive Orders and allowed motor vehicles off Forest Development Roads. Forest Service Manuals tiered to 36 CFR 295 direct forest and grassland plans to identify where this use on NFS lands is appropriate. Where unacceptable levels of environmental impacts are occurring, the Forest Service can close any individual area, as provided in 36 CFR 261.50 (orders) or 36 CFR 261.53 (special orders).

Local management decisions for existing roads will be addressed under the proposed Road Management Policy for the National Forest Transportation System (Roads Policy). Currently, Forest Service managers are encouraged to use a science-based roads analysis process when making road management decisions. Under the Roads Policy, managers would be required to conduct roads analysis when making road management decisions. This would include making a determination if unclassified roads (such as unplanned roads, abandoned travel ways, off-highway vehicle tracks which have not been designated and managed as a trail, and those roads no longer under permit or other authorization) are needed and should be classified, designated as a trail, or decommissioned.

## Recreation Special Uses

**30. The Forest Service should exempt from the rule all lands or activities described in existing special use permits or master development plans such as those at White Pass, Arapahoe Basin, Sierra at Tahoe, Pallavicini, Alleys Trails, Mammoth Mountain, June Mountain, Tamarack Resort and Cross Country Skiing Center, Mammoth Snowmobile Adventures, and others. It should allow the proposed Pelican Butte Ski Area to continue the planning process, and allow expansion of commercial recreation activities to benefit local native people; and**

**31. The Forest Service should not exempt from the rule any new ski areas or expansion of any existing ski areas such as those at Pelican Butte, Mount Ashland, Copper Creek, Sherwin, Beaver Creek, Mammoth Mountain, June Mountain, and others.**

**Response:** The examples of Special Use Permit holders listed would fit into one or more of these three scenarios depending on the local situation.

*a. Inside Inventoried Roadless Areas, Inside Permit Boundary or Decision In Place.* The prohibition alternatives would allow expansion of ski areas, resorts, or other recreation developments in inventoried roadless areas, under existing Forest Service policy, if special use permits are in existence and proposed activities take place within boundaries established by the special use authorization. The prohibition alternatives would also allow expansion or new construction, inside or outside a special use permit boundary, in an inventoried roadless area provided that expansion or construction was approved by a signed Record of Decision, Decision Notice, or Decision Memo before implementation of the rule (DEIS, Recreation Special Uses, p. 3-130). The prohibition alternatives would not suspend or modify any existing permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System lands (DEIS, Appendix A, p. A-27).

*b. Inside Inventoried Roadless Areas, Outside Permit Boundary.* New ski areas, or expansions of existing ski areas outside existing special use permit boundaries, in inventoried roadless areas may or may not be subject to the prohibitions; it would depend on the type of project and method of construction. New ski areas, such as the proposed Pelican Butte area, would most likely require new roads for their infrastructure within inventoried roadless areas. If roads are required, the proposed ski area would be subject to the prohibitions, and road construction would not be allowed. Opportunities for future ski areas or ski area expansion would most likely occur outside inventoried roadless areas on National Forest System land, on other Federal, State, or local government land, or on private real estate.

*c. Outside Inventoried Roadless Areas.* Proposed new ski areas and ski area expansions outside inventoried roadless areas would not be subject to the prohibitions. In this scenario, decisions related to ongoing activities in ski area development and

expansion would be made at the local national forest level under normal Forest Service analysis processes (DEIS pp. 2-6 and 2-7).

Proposed new ski areas go through many levels of analysis and involve a wide range of people, groups, and government agencies. Before a ski area is approved, a feasibility study, forest plan consistency review, master development plan, and site-specific NEPA analysis take place in a collaborative environment involving the local Forest Service unit and all interested parties. The actual implementation of any ski area proposal is not guaranteed until the proposal has passed through all the levels of analysis. At any point in the process, the Forest Service may decide not to approve the project or the proponent may choose not to pursue it.

**32. *The Forest Service should clarify discrepancies in the draft EIS concerning ski area expansions.***

**Response:** The agency has attempted to remove any conflicting descriptions of the effects on ski areas in the FEIS.

**33. *The Final EIS should explicitly state that helicopter skiing is a suitable dispersed recreational activity in designated roadless areas.***

**Response:** Helicopter use is appropriate in inventoried roadless areas where forest and grassland land and resource management prescriptions allow motorized recreation. The use of helicopters is mentioned in the Recreation section (FEIS, Chapter 3, Dispersed Recreation Activities). It is not analyzed in this FEIS because, as stated in the Purpose and Need (FEIS, Chapter 1), the purpose of this action is to immediately stop activities that have the greatest likelihood of degrading desirable characteristics of inventoried roadless areas – road construction, reconstruction, and timber harvest.

## Scenic Values

**34. *The Forest Service should protect the scenic quality in inventoried roadless areas and other unroaded areas by prohibiting, or allowing, timber harvesting, or buying private land. Benefits of such measures would include reduction of bug infestations and wildfire potential, economic sustainability of tourism dependent communities, and maintenance of people's livelihoods.***

**Response:** Both the DEIS and FEIS address the effects of timber harvest on scenic quality with respect to insect infestations and wildland fire (DEIS pp. 3-133 and 3-172). The scenic quality of a forest is not static; it changes over time. To varying degrees, roads, timber harvest, insect infestations, and wildland fire events all affect the scenic integrity of a landscape. The agency has limited control over natural events such as insect infestations and wildland fire. Managers may influence the effects of natural events to some extent by managing vegetation with silvicultural and fuels treatments. In these instances, the positive effects on scenic quality resulting from reducing the effects of these natural events are offset to some extent by the negative effects of road construction and vegetative treatments, depending on an individual's perspective.

Alternative 1 would provide local managers with the greatest flexibility to construct or reconstruct roads and harvest timber in inventoried roadless areas. The result of extending this flexibility would be some negative effects to scenic integrity from the roads and treatments themselves, together with some positive effects from reducing the potential magnitude of natural events.

To varying degrees, Alternatives 2 through 4 would prohibit road construction, reconstruction, and timber harvest in inventoried roadless areas. Alternative 2 would maintain some visual integrity by prohibiting roads. Alternative 3 would maintain more visual integrity by prohibiting roads and commodity timber harvest. The silvicultural treatments permitted in both Alternatives 2 and 3 could result in some short-term degradation of scenic integrity. However, treatments would enhance vegetative health and reduce fuel loading, thereby providing protection from insects and wildland fires. In Alternative 4, no reduction in scenic integrity would occur because of road construction or reconstruction and timber harvesting. However, this alternative has the highest probability of reduced scenic quality for some people resulting from catastrophic natural events.

The relationship between scenic quality and the economic sustainability of tourism dependent communities was also analyzed (DEIS pp. 3-133 and 3-170). All things considered, Alternatives 2 through 4 would maintain higher scenic quality in inventoried roadless areas than would Alternative 1. Maintenance of high scenic quality would contribute to the economic and cultural viability of gateway



communities, and to the well-being of their visitors and residents.

No data have been compiled nationally to identify and analyze parcels of private land that could be acquired to maintain or enhance the scenic quality of inventoried roadless areas. Such determinations are more appropriately made at the local planning level.

**35. *The national prohibitions in the action alternatives are not necessary because the existing Forest Service Scenery Management System is sufficient to protect scenic quality.***

**Response:** It is true that in all resource management activities in inventoried roadless and unroaded areas, the Forest Service would strive to achieve long-term sustainable Landscape Character Goals within the Scenic Integrity Objectives (terms described in the Forest Service Scenery Management System) identified in the forest and grassland planning process (DEIS p. 3-132). However, these goals would not necessarily prohibit road construction or reconstruction or timber harvest in roadless areas. They would most likely set the stage for determining the design, location, and standard of the road to be constructed or reconstructed. Therefore, national prohibitions in the action alternatives would ensure a higher level of scenic quality than depending on the Scenery Management System alone would provide.

**36. *The Forest Service should address the effects of insect and disease outbreaks and catastrophic fires on scenic quality.***

**Response:** The DEIS and FEIS analyzed the effects of the proposed rule and alternatives. Discussions on forest health and wildfires are included in the documents. Natural disturbances do not permanently change scenic quality.

**37. *Part 294.13(a) of the proposed rule should include other aspects of the Scenery Management System (such as “Special Places”), and the categories of historical area, and Wilderness suitability in the list of characteristics to be evaluated in revision of plans.***

**Response:** The new 36 CFR 219 Planning Regulations provide the direction on how best to incorporate these characteristics in forest and grassland planning and other processes.

## Value of Recreation and Tourism

**38. *There is little undeveloped land left; therefore, the Forest Service needs to protect roadless areas from logging and mining; roadless areas are much more valuable for recreation and tourism.***

**Response:** The Forest Service recognizes the intrinsic values of undeveloped land. Therefore, the agency analyzed a range of alternatives that have different mixes of prohibitions on certain activities in inventoried roadless areas. Consideration of roadless values in future local forest and grassland planning decisions affecting inventoried roadless areas and unroaded areas will be done under the new 36 CFR 219 Planning Regulations.

The support of tourism, usually a State-run program, is outside the scope of this DEIS. However, the action alternatives in the DEIS are not inconsistent with the goals of tourism programs.

The 1872 Mining Act governs “hard rock” mining use of Federal lands. The prohibition alternatives would affect other types of mining as described in the FEIS. Timber harvest is one of the Forest Service’s legally authorized purposes, along with other multiple-uses such as recreation, wildlife, and protection of water sources (Multiple-Use Sustained Yield Act of 1960, the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976). The prohibition alternatives would permit or restrict logging to different degrees (DEIS pp. 2-3 through 2-6).

## Interpretation and Education

**39. *Provide public education and information through outreach programs, interpretation in campgrounds, and printed brochures.***

**Response:** The agency makes a continuing effort to raise the awareness of Forest visitors about conservation and land use ethics. Creative collaborations involving the Forest Service with teachers or volunteer interpreters have been successful at many national forests and grasslands. As funding permits, brochures and exhibits are developed to give land management and ethics information. Unfortunately, the demand for education and interpretation is higher than the Forest Service can usually supply. These ongoing processes

related to education, interpretation, and information are a function of local resource management activities and are outside the scope of the DEIS.

## Volunteers

### ***40. The Forest Service should recognize and encourage more volunteer work by the OHV community in road and trail maintenance.***

**Response:** This rule does not affect existing roads and trails or local collaborations with the OHV community. Its purpose is to prohibit certain activities that have the greatest likelihood of degrading the desirable characteristics of inventoried roadless area areas.

The Forest Service recognizes the value of volunteers. The breadth of knowledge and depth of experience that volunteers contribute are a critical part of achieving the agency mission. Benefits of these volunteers are twofold: the Forest Service can provide higher quality products and services, and their visible efforts raise the awareness of other forest visitors to the volunteers' contribution to conservation practices.

## Recreation Funding

### ***41. The Forest Service should increase funding to support recreation and trails programs in roadless areas.***

**Response:** Funding for inventoried roadless areas and unroaded areas is addressed by each national forest and grassland in its planning and budgeting process. The focus of this rule is to maintain roadless characteristics, not increase funding for specific programs; therefore, the ongoing process of creating annual budgets for recreation and trails programs is outside the scope of the purpose and need of this rule.

Improvement of recreation opportunities in inventoried roadless areas and unroaded areas may already be funded. Examples would be maps, signs, brochures, and other visitor information, trail construction and maintenance, special use administration, maintenance of backcountry facilities, and law enforcement. The future of recreation funding in the Forest Service is expected to be generally flat or slightly increasing. Unless Congress appropriates funding specifically for

inventoried roadless areas, there will be little increase in funds available to be focused on recreation goals in inventoried roadless areas. Historically, special areas have not received additional or specific funding, simply because of their designation, from the agency or Congress over the long-term. Therefore, additional funding to accomplish recreation goals in inventoried roadless areas would be minimal.

### ***42. The Forest Service should eliminate the plethora of passes, fees, permits, and tolls required for the public to enjoy public lands on National Forests; and***

### ***43. The Forest Service should fund recreation and road maintenance, trash removal, repair of facilities, education, and law enforcement by charging an entrance fee or requiring a permit to hike, bike, ride horseback, or drive all terrain vehicles on National Forests.***

**Response:** The rule does not affect recreation fee programs. The suggestions are outside the scope of the purpose and need of the proposal.

### ***44. The Forest Service should not accept funds from OHV groups.***

**Response:** The Forest Service cooperates with a wide range of organizations that have an interest in recreation management activities that occur on National Forest System lands. Hiking, OHV, equestrian, mountain bike, snowmobile, floating, and many other groups volunteer their time, donate money and equipment, and collaborate with local Forest Service units to accomplish critical work. In addition, many States have granting programs to build and maintain trails, provide education and information, construct recreation facilities, and support law enforcement. Forest Service field units apply for these grants to create a supplemental source of revenue to provide quality recreation products and services for the American people. All of these activities are a function of local resource management activities and are outside the scope of the DEIS.

### ***45. The Forest Service should oppose CARA.***

**Response:** The proposed Conservation and Reinvestment Act (CARA) is proposed legislation before Congress. Through the separation of powers

under the Constitution, the agency does not get involved with legislative actions unless specifically asked by Congress for an opinion or information. Opposing legislation would be beyond the scope of this roadless area conservation proposal.

## Multiple-Use Management

*46. Recreation, beauty, watersheds, diversity, rivers, caves, fish, wildlife, and fires need to be managed in a manner that is cost effective, compatible with resource extraction, and does not favor one resource over the other.*

**Response:** Management of resources both inside and outside inventoried roadless areas would continue under existing laws, regulations, and policies. Local forest and grassland planning processes consider what uses are appropriate in an area and the capability of the land to support these uses with the least amount of resource damage and local user conflicts. Issues and conflicts between such resource components are best addressed at that level. These ongoing forest and grassland level decisions are not within the scope of this rulemaking and FEIS.

## Exclusive Access

*47. The general public should be allowed access to the same public lands as people with leases or special use permits.*

**Response:** Decisions regarding the appropriate mix of public, private, and permitted access to NFS lands are made at the local level based on distinct social and environmental circumstances; therefore, they lie beyond the scope of this proposal.

## Other Agency Management

*48. Allowing or prohibiting motorized vehicles in National Parks and other agency lands should be considered.*

**Response:** Management of activities in National Parks and other agency lands is not within the authority of the Forest Service or the scope of this proposal.

*49. The Forest Service should clarify whether beaches are roadless areas, including Assateague Island.*

**Response:** The USDA Forest Service manages the National Forest System lands. The rule would affect inventoried roadless areas on National Forest System lands, only. This may include lake or ocean beaches. Assateague Island is managed by other Federal and State agencies; therefore, it is outside the scope of this action and not subject to the provisions in the rule.

*End of Recreation Section*

# 11. ROADS

General..... 120  
 Access..... 121  
 Definitions..... 122  
 Temporary Roads ..... 126  
 Road Maintenance ..... 126  
 Road Classification ..... 127  
 Open Roads ..... 127  
 Roads in RARE II Areas..... 127  
 Roads Other Than Forest Service Roads..... 128  
 Close Roads..... 128  
 Decommission Roads ..... 128  
 Construct and Reconstruct Roads ..... 129  
 Alternatives..... 131  
 Accessibility..... 131  
 Environmental Effects of Roads..... 131  
 Data ..... 132  
 Legal Sufficiency ..... 132  
 Other Concerns ..... 133

## General

### *1. The Forest Service should keep roadless areas roadless in perpetuity.*

**Response:** The purpose of the proposal identified in the Roadless Area Conservation DEIS is to provide lasting protection for inventoried roadless areas. The DEIS alternatives proposed to do this by prohibiting road construction and reconstruction within inventoried roadless areas. Exceptions listed on p. 2-13 in the DEIS include, public health and safety, CERCLA response or restoration, reserved or outstanding rights, or realignment for environmental reasons; and a geographical exemption for the Tongass National Forest (DEIS p. 2-13).

### *2. The Forest Service should restore roadless areas to their natural condition and create new roadless areas by removing roads. The Forest Service should purchase lands for restoration.*

**Response:** The Roadless Area Conservation DEIS addressed inventoried roadless area restoration as an alternative considered but eliminated from detailed study in Chapter 2 (p. 2-18).

Creation of new roadless areas through removal of roads or through purchase of lands and subsequent removal of roads is outside the scope of this rulemaking effort. The Notice of Intent, published in

October 1999, and the purpose and need in Chapter 1 of the DEIS, state that the objective of this effort is the protection of current inventoried roadless areas and unroaded areas that have not yet been inventoried, rather than creation of roadless areas.

The likelihood that unroaded areas may be created as a result of implementing this rule in conjunction with other Forest Service initiatives and rules is addressed in the DEIS on pp. 3-240 through 241. This section has been expanded in the FEIS.

### *3. Areas with primitive roads, jeep trails, or classified roads should not be disqualified from roadless designation.*

**Response:** The environmental analysis of the roadless rule and alternatives used the current validated maps of inventoried roadless areas (DEIS and FEIS Volume 2). Some of these areas contained old roads and roads constructed since the last inventory, as the DEIS stated (p. 3-16). See also Responses 27 and 80. Further consideration of roadless areas and their characteristics is within the scope of forest and grassland planning under the new Planning Regulations (36 CFR 219).

### *4. The Forest Service should modify the statement in the Draft EIS, “the proposed action would prohibit road construction and reconstruction in inventoried roadless areas” to “prohibit road construction and reconstruction in unroaded portions of inventoried roadless areas...”*

**Response:** In the FEIS we corrected any contradictions between the DEIS Summary and the text of the alternatives in DEIS Chapter 2. In the FEIS, the alternatives treat all portions of inventoried roadless areas the same. Also see Response 13 in the Planning section.

### *5. The Forest Service should clearly define how the buffer zone around existing roads will be established.*

**Response:** The DEIS alternatives do not address standards for buffer width. The action alternatives prohibit road construction and reconstruction in inventoried roadless areas. The FEIS describes the effects of the alternatives on the existing road system. See also Response 3.

## Access

### ***6. The proposed rule will restrict public and non-Federal access for recreation, fire control, police, emergency personnel, and forest management activities.***

**Response:** The prohibitions analyzed in the DEIS range of alternatives would not restrict public, State, or local access from the existing transportation system. The effects on access by the proposed action along with the other alternatives were discussed in Chapter 3 of the DEIS. A section that summarizes the effects on access has been added to the FEIS.

The action alternatives would prohibit road construction and reconstruction in inventoried roadless areas. The alternatives do not prohibit use or maintenance of existing roads. They do not prohibit construction, reconstruction, maintenance or use of trails. Alternatives 1 and 2 do not prohibit timber harvest or any other use (DEIS p. A-27, sections 294.11 and 294.12 in the proposed rule). Prohibitions prevent new road construction, and reconstruction of existing roads to a higher standard, in inventoried roadless areas. In that respect, opportunities for additional access would be reduced.

The alternatives in the DEIS do not make road management decisions to directly close or decommission roads. The determination of existing road management objectives would be addressed in the anticipated final Roads Policy. Under the proposed Roads Policy, managers would be required to do a roads analysis when making road management decisions, including making a determination if unclassified roads are needed and should be classified, designated as a trail, or decommissioned.

The combined effects of these policies along with other proposed agency initiatives were discussed on pp. 1-16 and 3-240 in the DEIS. The FEIS includes additional analysis on the combined cumulative effects of the proposed Roadless Rule, proposed Roads Policy, the Planning Regulations and other agency initiatives.

### ***7. The Forest Service should address the future disposition and use of unclassified roads.***

**Response:** The alternatives do not prohibit the use or maintenance of existing unclassified roads. The

Roadless Rule's procedures do not make decisions on closure or decommissioning of unclassified roads. However, reconstruction of unclassified roads in inventoried roadless areas is prohibited by the action alternatives. The inventory, analysis, and management of unclassified roads is addressed under the Forest Service's proposed Roads Policy. Under that policy, managers would be required to do roads analysis when making road management decisions, including making a determination if unclassified roads are needed and should be classified, designated as trails, or decommissioned. See also Response 6.

### ***8. The Forest Service should open roads on private lands that are closed or gated when those roads access National Forest System lands.***

**Response:** The proposed Roadless Rule does not make management decisions on existing roads. Such decisions for existing roads will be addressed under the anticipated final Roads Policy.

Within the national forest or grassland boundaries there are often scattered parcels owned by States, private, and other non-Federal entities. Road access to National Forest System lands through these lands or across private lands adjacent to the national forests requires a right-of-way or other access agreement with the other landowner. Gates or closure of these access routes to the public is dependent upon the access rights obtained for each specific case from the other landowner.

The DEIS prohibition alternatives as well as the proposed Roads Policy would preserve existing access through private lands to NFS lands. Neither rule directly proposes modifying access through privately owned lands. A discussion of the proposed Roads Policy and its relationship to this rule occurs on p. 1-16 and 3-240 of the DEIS. See also Response 12 in the Lands section.

### ***9. The Forest Service should comply with the Surface Transportation Assistance Act of 1978.***

**Response:** Title 23 US Code 205 directs the use of funds to pay for forest development roads and trails. As discussed in Response 8, the prohibition alternatives do not make road management decisions. They do preserve reasonable access to private lands by statute, treaty or pursuant to reserved or outstanding rights. The prohibition alternatives do

not conflict or prevent access to land owned by non-Federal entities. See also Response 8.

**10. *Providing adequate, regulated access will be much less expensive than the cost of enforcement required to stop the creation of roads and trails where access to public land is diminished.***

**Response:** The effects of the alternatives analyzed in the DEIS on costs of law enforcement were addressed on p. 3-19. No increase in costs is expected as a direct or indirect result of this proposed rule.

**11. *Roaded access to National Forest System lands is a key part of the western way of life and a legacy to future generations.***

**Response:** The proposed rule will not restrict or eliminate any existing access. It will affect future decisions about access into inventoried roadless areas. The effects of the range of alternatives were discussed throughout Chapter 3 in the DEIS. A section has been added to the FEIS to summarize and display the effects of the different alternatives on access. See also Response 6.

**12. *If a road is of historical or scenic significance, the Forest Service should not take away access.***

**Response:** The range of alternatives does not make road management decisions for existing roads. The proposed Roadless Rule will not make decisions on decommissioning or closing roads that are of historical or scenic significance. The proposed Roads Policy provided a framework for addressing future access on these roads. See Responses 6, 45 and 46.

**13. *The Forest Service should modify the statement “no roads or trails would be closed because of the prohibitions” to “no classified roads would be closed because of these prohibitions” on page S-1 of the Draft EIS.***

**Response:** The range of alternatives analyzed in the DEIS Chapter 3 does not address road management policies. The proposed Roadless Rule by itself would not close any roads, classified or unclassified, or restrict existing access. See also Response 6.

**14. *The Forest Service should revise Section 294.12(b)(3) to read, “A road is needed pursuant to***

***reserved or outstanding rights or as permitted by statute, treaty or other authorities.”***

**Response:** Section 294.14(1) of the proposed rule in Appendix A of the DEIS stated that the rule does not suspend or modify any existing permit, contract, or other legal instrument authorizing the use and occupancy of National Forest System lands. Therefore, existing authorized uses will be able to continue to maintain and operate within the parameters of their current authorization. Also, in response to public comment, the FEIS has some added mitigation requirements to clarify the authorization for construction and reconstruction of roads for permitted mineral leasing and for State highway projects. The decision-maker may choose these mitigations in the final rule. Adding the wording “other authorities” to the proposed rule would not be necessary. See also Response 52 in Planning and Response 5 in the Lands section.

**15. *The final rule should preserve public use of airports and aviation activity within inventoried roadless areas.***

**Response:** The alternatives in the DEIS and FEIS do not affect airports or aviation activities within inventoried roadless areas. Uses other than road construction, reconstruction, and timber harvest would be assessed during land and resource management planning based on the procedures identified in the new Planning Regulations.

## Definitions

**16. *The Forest Service should clarify the definition of “roadless.”***

**Response:** The term “roadless” was used to identify the areas addressed in the DEIS. The definition of roadless area in the DEIS (p. G-6) was changed, based on public comment, to better reflect how the term was used in the proposed rule and DEIS. The definition that appears in the FEIS is:

*Roadless Area. A generic term, which includes inventoried roadless areas, and unroaded areas.*

This now appears in the Glossary of the FEIS.

**17. *The classification of “roadless ”does not mean there should be no roads or trails in the area.***

**Response:** See Response 16. The action alternatives do not make decisions on the management of existing roads and trails. The proposed Roads Policy addresses the management and maintenance of existing roads. This proposed Roadless Rule does not restrict the construction and reconstruction of trails within roadless areas, and it does not prohibit road maintenance. See also Responses 6 and 16.

**18. The Forest Service should clarify the definition of a “road.”**

**Response:** A number of comments asked that the difference between a road and a trail be clarified, and that the difference between a classified and unclassified road be clarified. Some made suggestions for how these definitions should be changed. The proposed Roadless Rule would adopt the same revised definitions of road, classified road, unclassified road, and temporary road that are contained in the anticipated final Roads Policy. The Forest Service has modified the proposed definitions based on public comment to provide clarity. This FEIS and Glossary reflect these changes. The definitions are:

*Road. A motor vehicle travelway over 50 inches wide, unless designated and managed as a trail. A road may be classified, unclassified or temporary.*

*Classified roads. Roads wholly or partially within or adjacent to National Forest System lands that are determined to be needed for motor vehicle access, such as State roads, County roads, privately owned roads, National Forest system roads, and roads authorized by the Forest Service that are intended for long term use.*

*Unclassified roads. Roads on National Forest System lands that are not managed as a part of the forest transportation system (such as unplanned roads, abandoned travel ways, off-road vehicle tracks which have not been designated and managed as a trail), and those temporary roads no longer under permit or other authorization.*

*Temporary roads. Roads authorized by contract, permit, lease, or emergency operation, not intended to be a part of the forest transportation system and not necessary for long-term resource management.*

A trail must be included in the National Forest System trail system and can be over or under 50 inches wide. A trail is for the purposes of travel by foot, stock, or trail vehicles. Forest Development Trails as defined in 36 CFR 212.1 and 261.2 are those trails wholly or partly within or adjacent to, and serving the National Forests and other areas administered by the Forest Service that have been included in the Forest Transportation Atlas. A general definition for a trail and other trail management related definitions are in the Forest Service Manual, Chapter 2350. The definition of a trail has been added to the FEIS glossary and a discussion added to Chapter 3.

**19. The Forest Service should clarify the definition of roadless area with regards to four-wheel drive tracks.**

**Response:** Four-wheel drive tracks may not exclude an area from the roadless inventory. The process for making that decision is established in the new Planning Regulations. See also Response 6 and Response 7 in the Data section.

**20. The Forest Service should define “unroaded area,” and “other unroaded area.”**

**Response:** The DEIS (p. 2-2) defined “unroaded areas” and “other unroaded areas”:

*Unroaded areas. Any area without the presence of a classified road. The size of the area must be sufficient and in a manageable configuration to protect the inherent values associated with the unroaded condition. These areas have not been inventoried and are therefore separate from inventoried roadless areas. They are referred to as “other unroaded areas” in this document.*

“Other unroaded areas” were further defined using several criteria and examples in paragraph 294.13 (b) (2) of the proposed rule (DEIS p. A-28). As the proposed rule stated, identification of unroaded areas is done “in the judgment of the responsible official” as part of the forest or grassland plan revision.

In the FEIS, to clear up confusion, we have discontinued use of the term “other unroaded areas” and replaced it with a clarified definition of “unroaded areas”:

**Unroaded area.** Any area, without the presence of a classified road, of a size and configuration sufficient to protect the inherent characteristics associated with its unroaded condition.

This FEIS definition may be further modified in the final rule, in response to public comment. See also Response 7 in the Data section.

**21. The Forest Service should clarify its use of the phrase, “the roaded portion of the inventoried roadless area.”**

**Response:** The term “roaded portion of the inventoried roadless area” was not clearly defined in the DEIS and led to confusion of the Roadless Rule’s intent. The FEIS does not refer to the terms “roaded portions” or “unroaded portions” of inventoried roadless areas, in order to eliminate any ambiguity. It simply refers to “inventoried roadless areas” and “unroaded areas,” and they do not overlap. The changes are based on public and agency comment and do not have any impact on the effects analysis documented in the DEIS. Also see Response 20.

**22. Roaded areas identified as part of the roadless areas on national forests ought to be included in the proposed rule for no more road building.**

**Response:** The intent of the action alternatives is to prohibit any additional road construction and reconstruction in inventoried roadless areas, except under the circumstances listed in paragraphs 294.12 (b) (1) through (b)(4) and paragraph 294.12 (c) of the proposed rule in Appendix A of the DEIS, and under the mitigation requirements identified in Chapter 2 of the FEIS. See also Response 21 and Response 51.

**23. The Forest Service should clearly define “new” road construction.**

**Response:** The Roadless Rule will adopt the revised definition for road construction anticipated in the final Roads Policy. The FEIS Glossary will reflect these changes. The definition is as follows:

*Road Construction.* Activity that results in the addition of forest classified or temporary road miles.

**24. The Forest Service should reevaluate its definition of “reconstruction.”**

**Response:** The alternatives for the Roadless Rule and the FEIS adopt the revised definition for reconstruction anticipated in the final Roads Policy, which will modify the definition, based on public comment, in order to provide clarity. The FEIS reflects these changes. The definitions are:

*Road reconstruction.* Activity that results in road improvement or realignment of an existing classified road.

*Road improvement.* Activity that results in an increase of an existing road’s traffic service level, expands its capacity, or changes its original design function.

*Road realignment.* Activity that results in a new location for an existing road or portions of an existing road, including treatment of the old roadway.

**25. The Forest Service should clarify the definitions of “standard passenger vehicles” and a “road” as well as how they were used in the Wilderness Act.**

**Response:** The term “standard passenger-type vehicle” comes from Forest Service Handbook 1909.12 and is part of the inventory criteria used to determine if areas qualify for the inventory of potential Wilderness. The National Forest Management Act directs the Forest Service to inventory for potential Wilderness as part of the forest and grassland planning process.

The Roadless Rule will not make any changes to the Wilderness inventory criteria defined in Forest Service Handbook 1909.12 or to any of the regulations or policies governing forest planning or the Wilderness inventory process. The term “standard passenger-type vehicle” was not used in the DEIS or in the Roadless Rule.

The definition of a “road” as used in this FEIS and rule will not conflict or interfere with the process of inventorying areas for Wilderness consideration. See also Response 18.

**26. The Forest Service should clarify the definition of “maintenance.”**

**Response:** The alternatives adopt the definition for road maintenance anticipated in the final Roads



Policy. This document modified this definition based on public comment. The definition is:

*Road maintenance. The ongoing upkeep of a road necessary to retain or restore the road to the approved road management objective.*

Policy governing road management objectives is described in FSM 7712. In general, road activities that maintain or restore a road to its approved function, design standard, or maintenance level are considered to be maintenance. The effects section (pp. 3-18 and 3-19) in the DEIS has been expanded in the FEIS to include a discussion about what activities would be allowed as road maintenance and which would be prohibited as reconstruction.

**27. Supposed roadless areas actually have roads, but have been removed from Forest Service inventories to ensure closure of the land.**

**Response:** As indicated in the DEIS (p. 3-16), about 8% of the inventoried roadless areas contain about 9,660 miles of existing roads. Some of these roads predate the RARE and RARE II inventories, while others have been constructed where individual forest plans have allowed development. National Forest System roads have not been removed from Forest Service inventories as a result of this proposal. See also Responses 28 and 42.

**28. The Forest Service should refer to areas with pre-inventory roads as semi-roadless areas and clarify how they will be affected by this rule.**

**Response:** The action alternatives in the FEIS prohibit road construction and reconstruction in inventoried roadless areas.

The explanation of inventoried roadless areas has been expanded in Chapter 2 of the FEIS to clarify the status of “pre-inventory roads.” The prohibitions in the action alternatives would apply to the entire inventoried roadless area, including any roads within the inventoried area. The proposed Roadless Rule is based upon the most current mapping of inventoried roadless areas at the time of the release of the DEIS. Revisions were made to the maps between the DEIS and FEIS. These revisions were the result of the public comment process and the internal review process. The maps of inventoried roadless areas are located in Volume 2 of the FEIS. Chapter 3 in the DEIS (p. 3-16) estimated the miles and portions of

inventoried roadless areas containing roads. See Response 1 in the Data section.

**29. The term “decommission” should be defined in the document.**

**Response:** The term “decommissioning” was defined in the DEIS Glossary on p. G-2. “Road Decommissioning” was defined on p. G-5. The effect of decommissioning a classified road or an unclassified road is to terminate the function as a road, and to mitigate the adverse impacts. The definition of decommissioning in the FEIS has been modified to be consistent with the anticipated final Roads Policy.

**30. The Forest Service should mention the differences between the multiple levels of maintenance objectives, from hiking trails to single track, to unimproved dirt roads, to paved roads.**

**Response:** Based on public comment, several road and trail definitions have been modified or added to the FEIS to provide clarity, and a section has been added to both the transportation system and recreation section in the FEIS to further clarify terminology.

**31. The Forest Service cannot legally use the terms ‘unroaded’ and ‘roadless’ in the language of the Roadless Rule. (Reference: Settlement Agreement between the United Four Wheel Drive Association and the U.S. Forest Service.)**

**Response:** The settlement agreement in the United Four Wheel Drive Association litigation states:

*The definitions set forth in 36 CFR 212.13 are intended for use in the context of that particular section, and are not intended for use outside that context. If Forest or Regions are using these or similar terms in other contexts, the responsible official should cite the basis for the definitions used and allow the public the opportunity to comment on the appropriateness of the definitions being used....*

The definitions in question have received public review and comment in the proposed Roads Policy and accompanying EA and in the proposed Roadless Rule and accompanying DEIS. Use of definitions contained in 36 CFR 212.13 (Interim Roads Rule) in this rulemaking effort is consistent with the

Settlement Agreement between United Four Wheel Drive Association and the US Forest Service.

**32. *The Forest Service should not encourage the philosophical shift reflected in the proposal to adopt the term "Forest Service roads." The Forest Service does not own Forest Service roads; they were built with public and private monies and managed by the Forest Service for the benefit and use of the American people.***

**Response:** The proposed Roadless Rule and FEIS use terminology and definitions that are consistent with terminology and definitions used in the proposed and anticipated final Roads Policy. The term "National Forest System Road" is used in the FEIS to refer to classified roads under the jurisdiction of the Forest Service. This is a change from the term "Forest Service road" that was used in the DEIS.

## Temporary Roads

**33. *The Forest Service should be consistent in how it treats temporary roads when delineating roadless areas for protection.***

**Response:** The proposed action and preferred alternative discussion on p. 2-13 in the DEIS stated that the prohibitions apply to temporary roads. The presence of a temporary road will not preclude an area from being considered as an "other unroaded area." These definitions were in section 294.11 of the proposed rule on pp. A-26 and 2-2 in the DEIS:

Temporary roads are defined as:

*Roads authorized by contract, permit, lease or emergency operation, not intended to be a part of the forest transportation system and not necessary for long-term resource management.*

See Response 18.

## Road Maintenance

**34. *The Forest Service should clarify whether road maintenance will be prohibited in inventoried roadless areas.***

**Response:** Road maintenance would be permitted under the range of alternatives, and as addressed in paragraph 294.12 (d) of the proposed Roadless Rule.

Specifically, the responsible official may maintain classified roads that were constructed in inventoried roadless areas prior to the effective date of this rule and those later constructed under exception or as a result of mitigation.

**35. *Any funds saved by ceasing maintenance of roads should be used to alleviate the effects of these roads.***

**Response:** Road maintenance funds are currently used to reduce adverse environmental effects of roads such as erosion control and decommissioning existing roads. These funds are also used for the upkeep of roads to provide for safe public access. The responsible local official makes road management decisions, which include the allocation and prioritization of road maintenance funding. This Roadless Rule does not change how road maintenance funds are allocated and used. See also Response 37.

**36. *The Forest Service should correct its estimate of the savings from reduced road maintenance to reflect recent expenditures on roads.***

**Response:** Road mileage and cost estimates have been updated in the FEIS. In addition, the discussion on p. 3-17 in the DEIS pointed out that unmet maintenance needs each year increase the maintenance backlog as roads deteriorate. Therefore, the cost of repairs continues to increase.

**37. *The Forest Service has not accurately portrayed its need for road maintenance funding. The agency is overestimating its need for additional road maintenance funding and using this as an excuse to close roads. Contributions from timber purchasers, cooperators, and volunteers are not being represented. The Forest Service is not efficiently utilizing its existing road maintenance funding.***

**Response:** The alternatives in the DEIS do not prevent the local responsible official from making road management decisions which include the allocation and prioritization of road maintenance funding. The purpose and need section in the DEIS, pp. 1-10 through 1-12, identified the current lack of funding to fully maintain the Forest Service road system as one of the reasons for undertaking this rulemaking action.

Annual maintenance needs along with capital improvement and deferred maintenance figures for roads come from the agency's March 1999 report to Congress titled "*Supporting Documentation on Maintenance and Improvement Needs.*" As stated in the report, estimates of needs were based on a "random field sampling of at least 2% of each national forest's roads." In FY 1999, the Forest Service began a 5-year initiative to inventory and conduct condition surveys on 100% of its 386,000-mile road system. Results from the first year of the initiative indicated that the annual maintenance and deferred maintenance estimates in March 1999 report are low and will increase as better data are collected and validated. See the footnote on p. 3-17 in the DEIS.

A more detailed discussion on road maintenance and funding – current and historic – has been added to the transportation system section of the FEIS. This section discusses and presents data on the road maintenance contributions made by Forest Service transportation system users and cooperators. See also Response 34.

**38. *The Forest Service should explain who designs, constructs, and maintains logging roads.***

**Response:** The Forest Service is responsible for planning, design, construction contract administration, and maintenance of roads on National Forest System land. During the life of a timber sale, the Forest Service shares maintenance responsibilities with the timber purchaser. The maintenance responsibility may also be shared with commercial users of National Forest System Roads, such as those hauling logs from private lands. The Forest Service assures that roads meet current maintenance standards for environmental protection within the constraints of funding (DEIS pp. 3-13 and 3-15).

**39. *Rather than authorizing the removal of hazard trees in the exemption for public safety, the final rule should include guidelines for alternative hazard management strategies.***

**Response:** Establishing procedures for road maintenance and hazard tree removal are outside the scope of this rulemaking process because processes for making road management decisions are established in the proposed and anticipated final Roads Policy. Decisions about hazard tree removal

are made at the local ranger district level through project planning and road maintenance planning. See Response 18.

## Road Classification

**40. *The Forest Service should carry out the classification of roads on a regional basis.***

**Response:** The Roadless Rule does not address road management of the existing transportation system. These decisions would be made at the forest or grassland project level as established in the anticipated final Roads Policy. See also Response 6.

## Open Roads

**41. *The Forest Service should reopen all roads that have been closed and keep existing roads and trails open.***

**Response:** Management decisions for existing roads will be addressed under the anticipated final Roads Policy. The Roads Policy is intended to make the existing forest road system safe, responsive to public needs, environmentally sound, affordable, and efficient to manage. Under this policy, the responsible Forest Service official must conduct a science-based road analysis to determine the minimum road system needed to achieve National Forest System resource goals including identifying needed and unneeded roads. This analysis and the resulting decisions will be part of forest and grassland planning and project level planning. A discussion of the proposed Roads Policy and its relationship to this rule was on pp. 1-16 and 3-240 of the DEIS. See also Response 6.

## Roads in RARE II Areas

**42. *The Forest Service should recognize that temporary roads were not counted during the RARE process (an area was not excluded from consideration if it contained temporary roads), and so those roads should either not be closed now or the area should be removed from the inventoried areas.***

**Response:** The RARE and RARE II processes determined roadless areas, based in part on the transportation system existing at the time of the inventory. Some road construction and

reconstruction was later authorized. The Roadless Rule does not determine whether existing roads should remain in the inventoried roadless area. Any action to change road management objectives will be based on the proposed Roads Policy and made at the local level.

## Roads Other Than Forest Service Roads

**43. *The Forest Service should address the effect this Roadless Rule will have on State highways and other public roads.***

**Response:** The alternatives in the DEIS had an exception that allowed road reconstruction to correct environmental damage, or for public health and safety. In response to public comments, we have added to the FEIS mitigation options that allow for highway construction and reconstruction, through inventoried roadless areas, funded pursuant to Title 23 of the United States Code when it is in the public interest, and an exception to allow reconstruction needed to improve user safety on public roads.

Discussion of effects on State highway and other public road projects has also been added to the FEIS. See Chapter 3, the Forest Service Road System section.

## Close Roads

**44. *The Forest Service should act to close more roads. Roads should be closed to the public, yet available for administrative use such as fire suppression and logging. Roads should be open only to specific user groups and closed for water quality and wildlife protection.***

**Response:** The proposed Roadless Rule will not make road management decisions on closing existing roads because that is not within the scope of this proposal. See also Responses 6 and 41.

## Decommission Roads

**45. *The Forest Service should not decommission roads. Removing roads from the transportation inventory, especially in the inventoried roadless areas, is an inefficient use of taxpayer dollars, damaging to the environment, a reduction to forest***

***access, and a waste of investment in the existing road system; and***

**46. *The Forest Service should close or decommission roads to improve roadless area characteristics. The Roadless Rule should assure no net gain of road miles by requiring removal of equal mileage for every construction exemption.***

**Response:** The range of alternatives in the DEIS and FEIS does not make any decisions on decommissioning any roads because that is outside the scope of this proposal. Management decisions for existing roads and their potential for removal from the transportation system are addressed under the proposed Roads Policy. See also Response 6.

**47. *The Forest Service should allow unneeded roads to close themselves naturally.***

**Response:** Allowing a road to deteriorate without maintaining or decommissioning it increases the risk of adverse effects to the environment and public safety. Road decommissioning involves using various levels of treatments to restore unneeded roads to a more natural state and to mitigate environmental damage. Treatment options may include blocking the entrance, water barring, removing culverts, reestablishing drainage-ways, removing unstable fills, pulling back road shoulders, restoring natural contours and slopes, or other methods designed to meet specific conditions and objectives associated with the unneeded road. It also includes conversion of a road to designated trail. A definition of road decommissioning was on p. G-5 in the DEIS. See also Responses 45 and 46.

**48. *The Forest Service should address whether decommissioning roads would create a roadless area.***

**Response:** The proposed actions in the range of alternatives, if implemented, would not result in roads being decommissioned (see Responses 45 and 46), and would not result in the creation of new roadless areas. The discussion on the cumulative effects of the proposed Roadless Rule with other Forest Service proposed rules (pp. 3-240 and 3-241 in the DEIS) has been expanded in the FEIS.

**49. *The Forest Service should not cover roads with cut brush.***

**Response:** The rule does not prescribe individual road treatments. These decisions are made at the national forest, grassland, or ranger district level through project planning. See also Response 47.

**50. The Forest Service should pay construction companies that are part of the logging operations to repair or close roads to protect fish stocks.**

**Response:** The Forest Service does pay contractors for environmental protection when it uses or constructs a road for timber harvest. Environmental protection is part of every road or timber sale contract. The bid prices for timber sales reflect the cost of road construction, reconstruction, and maintenance, including environmental mitigation.

## Construct and Reconstruct Roads

**51. The Forest Service should allow the redesign or reconstruction of existing roads.**

**Response:** The range of alternatives in the DEIS prohibit road reconstruction in the unroaded portions of inventoried roadless areas, with exceptions listed in paragraphs 294.12 (b)(1) through (b)(4) and paragraph 294.12 (c) of the proposed Roadless Rule. These exceptions are for: public health and safety, CERCLA response or restoration, reserved or outstanding rights, or realignment for environmental reasons. Road reconstruction within other areas of National Forest System lands is not prohibited. A discussion of the effects on existing roads began on p. 3-18 of the DEIS. In the FEIS, the prohibition on road construction would apply to the entire inventoried roadless area. See Response 21.

The proposed Roadless Rule also allows existing roads to be maintained. For consistency, the range of alternatives adopts the definition of road maintenance used in the anticipated final Roads Policy. This definition will be modified between proposed and final rule, based on public comment on the proposed Road Policy in order to clarify what was meant by road maintenance. Road maintenance includes restoring a road to its road management objectives (for example, approved design function and standard). See also Response 26.

Road reconstruction decisions not prohibited by this rule would be made through the appropriate level NEPA analysis, including a science-based roads analysis. Performing a roads analysis, as a basis for

road reconstruction decisions, is required under the proposed Roads Policy. Discussion of the proposed Roads Policy and its relationship to this rule was on pp. 1-16 and 3-240 of the DEIS and has been expanded in the FEIS.

**52. Consider the environmental benefits of road construction.**

**Response:** Each of the resource sections in Chapter 3 in the DEIS addressed the beneficial and adverse effects of road construction and reconstruction and discussed effects of access foregone under the action prohibition alternatives. The analysis of the data collected for activities planned over the five years in inventoried roadless areas, presented in Chapter 3 of the DEIS, found that most environmentally beneficial activities such as habitat restoration and watershed restoration would not be dependent on road construction or reconstruction. There would be small increases in the risks and costs associated with fire suppression, prescribed fire, and insect and disease outbreaks.

Roads do provide access for a number of environmentally beneficial activities such as fire suppression, prescribed fire, fish and wildlife habitat improvements, and treatment of insect and disease outbreaks. Chapter 3 in the FEIS has an added section that summarizes and expands the discussion on access, both the effects of the alternatives on access and the benefits of roads for providing access.

**53. The Forest Service should obtain funding for road reconstruction and maintenance. This would replace the need to close roads and is preferable to expending resources to build new roads.**

**Response:** The Roadless Rule's range of alternatives does not affect the Forest Service annual appropriations and budgeting process, nor would it affect ongoing initiatives to increase road related funding.

The Forest Service's Natural Resource Agenda sets clear priorities, for the Forest Service Strategic Plan and with the guidelines of the Government Performance and Results Act of 1993. One of the four key areas in the Agenda is National Forest Systems roads. Seeking additional funding sources for the transportation system is one of the four actions set forth for forest roads.

**54. The Forest Service should explain what criteria were used to determine that road construction and timber harvest qualify as prohibited acts.**

**Response:** The criteria were described beginning on p. 1-10 in the DEIS. Based on appropriate scientific research material and data, road construction, reconstruction, and timber harvest activities were identified because these activities occur on a national scale. They have the greatest likelihood of altering landscapes, often cause significant landscape fragmentation, and result in immediate, irretrievable, and long-term loss of roadless characteristics. Information was also available to analyze the effects at the national scale.

**55. The Forest Service should not construct or reconstruct roads in national forests.**

**Response:** Section 294.12 of the proposed rule prohibits road reconstruction in the unroaded portions of inventoried roadless areas, with the exceptions listed in paragraphs 294.12 (b)(1) through (b)(4) and paragraph 294.12 (c). These circumstances are for public health and safety, CERCLA response or restoration, valid existing rights granted in statute or treaty, or pursuant to a reserved or outstanding right, or realignment for environmental reasons; and except on the Tongass National Forest (DEIS Appendix A, p. A-27). Road construction and reconstruction within other areas of National Forest System lands is not prohibited and is outside the scope of this proposal. A discussion of the effects on existing roads began on p. 3-18 of the DEIS. See also Response 21.

Road construction and reconstruction decisions not prohibited by this rule would be made through the appropriate level NEPA analysis including a science-based roads analysis. Performing a roads analysis, as a basis for road reconstruction decisions, would be required under the proposed Roads Policy. A discussion of the proposed Roads Policy and its relationship to this rule was on p. 1-16 and 3-240 of the DEIS. The FEIS updates this discussion.

**56. The Forest Service should address the impact of the proposed rule on road construction in inventoried roadless areas.**

**Response:** The effects on the forest transportation system were discussed on pp. 3-18 and 3-19 in the DEIS. The specific effects of road construction and

reconstruction on individual resources were discussed in the remaining sections of Chapter 3 in the DEIS. The FEIS contains the most up-to-date information on the number of road miles that will be prohibited under the action alternatives and the miles that would go forward under the exceptions and potentially under the mitigation options.

**57. The Forest Service should not proceed with any currently planned road construction projects in roadless areas until the final decision is made.**

**Response:** The Forest Service issued an 18-month suspension on road construction and reconstruction in most inventoried roadless areas. This interim rule was effective beginning March 1, 1999. It expired on September 1, 2000. This final interim rule temporarily suspended decision-making regarding road construction and reconstruction in many roadless areas within the National Forest System. Its intended effect was to retain resource management options in those unroaded areas subject to the suspension from the potentially adverse effects associated with road construction, while the Forest Service develops a revised Roads Policy.

**58. The Forest Service should allow road construction, when needed, as long as it is done to minimize environmental impacts.**

**Response:** The DEIS Chapter 3 discussed the beneficial and adverse effects of prohibiting road construction in the unroaded portions of inventoried roadless areas. In particular, p. 3-15 stated:

*All management activities associated with the Forest Service road system are required to comply with relevant statutes such as the Clean Water Act, National Environmental Policy Act, and Endangered Species Act. In addition, it is the agency's policy to use the best available scientific information and best management practices for planning, designing, construction, and maintaining roads (36 CFR 212) regardless of where the road is located. Implementation of these policies can minimize, but not entirely eliminate, adverse environmental effects.*

**59. The Forest Service should limit exceptions for road construction in the proposed rule.**

**Response:** Some of the exceptions proposed in the DEIS are required by existing law. A description of

the environmental effects of the exceptions was added to the FEIS, in Chapter 3.

**60. The Forest Service should address inconsistent estimates of road construction in the DEIS.**

**Response:** Estimates of road miles used in the DEIS have been updated in the FEIS, using current data collected from Forest Service field units. Efforts have been made to make sure their use is consistent throughout the document.

## Alternatives

**61. A well-designed transportation access system is needed so the Forest Service can actively manage forests to provide a sustainable level of wood products and recreational opportunities.**

**Response:** The DEIS considered the inherent values of roadless areas (devoid of road construction or timber harvest). A complete discussion of active and passive (natural) management has been added to the fire management section of the FEIS. The DEIS described the effects of the alternatives on timber production and recreation in Chapter 3. For further information regarding this concern, please refer to Responses 61 and 63 in the Social section.

**62. The Forest Service should consider an alternative that allows road construction or reconstruction, continued access, and multiple use management.**

**Response:** This is the no action alternative.

This analysis also considered but eliminated from detailed study a broad array of individual alternatives. One alternative would have allowed and encouraged development activities, including road construction in all roadless areas. This alternative was not studied in detail because it does not meet the intent of the project's purpose and need to protect and conserve inventoried roadless areas. Future proposals for road construction and reconstruction would be considered on a case-by-case basis at the project level where allowed by current land management plans. The no action alternative was detailed on pp. 2-4, 2-7, and 2-10 of the DEIS.

**63. The Forest Service should prohibit road construction and reconstruction including temporary road construction in all portions of**

**inventoried roadless areas, including the "roaded" sections.**

**Response:** The action alternatives in the DEIS would prohibit road construction and reconstruction within unroaded portions of inventoried roadless areas. Based on public comment, the agency dropped the distinction between roaded and unroaded portions between the DEIS and the FEIS. These alternatives were amended to simplify the intent to maintain the current roadless characteristics of the inventoried roadless area. As a result, local responsible officials could only authorize road construction or reconstruction in any portion of inventoried roadless areas under one of the exceptions or mitigations to be listed in the final rule.

The definition of "road construction" now includes activities that result in the addition of classified or temporary road miles to the forest transportation system. See the Glossary in FEIS Volume 1. See also Responses 21 and 23.

## Accessibility

**64. The Forest Service needs to provide road access for persons with disabilities.**

**Response:** The alternatives and their prohibitions on road construction, reconstruction, and timber harvest are consistent with the Rehabilitation Act and the Americans With Disabilities Act. They will not place restrictions on existing roaded access. They will not prohibit existing or limit future access by trail. The DEIS described the alternatives' effects on people with disabilities (pp. 3-206 through 3-208).

## Environmental Effects of Roads

**65. Fewer roads will lower the amount of litter, trash, and human waste in the backcountry.**

**Response:** The DEIS did not address the effects of the alternatives on littering or illegal dumping on National Forest System lands because those effects are outside the scope of the analysis. The *Transportation Specialist Report (May 2000)*, which can be found in the project record, discussed illegal dumping. The specialist report found that dumping is a random, unpredictable occurrence and as such would not be useful as a measure between the proposed alternatives.

**66. Data should be presented to support the assertion that the existing road system is having a significant negative effect on the environment or to quantify that impact. The Forest Service should demonstrate and quantify how the existing road system is significantly affecting the environment.**

**Response:** The effects of road construction on the environment were documented in the individual resource sections in Chapter 3 of the DEIS. The conclusions in Chapter 3 were based on a variety of sources referenced in the DEIS in the references section, and on the judgment of qualified resource professionals. Additional information and references have been added to the FEIS.

**67. The Forest Service should provide a quantitative evaluation of factors related to the transportation system.**

**Response:** The discussion of the affected environment and environmental consequences of road construction and reconstruction have been clarified and expanded in Chapter 3 of the FEIS. Site-specific factors such as the number of stream crossings per mile of road, and miles of road construction or reconstruction needed per million board feet to timber harvest, are highly variable from any one national forest to another. These factors are dependent upon site-specific conditions including topography, geology, vegetation, climate, and status of the existing transportation system. Evaluation of these site-specific factors is outside the scope of this analysis. See also Response 66.

**68. The Forest Service overstated the effects of roads being built in inventoried roadless areas by discounting the fact that many are closed or decommissioned after use.**

**Response:** Chapter 3 in the FEIS has been modified to describe what roads would be prohibited, and what roads would go forward under the alternatives. It describes the longer-term effects due to a large percentage of the timber related roads being closed after use. Where necessary, tables and numbers have been updated with the latest data, and the effects analysis has been expanded. These changes have not altered the conclusions reached on the effects of or range of the alternatives analyzed in detail in the DEIS.

**69. The DEIS fails to analyze the cumulative effects, including historic and future road construction trends, of the proposed action on the Chugach National Forest.**

**Response:** The alternatives in the DEIS look at prohibiting certain activities in inventoried roadless areas: road construction, reconstruction, and timber harvest. They do not propose making land use allocations, nor do the alternatives commit resources that would result in irreversible or irretrievable effects on the land. Land uses will be determined through local forest and grassland planning, including appropriate uses and management for individual inventoried roadless areas. The FEIS contains expanded and updated cumulative effects analyses.

## Data

**70. The Forest Service should use data supplied by the public in this analysis.**

**Response:** The best available data were used by the Forest Service to develop the DEIS. In some cases this included information and data supplied by non-governmental groups. Information supplied by the public has been considered in the FEIS. See the reference section in the FEIS for the numerous sources of information that supported the environmental analysis.

**71. The Forest Service should reevaluate the number of roads from forests in New England and the Mid Atlantic regions.**

**Response:** The roadless rule does not deal with the existing road system. The proposed Roads Policy addresses direction for inventory and management of the existing road system. See also Responses 6 and 80.

## Legal Sufficiency

**72A. The Forest Service is usurping local authority, specifically the powers to vacate roads, when it obliterates roads, paths, or ways.**

**Response:** None of the alternatives would close or decommission (obliterate) any roads or trails. Site-specific decisions to close or otherwise decommission a road would follow local planning processes consistent with the Forest Service's



anticipated final Roads Policy. These include appropriate analysis, documentation, and public involvement (including local governments).

The DEIS and FEIS alternatives provide an exception for road construction and reconstruction pursuant to reserved or outstanding rights or as provided for in statute or treaty (DEIS p. 2-4). In certain specific instances, these may include highway rights-of-way granted under R.S. 2477.

This proposal is consistent with the Roads and Trails Act, RPA, and other laws that authorize the Forest Service to construct and maintain, and operate its transportation system. Also see Response 41 in this section and Response 4 in the Lands section.

**72B. The Forest Service definition of roadless may be inconsistent with State law, specifically, Wyoming's.**

**Response:** Wyoming Statutes 24-3-101 and 24-3-201 apply to County roads, not National Forest System roads. The Roadless Rule does not propose to close any County roads and is not in violation of Wyoming State Statute 24-3-201. The Roadless Rule would not restrict existing access. See Response 6.

**73. The Proposed Rule is contrary to the intent of the Roads and Trails Act and the Forest and Rangeland Renewable Resources Planning Act.**

**Response:** The rule is consistent with the Roads and Trails Act and with RPA. The Roads and Trails Act allows for road construction; it does not require it. The Forest and Rangeland Renewable Resources Planning Act requires an assessment of the nation's renewable resources. Neither act prescribes or prohibits roadless or unroaded management.

The proposed rule does not restrict access on the existing transportation system. See also Response 6.

## Other Concerns

**74. The Forest Service should halt reconstruction of the Loop Road in Fremont County, Wyoming.**

**Response:** The reconstruction of the Loop Road is a Forest Highway project for which the Federal Highway Administration has the lead. The 7-mile reconstruction project is not within an inventoried roadless area; therefore, this concern is not within the

scope of this EIS. The Draft EIS for the Loop Road project was released in the summer of 2000. Similar comments concerning the Loop Road were received in response to that DEIS.

**75. A five-year moratorium should be declared on all road and highway construction or reconstruction in the USA.**

**Response:** The Roadless Rule applies only to National Forest System lands. Construction or reconstruction of County, State, and national highways outside of national forests or grasslands is beyond the scope of the Roadless Rule.

**76. Traffic should be reduced and eliminated in highly used national parks.**

**Response:** The National Park Service, under the Department of Interior, is a separate agency from the U.S. Forest Service, which is under the Department of Agriculture. Traffic management in National Parks is beyond the scope of this proposal.

**77. The USDA should finish their decision of Collier Hollow Rd #2780; it is holding up utilities from being installed.**

**Response:** The decision on the Collier Hollow road is a specific decision not within the scope of this analysis. A decision has been made to build the road. The road plans and specifications have been completed, and a contract package to build the road is being prepared. Please contact the George Washington and Jefferson National Forests for more information specific to this project.

**78. The Forest Service should implement the use of plastic culverts for road construction and maintenance to extend design life and decrease costs.**

**Response:** The proposed roadless conservation rule does not affect design standards for individual road projects. This proposal is not within the scope of this analysis.

**79. The Forest Service should spend weekends or evenings patrolling and controlling traffic. Personnel could be rotated on weekend-evenings instead of only working 8 to 5 on weekdays, with check-in and check-out at the office by five or earlier.**

**Response:** This proposal is outside the scope of this Roadless Area Conservation Rule. During the appropriate seasons, local Forest Service offices have employees at work seven days a week and more extensive hours in the field, but without office staffing. For example, law enforcement offices and fire crews may provide patrols on weekends and after hours.

**80. The Forest Service should carry out a new road inventory; this inventory should include historic roads.**

**Response:** National forests and grasslands are currently in the process of updating their inventories of existing roads. Requirements for road inventories are outside the scope of this proposal. The proposed Roads Policy addresses requirements for road inventories, including the requirement to inventory existing classified, unclassified, and temporary roads. These inventories will include geo-spatial data, physical attribute data, and information on the condition of the roads. The current updating of road inventories is to be completed within five years.

**81. The Forest Service should explain if all existing roads, forest routes, and four-wheel drive routes from the most recent USGS maps have been identified.**

**Response:** The verification of USGS mapping of existing roads and four-wheel drive routes on National Forest System lands is beyond the scope of this EIS. Information used in this analysis on existing NFS roads within inventoried roadless areas, and total miles of existing NFS roads within each Forest Service region, are based on current inventory information.

**82. The Forest Service should identify projects affected by the (interim roads rule) moratorium and explain what analysis has been done on them.**

**Response:** The effects of the interim road rule were disclosed in an environmental assessment published March 1999 and titled “Interim Rule Suspending Road Construction in Unroaded Areas of National Forest System Land.” This interim rule was discussed on p. 3-241 in the DEIS. The interim road rule expired on Sept 1, 2000.

**83. The Forest Service should consider introducing other forms of transportation into the forests, limiting the number of visitors allowed, and imposing user fees.**

**Response:** Consideration of the introduction of other means of access by National Forest visitors, such as busses, trains, and trams, is outside the scope of this rulemaking’s purpose. Also, means of limiting the number of people allowed to visit certain areas, and imposing user fees as a means to limit access and use of national forests and grasslands are outside the scope of this analysis. These access considerations can be accomplished at the local level through forest and grassland and project planning efforts responding to site-specific issues.

*End of Roads Section*

## 12. SOCIAL

Access .....	135
Civil Rights and Environmental Justice .....	135
Commodity Values.....	136
Communities .....	137
Controversy .....	138
Culture And Heritage .....	138
Disabled And Elderly Persons Concerns .....	141
Forest Management .....	143
Hunting And Fishing .....	144
Non-Commodity Values.....	147
Non-Timber Forest Products .....	150
Polls and Surveys .....	151
Population Growth And Development .....	152
Recreation .....	153
Timber Industry Workers .....	154
Tribal Concerns .....	156

### Access

**1. People should be prepared to make sacrifices if they value having a healthy earth. If people want to experience Wilderness, they should be prepared to get there without the convenience of roads.**

**Response:** The prohibition alternatives would not alter existing means of access to inventoried roadless areas, and therefore would impose no additional inconveniences on people wishing to visit them. However, they would prevent new roaded access to inventoried roadless areas from being developed in the future. Decisions about whether to build new roads or trails in unroaded areas would be made at the local level with public participation.

**2. Restricting access to the national forests could have negative impacts on many private and commercial uses.**

**Response:** None of the prohibition alternatives considered in the DEIS would reduce access to the national forests or grasslands from current levels. They would not close any roads, nor would they prohibit motorized use where it is currently allowed. Future decisions on off-highway vehicle (OHV) access to inventoried roadless areas would be made at the local level with public involvement. Future decisions about motorized access and road construction in unroaded areas would also be made at the local level, with public involvement under the new 36 CFR 219 Planning Regulations. Future

decisions on road closures will be made independent of the Roadless Area Conservation Rule, under the proposed Roads Policy.

The DEIS disclosed the potential positive and negative impacts of the prohibition alternatives on many private and commercial uses, such as timber harvest, recreation, grazing, and mineral development (see especially the Human Uses section and the Social and Economic Factors section of the DEIS on pp. 3-112 through 3-222). These impacts would largely accrue from prohibiting additional roaded access to inventoried roadless areas in the future, which represent roughly 58.5 million acres of the 192 million acres of NFS lands.

### Civil Rights and Environmental Justice

**3. The proposed rule should comply with the Civil Rights Act.**

**Response:** The Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, national origin, religion, or sex in employment, Federally assisted programs, public accommodations, public facilities, public education, and voting. The Secretary of Agriculture has issued a Departmental regulation to implement Federal civil rights laws and policies. This regulation states that no person or group shall be discriminated against on the basis of race, color, sex, national origin, religion, age, disability, or marital or familial status in employment practices or programs conducted or assisted by the Department of Agriculture.

In order to comply with these mandates, the Forest Service prepared a Civil Rights Impact Analysis and Environmental Justice Issues Document that accompanied the proposed rule. This document found that the proposed rule would have no disproportionate national level negative impacts on protected populations. The main findings of the Civil Rights Impact Analysis and Environmental Justice Issues Document are presented in the Civil Rights and Environmental Justice section of the FEIS. Individual Forest Service units work to comply with the Civil Rights Act when undertaking local-level management actions.

**4. The Forest Service's study on multi-cultural jobs is meaningless.**

**Response:** The Forest Service undertook a study on Work Force Planning during 1999 (U. S. Forest Service Workforce Plan). That study showed that women and minorities are under-represented in many job series and grade levels of the Forest Service. It also found that the Forest Service lacks some of the skills it needs in the work force to be prepared for the future. The Forest Service is developing a strategy for recruiting the kinds of employees it needs to address these shortcomings, and to effectively implement policies such as this Roadless Area Conservation Rule at the forest and grassland level.

The purpose and need for the Roadless Area Conservation Rule is not based on a multicultural study. The purpose of the rule is to prohibit activities that have the greatest likelihood of degrading the desirable social and economic characteristics of inventoried roadless areas. The Civil Rights and Environmental Justice section of the DEIS (pp. 3-201 through 3-208) did evaluate how the alternatives might affect subsets of the general population identified through Civil Rights legislation and policies, and Executive Order 12898 on Environmental Justice. Refer to the Civil Rights Impact Analysis and Environmental Justice Issues document that accompanied the Proposed Rule for more detailed discussion of these topics.

**5. The Forest Service should disclose the reasons for writing the Civil Rights Impact Analysis on February 18, 2000, before the public comment period started.**

**Response:** The Forest Service prepared a draft Civil Rights Impact Analysis and Environmental Justice Issues document (CRIA) to accompany the proposed rule, as required by the U.S. Department of Agriculture to comply with Civil Rights and Environmental Justice legislation and policies. The Department of Agriculture requires that a CRIA be prepared and reviewed before it grants clearance on a proposed rule to ensure that the rule will not adversely and disproportionately affect protected populations. Before the proposed rule could be made available to the public for review and comment, it had to be cleared by the Department of Agriculture, and the CRIA was integral to that clearance process. Like the DEIS, the draft CRIA was available to the public for review and comment between May 9 and July 17, 2000. Public comment on the CRIA will be used to make revisions and

prepare the final CRIA that will accompany the final rule.

**6. The DEIS should comply with the Environmental Justice Executive Order 12898 and disclose the economic effects of the rule on low income and minority communities that depend on logging.**

**Response:** Executive Order 12898 on Environmental Justice requires the Forest Service to determine whether its programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority and low-income populations. The Civil Rights Impact Analysis and Environmental Justice Issues document found that the proposed rule would have no disparate high and adverse health or environmental effects on minority and low income groups at the national level.

Adverse economic effects of the rule on forest-dependent communities, including those that are low income, are disclosed in the Forest Dependent Communities section of the FEIS. This section includes a list of communities that could be potentially affected by the rule, and a list of Counties containing potentially affected communities and their resilience. The decision-maker can take this analysis into account when making a decision on the final rule.

## Commodity Values

**7. The Forest Service should not develop current policies as a response to the destructive extractive practices of the past.**

**Response:** The Roadless Area Conservation Proposed Rule is not designed to be a response to past extractive practices. Rather, it is designed to prohibit activities that have the greatest likelihood of degrading the desirable social and ecological characteristics of inventoried roadless areas. The alternatives in the DEIS do not prohibit extractive practices in roadless areas. Some of these practices, however, will be limited to the extent that they require road construction or reconstruction. Others are permitted by laws such as the 1872 Mining Law. Timber harvest and the exploration for saleable and leasable minerals are the extractive activities that are expected to be limited the most. Any additional limitations on extractive activities in unroaded areas

would be decided upon at the local level in forest and grassland planning.

**8. The Forest Service should also consider people who use paper and/or live in wooden houses as “stakeholders” in the document.**

**Response:** The DEIS did not contain a separate section that explicitly considers the effects of the alternatives on consumers of wood products. However, the Social and Economic Factors/Timber Harvest section of the DEIS (pp. 3-182 through 3-191) estimated that the prohibition action alternatives would reduce the average annual timber volume offered for harvest on the national forests by a maximum of 7%, depending on the alternative chosen. This represents a total affected volume of less than 0.5% of total U.S. production across all ownerships. These reductions would be compensated for by substitute harvests from non-Federal ownerships, and/or increased imports, mainly from Canada. The reductions in NFS harvests resulting from the prohibitions are not likely to affect prices, and therefore are not likely to affect consumers.

**9. Local interests, especially commercial and extractive interests, have a disproportionate influence over the use of public lands.**

**Response:** The rule attempts to balance national and local interests in the management of roadless areas. The prohibition alternatives, which apply on a national scale, are a response to a need for national-level direction to conserve roadless area characteristics. The new 36 CFR 219 Planning Regulations provide direction on evaluating inventoried roadless areas and unroaded areas during forest and grassland plan revisions. This process would encourage public involvement, which does not preclude the involvement of local and national non-extractive and non-commercial interests in decision-making.

**10. Residential and commercial building should be banned.**

**Response:** Banning residential and commercial building is beyond the scope of this proposed rule and beyond the authority of the Forest Service. The Social and Economic Factors/Timber Harvest section of the FEIS finds that the action alternatives would have no effect on the national supply of wood for construction.

**11. The Forest Service should consider that demand for commodity uses of roadless areas will increase in the future.**

Pages 3-6 through 3-11 of the DEIS discussed population growth and how it will increase the demands on NFS lands in the future. While population growth creates increased demand for commodity resources, it also creates demand for more open space, naturally appearing areas, clean water, abundant fish and wildlife populations, opportunities for personal renewal, and escape from urban environments. The FEIS contains an expanded discussion of increasing demand for commodities available from roadless areas, what this implies for balancing commodity and non-commodity uses of roadless areas, and the displacement effects of relying on other lands for these commodities.

## Communities

**12. The Forest Service cited effects on communities with strong natural resource affiliations as a major issue. The DEIS does not do an adequate job of documenting these effects;**

**13. The Forest Service should address the social and economic impacts of the proposed rule on rural communities; and**

**14. A moratorium should be established until the Forest Service can do an impact study on communities dependent on natural resources.**

**Response:** The Forest Dependent Communities section of the DEIS (pp. 3-209 through 3-222) discussed the social and economic impacts of the alternatives on rural communities. The DEIS identified a list of communities that may be affected by reductions in timber harvest (Tables 3-54 and 3-55). Potential job losses were estimated by national forest, but it was not possible to determine in what specific communities those job losses would actually occur because of other factors, such as the specific financial circumstances of individual companies. The FEIS contains a revised list of potentially affected communities, based on updated forest-level data and on public comments that identified additional communities that could be affected by the range of alternatives.

**15. A national education program should be established to educate the public about the various forest values; and**

**16. The proposed rule should include a public education component.**

**Response:** This proposal is specifically about the conservation of roadless areas on NFS lands. The Forest Service did not identify a need through the scoping and public comment processes for a public education component to the roadless proposal in order to achieve the purpose and need for action described in Chapter 1 of the FEIS. The Forest Service promotes environmental education about national forests and grasslands and their values through a variety of programs, which are independent of this proposal.

## Controversy

**17. Competing interests in use of our National Forests should be addressed.**

**Response:** The Human Uses section and the Social and Economic Factors section of Chapter 3 of the DEIS on pp. 3-112 through 3-222 addressed the effects of the alternatives on a variety of human uses of and interests in roadless areas, which are sometimes competing. These include timber harvest, the harvest of non-timber forest products, recreation, heritage, minerals development, wildland values, hunting and fishing, and grazing. The DEIS concluded that the action alternatives would have a number of positive effects for wildland values, dispersed recreation, hunting and fishing, and heritage resources. The effects on non-timber forest products harvesting and on grazing would be mixed. The action alternatives would have negative effects on the potential for increased developed or road-based recreation, timber harvest, and some minerals development in roadless areas. These conclusions still apply and are documented in the FEIS.

**18. The Forest Service should not adopt the proposed rule because it will create serious public conflict.**

**Response:** The management of public lands generally takes place within a context of competing interests and values related to their use. Thus it is difficult for land managers to avoid public conflict. Conflict already exists regarding the management of

roadless areas as is demonstrated by the frequent appeals and litigation associated with decisions to harvest timber and/or build roads into these areas. Chapter 1 of the DEIS noted that the management of roadless areas has been one of the largest points of conflict in adopting the national forest and grassland plans. The Roadless Area Conservation Rule is in part a response to the need to address the conflict over roadless area management, which to date has not been successfully resolved at the local level.

One intent of this rule is to reduce, not increase, public conflict over the management of roadless areas. The Forest Service has undertaken consultation and solicited public comment during the rulemaking process (described in Chapters 1 and 4 of the FEIS) in an effort to formulate a rule that is responsive to public concerns regarding roadless area management. The Human Uses section and the Social and Economic Factors section of Chapter 3 of the FEIS disclose how the alternatives will likely affect different uses and values associated with roadless areas.

**19. The Forest Service should note that the roadless proposal, in conjunction with other environmental initiatives, will eventually lead to rebellion.**

**Response:** The cumulative social effects of the roadless and other recent and current environmental initiatives are discussed in the Social and Economic Factors section of Chapter 3 of the FEIS. That section finds that one cumulative effect of these initiatives should be reduced public controversy over the management of roads and roadless areas. The initiatives could, however, increase public controversy over fire management in roadless areas.

The Roadless Area Conservation Rule itself is also expected to reduce social controversy over roadless area management, as described in Response 18.

## Culture And Heritage

**20. The Forest Service should not deny the public their relationship to the woods, culture, traditions, and heritage.**

**Response:** The prohibition alternatives do not close existing roads or trails; nor do they prohibit motorized access where such access is currently allowed. Two of the prohibition alternatives would limit or prohibit future timber harvest in inventoried

roadless areas in addition to road construction; however, no other existing uses of inventoried roadless areas that are currently allowed would be prohibited. With the possible exception of some timber harvest (depending on the alternative chosen), all activities dependent on existing roads and motorized access would continue under the prohibition alternatives. Consequently, the relationship that currently exists between the public and the inventoried roadless areas of national forests and grasslands would not be altered, or would be altered slightly, by the prohibitions. Any further protection of roadless characteristics entailing restrictions on activities in inventoried roadless and unroaded areas would be determined locally under the new 36 CFR 219 Planning Regulations, with public involvement. The effects of such future protections or restrictions would be considered and disclosed at that time.

***21. The Forest Service should prevent new road construction in, and limit access to, roadless areas to prevent discovery of and damage to cultural and historical sites.***

**Response:** The Heritage Resources section of Chapter 3 of the DEIS (pp. 3-134 through 3-136) analyzed the effects of the prohibition alternatives on heritage resources. This section concluded that the prohibition action alternatives, which would prohibit road construction in inventoried roadless areas and reduce timber harvest activity there, would help to protect cultural heritage sites in several ways. By prohibiting future roaded access to inventoried roadless areas, the potential for disturbance, vandalism, and looting would be minimized; the current character of heritage resources would be better maintained; and there would be reduced risk of destruction from project-related activity.

***22. Roads that are historic trails and represent European cultural artifacts should be valued and protected as much as American Indian cultural artifacts.***

**Response:** The National Historic Preservation Act and the National Environmental Policy Act both require Federal agencies to take into account the effects of any management actions on historic and cultural properties, which are protected under these laws, regardless of whose culture and history they represent. The Forest Service complies with Section 106 of the National Historic Preservation Act, which

provides a process for assessing a site's historic significance, minimizing impacts to the site and determining the appropriate mitigation measures necessary, should a decision be made to undertake a ground disturbing activity that affects a site, such as an historic trail. The alternatives would not affect the management of roads that are historic trails because they would not close roads or trails. The prohibition alternatives do not place any restrictions on trails. However, under the action alternatives, reconstruction of historic roads would not be allowed in inventoried roadless areas unless the reconstruction is to mitigate environmental damage or for reasons of public health and safety.

***23. The Forest Service should not eliminate humans from environmental studies. They should explain what effect road removal will have on traditional practices.***

**Response:** The Forest Service has not eliminated humans from the environmental analysis contained in the DEIS for Roadless Area Conservation the Proposed Rule. Chapter 3 of the DEIS analyzed the potential effects of the action alternatives on humans and on a variety of human activities (see the Human Uses and the Social and Economic Factors sections). These include recreation, hunting and fishing, livestock grazing, non-timber forest products harvesting, and timber harvest, which may be traditional practices for many participants.

The proposed rule does not eliminate humans from roadless areas. It would not close or remove existing roads, or prohibit motorized access where such access is currently allowed. The proposed rule, therefore, would not alter existing access to NFS lands including access for traditional practices. Depending on which alternative is chosen, the rule may prohibit road construction and reconstruction as well as some or all future timber harvest in roadless areas. The Timber Harvest section of the Social and Economic Factors portion of Chapter 3 of the FEIS explains these potential effects.

***24. The Forest Service should consider that humans are part of the ecosystem.***

**Response:** The DEIS did consider the role of humans as a part of ecosystems. Humans both affect and are affected by the ecosystems that are found on National Forest System lands, as is described throughout the DEIS. The Ecological Factors section

of the DEIS (pp. 3-20 through 3-111) described the effects of human activities associated with the alternatives on ecosystem components and processes. The Human Uses and Social and Economic Factors sections of the DEIS (pp. 3-112 through 3-222) described the potential effects of the alternatives on humans. The rule would not have an effect on human resource consumption. The FEIS contains an expanded discussion of resource consumption at the beginning of Chapter 3.

Limiting certain human activities in some parts of an ecosystem, in this case inventoried roadless areas, does not preclude those activities and their associated benefits from occurring in other parts of the ecosystem.

**25. *The Forest Service should address the impact of the proposed rule on the family and family recreation.***

**Response:** The Roadless Area Conservation Proposed Rule would not close roads or prohibit motorized access where it is currently allowed. The alternatives would conserve the current mix of recreation opportunities available in inventoried roadless areas. Current access to National Forest System lands would not be altered. Different families enjoy different types of recreation, as do individuals within the same family. Conserving the current mix allows families and individuals to continue to have the same opportunities that they have today for road-based and dispersed, and motorized and non-motorized forms of recreation. The prohibition action alternatives would prevent future expansion of developed or road-based recreation opportunities in inventoried roadless areas; however, they would protect primitive, semi-primitive non-motorized, and semi-primitive motorized dispersed recreation opportunities in inventoried roadless areas. Any management decision that would alter the current mix of recreation opportunities for families and individuals in unroaded areas would be made at the local level with public involvement under the new 36 CFR 219 Planning Regulations. Thus, the proposed rule is not expected to have an impact on family recreation.

While it is unlikely that the proposed rule would have an impact on the family as a social institution, it could have an impact on families who are economically dependent on timber harvest and mining on National Forest System lands on certain

national forests. Future opportunities to harvest timber and develop minerals in inventoried roadless areas could be limited by the rule. The timber harvest, energy and non-energy minerals, and forest dependent communities sections of the Social and Economic Factors portion of Chapter 3 of the FEIS disclose the potential impacts of the alternatives on individuals and families who engage in these activities. Families that value the roadless characteristics that would be protected by the rule should benefit from it.

**26. *The Forest Service should disclose how the prohibition alternatives comply with Executive Order 11593, which requires Federal agencies to inventory all lands for cultural properties.***

**Response:** Executive Order 11593 requires Federal agencies to inventory the historic and prehistoric sites located on the lands they manage. The Heritage Resources section of Chapter 3 of the DEIS (pp. 3-134 through 3-136) discussed Executive Order 11593 and other laws relating to cultural and historic properties. The Forest Service complies with Executive Order 11593 by conducting such inventories prior to undertaking projects on the national forests and grasslands. The prohibition alternatives would not alter this requirement. Forest Service archaeologists would continue to conduct inventories for cultural properties in inventoried roadless areas as needed, and would gain access to these areas for this purpose in the same way they do now. The Heritage Resources section of the DEIS disclosed the effects of the prohibition alternatives on heritage resources.

Only about 25% of all NFS lands have so far been inventoried for heritage sites, and most of the inventories have been conducted outside of roadless areas, where development activities are proposed. The effects of management activities on historic and archaeological resources located in specific roadless areas would be considered at the local level as part of forest and grassland planning and project planning processes with public participation.

**27. *As required by CEQ Regulations, the Forest Service should conduct a heritage resources cumulative effects analysis for all alternatives.***

**Response:** The FEIS contains a cumulative effects analysis for heritage resources.



**28. The proposed rule may hamper the Forest Service's ability to protect historic structures and archaeological sites, particularly by increasing the potential for neglect and deterioration. The Forest Service should identify specific historic properties in roadless areas and disclose the effects of the proposal on these properties. Existing access to these properties should be maintained; and**

**29. The Forest Service should comply with Section 110 of the National Historic Preservation Act by identifying cultural/historical properties and analyzing what impacts the proposed rule may have on them.**

**Response:** The Heritage Resources section of Chapter 3 of the DEIS indicated that the action alternatives may have both positive and negative effects on heritage resources located in inventoried roadless areas. Positive effects include potential reductions in disturbance, vandalism, and looting by not providing additional roaded access to heritage sites; and, less risk of unintended destruction of heritage resources from development activities. Negative effects include less opportunity to discover, protect, and interpret heritage sites.

Because the action alternatives do not close roads, existing roaded access to historical properties will not be changed by the rule. Moreover, the action alternatives do not prohibit motorized access to roadless areas where such access is currently available. The Forest Service could use OHVs where permitted to maintain sites.

It is beyond the scope of the analysis in the FEIS to identify all of the historic and archaeological properties located in inventoried roadless areas, or to disclose the effects of the alternatives on specific properties. Only about 25% of all NFS lands have so far been inventoried for heritage sites, and most of the inventories have been conducted outside of roadless areas, where development activities are proposed. The effects of management activities on historic and archaeological resources located in specific roadless areas will be considered at the local level as part of the forest and grassland and project planning processes, with public participation.

**30. The Forest Service should provide sufficient funding to its field archaeologists so that they can comply with the National Historic Preservation Act.**

**Response:** Decisions regarding funding to support field archaeologists are made at the forest and grassland level. The Roadless Area Conservation Rule addresses the conservation of inventoried roadless areas, and does not aim to address the unit level budget process. Therefore, this concern is outside the scope of this analysis.

## **Disabled And Elderly Persons Concerns**

**31. The proposed rule will restrict access for the elderly, very young, and/or disabled; and**

**32. The Forest Service should preserve public lands even if it does mean limiting access to people with disabilities.**

**Response:** The proposed rule would not change existing access to inventoried roadless areas for recreation or other purposes. No existing roads would be closed by the rule. People would continue to gain access to inventoried roadless areas in the same ways they do now. In those areas where off-highway vehicles and other motorized recreation uses are presently allowed, they will continue to be permitted. Any change in motorized access would be made at the local level with full public participation.

Local Forest Service units work with individuals who have disabilities to assist them in accessing the recreation experiences they are seeking, so long as that access does not conflict with the forest or grassland management plan, Wilderness management plan or policies, or pose a safety threat.

**33. The Forest Service should dismiss the "senior citizen access" argument as it is self-centered and irrelevant to the conservation issue.**

**Response:** The Forest Service believes it is important to consider all public concerns, including those related to senior citizen access. Age-related uses of roadless areas and the issue of senior citizen access are discussed in the Civil Rights Impact Analysis and Environmental Justice Issues document that accompanies the rule in the sections that pertain to Recreation Use and Persons With Disabilities. The concerns related to aging are most often akin to those of individuals with physical disabilities, and revolve around the question of access to the national forests. For example, both populations may have a reduced

ability to walk long distances, and difficulty crossing rough terrain.

The proposed rule does not change existing access to inventoried roadless areas for recreation or other purposes. Existing roads would not be closed by the proposed rule. People would continue to gain access to inventoried roadless areas in the same ways they do now. In those areas where off-highway vehicles and other motorized vehicles are presently allowed, they would continue to be permitted. Any change in motorized access would be made at the local level with full public participation. The prohibition action alternatives would have no impact on current access to the national forests by an aging population. However, they would limit possibilities for new roaded access to inventoried roadless areas by people, including the elderly.

**34. *There are more than enough existing roads to meet the needs of the elderly and disabled persons and to allow them to experience as best they can the beauty and joy of Forest Service lands.***

**Response:** The Civil Rights and Environmental Justice Issues document that accompanies the rule analyzes the effects of the alternatives on disabled and elderly persons. The prohibition alternatives would not change existing access to unroaded areas by people with disabilities, the elderly, or anyone else. The prohibition action alternatives would prevent additional future roaded access to inventoried roadless areas by people with disabilities, the elderly, and others. However, no disparate impacts on these sub-populations are anticipated. People with disabilities and the elderly do not necessarily want to build roads in roadless areas, and some may value undeveloped areas in the same ways that other people do. There is no indication that these groups are any less likely than other sub-groups of the American population to value the characteristics of roadless areas.

**35. *The Forest Service should develop special permits to issue to disabled individuals so that they can get out into the woods on ATV's etc.***

**Response:** Because the proposed rule would not change existing motorized access to the national forests and grasslands, disabled individuals would continue to gain access to inventoried roadless areas in the same ways they do now. Therefore, special permits would not be necessary to mitigate a loss of

access. Any person, with or without a disability, may use an ATV (all terrain vehicle) wherever ATV use is permitted on NFS lands. Disabled persons may apply for special use permits for those uses that require them. Local Forest Service units work individually with persons with disabilities to assist them in accessing the recreation experiences they are seeking while also considering resource protection and safety.

**36. *The Roadless Area Conservation Rule is a direct violation of the Americans With Disabilities Act because it limits access to the national forests by people with disabilities; and***

**37. *The Forest Service should not allow off-road vehicle users to use excuses claiming people with disabilities need more access. Access on Forest Service lands means the legal right for a person to go to and be present on a piece of public land. It has nothing to do with what activities the person may engage in while on that piece of land or the mode of transportation used by the person to get there. These are entirely separate issues that have nothing to do with access.***

**Response:** The Americans with Disabilities Act of 1990 does not cover the Executive Branch of the Federal government. The Executive agencies are covered by Title V of the Rehabilitation Act of 1973, which requires these agencies to make their programs and activities accessible to people with disabilities. Programs include facilities and lands in their natural state. While some of the topography of roadless areas may not be user friendly to some persons with disabilities, the Roadless Area Conservation Rule would not cause the Forest Service to construct any barriers that would prevent people from having an equal opportunity to enjoy roadless areas. All members of the public have an equal opportunity to try to access Forest Service lands, including roadless areas; however, this equal opportunity does not guarantee success. The Roadless Area Conservation Rule applies equally to all members of the public, and therefore is not discriminatory towards persons with disabilities.

Any buildings that the Forest Service constructs on public lands must be accessible to all members of the public, including people with disabilities. The Forest Service strives for universal design in the construction of facilities. Universal design means a design that serves all people well, such as a building

that is constructed to have a level and wide entry, and does not require stairs or a ramp.

**38. *The Forest Service should make special efforts to provide Wilderness opportunities for the physically challenged.***

**Response:** The Forest Service works with the outfitters and guides that operate in Wildernesses to encourage the inclusion of persons with disabilities in their programs. Forest Service managers receive instruction in Wilderness accessibility. All individuals who use wheelchairs are welcome in Wilderness, so long as their wheelchair meets the Americans with Disabilities Act definition of a wheelchair (Americans with Disabilities Act, Title V Section 507(c)).

## Forest Management

**39. *The Forest Service should consider: just because we can build roads, does not mean we should.***

**Response:** The Roadless Area Conservation Proposed Rule acknowledges that it is not necessarily appropriate to build roads on all National Forest System (NFS) lands, even if it is physically and fiscally possible. Of the many values derived from NFS lands, some are associated with roads and some with an absence of roads. The Purpose and Need section of the DEIS (pp. 1-10 through 1-12) stated that the main reason for the proposed action is to protect the desirable social and ecological characteristics of inventoried roadless areas by prohibiting road construction there. The social and ecological effects of not building roads in inventoried roadless areas are disclosed in Chapter 3 of the DEIS and FEIS.

**40. *The Forest Service should support "The Wise Use Movement." This movement believes in the use of public lands in a responsible and "leave no trace" manner. Public lands can be used wisely while being protected and managed for future generations.***

**Response:** The Forest Service manages the national forests and grasslands according to the principle of multiple-use. The Multiple-Use Sustained-Yield Act of 1960 requires the Forest Service to manage for multiple uses on a sustained yield basis, within the constraints of the resource, to meet the needs of

current and future generations. This management approach is consistent with the Wise Use approach as defined in this concern. However, it does not mean that all National Forest System lands can or should be managed for all uses simultaneously. Land managers must decide which uses are most appropriate in which areas. In some parts of the national forests and grasslands, commodity uses are emphasized; in other areas, non-commodity uses are emphasized. The Roadless Area Conservation Rule would prohibit future road construction, and depending on the alternative chosen, may prohibit some or all timber harvest, in inventoried roadless areas. Chapter 2 of the FEIS explains the rationale for deciding to manage inventoried roadless areas in this manner.

**41. *The Forest Service should place human needs above the needs of salmon, and apply wise use practices dictated by God; otherwise, resources will be destroyed.***

**Response:** The Forest Service believes that healthy land and natural resources are important to human well-being, and that ecological, social, and economic sustainability are inter-dependent. Part of the Forest Service mission is to sustain the health, productivity, and diversity of the land to meet the needs of present and future generations (USDA Forest Service Fiscal Year 2000 and Fiscal Year 2001 Annual Performance Plan). The Roadless Area Conservation Rule is intended to support this mission. Chapter 3 of the FEIS analyzes the effects of the alternatives on humans and other animal and plant species. These effects will be weighed in making the final decision.

**42. *The Forest Service should consider that human activity benefits ecosystems. Roads are needed to conduct beneficial ecosystem management activities on the national forests and grasslands. They also provide access so that people will visit them, and as a result care about their existence and become good stewards.***

**Response:** The prohibition action alternatives would preclude human activities in inventoried roadless areas that require new road construction or reconstruction. Management activities that do not require new roaded access could continue to take place there. However, management activities that entail timber harvest could be prohibited or limited, depending on which prohibition alternative is selected. None of the prohibition alternatives would

alter existing access to inventoried roadless areas by visitors.

Chapter 3 of the DEIS did consider that human activity can benefit ecosystems. Alternative 3 explicitly acknowledges that timber harvest can have stewardship purposes, and can have positive environmental effects including reducing excessive forest fuels, improving the vigor of residual trees, and creating desirable wildlife habitat conditions. While human activity can benefit ecosystems, it can also be harmful to them. The Ecological Factors section of Chapter 3 of the FEIS describes the positive and negative ecological effects of human activities associated with road construction and timber harvest. The decision-maker will weigh the ecological and social costs and benefits of the alternatives in making a final decision on the rule.

**43. *The Forest Service should not allow the collection of plants, trees, flowers, mushrooms, or berries in roadless areas; and***

**45. *The Forest Service should prohibit new human developments and water projects.***

**Response:** After careful review of public responses to the Notice of Intent, the Forest Service determined it would consider prohibiting only those activities that are likely to significantly alter landscapes and cause habitat fragmentation in roadless areas on a national scale. Therefore the agency decided to analyze alternatives to limit road construction, reconstruction, and timber harvest only. These activities often result in immediate, irretrievable, and long-term loss of roadless characteristics. The decision to focus on roads and timber was described in the Purpose and Need section of the DEIS on pp. 1-10 through 1-12. Any additional restrictions on land and resource use needed to protect the roadless characteristics of roadless areas would be considered at the local level under the new 36 CFR 219 Planning Regulations.

**44. *The Forest Service should not adopt the proposed rule because it necessitates the consideration of any roadless area as a future Wilderness area.***

**Response:** The Roadless Area Conservation Proposed Rule does not result in any requirement for the Forest Service to consider current inventoried roadless areas as future Wildernesses. It does not

create new roadless areas; it conserves inventoried roadless areas that have existed for some time now. Determinations about which areas to recommend for future Wilderness designation are made at the local level through the forest and grassland planning process.

## Hunting And Fishing

**46. *Hunting and fishing should be prohibited in roadless areas.***

**Response:** See Response 43. The authority to make hunting and fishing regulations belongs to the States, as expressed in section 36 CFR 261.8 of the Code of Federal Regulations for the Forest Service. Therefore the suggestion lies beyond the scope of this rulemaking and EIS.

**47. *Roads have a negative impact on hunting opportunities and therefore should not be built.***

**Response:** The impact of roads on hunting was addressed in the Hunting and Fishing section of Chapter 3 of the DEIS on pp. 3-175 through 3-177. Hunting is an important use of NFS lands, accounting for 11% of recreational hunting days nationally. NFS lands are also important for subsistence hunting in some places. The DEIS concluded that road construction could have a negative impact on hunting because it could lead to declines in populations of some game species. These declines could be caused by reduced habitat quantity and quality, human disturbance, poaching, and road kills. Roads increase access to hunting sites, which could result in increased crowds, also having a negative impact on hunting. The prohibition action alternatives would prohibit road construction and reconstruction in inventoried roadless areas, and would conserve hunting opportunities in these areas.

**48. *The Forest Service should address the impacts of the proposed rule on access for hunting, and on hunting success on National Forest System lands.***

**Response:** None of the prohibition alternatives close existing roads or trails, nor do they prohibit motorized access where such access is already allowed. Therefore, current access for hunting in inventoried roadless areas would not be affected by any of the prohibitions. Additional roaded access that might have resulted from future road building in

inventoried roadless areas would not be provided if one of the prohibition action alternatives is selected.

Under the new 36 CFR 219 Planning Regulations, local management actions could be proposed that would potentially affect hunting access, such as restrictions on off-highway vehicle use. At the present time, it is not known what might be proposed or decided upon locally. Public involvement, and analysis of the effects of any such proposals, would be a part of the local decision-making process, as required by the National Environmental Policy Act and by the National Forest Management Act .

The Hunting and Fishing section of Chapter 3 of the FEIS, and the Socioeconomic Specialist Report on Hunting and Fishing that supplements the FEIS, discuss in detail how road construction, timber harvest, and the alternatives may affect hunting access and use.

***49. The rule would preclude certain road-dependent management actions such as timber harvest that could improve habitat and hunting and fishing opportunities.***

**Response:** While the proposed rule would preclude management actions that require road construction or reconstruction in roadless areas, many management actions that do not require roads would still be possible. For example, prescribed fire would continue to be allowed in roadless areas. Under prohibition Alternative 2, timber harvest would be allowed to the extent that it did not require new road building. Alternative 3 allows timber harvest for stewardship purposes, which could include the purpose of improving wildlife habitat. Only Alternative 4 prohibits timber harvest.

***50. The Forest Service should address the behavior of road hunters, including their illegal behaviors, and their impact on wildlife and the environment.***

**Response:** The issue of hunter behavior on existing roads is beyond the scope of the analysis for the Roadless Area Conservation Proposed Rule because the rule only applies to new road construction or reconstruction in inventoried roadless areas of the national forests and grasslands. Hunting regulations are made by States and are outside the authority of the Forest Service. The behavior of hunters who hunt in roadless areas using motorized vehicles, including illegal motorized use outside of approved areas or

routes, is an enforcement issue and is also outside the scope of the analysis for this rule. Limiting motorized use in inventoried roadless and unroaded areas is a topic that may be considered locally.

***51. The Forest Service should disclose whether research supports the claim that better quality hunting and fishing is found in roadless areas.***

**Response:** The definition of better quality hunting and fishing is subjective. Good quality hunting and fishing may mean high success rates, easy access to hunting and fishing sites, and/or low congestion and competition with other users in hunting and fishing locations, among other things.

The Ecological Factors section of the FEIS summarizes the results of research regarding the effects of roads and timber harvest on terrestrial and aquatic habitat and species. It concludes that roadless areas provide important habitat for fish and wildlife species, and that roads can have detrimental impacts on many species populations. The potential for human disturbance and degradation of terrestrial and aquatic habitat quality, quantity, and distribution is greater in roaded areas than in roadless areas, with a corresponding greater likelihood of adverse impacts to species that inhabit these areas.

To the extent that quality hunting and fishing depend on healthy populations of fish and game species, research cited in the FEIS supports the claim that roadless areas will directly or indirectly support quality hunting and fishing. The Hunting and Fishing section of Chapter 3 of the FEIS discusses the effects of the prohibition alternatives on other criteria relating to the quality of hunting and fishing on National Forest System lands.

***52. The Forest Service should consider that cultural values of Idaho residents are strongly tied with healthy elk herds.***

**Response:** The Forest Service recognizes that healthy herds of elk and other wildlife species are important to some people, and support a number of social, cultural, and economic values. The Hunting and Fishing sections of the DEIS and the Socioeconomic Specialist Report discussed some of these values. The Ecological Factors section of Chapter 3 of the DEIS concluded that the action alternatives would help to protect wildlife species by conserving habitat and minimizing human

disturbance in roadless areas. It also recognized that elk avoid roads if possible, and may benefit from the security and isolation provided by inventoried roadless areas. The discussion of elk has been expanded in the FEIS. By conserving wildlife species, the prohibition action alternatives would support the cultural values of Idaho residents and others who care about healthy wildlife populations, including elk.

***53. The Forest Service should delete the discussion of cavity nesting birds and mammals, threatened and endangered species, and carnivorous species from the hunting and fishing discussion on p. 3-176 of the DEIS because they are not germane to the topic.***

**Response:** The Hunting and Fishing discussion on p. 3-176 of the DEIS did not mention threatened and endangered species. Some people hunt carnivorous species that are affected by road construction and/or timber harvest, such as mountain lions, black and grizzly bears, and wolves. Therefore, an analysis of the effects of the alternatives on these species is relevant to the discussion of hunting. Some cavity nesting mammals, such as squirrels and raccoons, are hunted in some parts of the U.S. These species may be disturbed by timber harvest activities. In addition, some cavity nesting birds and mammals may be important prey species for carnivores that are hunted. The FEIS seeks to clarify the effects analysis pertaining to hunting and fishing.

***54. The analysis of the effects of the proposed rule on hunting and fishing in the DEIS is inadequate. The analysis should include quantified predictions of effects on user days, a cumulative effects analysis that considers State regulations on hunting and fishing, the fact that big game populations are at or near record highs in the West, and fish and game harvest figures from NFS lands.***

**Response:** The Hunting and Fishing section of Chapter 3 of the DEIS stated that many complex variables influence fish and wildlife species populations. The Ecological Factors section of the DEIS analyzed the effects of the alternatives on fish and wildlife populations in terms of qualitative trends rather than quantitative changes due to data limitations. In the absence of a quantitative analysis of the effects of the alternatives on species populations, it is not possible to make a quantitative prediction of the effects of the alternatives on

hunting and fishing user days. Therefore, these effects are discussed in terms of trends. Moreover, species populations are only one of the many variables that influence hunting and fishing behavior. For example, States set harvest limits and the length of seasons, which also influence hunting and fishing user days. For these reasons, a quantitative prediction of how the alternatives will affect hunting and fishing user days is not practical.

Hunting and fishing regulations vary by State, and are reasonably foreseen as unchanged and not affected in the cumulative effects analysis.

Some large game species populations in the West may be at or near record highs. The rule would help to sustain existing species populations in roadless areas, and would have indirect benefits to areas outside roadless areas as well.

Fish and game harvest figures from NFS lands are not available.

***55. The Forest Service should protect Montana's five-week hunting season and high quality trout fishing.***

**Response:** The length of Montana's hunting season is determined by the State of Montana, not by the Forest Service, and is therefore beyond the scope of this analysis and rulemaking. The Ecological Factors section of FEIS Chapter 3 concludes that by prohibiting road construction and reconstruction in inventoried roadless areas, and decreasing timber harvest activity there, the potential for degradation of terrestrial and aquatic habitat quality, quantity, and distribution would be reduced compared to the no action alternative. This should help to protect hunting and trout fishing.

***56. The Forest Service should address the impacts of timber harvest, road building, and recreation on subsistence resources.***

**Response:** The Hunting and Fishing section, the Non-Timber Forest Products section, and the Tongass National Forest section of Chapter 3 of the DEIS described the effects of the alternatives on activities related to subsistence. The Hunting and Fishing section of the *Socioeconomic Specialist Report (May 2000)* that accompanied the DEIS also described the impacts of timber harvest and road building on subsistence. The Civil Rights Impact

Analysis and Environmental Justice Issues document that accompanied the proposed rule described the impacts of the alternatives on subsistence as well.

## Non-Commodity Values

**57. A legacy of healthy ecosystems should be left for future generations so they can be studied in the future using advanced technology not available today.**

**Response:** The Forest Service recognizes the importance of protecting roadless areas for the benefit of future generations. The Ecological Factors section of Chapter 3 of the DEIS discussed the value of roadless areas as reference landscapes for future research (pp. 3-110 through 3-111). The Wildland Values section of the DEIS considered the value of protecting roadless areas for research and teaching (p. 3-164). A concern for protecting roadless areas so that they can be studied in the future is consistent with the action alternatives. The DEIS found that the action alternatives would contribute toward protection of ecosystems that would provide many benefits to future generations.

**58. Consider the impacts of this proposal on future generations.**

**Response:** Some commentators who support the proposed rule indicate an interest in providing roadless areas for future generations because they value the clean air and water, habitat, species diversity, and other social and ecological characteristics these areas provide. This concern is directly addressed by the proposed rule. Some commentators who are against the proposed rule also indicate a concern for future generations. Their concern is that future generations will not be able to participate in their current way of life which is dependent on resource use, and that future generations will not have access to public land and, therefore, will not care about it.

Chapter 3 of the DEIS disclosed the likely short and long-term effects of the alternatives on access to and use of inventoried roadless areas. The alternatives preserve options for future generations by protecting the inventoried roadless areas that currently exist. The rule is not binding in perpetuity; however, future generations could change it through rulemaking or Congressional action to accommodate future needs.

**59. National forests should be protected as a place for people to escape from mechanization, motorized vehicles, and the urban environment.**

**Response:** The Wildland Values section of Chapter 3 of the DEIS (pp. 3-161 through 3-166) discussed some of the values associated with this concern. The prohibition action alternatives aim to conserve the characteristics of inventoried roadless areas, which provide many of these wildland values. They would help to ensure that inventoried roadless areas would continue to provide a haven for some to escape the urban environment and elements of civilization. However, the prohibition alternatives would not prevent motorized and mechanized uses in those areas where they are currently permitted. Decisions on whether or not to allow such uses in roadless areas would be made at the local level with public involvement under the new 36 CFR 219 Planning Regulations.

**60. The national forests should be protected for the contribution they make to the quality of life.**

**Response:** The action alternatives are designed to prohibit activities that have the greatest likelihood of degrading the desirable social and ecological characteristics of inventoried roadless areas. Some people would view this as protecting their quality of life by protecting such things as air and water quality, biological diversity, and opportunities for dispersed recreation and personal renewal. Others would view this as diminishing their quality of life because it would reduce the potential for future roadless access to parts of the NFS, and limit future uses of some natural resources. The sections of Chapter 3 of the DEIS concerning Human Uses and Social and Economic Factors (pp. 3-112 through 3-222) disclosed in detail the effects of the alternatives on various groups, including potential effects on quality of life.

**61. There is intrinsic value in the existence of roadless areas.**

**Response:** The existence value of roadless areas is considered in the Wildland Values section of the DEIS as a type of passive use value of national forests and grasslands (pp. 3-164 through 3-165). Passive use values are independent of any active or consumptive use of a natural area. A place has existence value when it is valued simply because it exists, without any intent to use it. Holding such

values does not depend on living near roadless areas, on receiving direct benefits from them, or on ever visiting them. Because the prohibition action alternatives conserve the roadless characteristics of inventoried roadless areas, they enhance and protect the existence values of those areas. The FEIS concludes that the action alternatives would have a positive effect on people who value the existence of inventoried roadless areas.

**62. *The Forest Service should acknowledge the educational value of roadless areas.***

**Response:** The Forest Service acknowledged the educational value of roadless areas in the Wildland Values section (p. 3-164) and in the Reference Landscapes section (pp. 3-10 through 3-11) of Chapter 3 of the DEIS. These sections indicate that, because they are large-scale, intact ecosystems, roadless areas serve as important training grounds for numerous scientific and resource management disciplines. They also serve as natural laboratories for monitoring and experimentation to increase knowledge of large-scale ecological patterns, processes, and management activities. The DEIS concluded that people who care about the educational values of roadless areas would benefit from the action alternatives because they would help maintain the undisturbed character of these areas, while also maintaining current access to them for a variety of educational purposes.

**63. *The proposed rule should be designed to best preserve our national heritage of wild land.***

**Response:** A number of people believe that wild lands, and their associated value, are a part of our national heritage, are increasingly threatened by development, and should be protected on public land. The Forest Service recognizes that the inherent values and characteristics of wild lands, such as roadless areas, are becoming scarce in an increasingly developed landscape. The Roadless Area Conservation Rule seeks to protect inventoried roadless areas in order to conserve their values and characteristics. The Wildland Values section of Chapter 3 of the DEIS (pp. 3-161 through 3-166) addressed this concern. It concluded that the action alternatives would enhance the wildland values associated with these areas, and help to preserve our national heritage of wild lands.

**64. *The Forest Service should address the claimed potential benefits of the proposed rule by explaining how much acreage is needed to achieve the "good feeling" of knowing that there are roadless areas.***

**Response:** The amount of roadless area needed for people to achieve the “good feeling” of knowing that roadless areas exist is highly subjective. Moreover, the size of a roadless area in relation to how well it functions to conserve the ecological and social characteristics associated with it depends on its location, context, and relationship to other lands surrounding it.

For those people who place existence value on roadless areas, the action alternatives should have positive effects, as described in the Non-Commodity Values section of Chapter 3 of the FEIS. However, the FEIS does not correlate these positive effects with specific acreages of roadless area protected. Again, this would be highly variable and subjective.

**65. *The need to provide people with opportunities to experience solitude is not a valid justification for this rule. The Forest Service should consider that there are few people who really want solitude. Those who do can find it by walking into Wilderness areas.***

**Response:** The Forest Service proposed the Roadless Area Conservation Rule to achieve a number of benefits described in Chapter 1 of the DEIS and FEIS. These include watershed protection, wildlife and fish habitat protection, protection of native plant and animal communities, and protection of semi-primitive and primitive recreation opportunities. The economic wisdom of constructing new roads in roadless areas is also a concern, especially given the \$8.4 billion backlog in maintenance for existing roads. Providing opportunities for solitude was not an explicit part of the purpose and need for the proposed action. However, roadless areas and protection of semi-primitive and primitive recreation do provide people who value solitude with possible opportunities to experience it.

While the Forest Service lacks quantitative data regarding the number of people in the United States who want to experience solitude in relatively wild, undisturbed landscapes, public comment on the Notice of Intent and on the DEIS for the Roadless Area Conservation Rule indicated that this experience is one of the things people value about



roadless areas. Current opportunities for solitude in inventoried roadless areas would be conserved by the prohibition action alternatives.

**66. *The natural beauty of this country is our most precious resource. The Forest Service should not allow those with power, but no vision or understanding of this beauty, to speak for us all.***

**Response:** The Roadless Area Conservation Proposed Rule, by prohibiting road construction and, under certain alternatives, curtailing timber harvest in inventoried roadless areas, would help preserve the natural and scenic values associated with these areas. Scenic quality is one of the roadless area characteristics the rule seeks to protect. The Scenic Quality section of Chapter 3 of the DEIS (pp. 3-132 through 3-133) states that the action alternatives would maintain high levels of scenic quality in inventoried roadless areas relative to the no action alternative.

**67. *The Forest Service should emphasize the importance and social benefits of natural areas. Some members of the public would be willing to pay extra to protect these areas, and to assist those members of the public adversely affected by the proposal.***

**Response:** A central purpose of the Roadless Area Conservation Rule is to protect the ecological and social characteristics and values of these inventoried roadless areas. The FEIS discusses these characteristics and values in detail throughout the document. The FEIS also discusses the adverse effects of the alternatives on members of the public. Those people who are dependent on timber harvest from roadless areas would experience the greatest adverse effects. The Mitigation Options section of Chapter 3 of the DEIS (pp. 3-243 through 3-244) described various measures that could be taken to offset these negative economic and social effects. Implementation of these measures would depend on a Forest Service budget request to Congress and subsequent funding. The FEIS contains an expanded discussion of mitigation options.

**68. *The Forest Service should consider the spiritual qualities the public finds in National Forests.***

**Response:** Spiritual qualities and values are highly subjective. The Forest Service recognizes that some people value National Forest System lands as places

where they can experience personal and spiritual renewal, and as places that contain sacred or religious sites. In addition, the Forest Service recognizes that roadless areas that contain relatively undisturbed forests have spiritual qualities in the eyes of some members of the public. The wildland values discussed on pp. 3-161 through 3-166 of the DEIS may or may not have their roots in various spiritual or religious beliefs and values. By conserving inventoried roadless areas and protecting the roadless characteristics and values associated with them, the proposal would also conserve the spiritual qualities of those areas.

**69. *The Forest Service should not refer to spiritual renewal in a NEPA document.***

**Response:** People use the national forests and grasslands in many different ways for many different purposes, and have a wide range of values relating to these lands. Chapter 3 of the DEIS disclosed the effects of the alternatives on public uses and values of roadless areas. Spiritual renewal is one of these uses and values. While not all members of the public experience spiritual renewal in roadless areas, some people do, and this value is valid as are other values. Therefore, the effects of the alternatives on spiritual renewal are disclosed in the DEIS and FEIS.

**70. *The Forest Service claims that one justification for the Roadless Area Conservation Rule is that roadless areas serve as a “spiritual and psychological resource” for nature worshippers, as though existing Wilderness areas were not sufficient to serve this purpose. This is not a valid justification for setting aside 60 million acres of National Forest System lands.***

**Response:** The purpose and need for the proposed action outlined in Chapter 1 of the DEIS does not cite the role of roadless areas as a spiritual and psychological resource for people as part of its justification. Rather, the Forest Service has the Roadless Area Conservation Proposed Rule for several reasons, described in Chapter 1 of the DEIS. These include a need to conserve the desirable characteristics of roadless areas, such as watershed protection, wildlife and fish habitat, native plant and animal communities, and roadless recreation opportunities. The economic wisdom of constructing new roads in roadless areas is also a concern, especially given the \$8.4 billion backlog in maintenance for existing roads. In addition, the rule

seeks to address the problems of costly and time-consuming litigation and controversy that have characterized local-level roadless area management decision-making for the last two decades.

Chapter 3 of the DEIS described the ecological and social effects of the alternatives. Positive effects of the action alternatives include conserving opportunities for people who wish to experience solitude, and spiritual and psychological renewal, in roadless areas. These effects are disclosed as consequences and considered in decision-making under the National Environmental Policy Act, but are not justifications for the proposed action. The Record of Decision will discuss the rationale for the final decision.

**71. *Environmentalists are trying to establish “environmentalist spiritualism” as a State religion by complaining about the effects of ORVs on their personal spiritual beliefs. If environmentalists want more land protected as Wilderness, they should go and buy it themselves and preserve it as they see fit.***

**Response:** None of the alternatives propose to manage inventoried roadless areas as Wilderness. The alternatives would not alter existing access to inventoried roadless areas by OHVs. The only activities that would be prohibited in inventoried roadless areas under the action alternatives would be future road construction and reconstruction, and some or nearly all timber harvest, depending on the alternative. See also Response 70.

## Non-Timber Forest Products

**72. *The Forest Service should protect natural areas and national forests as a source of medicines and for raw materials that could be used as the genetic base for improved agricultural crops.***

**Response:** As noted in the Introduction to the FEIS, one of the values of roadless areas that the proposed rule seeks to protect is biodiversity, including a diversity of plant species. The Non-Timber Forest Products section of Chapter 3 of the FEIS notes that NFS lands contain several plant species that have medicinal value. Roadless areas are more likely to have intact native plant and animal communities than roaded areas. The Ecological Factors section of Chapter 3 of the FEIS discusses the positive effects of the action alternatives on biological diversity and on terrestrial and aquatic plant species. By

conserving biodiversity in roadless areas, medicinal plants that occur there would also be conserved.

**73. *The Forest Service should preserve forests because they may hold pharmaceutical and other values that we are unaware of now, but that will be discovered in the future once new technologies are available. If we destroy this habitat now, any potential long-term future benefits will be lost forever.***

**Response:** Part of the mission of the Forest Service is to sustain the health, productivity, and diversity of the land to meet the needs of present and future generations. The Forest Service recognizes the importance of protecting the national forests and grasslands for future generations so that the nation may benefit from the values these lands contain. The Roadless Area Conservation Rule supports this objective. The Ecological Factors section of the DEIS found that the action alternatives will help to conserve biodiversity and intact plant and animal communities in roadless areas, and could result in a legacy of healthy ecosystems in roadless areas that would provide many benefits to future generations. This could lead to pharmaceutical discoveries, and discoveries of other valuable products.

**74. *Address the effects of this proposal on access to and use of non-timber forest products.***

**Response:** The effects of the action alternatives on access to and use of non-timber forest products were addressed in the Non-Timber Forest Products section of the DEIS (see also *Socioeconomic Specialist Report on Non-Timber Forest Products (May 2000)*, which supports the DEIS). Depending on the species of interest, roads and timber harvest may have positive or negative effects for gatherers of non-timber forest products. The action alternatives would not alter current access conditions for the harvest of these products in inventoried roadless areas, but would alter the potential for future roaded access to them. By prohibiting new road construction and reconstruction in inventoried roadless areas, the action alternatives would not be as advantageous as no action for those who are limited by physical condition, or by the weight of their product (for example, firewood), to roadside gathering.

**75. *The Forest Service should alter the proposed ban on new road building to allow for maintenance and construction of simple, low impact roads and***

*trails that are compatible with the needs of non-timber forest product commercial and non-commercial harvesting.*

**Response:** Pages 3-179 through 3-181 of the DEIS described the effects of the prohibition alternatives on the harvesting of non-timber forest products. A prohibition on road construction and reconstruction in inventoried roadless areas would not alter current access conditions for the harvest of non-timber forest products there. Such a prohibition would limit future roaded access to inventoried roadless areas, and therefore limit future access by those who depend on gathering non-timber forest products close to roads.

The alternatives do not preclude off-highway vehicle use, or the future construction of foot or off-highway vehicle trails that could be used to access non-timber forest products in inventoried roadless areas. Moreover, the alternatives do not prohibit future road construction in unroaded areas. Such decisions would be made locally with public involvement under the new 36 CFR 219 Planning Regulations. Roads can have both positive and negative effects on non-timber forest products, and gatherers of those products, as described on pp. 3-179 through 3-181 of the DEIS, and in the *Non-Timber Forest Products Socioeconomic Specialist Report (May 2000)* that supports the DEIS.

**76. *The Forest Service should ensure protection of mushrooms by managing forests.***

**Response:** The purpose of the Roadless Area Conservation Rule is to prohibit activities that have the greatest likelihood of degrading the desirable social and ecological characteristics of inventoried roadless areas. It is not a strategy for managing individual species or classes of resources. The Non-Timber Forest Products section of Chapter 3 of the DEIS (pp. 3-179 through 3-181) described the impacts of the alternatives on non-timber forest products, including mushrooms.

## **Polls and Surveys**

**77. *Polls show that most people are against closing public land;***

**78. *Polls show most people support protection of roadless areas;***

**79. *Polls show that most people support protection over commercial use;***

**80. *Do not rely on questionable public opinion surveys of Americans and local postcard campaigns to formulate this policy; and***

**81. *The Forest Service should use objective surveys with non-leading questions, rather than existing surveys of questionable applicability to support their hidden agenda.***

**Response:** When undertaken in a scientifically rigorous and objective way, polls can provide valuable information regarding public attitudes and values as they relate to public lands and how they should be managed. The Forest Service initiated rulemaking to provide long-term protection of roadless areas and their characteristics in response to a directive issued by President Clinton on October 13, 1999. Poll results were not used to develop the alternatives considered or the proposed action in the DEIS. The Forest Service did undertake a public scoping process following publication of the Notice of Intent to undertake this rulemaking effort, as described on pp. 1-5 through 1-9 of the DEIS. The public comments received were used to identify issues and to determine what alternatives should be considered in detail (see Chapter 2 of the DEIS). Following publication of the DEIS, the public had 60 days to comment on the alternatives, including the preferred alternative. These comments were considered in preparing the FEIS and drafting the final rule. See also the Public Involvement section on pp. 4-1 through 4-3 of the DEIS for a description of the public involvement process used to develop the proposed rule.

**82. *The Forest Service should survey people actually using national forest lands for their views.***

**Response:** The Forest Service conducts some surveys of people who use and live around national forests, such as the Recreation Use Survey, the customer comment card program, and surveys undertaken as a part of social assessments that support Forest Plan revisions. However, the Forest Service did not use survey results to develop the alternatives considered in the FEIS. The Forest Service solicits public opinion and comment when undertaking rulemaking and environmental impact analysis following the public involvement and consultation processes outlined in the National

Environmental Policy Act and the Administrative Procedures Act. Chapters 1 and 4 of the FEIS describe these processes in detail.

**83. *The Forest Service should undertake a formal study to determine who is actually using the national forests, and develop a policy that will benefit those users.***

**Response:** National Forests and grasslands are used by many people for many purposes. Some of these uses lend themselves to the efficient identification of users, such as permit holders, and some do not, such as dispersed recreationists or downstream users of water. In addition, many people who do not use NFS lands still have a valid interest in their management. The absence of a formal study to determine who is actually using NFS lands does not preclude an analysis of the effects of the alternatives; nor does it preclude meaningful and thorough public involvement and consideration of public input in the policy-making process. The Forest Service has undertaken a major public involvement and consultation process in preparing the proposed rule, as described in the DEIS and FEIS in Chapter 1, Public Scoping Process and Issues Considered, and in Chapter 4, Public Involvement sections. The costs and benefits of the proposed action for different groups of forest users and forest stakeholders are disclosed in Chapter 3 of the FEIS, in the Social and Economic Factors section.

## Population Growth And Development

**84. *The Forest Service should consider the population growth predictions; and***

**85. *The Forest Service should address land management in light of the increasing population and demand for outdoor activities.***

**Response:** The Socioeconomic Specialist Report, which supplements the DEIS and is available on the World Wide Web ([roadless.fs.fed.us](http://roadless.fs.fed.us)), contains a section on Demographics that discusses demographic trends in the United States in relation to NFS lands, and how these trends may affect future demands and management on the National Forests. In addition, pp. 3-6 through 3-11 of the DEIS discussed population growth and how it will increase the demand for natural resources, commodities, recreational experiences, and amenity and ecological values available from NFS lands in the future. The FEIS

contains an expanded discussion of population growth projections through the year 2040, and their implications for roadless area management.

Pages 3-117 through 3-132, 3-137 through 3-139, and 3-166 through 3-177 of the DEIS discussed increasing demand for different kinds of recreational opportunities, and the effects of the alternatives on these opportunities. Under the action alternatives, the land base for dispersed recreation in roadless areas would be maintained to meet the increasing demand for dispersed activities. The land base for developed, road-based recreation would not decrease from the existing situation under the action alternatives. However, opportunities for future development of road-based recreational opportunities in inventoried roadless areas in response to growing demand would be precluded by the prohibition action alternatives.

**86. *This initiative should focus on the problems of population growth and the encroachment of development on forested lands.***

**Response:** Between 1992 and 1997, nearly 16 million acres of forest, cropland, and open space in the U.S. were converted to urban and other uses, twice the rate of the previous 10 years (DEIS p. 1-3). This trend is likely to continue in light of projected future population growth in the U.S., discussed on p. 3-6 of the DEIS. The Forest Service has no authority to propose initiatives that limit population growth or development on privately-owned forest lands.

In light of increasing human populations and associated development, the proposed rule is a response to the need to protect roadless areas and the clean water, biological diversity, wildlife habitat, forest health, dispersed recreational opportunities, and other benefits they may provide. As stated in the FEIS, the purpose of the proposed rule is to prohibit activities that have the greatest likelihood of degrading these desirable characteristics of inventoried roadless areas.

**87. *Roaded access to National Forests will allow corporations to establish a foothold there and engage in development activities that may pose health and safety risks to people.***

**Response:** There are health and safety risks associated with various types of development including road construction, timber harvest, and mineral development. There are also health and

safety risks associated with a lack of development. For example, transportation to medical services can be difficult in areas that lack roaded access. The action alternatives would limit the kinds of risks associated with the development activities of corporations, but would maintain the risks associated with a lack of development. However, all of the prohibition action alternatives would allow an exception to the prohibition on road construction when a road is needed to protect public health and safety in the event of floods, fire, or other catastrophic events that might otherwise cause the loss of life or property. Roads could also be built to enable a response action to an environmental hazard under the Comprehensive Environmental Response, Compensation, and Liability Act. See p. 2-4 of the DEIS for more detail. This list has been expanded in the FEIS.

**88. *The Forest Service should lobby for the integration of more green space into urban areas.***

**Response:** The Roadless Area Conservation Rule addresses only inventoried roadless areas of the national forests and grasslands. The concern for more green space in urban areas is beyond the scope of the current proposed action and analysis. The Forest Service promotes integrating more green space into urban areas through its Urban and Community Forestry Program.

**89. *The Forest Service should display quantitatively the relationship between urban areas, populations, and roadless areas in the United States.***

**Response:** The Overview of Inventoried Roadless Areas in the Introduction to Chapter 3 of the DEIS contained quantitative information on the relationship between urban areas, population, and inventoried roadless areas. It indicated that 192 of the 555 cities with 50,000 or more people (slightly more than 35%) are located within 60 miles of an inventoried roadless area. However, only 10% of the inventoried roadless areas fall within that radius (roughly 283 roadless areas). These 192 cities represent approximately one-third of the urban population of the U.S. Figure 3-3 in the DEIS was a map showing the location of inventoried roadless areas across the U.S. in relation to cities of 50,000 people or more, and which of these cities is within 60 miles of a roadless area. The Demographics section of Chapter 3 of the DEIS (pp. 3-6 through 3-8) also described the relationship between the U.S.

population and inventoried roadless areas. Figure 3-4 showed the distribution of the 1990 U.S. population in relation to inventoried roadless areas. Table 3-2 displayed total population, average population density, and acres of inventoried roadless areas for ten multi-State regions of the U.S. The FEIS contains an expanded discussion of population, development, and inventoried roadless areas.

**90. *The Forest Service should re-evaluate statements concerning the loss of open space in Chapter 3.***

**Response:** While local governments may have programs to preserve open space, and while a number of Federal agencies manage land that could be classified as open space, nevertheless, as reported in the DEIS, nearly 16 million acres of forest, cropland, and open space in the U.S. were converted to urban and other uses between 1992 and 1997. That was twice the rate of the previous 10 years (DEIS p. 1-3). This trend is likely to continue in light of projected future population growth in the U.S. As open space is lost on other ownerships nationally, the importance of roadless areas in providing open space on public lands will continue to increase. The FEIS contains an expanded discussion of land conversion in the U.S. from rural to urban uses, and the relevance of this trend to roadless area protection.

## Recreation

**91. *Revised forest plans should emphasize locally important sociological and economic values which include preserving and enhancing traditionally established types of recreation.***

**Response:** Under the National Forest Management Act, land management plan revision takes place with public involvement to ensure that revised plans are sensitive to locally important social and economic values. These values include traditionally established types of recreation. The new 36 CFR 219 Planning Regulations for forest and grassland planning would expand public participation in the forest and grassland plan revision process by emphasizing collaboration. The Planning Regulations, which are separate but related to the Roadless Area Conservation Proposed Rule, would further ensure that locally important social and economic values are considered during forest plan revision. The new Planning Regulations provide direction to local managers at the time of forest plan revision in

deciding how to manage inventoried roadless and unroaded areas.

**92. *The Forest Service should keep public land open for recreational use by stock users.***

**Response:** Because the proposed rule would not close any existing roads or trails, it would not reduce current access to National Forest System lands, including access for users of recreational livestock including horses, mules, llamas, and goats.

## Timber Industry Workers

**93. *The wording of the document is inappropriate and insensitive to the public.***

**Response:** The Forest Service did not intentionally use inappropriate or insensitive wording in the DEIS. Public comment specifying which parts of the document reflect a lack of appropriateness or sensitivity to the public has been used in revising the FEIS.

**94. *The Forest Service’s description of workers in the forest products industry, on pp. 3-189 to 190, is extremely offensive;***

**95. *The Forest Service should strike the text of the Social Effects Related to Timber Harvest in the DEIS (p. 3-190) and issue a public apology to the forestry workers of this country;***

**96. *The social analysis of forestry workers in the DEIS is degrading and discriminatory; and***

**97. *The Forest Service should apologize and retract offending statements made on p. 3-190, paragraph 3. The Forest Service should offer an explanation as to how and why such a negative characterization of people in rural timber dependent communities was allowed to be printed by the USFS for public consumption.***

**Response:** Some members of the public have expressed concerns regarding the tone and content of that portion of the DEIS that addresses Social Effects Related to Timber Harvest (pp. 3-189 through 3-190). Forest Service Chief Dombeck apologizes to those members of the public who feel offended by this analysis, or feel that it portrayed a lack of respect for timber workers. This was not the intent.

The purpose of an Environmental Impact Statement is to disclose to decision-makers the range of potential effects associated with implementing different policy alternatives. The National Environmental Policy Act requires Federal agencies to consider and disclose the effects of a proposed action and alternatives, on the human environment. In the social arena, this means predicting not only what the economic impacts of a policy will be, but also what the social effects of that policy will be. In this case, what does the loss of jobs and income caused by reduced timber harvests on public lands mean to people employed in the timber industry, from the social and cultural perspective? It is important for decision-makers to have as thorough an understanding as possible of the social impacts of the Roadless Area Conservation proposal, so that they can make an informed decision. The agency has been criticized for not doing an adequate job of social analysis in the past.

The approach used in the roadless DEIS to disclose the social effects of lost jobs and income associated with reduced timber harvests was to summarize the results of previous research conducted on this topic. This summary, which appeared on pp. 3-189 and 3-190 of the DEIS, is based on the sources cited in each paragraph. The discussion is based on the published literature; none of the statements represent independent assertions on the part of the Forest Service, except where published Forest Service documents are cited. The Forest Service apologizes for any confusion over the citations on these pages.

As noted in the DEIS, there is disagreement in the literature over what the social effects of job loss in the timber industry are. In the interest of providing a balanced analysis, a range of effects were reported, based on existing research findings. The DEIS noted that it is difficult to generalize regarding the social impact of lost timber jobs, and that the actual social effects on individual timber workers will vary. Nevertheless, by undertaking a characterization of timber industry workers, and potential social impacts on them, there is a risk of appearing to generalize about or stereotype people.

The literature summarized in this section of the DEIS reflects a broader debate regarding the nature of individual participants in the timber industry, and therefore, how job loss and/or reduced income from timber work will affect them. On the one hand, research from the Pacific Northwest portrays loggers

as people who are members of an inter-generational, deeply rooted, logging culture, for whom job loss means the loss of a way of life, and a sense of individual and cultural identity (Carroll and Lee 1990, sources discussed and cited in FEMAT – Forest Ecosystem Management Assessment Team – 1993). It may be difficult for these people to diversify into other sectors once timber jobs go away. The FEMAT report summarizes research from the Pacific Northwest that found that mill workers have a less well-developed sense of occupational identity than loggers, and therefore that their individual sense of social and cultural identity would be less threatened by job loss. According to this study, they would accept equivalent jobs in another sector more readily than loggers would.

On the other hand, some researchers reject what they characterize as a romantic myth regarding timber industry workers and their way of life (Power 1996). They counter with the view that timber workers have a relatively short tenure of employment in the industry, and that timber dependent communities are not prosperous, have little social infrastructure, many social problems, and that the industry does not invest in workers or their safety (Power 1996, Drielsma and others 1990). Power (1996) argues that the timber industry provides opportunities for people who lack high levels of formal education (that is, college degrees) to obtain high-paying jobs. According to Power, what is threatened by the downsizing of the wood products industry is not a time-honored profession passed down over the generations, but rather high-paying jobs that make it possible for some people who lack college degrees to make a good living.

The Forest Ecosystem Management Assessment Team (FEMAT) report (1993) stated that one of its important findings in the Pacific Northwest was that no matter what the individual circumstances of a timber worker, uncertainty regarding Federal forest management was a central issue of concern to communities there. High levels of uncertainty make it difficult for communities to cope with change, and produce a number of negative social effects. This study found that in the eyes of communities in the spotted owl region of the Pacific Northwest, any Federal forest policy decision – even if it spelled bad news – would be an improvement over a situation of uncertainty, as this would provide them with a level of certainty on which to base their efforts to adapt.

Because these contrasting views of the social effects of job loss in the timber industry were reported in the literature, and because each may hold true for some participants in the timber industry, the Roadless Area Conservation DEIS presented them as representing a potential range of social effects that might be expected from the alternatives. The purpose of reporting these findings in the DEIS was to help better inform decision-makers about the potential social impacts of those alternatives that would reduce timber harvest from inventoried roadless areas.

The Forest Service believes it is important to portray the range of potential social effects of reduced timber harvest on timber industry workers in the FEIS. In order to do so, an expanded literature search has been conducted in an attempt to better represent this range of social effects. In addition, every effort has been made to cite the sources of these findings clearly, and to present the research findings using language that is not offensive.

**98. *The Forest Service should remove insulting and discriminatory language about timber related professionals, motorized users, and former and retired Forest Service employees from the Draft EIS.***

**Response:** The Forest Service did not intend to insult or discriminate against any groups or individuals with the language or analysis contained in the DEIS. Some statements in the DEIS, such as those regarding motorized users, were paraphrases of statements made by sources outside the Forest Service, including statements made by members of the public in response to the Notice of Intent. The Forest Service attempted to accurately reference the sources of such statements in the DEIS, and regrets any confusion that may have occurred. Descriptions of past Forest Service management of roadless areas were intended to characterize the existing situation, and were not meant to criticize the motives of past managers. See Response 97 to this concern as it relates to timber related professionals.

**99. *The studies used in the Draft EIS regarding the consequences of job loss for rural forestry workers are inadequate.***

**Response:** The FEIS contains the results of an expanded literature search regarding the consequences of job loss for rural forestry workers. Specific studies or references that are recommended

by the public as more adequately representing these consequences were consulted. These studies are listed in the References Cited section of the FEIS.

***100. The Forest Service should cease to rely on Power (1996) as a source on the sociology of rural communities, and should strike all references to it from the Draft EIS.***

**Response:** In order to predict the potential impacts of the alternatives on workers in the wood products industry, a literature review was conducted. Power (1996) is one of several sources that addresses this topic, and it was cited in the DEIS. This book was published by Island Press, which is well regarded by many people in the academic community, and by many natural resource and environmental professionals. Island Press submits manuscripts to several subject matter experts for peer review before publishing them.

Page 3-189 of the DEIS noted that there is disagreement in the literature over what the social effects of job loss in the timber industry are, that these effects will vary across the country and among individuals, and that the analysis suggests a range of potential social effects. Some will agree, and some will disagree, with Power’s characterization of rural communities. The DEIS did not state that any one characterization applies to everyone who may be affected by the alternatives. In the interest of providing a balanced analysis, a range of research findings were reported in the DEIS, based on the existing literature. An expanded literature review of the social effects related to timber harvest is presented in the FEIS.

***101. The Forest Service should state who the authors and reviewers were of the section in the DEIS which describes forestry workers.***

**Response:** Chapter 4 of the DEIS, pp. 4-4 through 4-8, listed the names of the individuals who were involved in preparing and reviewing the Draft Environmental Impact Statement and the proposed rule.

***102. The Forest Service should address the logging “way of life” or “culture.”***

**Response:** The Timber Harvest sub-section of the Social and Economic Factors section of the DEIS estimates the number of timber jobs that may be lost

as a result of the prohibition alternatives. The social effects of job loss on timber workers were addressed on pp. 3-189 through 3-190 of the DEIS. The logging way of life and logging culture are acknowledged there, and the potential effects of job loss on that way of life and culture are disclosed. See also Response 94.

## Tribal Concerns

***103. The Forest Service should honor the United States’ treaty obligations with American Indian peoples and respect their feelings of sacredness toward the land.***

**Response:** The Forest Service recognizes the treaty rights of American Indians on NFS lands and the agency’s trust responsibilities. It also recognizes that NFS lands contain American Indian sacred sites (see the Forest Service National Resource Book on American Indian and Alaska Native Relations). Treaty rights and sacred sites were acknowledged and discussed on pp. 3-202 through 3-203 of the DEIS, and in the Civil Rights Impact Analysis and Environmental Justice Issues document that accompanied the proposed rule. None of the alternatives considered in the DEIS would affect existing treaty rights with American Indians. None of the prohibition action alternatives would alter existing access to inventoried roadless areas on NFS lands by American Indians. The FEIS expands this discussion with a new section on American Indian and Alaska Native Issues, and the effects of the alternatives on them.

***104. The Forest Service should go to Standing Rock Reservation to consult with the Tribal Government on the DEIS because there are National Forest System lands containing roadless areas within the boundaries of the Reservation.***

**Response:** The proposed rule applies only to National Forest System lands, and does not apply to Reservation lands. There are in-holdings of the Dakota Prairie Grasslands within the boundaries of the Standing Rock Reservation. The proposed rule would apply to these in-holdings, but would not apply to Standing Rock Reservation lands. The Forest Service has consulted with the Tribal Government at Standing Rock Reservation on the Roadless Rule and will continue to do so, as an ongoing process as described on pp. 4-2 and 4-3 of the DEIS.



*105. The Forest Service should consider an alternative that returns treaty-ceded lands to traditional native peoples.*

**Response:** The Roadless Area Conservation Rule aims to prohibit activities that have the greatest likelihood of degrading the desirable social and ecological characteristics of inventoried roadless areas. The purpose and need for this rule were described on pp. 1-10 through 1-12 of the DEIS. The issue of returning treaty-ceded lands to Tribes is beyond the scope of this current rulemaking.

*End of Social Section*

## 13. TERRESTRIAL AND AQUATIC HABITAT

Benefits Of Roadless Areas .....	158
Effects Of Roads On Terrestrial Species .....	159
Effects Of Roads On Fish And Other Aquatic Species .....	161
Effects of Timber Harvest.....	162
Human Disturbance And Encroachment.....	164
Species Management And Protection.....	164
Non-Native Invasive Species .....	165
Habitat Analysis .....	166
OHV Impacts.....	168
Requests For Special Designations.....	169
Effects To State And Local Government Agencies .....	170
Offsite Impacts .....	170
Other Activities .....	171
Other Concerns.....	172

### Benefits Of Roadless Areas

**1. Roadless areas provide critical wildlife habitat particularly for those species that need large, unfragmented tracts of land, and roads fragment that habitat. No roads should be built into any roadless areas.**

**Response:** The conservation value of many of these areas as biological strongholds for some species was described in the DEIS (pp. 3-69 through 3-74, 3-78 through 3-83, 3-87 through 3-89, and 3-92 through 3-94). Fragmentation caused by roads and other human activities was discussed in the DEIS (pp. 3-56 through 3-59), and in the specialist report, *Landscape Analysis of Inventoried Roadless Areas and Biodiversity* (May, 2000) on pp. 38 through 41. Under the three prohibition action alternatives in the DEIS and FEIS, road construction and reconstruction activities, including temporary road construction, would be prohibited in inventoried roadless areas, with limited exceptions.

**2. Roadless areas provide habitat for threatened and endangered species and protect biological diversity.**

**Response:** The DEIS acknowledged the importance of inventoried roadless areas in providing habitat for threatened and endangered species and for overall protection of biological diversity. Further discussion

of this can be found in the *Roadless Area Conservation Project's Biological Evaluation for Threatened, Endangered, Proposed, and Sensitive Species* (the biological evaluation). This document is in the project record and available on the project's web site.

**3. Roadless areas are essential for wildlife dependent on undisturbed old-growth habitat.**

**Response:** The DEIS identified two alternatives that would restrict timber harvest to some extent in inventoried roadless areas (pp. 3-75 through 3-78). Alternative 3 would permit only those timber harvest activities that were needed to meet stewardship objectives, including those used to maintain or enhance late successional habitat where such need is demonstrated. Alternative 4, which would prohibit all timber harvest, was modified in the FEIS to provide an exception to the prohibition on timber harvest when needed for protection or recovery of threatened or endangered species, including those species that are old growth dependent. Decisions on the objectives for specific projects would continue to be made at the forest level.

**4. Roadless area habitat is essential for species to complete their life cycles.**

**Response:** The conservation value of many of these areas as biological strongholds for some species was described in the DEIS (pp. 3-69 through 3-74, 3-78 through 3-83, 3-87 through 3-89, and 3-92 through 3-94). Under the three prohibition action alternatives in the DEIS, road construction and reconstruction activities, including temporary road construction, would be prohibited in the inventoried roadless areas, with certain limited exceptions.

**5. The Forest Service should preserve habitat for all birds including migrating neotropicals.**

**Response:** The DEIS analysis described the adverse effects of smaller habitat patch size and loss of interior forest habitat on some neotropical migratory bird species, on p. 3-70. All of the action alternatives would have potential beneficial effects to both interior forest and neotropical migratory bird species, due to the reduced risk of human caused habitat fragmentation, degradation, and loss.

**6. The Forest Service should prohibit road building and limit timber harvest to that required for good**

***stewardship in roadless areas in order to provide an abundance of wildlife to hunters and sightseers.***

**Response:** The range of alternatives in the DEIS included Alternative 3 which would prohibit road construction and restrict timber harvest to those activities with stewardship objectives. The analysis of this alternative relative to wildlife species was described on pp. 3-69 through 3-78. The FEIS contains additional discussion of the effects of this and other alternatives on game species.

***7. In order to protect important interior forest habitat, the Forest Service should reshape roadless and other unroaded areas into more rounded shapes by eliminating roaded corridors.***

**Response:** Many inventoried roadless areas have irregular shapes and roaded corridors within their boundaries, due to a variety of factors. For example, in the DEIS (p. 3-12), it was estimated that roads had been constructed in about 2.8 million acres of inventoried roadless areas since the time of inventory, which has probably increased the irregular shape of many of these areas. The DEIS (pp. 3-71 through 3-72) described the adverse effects to interior forest species from the environmental edges created by roads. All of the prohibition alternatives would prevent further road construction and reconstruction within the entire area delineated within inventoried roadless areas, including the areas already roaded. However, this analysis did not address removal of roads from these or other unroaded areas. Decisions relative to reshaping these areas through road obliteration or by any other means would continue to be made locally, at the project or forest plan levels. The proposed Roads Policy would provide guidelines to be used in making decisions on road closure and obliteration. A discussion of the proposed Roads Policy and its relationship to this proposed rule was included in the DEIS on pp. 1-16 and 3-240.

## **Effects Of Roads On Terrestrial Species**

***8. Roads can have beneficial effects to wildlife.***

**Response:** The DEIS included several examples of how roads may benefit some edge and early successional associated species (for example, p. 3-72). Further discussion of this subject has been added

to Chapter 3 of the FEIS, in the section on terrestrial habitats and species.

***9. Wildlife populations are not negatively impacted by roads. The Forest Service is false in stating that roads disrupt wildlife and their habitat.***

**Response:** The DEIS cited numerous scientific studies detailing the potential adverse effects of roads on wildlife and wildlife habitat (DEIS pp. 3-70 through 3-74). Although disturbance associated with road development may benefit a number of species dependent on early seral stage habitats, there are also numerous negative impacts related to habitat fragmentation, loss of connectivity, invasive species, and habitat security and effectiveness.

A specific example (DEIS p. 3-72) stated that although forest edges associated with road construction may benefit an array of early succession associated species (deer, bobwhite quail), they also provide access to interior forest habitat for opportunistic species such as the brown-headed cowbird. This species is a brood parasite that lays its eggs in the nest of other birds, and has been implicated in the decline of certain songbirds in the Sierra Nevada, including the willow flycatcher, least Bell's vireo, yellow warbler, chipping sparrow, and the song sparrow.

As summarized in the DEIS (pp. 3-72 through 3-73), Wisdom and others (2000) found that 70% of 91 vertebrate species in the Interior Columbia Basin are negatively affected by one or more factors associated with road construction and use. For some mammals, increases in road density are related to declines in habitat effectiveness and population viability (Noss and Cooperrider 1994). With an increase in roaded access, a corresponding increase in disturbance by humans is expected. The potential for harassment, disruption, and poaching of some species is expected to increase with additional access. Further detailed information on the potential effects of roads on wildlife and wildlife habitat is located on pp. 10-14 in the specialist report, *Analysis of Effects to Terrestrial and Aquatic Habitat and Species (May 2000)*.

***10. Roads are necessary for wildlife management.***

**Response:** The DEIS acknowledged that there can be beneficial effects related to wildlife habitat management from the access provided by roads. As

stated in the DEIS (pp. 3-75 and 3-76), prohibition Alternatives 2 and 3 would not limit the overall ability of the agency to manage wildlife habitat, including the ability to maintain or enhance early or late successional habitat, where such need is demonstrated, or to implement other wildlife habitat improvement through timber harvest activities in inventoried roadless areas. Specifically, timber harvesting could continue to be used in the development of early seral stage habitat for some big game and other species and to assist in threatened and endangered (T&E) species recovery.

Access for wildlife management through means other than construction or reconstruction of roads would continue to be available as permitted in forest and grassland plans. Wildlife populations in these roadless areas are currently being effectively managed using existing means of access. The analysis did not identify any adverse effects on wildlife populations from a prohibition on road construction in inventoried roadless areas.

**11. *The Forest Service should consider the impacts of road access on opportunities for poaching of plants and animals, and on excessive hunting pressure.***

**Response:** The relationship between road access and poaching of animals and illegal collection of rare plants was discussed in the DEIS on pp. 3-72, 3-73, 3-78, 3-88, and 3-89. The effect of road access on hunting pressure for some game species was discussed in the specialist report, *Analysis of Effects to Terrestrial and Aquatic Habitat and Species (May 2000)*, on p. 19.

**12. *The Forest Service should explain whether the Roadless Rule will block roads with gates for wildlife management purposes.***

**Response:** The DEIS discussed the adverse effects of human disturbance on some species on pp. 3-70 through 3-74, indicating that such disturbance can affect reproductive success, winter survival, and overall health for some species, particularly at times of the year when other stressors are present. Site-specific decisions have been made on many forests to limit the use of certain roads during times of the year when a species is sensitive to such disturbance. Decisions to close or gate existing roads for wildlife habitat protection will continue to be made at the local level, through forest and grassland plans and

project level NEPA analyses. It is not within the scope of this analysis to address use of existing roads. The prohibitions alternatives consider only road construction and reconstruction and timber harvest within inventoried roadless areas.

**13. *The Forest Service should clarify that the road itself does not damage wildlife but the constructing of the road damages wildlife.***

**Response:** The DEIS cites numerous scientific references that detail potential adverse effects of both road construction and the existence and use of roads. While not associated with every road, some of the important potential adverse effects related to presence of a road, and which are independent of actual construction activities, include increased risk of introduction and establishment of non-native invasive plant and animal species, increased risk of adverse human and animal interactions, chronic sedimentation, increased levels of human disturbance, loss of snag habitat due to excessive fuelwood cutting, habitat fragmentation for some species, and risk of fuel or other chemical spills. Road-related effects were described in the DEIS in many places, including pp. 3-69 through 3-89.

**14. *Fragmentation and road impacts are worse than portrayed in the DEIS, since the total road miles given on p. S-4 did not include Federal, State, and County roads.***

**Response:** The estimated road mileage on NFS lands cited in the DEIS referred to the transportation system administered by the Forest Service, which does not include roads that are owned and administered by County, State, or other Federal agencies. For purposes of our analysis relative to fragmentation and other road impacts, we did not feel that inclusion of those data would change the described effects. Road mileage data for other public and private roads on NFS lands have been added in the FEIS.

**15. *The Forest Service should eliminate roads on national forests to gain wolf habitat or to protect habitat important for endangered and other wildlife species that need large unfragmented tracts of land.***

**Response:** This analysis does not address closure of existing roads. Decisions relative to existing roads would continue to be made locally, at the project or forest and grassland plan levels. The proposed Roads

Management Policy for the National Forest Transportation System (Roads Policy) would provide guidelines for making such decisions. A discussion of the proposed Roads Policy and its relationship to this proposed rule was included in the DEIS on pp. 1-16 and 3-240, and has been updated in the FEIS.

***16. The Forest Service should connect fragmented habitat, using restoration and road obliteration methods.***

**Response:** This analysis does not address habitat restoration and road obliteration. Decisions relative to restoring habitat connectivity through use of such methods would continue to be made locally, at the forest and grassland plan or project levels. The proposed Roads Policy would provide guidelines to be used in making decisions on road closure and obliteration. A discussion of the proposed policy and its relationship to this proposed rule was included in the DEIS on pp. 1-16 and 3-240. This has been updated in the FEIS.

***17. Prior to taking any action that would degrade wildlife habitat capability through changing any roadless areas to roaded, a site-specific NEPA analysis is needed.***

**Response:** Regardless of which alternative is selected, site-specific NEPA analysis for road construction and other types of proposed projects in inventoried roadless and unroaded areas would continue to be required, just as it is currently. The new 36 CFR Planning Regulations provide direction on evaluating inventoried roadless areas and unroaded areas during forest and grassland plan revisions.

***18. The Forest Service should manage vehicles and maintain roads to protect wildlife diversity, habitat, and declining stocks of threatened fish.***

**Response:** This analysis does not address maintenance or use of existing roads. Decisions relative to existing roads would continue to be made locally, at the project or forest plan levels. The proposed Roads Policy would provide guidelines to be used in making such decisions. A discussion of the proposed policy and its relationship to this proposed rule was included in the DEIS on pp. 1-16 and 3-240. This has been updated in the FEIS.

## **Effects Of Roads On Fish And Other Aquatic Species**

***19. The Forest Service should provide data about the effects of sedimentation from road construction on fish habitat.***

**Response:** Sedimentation and landslides associated with roads, and the resulting effects on stream channel morphology were described in the DEIS on pp. 3-32 through 3-41. The DEIS cited numerous scientific studies detailing the adverse effects of increased sedimentation on fish and fish habitat, on pp. 3-81 through 3-83, as does the biological evaluation. The extent and significance of effects related to sedimentation caused by a specific road may vary by a number of factors, including road location, geology, road design, vegetation, and species present. However, it was possible to conclude, based on a review of scientific literature and on the results of past consultations with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, that risks associated with increased sediment yields from road construction are not discountable and may, in fact, constitute significant threats to the continued viability of some aquatic species, particularly when such effects occur in conjunction with other kinds of habitat loss, degradation, fragmentation, or disturbance.

***20. The Forest Service should address the impacts of roads on fisheries.***

**Response:** The DEIS drew upon the substantial scientific evidence that is available addressing the effects of roads on aquatic species. Utilizing this information, the DEIS described potential road impacts to fish and other aquatic species on pp. 3-78 through 3-87. Further discussion of these impacts is included in the biological evaluation.

***21. The Forest Service should not allow road construction and resource extraction in roadless areas because of the negative impact on declining stocks of salmon that spawn in the down stream river systems.***

**Response:** The value of many of these inventoried roadless areas in providing or influencing downstream habitat for Pacific salmon was addressed in the DEIS on pp. 3-79 through 3-80. Further discussion on potential effects from road construction and timber harvest to listed anadromous

fish species is included in the biological evaluation. Analyses specific to the effects of other kinds of resource extraction were not included in the DEIS or FEIS, because the only prohibitions considered in detail were road construction/reconstruction and timber harvest. In the development of alternatives, the prohibition of other resource extraction activities in inventoried roadless areas was considered (DEIS p. 2-18), but eliminated from detailed study because adequate data on such uses are currently not available nationally, and these activities do not appear to present the same level of risk for alteration and fragmentation of natural landscapes on a national scale (DEIS p. 1-10). Decisions regarding other kinds of resource extraction activities in inventoried roadless areas, therefore, would continue to be made through local planning processes.

**22. *The Forest Service should address the recovery time needed for road construction damage in areas where small amounts of precipitation fall and growing seasons are short.***

**Response:** The ecological factors section of the DEIS alluded to the variability in magnitude and duration of effects from road construction, based on a variety of factors, including types and intensity of past disturbances, and the overall landscape context, but did not specifically address the effects of rainfall amount and length of growing season on recovery time. The FEIS describes this relationship more explicitly, in the aquatic species section, under Alternative 1.

## Effects of Timber Harvest

**23. *Timber harvest can benefit wildlife and should be encouraged.***

**Response:** The DEIS acknowledged potential beneficial effects to wildlife from timber harvest. It identified three alternatives that would not prohibit timber harvest, including the No Action Alternative. Under these three alternatives, timber harvesting would continue to be available as a management tool to enhance wildlife habitat. As stated in the DEIS (pp. 3-75, 3-76), they would allow maintaining or enhancing early or late successional habitat where such need is demonstrated, or implementing other stewardship-timber harvest activities, and would not limit the agency's ability to manage wildlife habitat. Specifically, timber harvesting could be used to create early successional habitat for some big game

and other species and to assist in T&E species recovery (for example, maintaining and improving habitat for the red-cockaded woodpecker).

The FEIS contains additional discussion of the potential benefits of timber harvest to some species, including game species such as white-tailed deer and wild turkey. Alternative 4 has been modified in the FEIS to include an exception for timber harvest if needed for recovery or protection of threatened, endangered and proposed (TEP) species.

**24. *The DEIS fails to show any positive effects of roaded areas with clearcuts.***

**Response:** The DEIS acknowledged that habitats modified or created by timber harvest may benefit a number of species that use early seral and late seral habitats. This information was displayed within the DEIS on pp. 3-72, 3-76, 3-77, and 3-96. Pages 17 through 21 of the specialist report, *Analysis of Effects to Terrestrial and Aquatic Habitat and Species (May 2000)*, provide a more detailed discussion of the effects of timber harvest in relation to game species. The "Terrestrial Animal Habitat and Species" section of Chapter 3 in the FEIS has been modified to address this subject in greater detail.

**25. *The Forest Service should ensure that wildlife is not displaced by logging operations.***

**Response:** The DEIS (pp. 3-69 through 3-78) and specialist report, *Analysis of Effects to Terrestrial and Aquatic Habitat and Species (May 2000)* (pp. 10-22) addressed the effects of timber harvest on wildlife species. This discussion has been carried forward into the FEIS and biological evaluation. Two of the prohibition alternatives in the DEIS would establish some level of restrictions on timber harvest – Alternative 3 would prohibit all non-stewardship harvest activities, and Alternative 4 would prohibit all timber cutting activities, except those needed for recovery or protection of TEP species. Under all of the alternatives, however, site-specific effects to wildlife species from proposed management activities, including timber harvest, would continue to be addressed locally on a project by project basis as part of the NEPA process. This would be accomplished by adherence to standards and guidelines within forest and grassland plans, recovery and conservation plans for TEP species, and through consultation requirements under the Endangered Species Act.

**26. *The Forest Service should only remove timber to enhance the environment of ground birds.***

**Response:** The DEIS acknowledged that there can be beneficial effects for wildlife management from timber harvest. It identified three alternatives that do not prohibit timber harvest, including the no action alternative. Within the three identified alternatives, timber harvesting would continue to be available as a management tool to enhance wildlife habitat. As stated within the DEIS (pp. 3-75 through 3-77), the above listed alternatives would not limit the overall ability of the agency to manage wildlife habitat, including the ability to maintain or enhance early or late successional habitat, where such need is demonstrated, or to implement other stewardship-timber harvest activities. Specifically, timber harvesting could continue to be used to improve habitat for some kinds of species, including ground-nesting birds. Alternative 4, which would prohibit all timber harvest, was modified in the FEIS to provide an exception to the prohibition on timber harvest when needed for protection or recovery of threatened or endangered species.

**27. *A prohibition on logging in roadless areas will help maintain an adequate supply of large woody debris, a vitally important component of both terrestrial and aquatic habitats.***

**Response:** The relationship between timber harvest and loss of large woody debris in terrestrial and aquatic ecosystems was addressed in the DEIS on pp. 3-73, 3-82, and 3-83, and is further discussed in the biological evaluation.

**28. *The Forest Service should maintain buffer zones around timber sales to protect wildlife diversity.***

**Response:** The conservation of inventoried roadless areas provided by the action alternatives would, in essence, provide substantial buffer zones to surrounding roaded and more heavily disturbed areas. However, the need to establish prescriptive buffer zones around timber sales within these areas would continue to be analyzed as part of project specific NEPA analysis, in accordance with the standards and guidelines of the applicable forest plan.

**29. *The lack of logging will cause wildlife management to be harder and less effective by reducing carrying capacity, increasing fire mortality, and leading to over population and death of wildlife. The proposed plan will cause a loss of funding for wildlife management, due to fewer hunters.***

**Response:** The range of prohibition alternatives described in the DEIS included three that would maintain the current ability of the agency to manage wildlife habitat through timber harvest. Access for timber harvest through means other than construction or reconstruction of roads would continue to be available as permitted in forest plans. Wildlife populations and habitats in these roadless areas are currently being effectively managed using existing means of access and a variety of management tools in addition to timber harvest. Effects on fuels management and fire suppression are not anticipated to be substantial under any of the alternatives, and are addressed in the DEIS pp. 3-98 through 3-106. Existing access for hunters would not be affected by the range of alternatives for this proposal. No loss in funding for wildlife management due to fewer hunters is expected.

**30. *The Forest Service should not artificially maintain early successional stages in mature stable forest systems.***

**Response:** Decisions on whether it is appropriate to maintain certain successional stages through active management would continue to be made at the forest plan and project levels, consistent with forest plan standards and guidelines, regardless of the alternative selected for this proposal. With the exception of Alternative 4, use of timber harvest as a tool to manage late or early successional habitat would not be prohibited in inventoried roadless areas by this proposal. Alternative 4 has been modified in the FEIS to include an exception for timber harvest if needed for recovery or protection of TEP species. The DEIS (pp. 3-73 through 3-74), and the FEIS in somewhat more detail, discuss scientific research indicating that, in parts of the country, populations of some species dependent on early successional habitat are experiencing significant declines.

**31. *The government needs to seize old-growth forests from timber companies to protect them.***

**Response:** This proposal only addresses National Forest System (NFS) lands. The Forest Service, through the State and Private Forestry program, can provide technical assistance to private landowners when requested, including advice relative to conservation of old-growth resources. Private lands can only be added to the NFS when there is a willing seller and when the acquisition of such lands helps meet land management objectives.

## Human Disturbance And Encroachment

### *32. Human activities cut off wildlife migratory routes and cause wildlife mortality if the animals get too close to humans.*

**Response:** The DEIS acknowledged the importance of inventoried roadless areas in providing habitat for species that require large, relatively undisturbed blocks of land, and described the conservation value of many of these areas as biological strongholds. The impacts of roads and timber harvest activities, including effects relative to connectivity and fragmentation of wildlife habitat, were discussed on pp. 3-69 through 3-74. Fragmentation was also discussed in the DEIS on pp. 3-56 through 3-59, and in the specialist report, *Landscape Analysis of Inventoried Roadless Areas and Biodiversity*, (May 2000), pp. 38 through 41. The role that road access may play in providing opportunity for chronic, negative interactions between humans and some species, such as wolves and grizzly bears, was addressed on p. 3-73 in the DEIS. All of the action alternatives would have the potential to lower the risks of additional habitat fragmentation and loss of connectivity, for inventoried roadless areas, relative to the no action alternatives.

### *33. Humans should be managed to mitigate disturbance of native species.*

**Response:** The DEIS (pp. 3-70 through 3-73) described some of the potential adverse effects to wildlife from human disturbance, including disruption of migration, reproduction, and rearing of young, as well as increases in the overall level of physiological stress, all of which can affect population viability. All of the prohibition action alternatives would convey some beneficial effects by limiting the development of additional roaded access into inventoried roadless areas, thereby limiting additional road-associated human disturbance of

wildlife. Alternatives 3 and 4 would directly reduce disturbance associated with timber harvest. Alternative 2 would indirectly reduce much of that disturbance. Decisions limiting other kinds of human activities would be made through forest and grassland plan and project NEPA analyses.

### *34. The Forest Service should consider the impacts of human encroachment on wildlife and wildlife habitat, including important wildlife winter range.*

**Response:** The DEIS addressed the issues of habitat fragmentation and loss of habitat connectivity caused by human development in a general way. It described habitat loss and degradation as the leading cause of species endangerment (p. 3-93). Development in mid and low elevation winter range has had adverse effects on numerous species and has increased the incidence of negative human-animal interactions. This further highlights the value of conserving these remaining relatively undisturbed areas, many of which provide important winter range or supply other essential habitat attributes. All of the action alternatives would have beneficial effects relative to the conservation of biological diversity.

## Species Management And Protection

### *35. This proposed policy does not protect the multiple small tracts of roadless areas that comprise critical connectivity for sensitive species. It should be modified to include areas of 1000 acres or less to protect species from extinction.*

**Response:** The action alternatives would apply to all inventoried roadless areas, regardless of size. As shown in the DEIS (Fig. 3-18, p. 3-61), there are numerous inventoried roadless areas that are less than 1000 acres to which the selected alternative would apply. Further consideration of other small blocks of unroaded areas could take place during forest or grassland plan revisions under the new 36 CFR 219 Planning Regulations that provide direction on evaluating inventoried roadless areas and unroaded areas during plan revisions.

### *36. Wildlife management should take into account the needs of non-game species.*

**Response:** The DEIS acknowledges the importance of inventoried roadless areas in providing important habitat for an array of species including wildlife species that are currently listed as endangered and



threatened under the Endangered Species Act or designated by the Forest Service as sensitive species. Additionally, the impacts of roads and their effects on many non-game wildlife species and habitats were discussed throughout the specialist report, *Analysis of Effects to Terrestrial and Aquatic Habitat and Species (May 2000)*, and in the DEIS on pp. 3-70 through 3-92. The DEIS presented a discussion of the potential beneficial effects of the action alternatives relative to the conservation of biological diversity and overall ecosystem health.

**37. *The preferred alternative should do more to protect species and their habitats.***

**Response:** The degree of protection provided to species and to specific habitat types would vary by action alternative. The biological evaluation concluded that none of the action alternatives would be likely to adversely affect listed species, or result in a trend to Federal listing or a loss of viability for sensitive species. All of these alternatives were found to have predominantly beneficial effects, relative to the conservation of species and their habitats.

**38. *Multiple use management should include wildlife and habitat for wildlife.***

**Response:** The purpose and need described in the DEIS for this project (p. 1-1) address the value of inventoried roadless areas in providing habitat for native terrestrial and aquatic species, and in maintaining biological diversity. The prohibition action alternatives would provide important beneficial effects relative to conservation of wildlife species and their habitats.

**39. *The Forest Service should acknowledge that science supports the restoration of habitat as the key to the salmon fisheries recovery.***

**Response:** While the range of alternatives for this proposal addresses the need to prohibit certain activities that could cause the loss of important roadless characteristics and values, the Forest Service also recognizes and supports the value of habitat restoration for recovery of listed salmon. The range of alternatives would provide important conservation benefits for salmon recovery by limiting certain kinds of future disturbance within over 12 million acres of habitat designated as critical for recovery of threatened and endangered Pacific

salmon (DEIS p. 3-80). The biological evaluation for this project found that there would be important beneficial effects to these species. Decisions relative to the need for specific restoration projects to promote species recovery would continue to be made at the project and forest plan levels.

**40. *The Forest Service should not spend conservation dollars in ways that do not help conservation and support legislation efforts regarding conservation.***

**Response:** It is not within the scope of this proposal to determine the best use of funds, nor did the analysis indicate a need for new legislation regarding conservation of roadless areas. A determination of which conservation activities are appropriate within inventoried roadless areas and other NFS lands would be made locally, consistent with other regulations and forest or grassland plan standards and guidelines.

**41. *The Forest Service should avoid focusing on single species management.***

**Response:** This proposal does not focus on single species management, but rather addresses the need to conserve the characteristics and values of roadless areas important for many reasons, including conservation of biological diversity. The purpose and need discussed in Chapter 1 of the DEIS described the values inherent in these areas for conservation of plant and animal communities.

## **Non-Native Invasive Species**

**42. *Access is necessary for active management to control invasive weeds and other non-native invasive species.***

**Response:** No prohibitions specific to weed control or control of other non-native invasive species were proposed within any of the alternatives listed in the DEIS. The prohibition of road construction and road reconstruction would not limit the current ability of the agency to manage for the eradication and control of invasive non-native species in inventoried roadless areas. Alternative means of accessing areas targeted for treatment are available. Current means of access into inventoried roadless areas, including existing classified roads, would continue to be available, unless local decisions are made in the future that modify that access.

The DEIS included citations of scientific studies detailing the adverse effects of roads in serving as points of entry for non-native plants and other non-native invasive species. These citations were located on pp. 3-88 through 3-89 within the DEIS as well as the specialist report, *Analysis of the Effects to Terrestrial and Aquatic Habitat and Species (May 2000)*, on pp. 37 through 39. This discussion has been expanded in the FEIS.

**43. Roadless areas help prevent the intrusion of invasive plant and other non-native species.**

**Response:** The DEIS (pp. 3-88 through 3-97) described the role that roads frequently play in providing avenues for introduction of non-native invasive plants and other species. Such introductions can undermine native plant diversity, reduce overall site productivity of plant species used by wildlife, alter fire regimes, and have other adverse ecological effects. Once introduced into an area, many of these invasive species are often difficult or impossible to eradicate, even when aggressive active management measures are undertaken. This discussion has been expanded in Chapter 3 of the FEIS, under the Terrestrial and Aquatic Plants section.

**44. Roadless areas are not barriers against noxious weeds; noxious weeds occur naturally.**

**Response:** Although the DEIS (pp. 3-88 through 3-97) discussed the role that roads frequently play in providing a means of entry for non-native invasive species into an area, it was not our intent to imply that they serve as the sole means of such introductions. For example, some non-native invasive plant species can be spread by animals, or transported by wind or water. While there are no means to control most of these other avenues of introduction, prohibiting new road construction would limit future opportunities for the introduction and establishment of many invasive species into these areas.

**45. The Forest Service should make combating non-native species a priority, and should provide funding for noxious weed control.**

**Response:** One of the important benefits of prohibiting additional road construction in inventoried roadless areas, as described in the DEIS pp. 3-88 through 3-97, would be maintaining the

current resistance of an area to the introduction and establishment of non-native invasive species. Management actions needed to control the spread of non-native species would continue to be addressed locally in forest and grassland plan and project-level decisions, using site and species-specific information to identify appropriate measures. The Forest Service recognizes the importance of prevention and control efforts and fully supports actions needed to implement Executive Order 13112 on Invasive Species. Necessary funding needed for such actions would continue to be identified as part of the normal budget development process.

## Habitat Analysis

**46. An analysis of the impact of each alternative on habitat should be included in the EIS, including an analysis of the impacts on big game winter range.**

**Response:** The DEIS analyzed the effects of each alternative on terrestrial and aquatic habitat, particularly on pp. 3-69 through 3-97. A discussion of potential effects to some big game species was included in the specialist report, *Analysis of Effects to Terrestrial and Aquatic Habitat and Species, (May 2000)*, on pp. 17 through 21. Additional discussion relative to the potential effects of the alternatives on big game and other game species has been included in the FEIS, in Chapter 3, under the section on terrestrial habitat and species.

**47. Roadless areas do not constitute the type of habitat the Canada lynx needs. The Forest Service should allow managed roads and logging in order to provide snowshoe hare habitat necessary to ensure lynx survival.**

**Response:** The inventoried roadless areas analyzed in the DEIS reflect many different ecosystem types and seral stages. Specifically, within the range of the Canada lynx, these inventoried roadless areas contain a number of habitat attributes that are important to the continued persistence of this species, including habitat for prey species. The DEIS cited several scientific studies detailing the direct and indirect effects of roads on the Canada lynx. These citations were on pp. 3-70 and 3-72 of the DEIS as well as the specialist report, *Analysis of the Effects to Terrestrial and Aquatic Habitat and Species (May 2000)*, on pp. 11 and 13. In compliance with the Endangered Species Act, the agency will adhere to the consultation requirements for future activities within

these areas, as well as incorporate as appropriate the conservation measures outlined within the Canada Lynx Conservation Agreement and the Conservation Strategy and Assessment.

**48. *The Forest Service should consider plant and animals go through cycles of creation and extinction naturally, not because roadless areas are preserved.***

**Response:** While it is correct to state that evolution and extinction are natural processes, there is substantial scientific evidence that indicates that the rate of extinction has been significantly increased as a result of human-caused habitat degradation and loss. The DEIS described this on pp. 3-92 through 3-93, stating that the current rate of extinction is about 400 times that of recent geologic time, and is increasing. With over 1000 species currently listed as threatened or endangered in the United States, along with almost 3000 additional species identified as sensitive by the Forest Service due to concerns about their continued viability, conservation of inventoried roadless areas is important, as described in the DEIS in Chapter 1 under the purpose and need. The analysis in Chapter 3 documented the substantial number of threatened, endangered, and sensitive species that use habitat within inventoried roadless areas, and demonstrated the value of these areas as biological strongholds, and refuges.

**49. *The Forest Service should not include elk as an example of species heavily dependent on large tracts of roadless areas.***

**Response:** The DEIS cited several studies detailing the adverse effects of roads and open road density on habitat use by elk (for example, pp. 3-70 and 3-72). It described elk as one species that does well in undeveloped areas, and for which large blocks of unroaded areas could provide important security habitat. Elk are not heavily dependent on large tracts of roadless areas, but they do exhibit road avoidance behavior. Further discussion of the effects of the alternatives on elk and other big game species has been included in Chapter 3 of the FEIS.

**50. *The Forest Service should address the effects of road induced habitat fragmentation on grizzly bears, wolves, elk, and other species.***

**Response:** The DEIS addressed the effects of road-induced habitat fragmentation on terrestrial species

on pp. 3-69 through 3-78. Although it was not our intent to do a comprehensive, species-specific analysis, current scientific references summarizing the effects of roads on grizzly bear, wolf, elk, and numerous other species were cited to illustrate key findings (for example, p. 3-70). Further discussion of fragmentation was included in the DEIS on pp. 3-56 through 3-59.

**51. *The Forest Service should avoid using grizzly bear recovery potential as a measure of effects of the proposed rule on fragmentation.***

**Response:** The discussions in the DEIS of the potential effects of the range of alternatives for this proposal relative to fragmentation of grizzly bear and snail habitats were only two of the many examples given in the DEIS on the effects of roads relative to habitat fragmentation. Since habitat fragmentation for a wide-ranging species is much different from that for a narrowly distributed and less mobile species, the question of whether an area is fragmented depends on which species' habitat is being analyzed. For example, what represents habitat fragmentation for a snail species is quite different from that affecting the grizzly bear. Habitat fragmentation was discussed for other species in the DEIS, including fisher, marten, lynx, some neotropical migratory bird species, gray fox, spotted owl, pileated woodpecker, and trillium, a common understory plant species. The statement in the DEIS concerning grizzly bear recovery potential has been removed from the FEIS to avoid confusion, as it was meant to be a qualitative statement about the value of roadless areas as grizzly bear habitat, and not a quantitative measure of recovery potential.

**52. *The Forest Service should clarify discrepancies regarding the number of recovery projects for threatened and endangered species.***

**Response:** As part of the analysis for the DEIS, the national forests and grasslands were asked to provide a list of the projects planned within the next five years for recovery of threatened or endangered species that would require road construction within inventoried roadless areas. Only one such project was identified. The objective in acquiring this information was to determine whether there would be potential adverse effects to listed species from a prohibition on road construction within these areas. The conclusion was not related to the total amount of recovery projects occurring within inventoried

roadless areas, but rather to how much of that activity would actually require road construction or reconstruction. These data showed that few if any such projects would require road construction. This discussion has been clarified in the FEIS.

**53. *The Forest Service should define threatened, endangered, proposed, and sensitive species and should identify the Counties where these species are found.***

**Response:** Definitions for these terms have been added to the FEIS Glossary. Information on which national forests provide habitat for these species is included as part of the biological evaluation in the list of threatened, endangered, and proposed species. The list can be accessed on the project website, and in the regional sensitive species lists in the project record. For purposes of this analysis, display of County-level occurrence data were not deemed essential.

**54. *The Forest Service should address the Biological Evaluation in the Draft EIS.***

**Response:** A biological evaluation is completed as part of the environmental analysis process, with the findings documented in the decision notice or record of decision. There is no requirement that a biological evaluation be published as part of a DEIS or FEIS. The analysis of the alternatives in the DEIS for threatened, endangered, proposed, and species disclosed the potential effects of each alternative (pp. 3-92 through 3-97). The biological evaluation for this project will be available in the project record, and on the project website. The FEIS includes the findings of the biological evaluation in Chapter 3, under the Threatened, Endangered, Proposed and Sensitive Species section.

**55. *The Draft EIS should include an analysis of wildlife implications for early successional species.***

**Response:** A discussion of the potential effects of the range of alternatives for this proposal on early successional species was included in the DEIS, on pp. 3-73 through 3-76. Additional discussion relative to early successional species has been included in the FEIS.

**56. *The Forest Service should demonstrate the connection between poaching and road access.***

**Response:** The DEIS (p. 3-73, 3-78) cited multiple recent scientific references supporting the relationship between road access and poaching. Additional studies are cited in the FEIS that also support this connection. The analysis did not attempt to gauge the potential magnitude or significance of adverse effects related to this particular issue. Rather, it listed poaching and illegal take or collection as one of many potential indirect effects of roads that cumulatively may have adverse effects on game and non-game terrestrial and aquatic animals and plants and their habitats.

**57. *The Forest Service should provide information on the magnitude of illegal introduction and harvest of fish species.***

**Response:** The DEIS (p. 3-78) cited recent scientific references supporting the relationship between road access and illegal introduction and harvest of fish. The analysis did not attempt to gauge the potential magnitude or significance of adverse effects related to this particular issue. Rather, it was included as one of many potential indirect effects of roads that cumulatively may have adverse effects on game and non-game aquatic species and their habitats.

**58. *The Forest Service should recognize the importance of forests as the principal habitat for pollinators.***

**Response:** NFS lands do provide habitat for numerous species important in the pollination of agricultural crops. The DEIS did not include a discussion of this functional group as there was no clear relationship between the range of alternatives and this group as a whole, which includes a wide variety of species ranging from insects and birds to mammals. There would be potential benefits to many pollinator species from the range of alternatives for this proposal, given the potential for conservation of important habitat attributes, and maintenance of resistance to establishment of invasive species. Some of these species are addressed in the biological evaluation since they are Forest Service designated sensitive species or are listed as threatened or endangered under the Endangered Species Act.

## **OHV Impacts**

**59. *There is no valid evidence that wildlife is negatively affected by motorized recreation. Some***

***species may benefit from using trails created by snowmobiles in winter.***

**Response:** An analysis specific to the potential adverse or beneficial effects of OHV use or other motorized recreation activities on wildlife was not included in the DEIS or FEIS, because none of the alternatives analyzed would directly preclude such activities. In the development of alternatives, the prohibition of activities in inventoried roadless areas such as use of snowmobiles and OHVs was considered (DEIS p. 2-18), but was eliminated from detailed study because adequate data on such uses are not available nationally. Decisions regarding such uses, therefore, are better made through local planning processes. These types of motorized recreation activities would continue in inventoried roadless areas if allowed by the forest and grassland plans.

The DEIS (pp. 3-70 through 3-73) did discuss the general adverse effects of human disturbance on wildlife. With an expected increase in roaded access into these areas under the no action alternative, a corresponding increase in human disturbance would be expected. The potential for harassment, disruption, and increased access for poaching of some species would be expected to increase with additional access. Further detailed information on the effects of roads on wildlife and wildlife habitat is located on pp. 10 through 14 of the specialist report, *Analysis of Effects to Terrestrial and Aquatic Habitat and Species (May 2000)*.

***60. The Forest Service should address the spread of invasive weeds caused by OHVs.***

**Response:** An analysis specific to the effects of OHV use on the spread of non-native invasive plants was not included in the DEIS or FEIS, because none of the alternatives analyzed included a prohibition on OHV use in inventoried roadless areas. In the development of alternatives, the prohibition of motorized activities in inventoried roadless areas such as use of snowmobiles and OHVs was considered (DEIS p. 2-18), but eliminated from detailed study because adequate data on such uses are not available nationally. Decisions regarding OHV use in these areas would continue to be made through local planning processes.

***61. The Forest Service should address the fragmentation of habitat by motorized use.***

**Response:** An analysis specific to the potential effects of OHV use or other motorized use on habitat fragmentation was not included in the DEIS or FEIS, because none of the alternatives analyzed would affect such uses. In the development of alternatives, the prohibition of motorized activities in inventoried roadless areas such as use of snowmobiles and OHVs was considered (DEIS p. 2-18), but was eliminated from detailed study because adequate data on such uses are not available nationally. Decisions regarding such uses would continue to be made through local planning processes. These types of motorized recreation activities would continue in inventoried roadless areas if allowed by the applicable forest and grassland plans.

The DEIS (pp. 3-70 through 3-73) did discuss the general adverse effects of human disturbance on wildlife. With an expected increase in roaded access into these areas under the no action alternative, a corresponding increase in human disturbance, including motorized use dependent on such access, would be expected. The potential for harassment, disruption, and increased access for poaching of some species would be expected to increase with additional access.

## **Requests For Special Designations**

***62. All remaining lands that contain endemic biota and fauna or are critical habitat for native fish and wildlife should be conserved as living laboratories or designated as Wildlife Refuge Areas.***

**Response:** The special designation of NFS lands, for any purpose, is beyond the scope of this DEIS. Land allocations to protect endemic species or critical habitat are done through the forest and grassland planning process. However, the conservation value of many of these areas as biological strongholds was described in the DEIS (Chapter 3) and in the specialist report, *Analysis of Effects to Terrestrial and Aquatic Habitat and Species (May 2000)*. All of the prohibition action alternatives would have important beneficial effects for wildlife.

***63. In addition to roadless and Wilderness areas, the Forest Service should set aside estuaries and wetlands.***

**Response:** The special designation of lands containing estuaries or wetlands or any other specific

habitat, is beyond the scope of the proposed action for the DEIS. While such kinds of land allocations can be done through the forest and grassland planning process, it was not within the scope of this proposal to make such allocations. The purpose and need for action was described in the DEIS (p. 1-10) as two-fold: 1) to immediately stop activities that have the greatest likelihood of degrading desirable characteristics of inventoried roadless areas, and 2) to ensure that ecological and social characteristics of inventoried roadless areas and unroaded areas are identified and evaluated through local forest and grassland planning efforts. The conservation value of unroaded areas, many of which contain wetlands or estuaries, was described in the DEIS and in the specialist report, *Analysis of Effects to Terrestrial and Aquatic Habitat and Species* (May 2000).

## Effects To State And Local Government Agencies

**64. *The proposed rule will limit the ability of State game and fish agencies to perform their responsibilities by increasing the difficulty of accessing many areas. Costs to conduct activities such as fish stocking and population inventories will increase.***

**Response:** None of the alternatives presented in the DEIS would change the current capabilities of State game and fish agencies to perform their responsibilities, or increase the cost of doing so. The range of alternatives for this proposal would not close any existing roads or reduce existing access into inventoried roadless areas. Any decisions relative to management of existing roads within inventoried roadless areas would continue to be made locally, at the forest and grassland plan or project levels. The Roads Policy would provide guidelines to be used in making such decisions. Discussion of the proposed Roads Policy and its relationship to this proposed rule was in the DEIS on pp. 1-16 and 3-240.

**65. *The proposed regulation does not provide any means to insure that the jurisdictional authority of the States with respect to wildlife management is given full consideration.***

**Response:** The proposed rule would not change existing jurisdictional authority of the States with respect to wildlife management, or negate any existing memoranda of understanding, or any other

formal and informal processes currently in place. Nor would it prevent the future development or amendment of such agreements. The Forest Service recognizes the relative responsibilities of the States to manage wildlife populations.

**66. *The Forest Service should address the effects of the proposed rule on local control of non-native invasive plants in roadless areas.***

**Response:** None of the alternatives presented in the DEIS would change the current capabilities of State or local government agencies to implement control programs for non-native invasive plants in inventoried roadless areas, or increase the cost of doing so. The range of alternatives for this proposal would not close any existing roads or reduce existing access into these areas. The DEIS describes the role that roads can perform in the introduction and establishment of many of these species. By implementing a prohibition on additional road construction in these areas, the potential for future introductions may be diminished, helping Federal, State, and local government agencies avoid the increased costs associated with a need to treat new introductions of these species.

## Offsite Impacts

**67. *The DEIS did not analyze the human safety issue related to the potential increase in vehicle/animal collisions along established highways that would result from increases in wildlife populations as a result of this proposal, nor did it address other off-site impacts of expanding wildlife populations.***

**Response:** The DEIS did not project an increase in wildlife populations as a result of any of the alternatives. Potential beneficial effects of the range of alternatives relative to wildlife populations would stem from prohibiting certain future activities that could degrade wildlife habitat. In essence, this proposal could lower the risk of species population declines from road-related impacts related to additional road construction in inventoried roadless areas. It would not, in itself, promote any increases in population size, as it would not address closure or use of existing roads, nor would it provide for habitat restoration or enhancement. Any such actions that could increase the habitat effectiveness of an area and potentially increase the population size of certain wildlife species would continue to be analyzed at the

forest or grassland plan or project level, using area-specific data.

## Other Activities

**68. *The Forest Service should clarify if municipalities and private companies would be required to stop traveling into public lands for gathering massive, irreplaceable quantities of wild seed.***

**Response:** It is not within the scope of this analysis to assess whether collection of wild seed is an appropriate use of public lands. Activities of this type are authorized under special use permits, following the standards and guidelines established in forest and grassland plans, with decisions usually made on a case-by-case basis. Collection of wild seed, or of any other forest or grassland resource from inventoried roadless areas, would have to be implemented using existing means of access, as road construction and reconstruction would be prohibited under all of the prohibition action alternatives.

**69. *The Forest Service should post wildlife signs to make the public aware of when they are in ecologically sensitive areas (for example, nesting birds, baby animals).***

**Response:** Although it was not within the scope of this analysis to identify and address public information and awareness opportunities, the Forest Service supports an active and highly effective conservation education program as part of its overall program for management of these public resources. Identification of specific conservation education needs, such as placement of signs to raise public awareness of ecologically sensitive areas, occurs at the regional and forest levels.

**70. *The Forest Service should ban mining operations in roadless areas to protect sensitive, threatened, and endangered species.***

**Response:** During the development of alternatives for the DEIS, prohibitions on a variety of other activities within inventoried roadless, including mining, were considered. The agency determined that only those uses and activities that are likely to significantly alter landscapes and cause landscape fragmentation on a national scale should be considered for prohibition in this proposal. Mining was not identified as posing the same level of

national risk for adversely affecting roadless areas, compared to road construction and timber harvest, and it is already governed by existing law (DEIS pp. 1-10 through 1-11). A social and economic mitigation measure is being considered which would provide an exception to the prohibition of road construction and reconstruction when needed for permitted mineral leasing activities, if no feasible alternative exists. The impacts of all mining activities, including those that would fall under this exception, would continue to be addressed at the forest and grassland level. Proposals with the potential to affect a threatened or endangered species would be subject to the consultation requirements of the Endangered Species Act.

**71. *The Forest Service should reintroduce grizzly bears and wolves into the lower Rockies and move cattle back to private ranches.***

**Response:** Reintroduction of species listed under the Endangered Species Act, such as the grizzly bear or the wolf, is beyond the scope of this proposal. Such reintroduction efforts on NFS lands are typically led by the U.S. Fish and Wildlife Service, in coordination with the Forest Service, the fish and game agencies from the affected States, and any other agencies with jurisdictional responsibilities.

During the development of alternatives for the DEIS, prohibitions on a variety of other activities within inventoried roadless, including grazing, were considered. The agency determined that only those uses and activities that are likely to significantly alter landscapes and cause landscape fragmentation on a national scale should be considered for prohibition in this proposal. Grazing was not identified as posing the same level of national risk for adversely affecting roadless areas, compared to road construction and timber harvest (DEIS pp. 1-10 through 1-11). The impacts of grazing activities would continue to be addressed as part of forest and grassland plan and allotment management plan development.

**72. *The Forest Service should consider the impacts of cattle on springs, streams, and native grasses.***

**Response:** During the development of alternatives for the DEIS, prohibitions on a variety of other activities within inventoried roadless, including grazing, were considered. The agency determined that only those uses and activities that are likely to significantly alter landscapes and cause landscape

fragmentation on a national scale should be considered for prohibition in the range of alternatives for this proposal. Grazing was not identified as posing the same level of national risk for adversely affecting roadless areas, compared to road construction and timber harvest (DEIS pp. 1-10 through 1-11). The impacts of grazing activities would continue to be addressed as part of forest and grassland plan and allotment management plan development.

**73. *The Forest Service should not pay hunters to kill animals to make the public lands safe for sheep and cows.***

**Response:** The predator damage management program is administered by the Animal and Plant Health Inspection Service, Wildlife Services section, in the Department of Agriculture. The Forest Service does not provide funding for this program.

**74. *The Forest Service should use tools such as controlled burning to aid declining elk herds.***

**Response:** Use of prescribed fire to enhance stand structure and improve forage would continue to be an important tool available for use in inventoried roadless areas under all alternatives, although costs and effectiveness may vary by alternative (DEIS pp. 3-98 through 3-107). With a prohibition on road construction, other means of access may need to be used. However, as roads have rarely been constructed on NFS lands for implementation of prescribed fire projects, such projects would likely proceed without road construction regardless of the alternative selected.

## Other Concerns

**75. *The Forest Service should address the relationship of the proposed rule with the proposed forest/wildlife grid.***

**Response:** The Forest Service is not aware of a proposal for a nationwide forest/wildlife grid. At this time, the Forest Service has two proposed rules being analyzed – one that addresses the Forest Service Roads Policy, and this one which addresses roadless area conservation. The cumulative effects of these rules were addressed in the DEIS, pp. 3-240 through 3-242, and have been expanded upon in the FEIS.

**76. *The proposed rule should ensure protection for the Chugach National Forest including the Copper River Delta.***

**Response:** As described in the DEIS and FEIS, this proposal would apply to inventoried roadless areas located within the Chugach National Forest. Regardless of which alternative is selected, additional measures needed to protect the Copper River Delta area could be identified during forest plan revision or area-specific project planning.

*End of Terrestrial and Aquatic Habitat Section*



## 14. TIMBER

Amount and Location of Harvest .....	173
Harvest Methods.....	174
Stewardship and Restoration .....	175
Forest Health .....	176
Economics .....	177
Forest Products .....	178
Road Construction.....	178
Site-Specific Concerns .....	179
Management Decisions & Direction .....	179
Public, Private Collaboration .....	180
Data and Analysis.....	181
Other Concerns .....	183

### Amount and Location of Harvest

- 1. Do not allow old-growth forest to be harvested;*
- 2. The Forest Service should allow logging in roaded areas but restrict logging of “older growth”;*
- 3. The Forest Service should call off all planned or to-be-planned logging operations in roadless and unroaded areas pending revision of forest plans;*
- 4. A replanted forest is not the same as a natural forest. The Forest Service should preserve the few remaining natural forests; and*
- 5. Management actions such as road construction and timber harvest are not needed to improve forest conditions.*

**Response:** The DEIS prohibition Alternative 4 (DEIS p. 2-6) was developed to analyze the effects of prohibiting timber harvest in inventoried roadless areas. This alternative prohibits all timber harvest as well as road construction and reconstruction within inventoried roadless areas. In the FEIS, a mitigation has been added to this alternative to allow harvest if needed for threatened or endangered species habitat conservation.

The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Whether timber should be harvested outside of inventoried roadless areas is beyond the scope of the decision as it was described in Chapter 1.

*6. The Forest Service should allow logging and other forest management in roadless areas as long as permanent roads are not constructed; and*

*7. The Forest Service should consider decreasing the percentage of roadless areas where logging is allowed.*

**Response:** The DEIS pp. 2-2 through 2-6 and FEIS Chapter 2 analyze a range of prohibitions on timber harvest and road construction within inventoried roadless areas. Alternative 2 prohibits only road construction and reconstruction while permitting timber harvest that is allowed under the current forest plans. Alternative 3 is similar to Alternative 2 except that it allows timber harvest only for stewardship purposes. Alternative 4 prohibits all timber harvest as well as road construction and reconstruction.

The DEIS pp. 3-112 through 3-116 and FEIS Chapter 3 describe a range of timber harvest alternatives that would occur within inventoried roadless areas. During the period between Fiscal Years 2000 and 2005, Alternatives 1 through 4 would allow harvest levels between 1.1 and 0 billion board feet of timber, respectively, from roadless..

*8. The Forest Service should explain how 1.1 billion board feet of timber is slated to be cut in roadless areas between 2000 and 2004 when, in October 1999, President Clinton declared over 40 million acres of roadless forests protected from logging.*

**Response:** President Clinton’s announcement on October 13, 1999, directed the Forest Service “to develop, and propose for public comment, regulations to provide appropriate long-term protection for most or all of these currently inventoried ‘roadless’ areas, and to determine whether such protection is warranted for any smaller ‘roadless’ areas not yet inventoried.” The announcement was not accompanied by any legislation that immediately protected roadless areas. This EIS is the documentation of the analysis, and reflects alternative ways of accomplishing that direction. The approximately 1.1 billion board feet identified is the volume that is planned for offer over the next five years in the no action Alternative 1 (DEIS pp. 3-114 through 3-116). The estimated volume offered for sale over the same period would be 300 million board feet in Alternative 2 and 160

million board feet in Alternative 3. No timber would be offered for sale in Alternative 4.

**9. A prohibition on road building will eliminate timber harvest due to high costs, result in greater epidemics and a lack of funding to replant forests, and change the national forests into national brush fields.**

**Response:** The DEIS analyzed a range of alternatives from Alternative 1 (No Action) that would continue with current forest plan direction, to Alternative 4, which prohibits both road construction and timber harvest in all inventoried roadless areas. Two alternatives (Alternatives 2 and 3) would allow timber harvest, but no road construction. The higher costs of timber harvest under each of these alternatives were addressed in the DEIS on pp. 3-182 through 3-189. The ecological effects of these alternatives were discussed in the DEIS by topic on pp. 3-20 through 3-111. This discussion has been expanded in the FEIS.

**10. The Forest Service should allow timber harvest in roadless areas; timber harvest should be expressly permitted; appropriate harvest methods include even aged management, clear cutting, selective cutting, and helicopter harvest. Reasons for harvest include forest health, wildfire control, wildlife habitat, and economics.**

**Response:** The purpose of this proposal is to protect characteristics of inventoried roadless areas. The purpose and need (DEIS pp. 1-10 through 1-12) explained that timber harvest and road construction are the activities that, on a national scale, have the greatest likelihood of leading to the loss of roadless characteristics in an area. Since timber harvest has historically generated the need for most road construction in inventoried roadless areas, the alternatives (DEIS pp. 2-3 through 2-6) were designed to prohibit road construction first and allow timber harvest in all but one alternative (Alternative 4). Harvest methods and the specific trees to be removed are site-specific decisions based on local conditions.

**11. The Forest Service should consider that there is not enough timber accessible via the existing road system to sustain the forest products industry. Value added industries cannot succeed without a supply of raw material.**

**Response:** The volume of timber anticipated to be offered for sale under each alternative was disclosed in the DEIS pp. 3-112 through 3-116 and 3-182 through 3-186. This estimate was based on volume that would be available with the existing road system. The estimated economic impacts of reduced timber harvest are disclosed in the DEIS pp. 3-186 through 3-189. Effects on community stability associated with changes in timber production from national forests were disclosed in the DEIS pp. 3-208 through 3-215, and in the FEIS Chapter 3 in the sections on Human Uses: Timber Harvest; and Social and Economic Factors: Timber Harvest, and Forest Dependent Communities.

**12. The Forest Service should consider that timber supply under the roadless area rule would be substantially less than the DEIS predicts.**

**Response:** The DEIS recognized that volume sold is historically less than the volume planned in the early stages of each project. The DEIS pp. 3-184 through 3-189 described the process that was used to adjust forest-level data on planned offer from inventoried roadless areas for the next five years to an estimated annual likely harvest, and the effects of that harvest level under each alternative.

## Harvest Methods

**13. The Forest Service's alternatives prohibiting roads, but allowing commercial timbering are uneconomical, less efficient, and devious.**

**14. The Forest Service should not allow helicopter or cable logging because of negative impacts on flora, fauna, and fire in roadless areas.**

**15. A prohibition only on road building will result in deforestation of ancient forests through helicopter logging.**

**Response:** Alternatives 2, 3, and 4 (DEIS pp. 2-2 through 2-6, Chapter 2 of the FEIS) would prohibit road construction and reconstruction in all inventoried roadless areas. Alternative 4 (DEIS p. 2-6, Chapter 2 of the FEIS) would prohibit all timber harvest, road construction, and reconstruction in inventoried roadless areas, including helicopter and cable logging. The effects of implementing the alternatives were described in various resource sections within Chapter 3 of the DEIS.

**16. Even-aged management of any kind should be prohibited in roadless areas.**

**Response:** Many forest types regenerate best and are healthiest under even-aged management. Even-aged management methods, including shelterwood, seed-tree, and clearcut harvests would be used in Alternatives 1, 2, and 3. Clearcutting as a harvest method has decreased from 31% of total harvested acres in 1989 through 10% in 1997 as result of a 1989 Chief's decision. This downward trend is expected to continue, except in Alaska (DEIS p. 3-114). In Alternative 3, timber harvest objectives for stewardship purposes would employ thinnings from below as well as other methods to improve forest health, create desired habitat conditions, and reduce fuels. In some unusual situations clearcutting may be necessary to prevent specific diseases like black stain from reaching epidemic proportions, or to benefit wildlife as when small openings are created to provide browse for elk (FEIS Chapter 3).

**17. Old-growth forests should not be used for pulp production.**

**Response:** Timber products from the National Forests are sold by competitive process to the highest bidder. The products into which the purchasers convert the timber are not normally specified by the sale contracts, but most purchasers will process it to receive the highest economic value to them. This analysis does not authorize any timber harvest within inventoried roadless areas, but instead evaluates whether timber harvest in those areas should be allowed, and for what purpose.

**18. The Forest Service should correct claims of decreased clearcutting in the Draft EIS. Seed tree, shelterwood, and salvage logging are also clearcuts. The Forest Service incorrectly uses terms such as 'group selection' to include small clearcuts of up to five acres in size.**

**Response:** The amount of clearcutting has decreased substantially since 1989 as described in the DEIS p. 3-11 and in the FEIS Chapter 3. Clearcutting is defined as an even-aged cutting method in which the entire standing crop of trees from an area is removed at one time (FSM 2470.5 [2]). This differs from seed tree cutting or shelterwood cutting where some mature trees are retained, either to provide seed for natural regeneration, or to provide shade for tree seedlings. Group selection harvests are small

openings usually less than two tree heights in diameter, and are generally less than two acres in size. Definitions for clearcutting, seedtree cutting, shelterwood, and selection cutting methods are included in the Glossary of the FEIS.

**19. The Forest Service should define the following terms: even-aged management, uneven-aged management, selection cutting, clearcut, shelterwood, and seedtree.**

**Response:** These terms are included in the FEIS Glossary.

## Stewardship and Restoration

**20. The Forest Service should define stewardship.**

**Response:** Stewardship-purpose timber harvest was explained on p. 3-112 of the DEIS, and was defined in the DEIS Glossary on p. G-7. It is generally defined as sales conducted primarily to help achieve desired ecological conditions and/or to attain some non-timber resource objective that requires manipulating the existing vegetation. Stewardship has been clarified in the EIS.

**21. The Forest Service should address restoration of lands affected by the extractive industries.**

**Response:** Timber harvest, mining, and other ground disturbing actions are subject to analysis and approval under the National Environmental Policy Act (NEPA), and must comply with other environmental laws including the National Forest Management Act (NFMA). Best Management Practices (BMPs), regulations, Plans of Operations, contracts, and inspections are used to implement those decisions and regulate commercial practices. These regulations and procedures provide for restoration following ground disturbing activities.

The DEIS recognized that some public input received on this project would like an emphasis placed on restoration activities (p. 3-191). The DEIS (p. 3-200) also stated that current proposed budget requests emphasize watershed protection and restoration as part of the Natural Resource Agenda. Alternatives 1 through 4 would all reflect the Natural Resource Agenda priorities, but the restriction on road construction in Alternatives 2 through 4 could result in a reduced likelihood of restoration treatments occurring and increased costs of treatment

when undertaken (p. 3-200). Alternative 4 would further reduce restoration activities by prohibiting the management tool of timber harvest.

**22. *The proposed rule should exclude all timber harvest activities, whether for “commercial thinning”, “salvage”, “forest health prescription”, or any other reason. “Forest health” or “stewardship” should not be used as an excuse for harvesting.***

**Response:** Timber harvest and other forestry practices are important tools to achieve ecological objectives such as reducing the spread of insects and disease, reducing forest fuel accumulations, reducing wildfire risk, and improving wildlife habitat.

Alternatives 1, 2, and 3 would allow for timber harvest and other mechanical treatment to continue to be used within inventoried roadless areas, as discussed in the DEIS (pp. 2-4 and 2-5). Alternative 4 would not allow any timber harvest or road construction activities. More information about the effects of forestry practices from implementing the proposed action or the alternatives were in the Forest Health (pp. 3-97 through 3-109) and Timber Harvest (pp. 3-112 through 3-116) sections of DEIS Chapter 3.

As described in the FEIS Chapter 2, description of alternatives, stewardship harvest would be done only where it maintains or improves roadless characteristics, and also improves threatened, endangered, proposed, or sensitive species habitat, reduces risk of unnaturally intense fire, or restores ecological structure, function, processes, and composition.

**23. *The Forest Service should only allow stewardship logging within roadless areas.***

**Response:** The DEIS pp. 2-1 through 2-4 and Chapter 2 of the FEIS describe Alternative 3, in which only stewardship-purpose harvest is allowed.

**24. *The Forest Service should disclose the mix of stewardship and commodity timber harvesting.***

**Response:** The DEIS pp. 2-1 through 2-4 and Chapter 2 of the FEIS describe historical and expected mixes of stewardship and commodity timber harvesting. Only stewardship harvest sales

would be allowed within roadless areas in Alternative 3.

## Forest Health

**25. *Forest health requires an increase in forestry activity. The Forest Service should analyze the risks of insects and diseases within roadless areas and should salvage areas with trees killed by insects or diseases.***

**Response:** Timber harvest and other forestry practices are important tools that allow national forest managers to achieve ecological objectives such as reducing the spread of insects and disease, reducing forest fuel accumulations, and improving wildlife habitat. Alternatives 1, 2, and 3 would allow for timber harvest and other mechanical treatment to continue to be used within inventoried roadless areas, as discussed on pp. 2-4 and 2-5 of the DEIS. Information about the effects of forestry practices from implementing the proposed action or the alternatives was described in the Forest Health (pp. 3-97 through 3-109) and Timber Harvest (pp. 3-112 through 3-116) sections of DEIS Chapter 3.

**26. *The Forest Service should not use insect control as an excuse to allow logging.***

**Response:** Timber harvest is a tool that can be used to reduce the spread of some insects and diseases, and to recover usable wood after the trees have been killed by these agents. Approximately 7 million acres within national forest inventoried roadless areas are currently at high risk of tree mortality where more than 25% of the trees are expected to die from insect or disease impact over the next 15 years (DEIS pp. 3-107 through 3-109). This is similar to the levels of insect and disease mortality on NFS lands outside of inventoried roadless areas. Alternatives 1 and 2 allow timber harvest as guided by current forest plans. Alternative 3 (DEIS p. 2-5) focuses on stewardship activities designed to promote forest health. Some of the health factors that stewardship harvests attempt to treat are fire susceptibility, forested species mix, and insects or disease.

**27. *The Forest Service should make forest health its top priority and leave politicians out of the process.***

**Response:** The Natural Resource Agenda for the Forest Service, announced in 1998, focuses on four key areas: 1) watershed health and restoration, 2)

sustainable forest ecosystem management (forest health), 3) forest roads, and 4) recreation. The purpose of this roadless area conservation analysis is to address road construction and timber harvest within inventoried roadless areas.

The purpose and need for the Forest Service Roadless Area Conservation EIS was disclosed in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Forest health as a policy or priority for the National Forest System is beyond the scope of this roadless area analysis.

**28. *Performing proven forestry activities to control insect and disease infestation requires a network of roads. Forest health conditions are severe and should be addressed before the value of the wood is compromised by injury, insects, or stained by fungus. Timber should be harvested rather than letting it burn or be destroyed by insects and disease.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Forest health issues associated with insects and diseases were discussed in the DEIS, pp. 3-12, 3-97 through 3-98, 3-107 through 3-111, and in Chapter 3 of the FEIS. Alternatives 1 through 3 allow the harvest of dead and dying timber in inventoried roadless areas where currently permitted by forest plans. The effects of the prohibitions on road construction and timber harvest in Alternatives 2 through 4 are described in the DEIS and FEIS. It is acknowledged in the DEIS on pp. 3-108 through 3-109 that fewer acres of forest can be treated under Alternatives 2 through 4 to accomplish forest health objectives than would be the case in Alternative 1. Page 3-107 of the DEIS acknowledged the severity of insect and disease risks in forestlands across the country.

## Economics

**29. *The Forest Service should address the effect this Proposed Rule will have on non-Federal lands.***

**Response:** The DEIS (p. 3-114) noted that the reduction in national forest timber harvest volumes from 1987 through 1999 was offset by an increase in harvest on private lands and timber imports primarily from Canada. The total affected volume from any of the alternatives is less than 0.5% of total U.S. production. There may be some substitution of

timber volume from imports and private land ownerships, but the effect will be small (DEIS p. 3-189).

The DEIS (p. 3-109) also discussed that higher costs to harvest timber without road construction may lead to fewer acres being treated, and it stated that insect or disease problems may move from national forest to private land.

**30. *Reducing timber harvest in the U.S. will shift demand to other countries which have fewer environmental protections.***

**Response:** Most of the timber and other forest products imported into the United States today come from Canada and are subject to Canadian environmental protection laws. The timber harvest volume affected by Alternatives 2 through 4 is less than 0.5% of total U.S. production (DEIS p. 3-189 and Chapter 3 of the FEIS). There is likely to be some substitution of timber from private or foreign lands (DEIS p. 3-243, FEIS Chapter 3) from implementing the proposed rule, but the overall effect on imports will be small.

**31. *The proposed action would not furnish a continuous supply of timber for the use of U.S. citizens. Logging levels would not change because timber harvest targets would force harvest into other areas of the national forests.***

**Response:** The Forest Service is likely to continue offering an annual timber sale program in the range of 3.0 through 4.0 billion board feet in the coming years. The timber volume reductions harvested under Alternatives 1, 2, and 3 between fiscal years 2000 and 2005 were projected in the DEIS pp. 3-113 through 3-114, and in the FEIS Chapter 3. In recent years, an average of 3.3 billion board feet of timber were offered for sale. Alternative 4 would result in a reduction of about 7% in the amount of volume offered for sale. This proposal would not affect timber consumption within the United States and represents less than 0.5% of total demand. It may result in some substitution of timber from other ownerships or from imports (DEIS p. 3-189). Volume harvested from other parts of the national forests will not be increased to compensate for reductions associated with implementing Alternatives 2, 3, or 4.

**32. *Technological advancements can account for loss of jobs in the timber industry.***

**Response:** Technological change has resulted in the loss of jobs within the timber industry. Timber harvest from Federal lands has also declined. Job loss can result from either source, or a combination of them. Alternatives 2 through 4 would each result in a different reduction of timber harvest from within inventoried roadless areas.

**33. *Prohibiting timber harvest in roadless areas would have a negligible impact on the Federal budget, a very small effect on Forest Service harvest levels, and a miniscule impact on total U.S. timber production.***

**Response:** The effects of each alternative on timber harvest volumes and Federal revenues were disclosed in the DEIS pp. 3-184 through 3-188, and updated in Chapter 3 of the FEIS.

## Forest Products

**34. *The Forest Service should clarify whether Alternative 4 would allow timber harvest of “dead and down” trees and the limitations on firewood cutting.***

**Response:** The DEIS (p. 2-6) stated that personal use harvest for firewood is allowed under all alternatives, if permitted locally. Limitations on personal-use firewood, including whether dead and down wood can be cut, are established locally at the national forest or district level.

**35. *The Forest Service should address the effects of the proposed rule on the demand for miscellaneous forest products and the dependence of rural communities on these products.***

**Response:** The DEIS (pp. 3-179 through 3-181) discussed Non-Timber Forest Products and the effects of Alternatives 1 through 4. Some forest product availability (such as some firewood or posts and poles) is also linked to timber harvest activities which were discussed in the DEIS on pp. 3-112 through 3-116. The economic effect of the prohibitions on road construction and reconstruction and timber harvest on forest-dependent communities over the next five years was described in the DEIS on pp. 3-209 through 3-222. These sections have been updated in Chapter 3 of the FEIS.

## Road Construction

**36. *Timber production should be permitted on a managed basis to clear away excessive growth to reduce wildfire risk in roadless areas. If roads need to be constructed to permit periodic harvest of timber, then allow it, provided roadbeds are removed after harvest.***

**Response:** Timber harvest and mechanical treatment of fuels within roadless areas would be permitted in Alternatives 1 (No Action), 2, and 3 as described in the DEIS, pp. 2-4 through 2-5, and in Chapter 2 of the FEIS. Some types of mechanical fuel treatments would be allowed in Alternative 4. However due to limited access, only relatively insignificant numbers of acres immediately adjacent to existing roads would be economical to treat (DEIS pp. 3-98 through 3-107 and FEIS Chapter 3). Removal of roadbeds through obliteration would not restore the land or vegetation to its pre-existing condition. The effects of roads on mass wasting, hydrology, wildlife, plants, and soils were described in Chapter 3 of the DEIS.

**37. *Costs of helicopter logging in a roadless area would be cheaper than costs of road construction and costs of maintaining roads for improved firefighting access.***

**Response:** Helicopter logging is permitted within Alternatives 1, 2, and 3; no timber harvest is permitted under Alternative 4. DEIS pp. 3-112 through 3-116 provided more information about timber harvest allowed under each alternative. As stated in these pages, the economics of timber harvest with a helicopter depend on many factors, such as timber value, terrain, and distance to an existing road. Helicopter yarding in the Pacific Northwest costs three to five times more than ground based yarding systems. Helicopter yarding is generally not feasible at distances more than a half mile from the nearest road. A site-specific analysis would be required to determine the best economic solution for any given proposal and area.

**38. *The final rule should specify that salvage logging either before or after natural disturbances, is prohibited in roadless areas to prevent abuse of the “catastrophic events” exception.***

**Response:** The DEIS prohibition Alternative 4 (DEIS p. 2-6) was developed to analyze the effects of prohibiting timber harvest in inventoried roadless areas. This alternative prohibits all timber harvest as well as road construction and reconstruction within inventoried roadless areas.

Road construction or reconstruction in inventoried roadless areas could be allowed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property. Salvage harvest would not qualify as an imminent threat allowing exception from the prohibition on road construction under this or under any of the other exceptions to the prohibitions shown in the DEIS on p. 2-4.

## Site-Specific Concerns

**39. *The Forest Service should keep its promise to Minnesota residents regarding timber cutting outside the BWCA.***

**Response:** The Boundary Waters Canoe Area (BWCA) Wilderness Act of 1978 directed the Forest Service to: “expedite the intensification of resource management... in Minnesota outside the Wilderness to offset, to the extent feasible, the reduction in the programmed allowable timber harvest resulting from the reclassification of the Boundary Waters area” (Section 6(c)(1)).

The Chippewa National Forest has no inventoried roadless areas affected by this proposal. The Superior National Forest has approximately 62,000 acres of inventoried roadless areas. Approximately 18,500 of those acres (less than 1% of the forest land base) are available for timber harvest under the current forest plan. Alternatives 1, 2, and 3 would not prohibit timber harvest, although it’s likely that cost increases to remove timber from more remote areas without roads would result in less volume being harvested in Alternatives 2 and 3. Alternative 1 (no action) would not result in any reduction in harvest volume offered from inventoried roadless areas.

**40. *The Forest Service should address the impacts on timber harvest volumes on the Caribou National Forest.***

**Response:** Timber harvest changes were estimated for each forest that planned timber harvest activities in an inventoried roadless area during the next five years (*Socioeconomic Specialist Report, May 2000*, Section F – Timber, Table F-11 pp. F-18 through F-20). Caribou National Forest personnel estimated that approximately 19 million board feet would be offered for sale from inventoried roadless areas during fiscal years 2000-2004. This analysis calculated that the prohibition of road construction under Alternative 2 would result in an expected annual harvest that is 45% of the no action Alternative 1 on the Caribou NF. In Alternative 3 the expected harvest would be 5% of the no action alternative. Nationally, the expected harvest of Alternative 2 would be 49% of Alternative 1 (excluding the Tongass NF), and Alternative 3 would be 14% of the Alternative 1 level.

**41. *The Forest Service should stop all 90 new Roadless Area logging projects being planned in Idaho.***

**Response:** One of the alternatives analyzed would prohibit all timber harvest in these areas, as well as road construction and reconstruction. The DEIS described this Alternative 4 in Chapter 2, p. 2-6. Alternative 2 (the proposed action) as well as Alternatives 1 and 3 would allow for timber harvest and other mechanical treatment to continue within inventoried roadless areas, as discussed on pp. 2-4 and 2-5 in the DEIS. Decisions approved prior to the effective date of the final rule would not be affected by the prohibitions, as provided by Section 294.14 of the proposed rule in DEIS p. A-28 and explained on p. A-16.

**42. *The Forest Service should ban logging on the Prescott National Forest.***

**Response:** The purpose and need for this action (DEIS pp. 1-10 through 1-12) is to protect characteristics of inventoried roadless areas. The specific management direction for a national forest is decided as part of the forest planning process (36 CFR 219) and is beyond the scope of this analysis.

## Management Decisions & Direction

**43. *No matrix forest should be set aside as unroaded under this proposed rule;***

**44. The Forest Service should allow no net loss of Northwest Forest Plan matrix designated lands; and**

**45. The Forest Service should limit timber harvest to those areas under Matrix or other 'flexible' forest uses such as some Adaptive Management Areas if these areas are not roadless areas under consideration in this proposed rule.**

**Response:** “Matrix forest” is specific to forests within the range of the Northern Spotted Owl and managed under the Northwest Forest Plan. It consists of the Federal lands within the range of the northern spotted owl that are not among six categories of lands designated for special management. Matrix forest occurs in a portion of a number of inventoried roadless areas.

This analysis and rulemaking does not designate any additional roadless areas. The inventoried roadless areas to which the prohibitions would apply are the result of previous inventories and assessments, and are displayed in Volume 2 of the DEIS and FEIS.

Changing land allocations made in the Northwest Forest Plan is beyond the scope of this rulemaking.

**46. Past timber mismanagement should not be used as an excuse for allowing logging in roadless areas.**

**47. The Forest Service should not adopt the proposed rule inasmuch as it is just an excuse for the fact that national forests have failed to meet their own set targets for timber production within existing forest plans.**

**Response:** The purpose and need for the proposed rule identified the benefits of conserving roadless areas as well as the fact that controversy over roadless area management continues to generate costly and time-consuming appeals and litigation (DEIS pp. 1-1 through 1-5, 1-10 through 1-12). The DEIS (pp. 3-112 through 3-114) also described some of the reasons that the volume of timber offered from NFS lands has declined from more than 11 billion board feet (BBF) in 1987 to 2.2 BBF in 1999.

Allowable sale quantity (ASQ) is an upper limit for the plan period. Effects on ASQ include budget, demand, and environmental concerns. As forest plans are revised, ASQ calculations are being

reduced to reflect a change in emphasis for NFS lands.

**48. The Forest Service should analyze and disclose the direct, indirect, and cumulative effects of the suitability of acres of timber production or multiple use in each roadless area, as well as the potential of each roadless area to produce timber and meet existing Allowable Sale Quantities for affected national forests. The Chief's moratorium on timber sales within roadless areas is likely to have had an effect on projected sale volumes during the five year period assessed in the DEIS.**

**Response:** Forest plan revisions completed since 1993 have shown a national trend toward lower timber volume Allowable Sale Quantities (DEIS pp. 3-113 through 3-114, FEIS Chapter 3). This is similar to the overall trend in volume harvested from National Forests, as shown in the DEIS p. 3-187. This trend toward lower ASQ estimates is attributed to the change in management emphases in the roaded and unroaded portions of the national forests. Timber volumes projected to be harvested for each alternative from inventoried roadless areas over the next five years were displayed in the DEIS p. 3-185. A discussion of the acres of land suitable for timber production, and the potential for timber production within roadless areas is included in the FEIS. A discussion of possible effects of the Chief's moratorium on timber sales within inventoried roadless areas on planned volumes for the next five years is also in the FEIS.

**49. The Forest Service should use the terms “scheduled” and “unscheduled” harvest when discussing the alternatives.**

**Response:** Scheduled and unscheduled timber harvest is discussed in the Timber Harvest section of Chapter 3 of the FEIS.

## Public, Private Collaboration

**50. The Forest Service should develop a joint industry-government scheme to allow some road building and harvesting of fallen trees.**

**Response:** Under current direction (described as Alternative 1) road construction is allowed for timber harvest and to salvage dead and wind thrown trees that have merchantable value in some roadless areas (DEIS pp. 3-2, 3-49 through 3-52). Alternatives 2



and 3 would allow timber harvest, but would prohibit road construction. Most road construction and timber harvest on the national forests is performed by private industry under contract.

**51. *The proposed rule should call for responsible forest management that allows for compatible working arrangements between the Forest Service, sportsmen, industry, and the general public.***

**Response:** The Multiple-Use Sustained Yield Act and the National Forest Management Act (NFMA) require that the national forests be managed for a variety of sustainable uses. Forest and grassland plans as developed under NFMA with public participation, establish a mix of uses for each area of the forest or grassland. Each forest or grassland plan also incorporates legislated land allocations (such as Wilderness) and administrative regulations (such as the proposed rule) into the allowed uses. The new Planning Regulations (36 CFR 219) place additional emphasis on collaboration with the public (DEIS pp. 1-14 through 1-15).

While Alternative 2 would prohibit road construction and reconstruction within inventoried roadless areas, Alternative 1 would make no changes to current management direction, and Alternatives 3 and 4 would restrict or prohibit timber harvest within those areas. The management direction for the remainder of each forest would not change until the forest plan is revised or amended. This analysis addresses only inventoried roadless areas. The purpose and need for the Forest Service Roadless Area Conservation EIS is disclosed in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Whether the Forest Service should develop a process for better collaboration with the public is beyond the scope of the decision.

## Data and Analysis

**52. *Data used in the DEIS for timber harvest projections overstates activities planned during the next five years because old and unreliable harvest schedule data were used. The Forest Service should provide the public with an analysis of the reliability of harvest schedule volume estimates. The Forest Service incorrectly used timber volumes harvested in recent years, rather than forest plan projected harvests when it analyzed the effects of implementing the Alternatives displayed in the DEIS. The Forest Service incorrectly used data***

***from existing forest plans to project road construction while using national forest harvest schedule data to project timber harvest for the period FY 2000-2004.***

**Response:** Data used to estimate harvests and roads during the period between FY 2000 and FY 2004 were provided by national forests based upon the most up-to-date and reliable information available as of May 2000. Harvest schedules are prepared and maintained by national forests as a normal part of business operations. Schedules are constantly updated as new information becomes available. The validity of schedules is assured through normal management controls over Forest Service operations.

Litigation, appeals, and continuing controversy over management of public lands in the United States has resulted in several amendments to existing forest plans. Recent decisions such as the President's Northwest Forest Plan (1994) that affected national forests in Regions 5 and 6 have amended forest plans and resulted in substantially reduced ability to meet Allowable Sale Quantity (ASQ) projections. The Probable Sale Quantity, an estimate of the ability to meet the ASQ within the President's Northwest Plan, is about 25% of the volume harvested in the decade prior to implementation (FEMAT p. VI-5). Nine of eleven individual forest plans revised since 1993 nationwide project substantial to very substantial declines in ASQ (DEIS p. 3-113, Table 3-21, FEIS Chapter 3). Many forest plans nationwide are in need of revision to reflect current conditions. Based on this, current harvest schedules are a more appropriate basis to project harvest volumes than ASQ estimates in existing forest plans.

**53. *There is not enough specific information about the content of the forests within the proposed roadless area to make an informed decision.***

**Response:** The purpose and need of this proposal is to protect characteristics of inventoried roadless areas, and to ensure that inventoried roadless areas receive consideration in local forest and grassland planning. In order to analyze the effects of this proposal, the agency has used available information at the appropriate national scale.

Economic and timber harvest effects were determined using information provided by each forest about their projected timber harvest program from inventoried roadless areas over the next five

years. Forests also estimated the effects on that program from a restriction on road construction and reconstruction. The DEIS (pp. 3-184 through 3-185, Table 3-40) used historical data to calculate the likely actual harvest volume from these planning estimates.

**54. The Forest Service should correct discrepancies between Table 2-2 and page 3-76 of the Draft EIS.**

**Response:** The FEIS was revised to correct and clarify timber harvest effects in relation to terrestrial and aquatic habitats.

**54A. The Forest Service should inventory all lands in question into a computer-based modeling system in which all areas are assigned values of use and condition. If the annual agreed upon harvest is beyond that available in currently roaded inventory, a suitable portion of the 43 million roadless acres deemed harvestable would act and be managed as a bank account of surplus harvest, preferably harvested without roads.**

**Response:** Local land managers have access to a variety of computer-based databases and analysis systems, which allow for review of land use and land cover and allow for local planning and management activities. Such data are variable in format, methodology, and precision, and therefore, such site-specific information is not suitable for use in a national rulemaking effort such as this.

Work has been done throughout the entire Forest Service to convert information on its existing land base into a computer-based system. These efforts have resulted in the development of a variety of geospatial data products for agency applications. In addition, the Forest Service is creating a national resource information system that will have analysis and modeling capabilities.

The agency considered but did not analyze in detail an alternative to make all inventoried roadless areas fully available for development.

The rule would not provide for identifying and managing portions of inventoried roadless areas as a “bank account” for surplus harvest, as suggested. Developing such an alternative to incorporate this concept would be outside the rule’s purpose and need, which is to immediately stop activities that

have the greatest likelihood of degrading desirable characteristics of inventoried roadless areas.

**55. The No Action Alternative’s baseline for timber production is for too short a time period, so the analysis is flawed. It is not clear what might be expected after 2004.**

**Response:** The volume of timber expected to be offered for sale over the next five years was displayed in the DEIS at pp. 2-23, 3-10, 3-114 through 3-116, and 3-184 through 3-188. Page 3-188 of the DEIS stated that while the quantified effects of timber offered were for only five years, the harvest may actually occur over a greater period of time, “up to four years after sales are made.” Discussion of the long-term effects is in Chapter 3, Timber Harvest section, of the FEIS.

**56. The Forest Service should take into account in the roadless analysis that the acreage of forested lands nationwide has increased substantially since 1920 when addressing the contribution of roadless areas to national timber harvest levels.**

**Response:** The DEIS disclosed the projected contribution of roadless areas to Forest Service harvest levels, and to the volume of timber harvested on a national basis (pp. 3-182 through 3-188). This discussion is expanded in the FEIS.

**57. The Forest Service should combine the discussions of timber harvest on pp. 3-112 (Human Uses, Timber Harvest) and 3-182 (Social and Economic Factors, Timber Harvest).**

**Response:** The DEIS (pp. 1-16 through 1-17) and the FEIS (Chapter 1) describe the organization of the document. Chapter 3 of each EIS has been written to each appropriate resource under the headings of Ecological Factors, Human Uses, and Social and Economic Factors. Most resource areas are addressed under each of these three main headings.

**58. The Forest Service should use consistent units that clearly communicate effects when addressing fragmentation or other biotic and abiotic impacts (i.e. timber volume harvested vs. numbers of harvested acres).**

**Response:** Consistent units of measure are used in Chapter 3 of the FEIS to display and communicate effects.

**59. *The DEIS should report the cumulative effect of the Roadless Initiative, in combination with other environmental legislation, in regards to limiting timber harvest in the national forests.***

**Response:** The DEIS (pp. 3-239 through 3-242) included sections on the combined effects of the prohibition and Tongass alternatives as well as a section on the cumulative effects of the proposed roadless rule with other Forest Service proposed rules. The other rules considered in the cumulative effects analysis were the proposed National Forest System Land and Resource Management Planning Rule (Planning Regulations), and the proposed National Forest System Road Management and Transportation System Rule (Roads Policy). Two large-scale regional analyses were also discussed: the Sierra Nevada Framework, and the Interior Columbia River Basin Ecosystem Management Project (ICBEMP).

The agency updated the cumulative effects analysis in the FEIS to describe the effects of these and other major regulations, policies, and planning decisions when considered together.

## Other Concerns

### General

**60. *The proposed rule should be better studied and then presented by someone who knows forestry and logging.***

**Response:** The purpose and need for this action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. The list of preparers and contributors for the DEIS was provided in Chapter 4, pp. 4-4 through 4-8, and in Chapter 4 of the FEIS.

**61. *This plan is the result of a ruthless attack by the environmental industry on the validity of forest management. The past is an incredible testimony to the power of forestry, including road building, to serve the nation's economic interests while conserving forest resources.***

**Response:** The purpose and need for the proposed rule was described on pp. 1-10 through 1-12 of the DEIS, and in Chapter 1 of the FEIS. As stated in the DEIS, there is a history of controversy surrounding the management of roadless areas. The Forest

Service has developed a proposed action, and action alternatives, that meet the need to protect values prevalent in roadless areas.

**62. *It is not clear from the DEIS that Alternatives 2 and 3 would allow logging to occur in the absence of roads.***

**Response:** Chapter 2 of the FEIS clarifies the circumstances and locations where timber harvest may occur within roadless areas in the description of alternatives.

### Forest Growth

**63. *The Forest Service should not put out false reports that forests have re-grown when they are hardly replanted. Acres of forested land should be increased.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. The information provided to the public on reforestation is the most current available. The question whether the total acres of forest land has increased or decreased is beyond the scope of the analysis as described in Chapter 1 of the DEIS and FEIS.

**64. *The concept of sustainable logging is a myth.***

**Response:** One of the four key areas of the Forest Service's Natural Resource Agenda is sustainable forest ecosystem management. The basic point of this strategy is that healthy, diverse, and productive watersheds and ecosystems require active management based on sound science. That management will result in the production of water, wildlife habitat, timber, and recreation opportunities. The purpose of the proposal is not to evaluate sustainability, but to prohibit road construction and reconstruction in inventoried roadless areas. The proposal would set prohibitions on road construction and timber harvest in inventoried roadless areas.

**65. *Timber harvest needs can be met by tree plantations rather than harvesting in roadless areas.***

**Response:** Timber harvest in inventoried roadless areas may also improve stand conditions and meet other resource objectives beyond production purposes. The purpose and need for the action was

described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Federal timber harvests are based on the amount that can be sustained over the long term. Reforestation is required by the National Forest Management Act of 1976 where openings are created as a result of timber harvest. Estimates of the Allowable Sale Quantity from national forest lands have declined in most recent forest plan revisions as described in the DEIS, pp. 3-112 through 3-114, and in Chapter 3 of the FEIS. Part of the decline is attributed to the change in management emphasis for roaded and unroaded portions of the national forests.

## Management

**66. *The Forest Service should look to Switzerland for guidelines for managing forest lands. Certain areas should be set aside specifically for timber production by the Forest Service, where they would be managed as tree farms. Within these areas the Forest Service should evaluate logging methods, and employ only sustainable harvesting practices. Alternatives to timber harvest should be used for management.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. The analysis considered but did not analyze in detail alternatives that would make all inventoried roadless areas fully available for development (DEIS Chapter 2). The alternatives would provide for different levels and methods of timber harvest, as determined site-specifically at the local forest level. Timber management practices used throughout the national forest lands, practices employed in other countries, and whether lands should be specifically set aside for timber production are beyond the scope of the decision as described in Chapter 1 of the DEIS and FEIS.

**67. *Skid trails should not be allowed in roadless areas and in the national forests.***

**Response:** Skidding within inventoried roadless areas is permitted as part of Alternatives 1, 2 and 3. Due to extensive public comment during the scoping phase, Alternative 4 was developed to reflect the public issue raised that there should be no timber harvest permitted within inventoried roadless areas. The purpose and need of this analysis (DEIS pp. 1-10 through 1-12) is to address the conservation of inventoried roadless areas. Whether to allow skidding on National Forest System (NFS) lands

outside inventoried roadless areas would be beyond the scope of this proposal.

**68. *Where selective cutting is necessary, it should only be done with horses.***

**Response:** This rule will determine whether road construction and timber harvest are allowed in inventoried roadless areas. Draft horses have been, and will continue to be used successfully in a number of instances on NFS lands to accomplish selective timber harvest where impacts from standard logging machinery are unacceptable. They are not effective, however, on steeper ground where cable or helicopter logging systems can be used to minimize disturbance to the ecosystem. Specific harvest methods are better determined by site-specific project analysis.

**69. *The Forest Service should address the cost/benefits of revegetating, stabilizing, and maintaining logged areas to bring them to maturity more quickly.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. The National Forest Management Act regulations require that the Forest Service ensure reforestation of harvested areas if the remaining trees and any naturally occurring seedlings would be insufficient. Foresters and forestry technicians survey and evaluate harvested areas to make sure that survival and growth rates meet management objectives.

The costs and benefits of revegetating, stabilizing, and maintaining logged areas to bring them to maturity more quickly would be beyond the scope of the decision as described in Chapter 1 of the DEIS and FEIS.

**70. *Large logging corporations do not practice forest stewardship.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Timber harvest and other ground disturbing actions on National Forest System lands are subject to analysis and approval by Forest Service managers under the National Environmental Policy Act (NEPA). Best Management Practices (BMP's), regulations, and contracts are used to

implement those decisions and regulate commercial practices.

**71. *An international committee should be established to certify that timber is harvested in an ecologically sound way; the import of non-certified timber should be prohibited.***

**Response:** The purpose and need for the Forest Service Roadless Area Conservation EIS was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Whether or not timber is harvested in an ecologically sound manner either domestically or on foreign soil would be beyond the scope of the decision.

**72. *The Forest Service should honestly state whether it is managing for tree farms or forests.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. The National Forest System (NFS) was established by the Organic Administration Act, for the purposes of providing favorable water flows and a continuous supply of timber. Additional management direction comes from the National Forest Management Act (NFMA), under which forest plans are prepared. How well the NFS and the forest plans achieve their stated objectives is beyond the scope of the decision.

**73. *The Forest Service should halt logging of any stand of trees 200 years or older and greater than 10 acres.***

**Response:** This suggestion lies beyond the scope of the rulemaking because the proposed rule only addresses activities within inventoried roadless areas. Timber harvest and road construction decisions outside of inventoried roadless areas will be made in the forest and grassland planning process at the local level.

**74. *The Forest Service should restrict logging to trees 8 inches in diameter or less; and***

**75. *The Forest Service should not inhibit new inventive types of harvesting techniques currently available. The effects of alternative treatment methods and strategies should be analyzed.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and

in Chapter 1 of the FEIS. Local Forest Service managers and resource specialists evaluate timber harvesting practices in the context of how well they will meet the forest plan standards and guidelines and the multiple resource objectives for a site-specific landscape or project area.

Alternatives 1, 2, and 3 (DEIS pp. 2-3 through 2-5) of this analysis allow for some level of timber harvest. Alternative 1 places no additional prohibitions on timber harvest beyond those in the applicable forest plan. Alternatives 2 and 3 prohibit road construction and reconstruction, but place no constraints on harvest methods. If harvest techniques that will meet the forest plan standards without constructing roads are, or become available, those techniques could be applied. Decisions to use specific timber harvest methods or techniques outside inventoried roadless areas are made at the local level rather than within the scope of this analysis.

**76. *The Forest Service should contract management of our forests to commercial timber companies and oversee their usage.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Whether or not management of some or all of our national forests is accomplished by contract is beyond the scope of the decision.

**77. *The Forest Service should not subsidize multinational timber companies by shipping harvested trees overseas.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Whether or not future exports of logs from National Forest System lands should be allowed is beyond the scope of this analysis.

## **Timber Sales**

**78. *The Forest Service should discontinue giving individual private timber and land companies timber credits.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Fiduciary management of

funds associated with timber sales is beyond the scope of the decision.

**79. *The Forest Service should increase fees for tree harvesting in National Forests.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Forest Service timber sales are appraised according to established procedures, which use the appraisal as the minimum acceptable bid, and sell to the highest bidder at public auction. As the number of bidders increases or decreases, prices for timber vary accordingly. The selling prices for Forest Service timber and the process used to determine them are beyond the scope of the decision.

## Funding

**80. *The Forest Service should dissolve the link between agency funding and timber harvest.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. The agency and timber harvest funding mechanisms are outside the scope of the proposal identified in Chapter 1 of the DEIS and FEIS.

**81. *The Forest Service should establish a Federal fund for seeding trees to promote sustainable timber harvest.***

**82. *The Forest Service should revise funding by repealing the Knutson-Vandenburg Act of 1930.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Federal funding for reforestation is presently through the Reforestation Trust Fund which is from tariffs on imports, from timber sale receipts collected by the Knutson-Vandenburg Act, and from funds appropriated annually by Congress for the purpose of reforesting areas though seeding, planting, or other methods that are denuded of trees because of harvesting or wildfire. Funding sources for reforestation are beyond the scope of the decision.

**83. *The Forest Service should establish funding for personnel to enforce timber harvesting regulations; and***

**84. *If timber companies are to receive subsidies, they should go through the official process of governmental review and oversight and should not receive subsidies from the Forest Service.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Funding for timber sales, administration and road design is appropriated by Congress each year. Some funds are also made available from the Salvage Sale Trust Fund established by Congress. Salvage Sale Trust Funds are collected from purchasers of Federal timber, and held for the purpose of planning and administering Forest Service timber sales. Roads are constructed, reconstructed, and maintained by timber sale purchasers when they are needed to remove logs they harvest. Funds appropriated or authorized by Congress are reviewed annually during the appropriation process. Funding processes for timber sale road design, construction and administration are beyond the scope of the decision.

## Insects, Diseases, and Forest Health

**85. *Importing forest products will result in the release of forest pests.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Forest health issues associated with insects and diseases were discussed in the DEIS, pp. 3-12, 3-97 through 3-98, 3-107 through 3-111. Forest health issues are also discussed in Chapter 3 of the FEIS. Whether imported forest products would increase the number of exotic pests within U.S. forests is uncertain due to multiple variables, but because any increase in imports would be slight, the potential risk of increased insect pests would also be slight. See also Response 30.

**86. *The Forest Service should reconsider the use of Bt spray on Tussock moth because it kills other insects.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Forest health issues associated with insects and diseases were discussed in the DEIS, pp. 3-12, 3-97 through 3-98, and 3-107 through 3-111. Forest health issues are also discussed in Chapter 3 of the FEIS. Whether or not a

specific insecticide is used to suppress Douglas-fir tussock moth within U.S. forests is beyond the scope of the analysis.

**87. *The Forest Service should allow roads to help kill goose berries which spread blister rust.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Forest health issues associated with insects and diseases were discussed in the DEIS, pp. 3-12, and 3-97 through 3-98, and 3-107 through 3-111. Forest health issues are also discussed in Chapter 3 of the FEIS. Gooseberry eradication was widely attempted during the 1930's through the 1950's in an effort to contain white pine blister rust. The practice was found to be ineffective. Specific methods employed to suppress insects or diseases that may occur across forested landscapes are beyond the scope of the decision.

**Private Lands**

**88. *For every acre harvested the harvester should replant both the harvested area and an additional acre on public or private land.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. As disclosed in the DEIS p. 3-112 and in Chapter 3 of the FEIS, the volume of timber has been steadily increasing on all forest lands since at least the mid 20<sup>th</sup> Century. The proposed action addresses only management of national forest lands. Management of private lands, and whether or not additional planting of national forest lands is either needed or desirable is beyond the scope of the decision.

**89. *The government should not be in competition for timber with private individuals.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Management of private lands, and whether or not additional timber harvested from national forest lands competes in any way with timber sold by private individuals is beyond the scope of the decision.

**Reforestation**

**90. *Reforestation should be carried out with more than one species of tree.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. As disclosed in the DEIS p. 3-172 and in Chapter 3 of the FEIS, species composition of areas planted after timber harvest or wildfire is similar to that which would be expected in naturally regenerated forests. The species composition of planted forests is beyond the scope of the decision.

**Forest Products**

**91. *The use of wood alternatives including hemp, henna, soybeans, pumice-crete and steel, should be encouraged and overall consumption cut back.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Demand for wood products was disclosed in the DEIS pp. 3-182 through 3-191 in the FEIS Chapter 3. Encouraging the use of wood products alternatives is beyond the scope of the decision.

**92. *The Forest Service should address the effective use of harvester/forwarders.***

**Response:** Most decisions on the appropriate categories of equipment used for harvesting timber is made on a site-specific basis by local District Rangers and Forest Supervisors. Capability of individual logging systems, and the extent that individual systems are used or not used is not within the scope of the decision.

**Suitability**

**93. *The law should clearly state that if the trees can't be replaced within 25 to 30 years maximum, then they should not be cut or considered a legitimate harvest.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. The National Forest Management Act of 1976 requires that where timber

harvest occurs with a commodity purpose, that areas cut must be capable of being reforested within five years. Consideration of any legal changes to the period during which reforestation must occur following harvest would be outside of the scope of the analysis.

## Heritage Resources

**94. *The Forest Service should encourage the preservation and reuse of old buildings and allow for green spaces in cities.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. The preservation of old buildings and specific land use regulations that govern private lands in and near cities are beyond the scope of the decision.

## Recycling

**95. *The Forest Service should subsidize recycling not paper making.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Whether or not the Forest Service should subsidize recycling of paper, and whether or not existing laws under which the Forest Service operations should be amended to allow the Forest Service to do this is beyond the scope of the decision.

## Roads

**96. *The beneficiaries of timber harvests should shoulder the major cost of road construction and reconstruction; and***

**97. *The Forest Service should allow logging and resort activities with the stipulation that these private companies have to maintain the roads, trails, and campgrounds.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. In most cases private companies who purchase Forest Service timber are required to construct as well as maintain roads they use to remove any timber they purchase. Most roads and many trails on the national forests were built by

companies that purchased Forest Service timber sales. Maintenance of trails and campgrounds is accomplished with appropriated funds, with funds collected from users of those facilities, or by volunteers. Funding and maintenance for roads, trails, and campgrounds is beyond the scope of the decision.

**98. *Roads associated with timber harvest projects should be built to minimum standards, restored to natural conditions upon completion of the project, and paid for by the timber purchaser.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Road construction standards are designed to minimize or prevent unacceptable resource impacts. New and reconstructed roads are designed to meet or exceed minimum standards. Purchasers of Forest Service timber pay for the cost of road construction and reconstruction needed to safely remove logs in an environmentally sound manner. The cost to the purchasers of constructing or reconstructing roads is reflected in bid values for Federal timber sales. Assignment of the costs of road construction and reconstruction is beyond the scope of the decision.

## Prescribed Fire and Fuels Management

**99. *The Forest Service should use timber harvesting as a means to control fire instead of prescribed burns. Harvesting provides some economic benefit while prescribed burns do not.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Fuels management and wildfire were discussed in the DEIS pp. 3-98 through 3-107, 3-149 through 3-159, and in Chapter 3 of the FEIS. The DEIS p. 3-156 disclosed that there would not be an increase in the number of wildland fires escaping because of a national prohibition on road construction and reconstruction in inventoried roadless areas. Pages 3-101 through 3-107 of the DEIS and Chapter 3 of the FEIS discuss fuel treatments and needs in moderate to high fire risk inventoried roadless areas and the expected effects of each prohibition alternative. Given current budget levels, it is impossible to treat all areas that are rated as being at risk. Whether to use timber harvesting or other methods of mechanically reducing accumulated



fuels is a site-specific analysis decision and is not within the scope of the decision.

***100. Slash from logging operations should be removed to reduce fire danger. How monies collected for removing slash for fire prevention purposes are spent should be explained.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. Fuels management and wildfire were discussed in the DEIS pp. 3-98 through 3-107, 3-149 through 3-159, and in Chapter 3 of the FEIS. Congress has authorized the Forest Service to collect funds from the purchasers of Federal timber. Funds are deposited to a Brush Disposal Trust Fund, and are expended to abate slash created by as a result of timber harvesting. Whether to remove slash from a project site, and the amount of slash to be removed or retained after treatment is complete, are site-specific questions not within the scope of this decision.

## **National Legislation**

***101. The Forest Service should support the National Forest Protection and Restoration Act (H.R. 1396); and***

***102. The Forest Service should not support Senate Bill 1608 which would require increased timber harvest to fund County schools.***

**Response:** The purpose and need for the action was described in the DEIS on pp. 1-10 through 1-12, and in Chapter 1 of the FEIS. The Forest Service does not become involved in proposed legislation unless requested by Congress. Therefore, whether the Forest Service should support an individual Act of Congress would be beyond the scope of the decision.

*End of Timber Section*

## 15. TONGASS

General..... 190  
 Science Consistency..... 191  
 Timber and Road Management ..... 191  
 Socio-Economic Effects ..... 193  
 Non-Consumptive Uses ..... 195  
 Biological Resources..... 195  
 Physical Watershed Resources ..... 197  
 Other Concerns ..... 198

**Reader’s Note:** DEIS Alternatives T1 and T4 have been renamed and carried forward into the FEIS without any substantive change. DEIS Alternative T1 has been renamed the **Tongass Exempt Alternative** in the FEIS. DEIS Alternative T4 has been renamed the **Tongass Selected Areas Alternative** in the FEIS. Because of the decision to incorporate the procedures into the final Planning Regulations, the other Tongass DEIS alternatives (T2 and T3) have been modified from their original form in the DEIS, combined, and re-described in the FEIS as the **Tongass Deferred Alternative**. In addition, a **Tongass Not Exempt Alternative** has been added to the FEIS to describe the decision-maker’s option of applying the selected prohibition alternative (1 through 4) to the Tongass without any modification. It is not a new alternative, but a clarified and reformatted description of one that was implicit in the DEIS (p. 2-10).

In summary:

<u>DEIS Alternative</u>	<u>Corresponding FEIS Alternative</u>
T1	Tongass Exempt
T2 and T3	Tongass Deferred
T4	Tongass Selected Areas
(No Exemptions)	Tongass Not Exempt

### General

**1. The Forest Service should defer action on the Tongass National Forest. The proposed rule regarding the Tongass National Forest appears valid, provided no delays or extensions are allowed after April, 2004; and**

**2. The Forest Service should not wait four years to realize that there are sufficient roads to meet**

**timber, recreational, and subsistence access needs in the Tongass.**

**Response:** These concerns are addressed in the DEIS Alternative T3 (DEIS pp. 1-13, 3-233), and in the Tongass Deferred Alternative in the FEIS. These alternatives allow for a deferral of a decision on inventoried roadless areas of the Tongass National Forest.

**3. The Forest Service should allow road construction on the Tongass National Forest.**

**Response:** Alternative T1 in the DEIS, and the Tongass Exempt Alternative in the FEIS would allow roading consistent with the current Tongass Land Management Plan Revision Record of Decision. Also, the Tongass Deferred Alternative in the FEIS would defer a decision on prohibition of road construction and reconstruction in inventoried roadless areas until 2004. See also Response 40 regarding forest-wide road management decisions.

**4. The Forest Service should implement the Tongass Land Management Plan Revision, and then evaluate the effects of implementing the Plan.**

**Response:** Under the Tongass Not Exempt Alternative, the FEIS includes a mitigation measure that, if selected by the responsible official, would delay implementation of prohibitions on the Tongass until 2004. During the delay, the current TLMP would be implemented.

**5. The proposed rule should better address Alaska’s needs so it does not end up like California—corrupted by greedy politicians, pork barrel politics, and people who refuse to occupationally diversify.**

**Response:** The Tongass National Forest was specifically identified in the DEIS as needing special consideration (DEIS pp. 1-11, 1-12). Consequently, the DEIS and FEIS included specific Tongass alternatives to address the unique ecological, social, and political issues on the Tongass National Forest (DEIS pp. 3-226 through 3-239). See Response 9 for discussion regarding the use of science, best available information, and scientific consistency in developing and analyzing the effects.

**6. The Forest Service should protect at least half of the inventoried roadless areas in the Tongass National Forest.**

**Response:** The DEIS and FEIS contain alternatives that address a broad spectrum of protection for inventoried roadless areas in the Tongass National Forest. These alternatives include full protection (Tongass Not Exempt), partial protection (Tongass Selected Areas), and no added protection (Tongass Exempt) in the FEIS.

**7. The Forest Service should include all inventoried roadless areas over 25,000 acres and adjacent to Wilderness areas in the Tongass National Forest.**

**Response:** The concern advocates that at a minimum, the very largest “blocks” of inventoried roadless areas should receive protection, specifically those inventoried roadless areas over 25,000 acres as well as those that are adjacent to existing Wilderness. All of the areas meeting these criteria could receive protection under the FEIS Tongass Not Exempt Alternative.

**8. The Forest Service should address the relationship between the Alaska National Interest Land Conservation Act and the proposed rule.**

**Response:** The Forest Service has addressed agency legal requirements of the Alaska National Interest Land Conservation Act (ANILCA). The preamble to the proposed rule clarified that roading pursuant to valid rights granted in statute or treaty, such as access to non-Federal inholdings, would not be prohibited under any alternative (DEIS p. A-9). While the DEIS analyzed subsistence uses under the Tongass alternatives (see Response 25), the Forest Service has determined that the agency is not required to undertake an analysis pursuant to ANILCA Section 810. Further, the proposed rule does not seek to establish Conservation System Unit(s) as defined by ANILCA. See Response 3 in the Lands section.

## Science Consistency

**9. The Forest Service needs to use scientific data to back-up the roadless plan in the Tongass.**

**Response:** The best available science and data were utilized for alternative development and effects analysis in the DEIS. Analyses were based largely on the 1997 TLMP FEIS and supplemented where necessary with additional location-specific data.

Additional discussion regarding the use of science, best available information, and scientific consistency in the roadless area analysis can be found in Response 66 in the Landscape Ecology section and in the *Specialist Report for Biological and Ecological Resources on the Tongass (October 2000)*.

**10. There is no scientific basis for excluding the Tongass from a prohibition of road construction and reconstruction in inventoried roadless areas.**

**Response:** Social and economic considerations on the Tongass were key in analyzing all the alternatives presented in the DEIS and FEIS. The DEIS and FEIS identify and recognize the unique and sensitive ecological character of the Tongass, the abundance of roadless areas where road construction and reconstruction are limited, and the high degree of ecological health on the Tongass National Forest (DEIS pp. 3-226, 3-227) in developing and analyzing the alternatives. They will continue to be considered as a final decision is made. Further discussion regarding the role of science in the analysis can be found in Response 66 in the Landscape Ecology section and Response 9 in this section.

## Timber and Road Management

**11. In excluding the Tongass, the Forest Service has misunderstood the market demand provision of the Tongass Timber Reform Act.**

**Response:** The Tongass Timber Reform Act (TTRA) was only one of four unique social and economic reasons that the Tongass National Forest was specifically identified in the purpose and need as deserving special attention in formulating alternatives (DEIS pp. 1-11 and 1-12). As stated in the DEIS (p. 1-13), section 101 of the TTRA “... requires the agency to seek to provide a supply of timber from the Tongass National Forest that meets market demand, consistent with providing for multiple-use and sustained yield of all renewable resources, subject to other applicable laws, and requirements of the National Forest Management Act of 1976.” Thus, the agency does not interpret the market demand provision of the TTRA as a goal to be pursued at the expense of other environmental provisions embodied in applicable law, including the diversity provisions of the National Forest Management Act, or the Endangered Species Act.

The rationale for developing alternatives that exclude the Tongass from immediate road building prohibitions is much broader than maintaining timber supply in response to the market demand provision of the TTRA.

**12. *The Forest Service should comply with the Tongass Timber Reform Act.***

**Response:** The Tongass Timber Reform Act (TTRA) directs the Forest Service to seek to provide timber to meet market demand “to the extent consistent with providing for the multiple-use and sustained yield of all renewable forest resources.” Thus, meeting market demand is not a mandate; it is a conditional objective. The Roadless Area Conservation proposal recognizes the role of inventoried roadless areas in providing for certain types of forest resources and uses. Decisions regarding the appropriate use of these areas are consistent with the provisions of TTRA.

**13. *The Forest Service should prohibit road building on the Tongass National Forest. There is adequate road access to timber there already. The Forest Service should consider a moratorium on roading and logging in roadless areas of the Tongass lasting 50 years, or until such time that second growth on previously logged lands can be commercially harvested.***

**Response:** Decisions concerning roading throughout the entire Tongass National Forest are beyond the scope of the proposed action for this rulemaking for roadless area conservation. The DEIS and FEIS recognize that few commercial timber harvest opportunities will exist in second growth stands for several planning cycles (DEIS p. 3-233). A prohibition on road construction and reconstruction within inventoried roadless areas is projected to decrease the annual timber volume available for offer over the next five years. Low timber market demand annual harvest is currently projected to be 124 MMBF, leaving in question whether market demand for timber could be realized using the existing road system if prohibitions were applied to the Tongass.

**14. *The Forest Service should define vital access.***

**Response:** The phrase “vital linkages” and “vital Forest transportation system linkages” are used interchangeably in the Tongass National Forest Land and Resource Management Plan prescriptions that

were included in Appendix E of the DEIS. Vital Forest transportation system linkages were described on p. E-29 of the DEIS.

**15. *The Forest Service should adopt Alternative T4 to provide protection now. Don’t wait four years. Bring the Tongass in line with other forests.***

**Response:** Under the FEIS Tongass Not Exempt Alternative, the same prohibitions would be applied to all national forests and grasslands, including the Tongass. Therefore, under the Tongass Not Exempt Alternative, Alternatives 2, 3, or 4 could be applied immediately to all inventoried roadless areas on the Tongass. The Tongass Selected Areas Alternative in the FEIS applies prohibitions immediately but is limited to inventoried roadless areas in four specific land use designations.

**16. *The proposed rule should apply prohibitions to the Tongass immediately to improve timber management on the Tongass National Forest, insure local decision-makers conform to roadless area protection needs, and protect the Tongass from timber industry interests.***

**Response:** This comment supports the Tongass Not Exempt Alternative that could result in prohibitions applied to all inventoried roadless areas on the Tongass National Forest. Alternatives in the DEIS and FEIS containing prohibitions could reduce the amount of timber harvested from roadless areas of the Tongass, and subsequently the total amount of timber volume available for harvest on the Tongass National Forest. A comprehensive examination or analysis of overall timber management on the Tongass National Forest, however, would be beyond the scope of the analysis for this rulemaking.

**17. *The Tongass National Forest should adopt restrictions on road construction and reconstruction in inventoried roadless areas when its five-year plan is proposed.***

**Response:** The DEIS Alternatives T2 and T3 (Tongass Deferred Alternative in the FEIS) provide for possible prohibitions on road construction in roadless areas at the time of the 5-year plan review. At such time, the responsible official would conduct an evaluation to determine if some or all of the inventoried roadless areas on the Tongass merit protection provided by the prohibition alternatives. Also, the FEIS includes a possible mitigation

measure for the Tongass Not Exempt Alternative that, if included in the final decision, would delay implementation of prohibitions on the Tongass until the five-year forest plan review in 2004.

***18. The Forest Service should demonstrate how logging and roading the Tongass National Forest could have a positive effect on the environment.***

**Response:** Logging and roading have very little environmental benefit on the Tongass. Logging occurred primarily through even-aged (clear cut) harvest methods that convert old-growth forest to early seral forest. The result of this practice has been a decline in the amount of productive old growth in several intensely managed areas on the Tongass as well as heightened concerns over habitat loss and increased species mortality rates (DEIS p. 3-338). Because the majority of subsistence and game species are integrally linked to old-growth and riparian habitats often found in roadless areas, the effects of logging and roading as currently practiced on the forest is in general detrimental to such Tongass species. Those benefits that may occur, such as increased forage for deer in clearcuts, are very short in duration and are offset by the loss of the overstory tree canopy that provides thermal cover in winter. Additionally, the DEIS indicated that “in general, relatively few forest health vegetative treatment opportunities exist on the Tongass in comparison to forests in the lower 48 States” (DEIS p. 3-228).

***19. Stringent road building and logging standards need to be implemented on the Tongass to maintain high quality fish and wildlife habitat. Funding should be linked in any timber sale plan to safeguard stricter standards and the USFS needs to provide solid, ongoing support for research in order to gain a better understanding of the effects of habitat degradation.***

**Response:** The DEIS did not conclude that logging and road building are incompatible with fish and wildlife habitat protection. However, there is substantial scientific evidence that roading and logging often do have adverse effects to these resources as outlined in Chapter 3 of the FEIS. While the manner in which roading and timber harvest occur can affect fish and wildlife habitat differently, analysis of specific forest plan standards and guidelines, including funding mechanisms to ensure

they are carried out, are beyond the scope of the proposed action for this rulemaking.

***20. The Forest Service should consider the Tongass National Forest extensively “roaded” by inland waterways and prohibit road building.***

**Response:** The DEIS and FEIS recognize the importance of marine waterways for transportation and recreational use (DEIS p. 3-277). However, the beneficial and detrimental ecological, social, and economic effects of roading in inventoried roadless areas of the Tongass remain an issue for a variety of uses, most notably logging. The FEIS Tongass Not Exempt Alternative could result in prohibitions being applied to all inventoried roadless areas on the Tongass.

***21. The Forest Service should select Alternative 1 because the commercial fisheries industry requires fast freight transportation of large quantities of fresh seafood and does not wish to preclude the possibility of building a surface road out of Alaska; and***

***22. If the Forest Service prohibits roads on the Tongass National Forest in the Final Rule, additional funding should be budgeted to the Alaska Marine Highway System and air subsidies to mitigate impacts on reduced transportation options.***

**Response:** The question of how State highways may be affected by this rulemaking is a core issue associated with these concerns. An exception for Highway Safety Act roads has been developed as possible mitigation measure in the FEIS. A discussion regarding Secretary of Agriculture authorities and potential exceptions in the final rule related to highway projects can be found in Response 43 in the Roads section. Subsidies to mitigate marine ferry and air travel are not within the scope of the purpose and need for this rulemaking.

## **Socio-Economic Effects**

***23. The economic effects of not applying restrictions on road building to the Tongass National Forest need to be addressed.***

**Response:** The “economic effects of not applying restrictions on road building on the Tongass National Forest” were described for DEIS Alternative T1 (p.

3-231). The economic effects of the Tongass Exempt Alternative have been further refined in the FEIS.

**24. *The Forest Service should exempt the Tongass National Forest from the proposed rule. Logging is important to the economy of Southeast Alaska.***

**Response:** The importance of logging to the Southeast Alaska economy was described both in the affected environment for the Tongass (DEIS Chapter 3) and in the effects analysis for the Tongass (DEIS Chapter 3, Alternatives T1 through T4). The effects in local communities where logging is a cornerstone of the local economy have been further refined and described in the FEIS for each of the alternatives.

Among the alternatives in both the DEIS and FEIS, those that exempt the Tongass from prohibitions or defer a decision on whether prohibitions should be applied to the Tongass best accommodate a transition in the timber program in Southeast Alaska under the recent 1999 Record of Decision on the Tongass National Forest Land Management Plan Revision (DEIS p. 1-13). See the reader's note at the beginning of this section for a summary of DEIS alternatives as carried forward into the FEIS.

**25. *The Forest Service should consider the impacts of roadless areas on subsistence foods, hunting, and fishing in Southeast Alaska.***

**Response:** The DEIS recognized the importance of subsistence hunting, fishing, and gathering in Southeast Alaska (DEIS p. 3-228). Effects on the subsistence resource were described in the context of both ecological effects and social values for each of the alternatives (DEIS pp. 3-231, 3-233, 3-236, and 3-237). In summary, alternatives in both the DEIS and FEIS containing prohibitions were expected to benefit subsistence users by providing greater quality and quantity of habitat for important subsistence species, and by decreasing human competition for subsistence resources. See the reader's note at the beginning of this section. See Response 2 in the Social Effects section for discussion regarding concerns that prohibiting roading may have a negative impact on access to natural resources. Additional discussion addressing subsistence use is in the *Socioeconomic Specialist Report (May 2000)* and the Civil Rights Impact Assessment for this rulemaking.

**26. *The Forest Service should address subsidies and taxpayer economic concerns about the Tongass timber sale program.***

**Response:** Reduced timber harvest occurring under any of the prohibition alternatives could reduce taxpayer costs. These effects are addressed in the DEIS and FEIS. The DEIS displayed the average net revenue per thousand board feet harvested by Forest Service Region in Table 3-39 (DEIS p. 3-184), and the results indicate a substantial net loss of revenue for the Tongass. The FEIS Tongass Not Exempt Alternative, which could apply prohibitions to all inventoried roadless areas of the Tongass, could greatly reduce the amount of timber harvested from inventoried roadless areas and from the Forest as a whole.

**27. *The Forest Service should consider the economic impacts of the proposed rule on businesses and business ventures within the Tongass National Forest.***

**Response:** Regional economic impacts were addressed on pp. 3-226 and 3-229 of the DEIS and in the FEIS in the Tongass section of Chapter 3. Some of the alternatives would be expected to negatively affect the timber industry and communities that are dependent on this industry as part of their economic base. Little or no impact would be anticipated for other resource-based businesses. See Response 36 in the Economics section and Response 1 in the Minerals section, addressing concerns about effects to tourism and mining. Impacts on small businesses in Alaska are also described in both the Initial Regulatory Flexibility Analysis and Final Regulatory Flexibility Analysis.

**28. *By delaying any decision on the status of the Tongass in regards to this proposal, the Forest Service effectively precludes any new timber industry ventures in the Tongass.***

**Response:** Under DEIS Alternatives T2 and T3 (Tongass Deferred Alternative in the FEIS), the Tongass National Forest would determine whether the prohibition against road construction and reconstruction should apply to any or all of the inventoried roadless areas on the Tongass. This evaluation would be conducted in association with the 5-year review of the April 1999 Tongass Land and Resource Management Plan.

Forest programs and outputs are subject to shifts in public values and sentiments, as well as new scientific information as it becomes available. The scientific and social basis for resource management is continuously evolving. Thus, industries that depend on the timber supply from public lands – by definition – operate in a climate of change and uncertainty. The protection of roadless area characteristics is one of a number of influences that may affect the timber industry associated with the Tongass National Forest.

***29. The Forest Service should promote small scale local value-enhanced logging, fisheries, and tourism in the Tongass National Forest.***

**Response:** The Forest Service supports small timber businesses through Small Business Association (SBA) set-aside sales, Special Salvage Timber Sales (SSTS) and a newly initiated micro-sale program. Regardless of the outcome of the alternative chosen for Roadless Area Conservation, these programs can be expected to continue. With regard to other resource-dependent industries, the DEIS spoke to the broad range of economic benefits associated with other forest resources. See Responses 30, 31, and 36 addressing concerns about recreation and fisheries resources.

## Non-Consumptive Uses

***30. Numerous non-consumptive uses of the Tongass National Forest do not require roads.***

**Response:** The non-consumptive uses and qualities for which the Tongass National Forest is valued were recognized in the DEIS (p. 3-227). Prohibition alternatives were described as lower risk to scenic quality and likely to help conserve the “wild and unspoiled” nature of many roadless areas currently scheduled for development (DEIS p. 3-230). Conservation of these areas would provide more of the remote and semi-remote types of recreational opportunities that are commonly sought on the Tongass National Forest (DEIS p. 3-230). Future demand for remote and semi-remote recreation opportunities is expected to be met under the current TLMP (DEIS pp. 3-227 and 3-232) regardless of the roadless area conservation alternative chosen for the Tongass.

***31. The Forest Service should not destroy scenic areas with highly historical, recreational, and subsistence use values.***

**Response:** Scenic values of the Tongass National Forest were recognized (DEIS pp. 3-227, 3-228) and analyzed in the DEIS (pp. 3-230, 3-231, 3-233). The TLMP includes specific land allocations as well as standards and guidelines to maintain scenic quality on the Tongass National Forest. None of the DEIS or FEIS alternatives would compromise these goals, objectives, or standards and guidelines pertaining to scenic quality.

***32. More roads should not be built in the Tongass National Forest. There have been no studies that demonstrate a demand for more roaded recreation.***

**Response:** Citing the TLMP FEIS, the roadless area conservation DEIS projected that recreation opportunity demand for semi-primitive roaded recreation will not be met in the future (DEIS p. 3-227) under any alternative. A prohibition of roading that would provide semi-primitive roaded recreation could further accentuate unmet levels of demand. The effects of the alternatives on recreation are described in the DEIS and FEIS in Chapter 3.

***33. The Forest Service should consider that Alternative T1 will not cause a decline in dispersed recreation in Alaska.***

**Response:** This concern has been considered and addressed in the DEIS and FEIS. The effects analysis for DEIS Alternative T1 (Tongass Exempt Alternative in the FEIS) stated that human uses would continue at levels projected under the current TLMP (DEIS p. 3-231). Further, the DEIS projected that under the current TLMP, future demand for dispersed recreation would be met (DEIS pp. 3-227, 3-232).

## Biological Resources

***34. The Forest Service should apply prohibitions to the Tongass now to protect fish and wildlife, their habitat, and old-growth forest.***

**Response:** The sensitivity of the Tongass to fragmentation, the importance of unroaded areas in maintaining healthy populations of Tongass species, and the natural disturbance processes that shape habitats on the Forest were all recognized within the

DEIS and FEIS. The DEIS described effects to old-growth ecosystems, species viability and biodiversity for each of the alternatives. Cumulative effects of the alternatives with respect to fragmentation, historic species abundance, and species population interactions and extirpations were also described (DEIS p. 3-238). See Responses 20, 25, and 32 in the Terrestrial and Aquatic Habitat section.

**35. *The Forest Service should adopt the recommendations of the 1992 viable populations (V-POP) strategy.***

**Response:** The original V-POP strategy was incorporated into various alternatives in the 1997 Tongass Land Management Plan Revision (TLMP). As stated in the TLMP FEIS: “The V-POP strategy was well supported by earlier views but was considered to need improvement as a comprehensive conservation strategy” (TLMP FEIS p. 3-428). Thus, the Wildlife Viability Panel Assessments in the 1997 FEIS process were used to further develop and integrate the best available information into planning for wildlife viability on the Tongass National Forest. This information was incorporated into the current TLMP. The final roadless area decision would not compromise the viability concepts in the current TLMP. Selection of the FEIS Tongass Not Exempt Alternative, which could apply prohibitions in inventoried roadless areas throughout the Tongass, would provide additional benefits to viability consistent with the concept of maintaining a “reserve” system included in the V-POP strategy recommendations.

**36. *The Forest Service needs to consider the importance of the Tongass National Forest to the commercial fishing industry in southeast Alaska and consider the impacts of roads and clear cutting within the Tongass National Forest, weather changes, and fishery management policy.***

**Response:** The importance of the Tongass National Forest to the commercial fishing industry was recognized on p. 3-229 of the DEIS. The decision under this rulemaking would apply only to logging and roading within inventoried roadless areas on the Tongass National Forest. None of the DEIS or FEIS alternatives would compromise existing Tongass Land Management Plan Revision (TLMP) management practices benefiting commercially valuable fish species. The FEIS includes a discussion of current TLMP management practices relevant to

commercial fish species. Alternatives containing prohibitions would further benefit commercially valuable species as compared to no action alternative (DEIS pp. 3-231, 3-233, 3-236). While weather changes and fishery management decisions by fishery management agencies and governing bodies do affect the commercial fishing industry, these aspects of commercial fishery management are beyond the scope of the purpose and need for this rulemaking.

**37. *The Forest Service should address the impact of log dumps on the marine environment.***

**Response:** Log dumps are used to transfer logs that have been trucked to the log dump site into salt water for barge transport. These facilities can have a deleterious impact on marine ecosystems, particularly at the dump site (*Specialist Report for Biological and Ecological Resources on the Tongass, (October 2000)*).

The TLMP analyzed the impact of log dump facilities on the marine environment and established standards and guidelines for their development and use on the Tongass National Forest. Such standards and guidelines contained within the forest plan would not be compromised under any roadless area conservation alternative. Construction of a log dump or transfer facility would not be prohibited under any of the alternatives. However, log dump facilities are only needed in situations where logs are transferred from a road system to salt water. Therefore, the FEIS Tongass Not Exempt Alternative, which could prohibit roading or logging in all inventoried roadless areas of the Tongass, would likely eliminate or reduce the need for new log dump facilities, particularly in inventoried roadless areas.

**38. *The proposed rule should include an analysis of logging levels by volume and elevation classes in order to determine the impacts to low elevation, high volume old-growth forests, those that are of high conservation value.***

**Response:** The DEIS and FEIS analyze roadless areas by elevation, size, and adjacency to Wilderness lands in Alaska. The DEIS did not analyze volume class within inventoried roadless areas. The DEIS and FEIS express the importance of inventoried roadless areas to old-growth ecosystems, species viability, and biodiversity. The DEIS indicated that the abundance and high quality of inventoried



roadless areas on the Tongass contributes to the overall high degree of biological integrity found on the Forest (DEIS p. 3-226).

Additionally, the effects analysis predicted that risk to old-growth ecosystems, species, and biodiversity may be very low under Alternatives 2 through 4 (Alternative 2, 3, or 4 could be applied to the Tongass under the FEIS Tongass Not Exempt Alternative). Additional discussion regarding these comparisons can be found in the *Specialist Report for Biological and Ecological Resources on the Tongass* (May 2000).

**39. *The proposed rule should ensure protection for the Northern flying squirrel.***

**Response:** The intent of this rulemaking is to address inventoried roadless areas and their value, including species viability and biodiversity. Ensuring protection of individual species is beyond the scope of the purpose and need of this rulemaking. The Tongass Not Exempt Alternative, which could apply prohibitions to all inventoried roadless areas of the Tongass, poses the least risk to the viability of northern flying squirrel populations. See Response 38 and the *Specialist Report For Biological and Ecological Resources on the Tongass* (October 2000) for discussion regarding TLMP FEIS Alternative 1.

**40. *Forest Service statistics show that 4/5 of culverts are inadequate for allowing the passage of juvenile fish. The Forest Service should develop a sound roads policy to protect water quality and fish passage in the Tongass.***

**Response:** The roadless rulemaking is intended to address roadless areas and their value, including fish, fish habitat, and water quality. The FEIS Tongass Not Exempt Alternative, which could apply prohibitions to all inventoried roadless areas of the Tongass, would provide the greatest level of protection for fisheries and water quality values on the Tongass by avoiding roading in inventoried roadless areas that may negatively affect fish. The prohibitions only apply, however, to inventoried roadless areas. The development of a roads policy for the Tongass National Forest would be accomplished at the forest level and is not within the scope of the purpose and need for this rulemaking. The issues raised within this concern are perhaps best addressed under the proposed Forest Service Roads Policy that

is described in the expanded cumulative effects analysis of the FEIS (Chapter 3, Cumulative Effects).

## Physical Watershed Resources

**41. *The Forest Service should not build new roads into the Tongass and Chugach forest in order to reduce stress on the forests from green house warming and global climate change.***

**Response:** The air quality section in the DEIS did not specifically address the Alaska Region or the Tongass National Forest (NF) in particular in relation to these issues. In response to public concerns, the FEIS now addresses these issues. The *Specialist Report on Physical Resources for the Tongass* (October 2000) includes a more inclusive discussion of the role of the Tongass NF in relation to global climate change, carbon sequestration, and related issues. The appendix on references cited of the FEIS includes numerous additional articles covering these issues.

None of the alternatives, including those specially addressing the Tongass National Forest, are likely to have measurable effect on global atmospheric issues by themselves. In a national perspective, planned timber offer from the Tongass is less than 0.2 % of the total planned timber offer for all ownerships across the United States. When viewed on a global scale, this effect is even smaller. In addition, any reductions in harvest from inventoried roadless areas on the Tongass NF will likely be offset by increased harvest on other lands within the United States and by harvest and imports from other nations such as Canada. These actions should result in no net change in atmospheric conditions regardless of harvest offer levels in inventoried roadless areas on the Tongass.

**42. *The Forest Service should address its failure within the NEPA process to account for the cumulative effects of damaging karst formations in recent timber sales in the Tongass. The Forest should address the effects of road building on karst formations, habitat, old growth, and the entire ecosystem.***

**Response:** The FEIS recognizes the importance of caves and karst resources on the Tongass National Forest. The effects that logging and roading can have on caves and karst formations were described in the DEIS (pp. 3-148, 3-149). The standards and guidelines contained in the current TLMP to protect

karst and cave resources would not be compromised under any of the DEIS or FEIS alternatives. Also see Response 76 in the Minerals section.

## Other Concerns

### ***43. The Tongass should be considered a North American Natural Heritage Area.***

**Response:** National Heritage Areas are designated by the United States Congress. They are places where natural, cultural, historic, and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity and geography. Designation of a heritage area at the national level recognizes a community's efforts to identify its natural and cultural resources that define its sense of place and its stories. Such a designation was considered but not analyzed in detail because it is beyond the purpose for this proposed rulemaking (FEIS Chapter 2, Alternative Land Use Designations).

### ***44. 8.5 million acres of the Tongass should be designated as permanent Wilderness immediately.***

**Response:** The National Wilderness Preservation System (NWPS) is managed to preserve its primeval and undeveloped character, and maintain a condition affected primarily by the forces of nature. The United States Congress has the sole authority to add areas to the NWPS. A proposal for Wilderness designation was considered but not analyzed in detail because the agency has already evaluated the inventoried roadless areas for potential Wilderness, and because the NFMA planning process (36 CFR 219) is the appropriate process for the Forest Service to formulate Wilderness recommendations (FEIS Chapter 2, Alternative Land Use Designations).

### ***45. The proposed rule should include the native-owned lands of southeast Alaska.***

**Response:** The Forest Service can only make management and policy decisions regarding land under Forest Service jurisdiction. Both the draft and final rules would be applicable only to National Forest System lands and cannot be extended to include native-owned lands of Southeast Alaska. Therefore, the proposal would be beyond the scope of the proposed action for this rulemaking.

### ***46. The Forest Service should address the expansion of timber harvest units/sales (to get more volume out) in the Tongass and whether an EIS must be completed for these expansions to occur.***

**Response:** Most timber harvest activities on the Tongass National Forest are analyzed in environmental impact statements the agency prepares. When site-specific changes associated with individual timber sales occur after EIS completion, local deciding officials must decide whether additional analysis under the National Environmental Policy Act is required. These local, site-specific decisions and decision-making processes are beyond the scope of the analysis of this national level rulemaking effort.

### ***47. The Forest Service should amend section 101 of the Tongass Timber Reform Act to give conservation of the forest priority over timber yield.***

**Response:** The Tongass Timber Reform Act (TTRA) is legislation that was enacted by the United States Congress. Any amendment(s) to the TTRA must similarly be enacted by the United States Congress through the legislative process. The Forest Service considered alternatives that would entail legislative proposals, but did not analyze them in detail because the President did not instruct the agency to formulate proposals for legislation, but rather instructed it to conduct rulemaking (FEIS Chapter 2, Alternative Processes Other Than Rulemaking).

### ***48. The Forest Service should modify the Tongass Land Management Plan Revision to provide comprehensive protection of wildlife populations.***

**Response:** The intent of this rulemaking is to address roadless areas and their values. While roadless areas do provide important habitat value to wildlife, amending the TLMP for the purpose of providing comprehensive protection of wildlife populations is beyond the scope of the purpose and need of the proposed action for this rulemaking. In comments to the DEIS, another alternative was suggested that would lead to a revision of the 1997 TLMP and its 1999 Record of Decision. As discussed in the FEIS, the Forest Service believes it is not feasible to single out a revision of the TLMP through this national rule. Typically, these types of alternatives are best left to the agency's land and resource management planning procedures (36 CFR 219) where specific

land capabilities and suitability can be accurately evaluated.

***49. The Forest Service should phase out logging and road building in the Tongass National Forest within ten years.***

**Response:** The intent of this rulemaking is to address protection of roadless areas and their values. DEIS Alternative T4 (FEIS Tongass Selected Areas Alternative) would reduce roading in four land use designations (LUDs) where timber harvest is not scheduled. However, the inability to construct roads through these four LUDs could isolate suitable timber lands from access, thereby reducing timber harvest opportunities (DEIS p. 3-235). The FEIS Tongass Not Exempt Alternative, which could apply prohibitions to all inventoried roadless areas on the Tongass, could greatly reduce timber volume available for harvest from inventoried roadless areas (DEIS p. 3-230). DEIS Tongass Alternatives T2 and T3 as well as the FEIS Tongass Deferred Alternative also provide local decision-makers with discretion to reduce roading and timber harvest to protect roadless area values (DEIS pp. 2-11 and 2-12). However, phasing out of logging and road building completely on the Tongass National Forest would be beyond the intent and scope of the proposal and would not occur under any of the DEIS or FEIS alternatives.

*End of Tongass Section*

## 16. WATERSHED AND AIR

Watershed Health - General .....	200
Water Quantity and Timing .....	202
Water Quality and Drinking Water Source Areas	203
Channel Morphology .....	207
Soil Loss, Sedimentation, and Site Productivity..	208
Landslides .....	210
Fire Effects on Watersheds.....	211
Air Resources.....	211
Legislation .....	214

### Watershed Health - General

**1. Activities that damage watersheds should be prohibited;**

**2. The Forest Service should consider the effects of certain activities on soil erosion; and**

**3. The Forest Service should prohibit ORV use in order to protect cryptogamic soil crust.**

**Response:** Many comments requested prohibitions on a wide variety of activities, including OHV use, which are seen as damaging watersheds. Rationale for limiting the scope of the prohibition alternatives was outlined in the DEIS, generally in Chapter 1 and more specifically in Chapter 2:

Chapter 1 (pp. 1-10 and 1-11, Purpose and Need):

*... only those uses and activities that are likely to significantly alter landscapes and cause landscape fragmentation on a national scale be considered for prohibition in this proposal.*

*Other activities identified by the public, such as motorized vehicle use, grazing, mining, and developed recreation facilities, were determined by the agency to either not pose the same level of national risk for adversely impacting Roadless areas, as do road construction, reconstruction, and timber harvesting, or some of these activities, such as mining, are already governed by law.*

Chapter 2 (p. 2-18): The second and third paragraphs provided the rationale for limiting the scope of prohibited activities to those described in the alternatives.

*The scope of prohibition actions considered in detail has been limited to road construction, road reconstruction, and timber harvesting because these activities pose disproportionately greater risks of alteration and fragmentation of natural landscapes ...*

*In addition, data on uses in roadless areas including OHVs, rights-of-ways, and special uses, are not available, nor have the protocols been established for collecting this information. Until the protocols are established and these data are available, it is premature to address these other uses at this time.*

**4. Improved water and air quality is not the result of excluding existing ways of life or industrial activities.**

**Response:** Many significant gains in water and air quality in the past three decades have been through cooperative implementation of key environmental legislation such as the Clean Water Act, Clean Air Act, Safe Drinking Water Act, and other similar landmark works. While none of these Acts excludes existing ways of life or industrial activities, they do place many specific restrictions on those ways of life and industries to bring them into compliance with the relevant laws. The proposed rule would not exclude any existing ways of life or industrial activities in pursuit of water and air quality, although the proposal will limit, or regulate some specific activities in some specific inventoried roadless areas through prohibitions. The effects of the alternatives on social and economic factors were disclosed in the DEIS on pp. 3-160 through 3-239.

**5. Road construction should not be halted because of damage to watersheds. Properly constructed roads do not cause such damage.**

**Response:** This concern was addressed in detail in the section on watershed health (specifically see DEIS pp. 3-22 and 3-23). This section is expanded in the FEIS to better address these concerns. Decades of extensive research around the world have established the negative impacts of road construction, reconstruction, use, and maintenance on watershed health. The Forest Service takes great care to design and manage roads using best management practices (BMPs) that use the latest technology and erosion control methods in accordance with all Federal, State, and local environmental guidelines. However,

even proper design, construction, reconstruction, use, and maintenance cannot completely eliminate their short- and long-term effects on watersheds. This is particularly true for storm and runoff events that exceed road design standards and erosion control measures.

Another complicating factor is the current Forest Service road maintenance budget, which is sufficient to maintain only 20% of the existing road miles. Since future road maintenance budgets are not projected to increase significantly, constructing additional road miles, even to the highest standards, would increase the maintenance workload, resulting in more miles improperly maintained, and ultimately damage to watershed health.

***6. The proposed rule should contain language to improve watershed management or reduce environmental degradation.***

**Response:** A primary intent of the proposal (pp. S-4, S-36, and 1-1 through 1-3) is to protect watersheds by limiting road construction and reconstruction in inventoried roadless areas. A number of existing national forest and grassland programs promote improvement of watersheds and related resources, including the Forest Service Soil and Water Improvement program, Fish Habitat Improvement program, Range Betterment program, and road decommissioning accomplishments. The Clean Water Action Plan and the Northwest Forest Plan, for example, all place major emphasis on watershed management.

***7. The Forest Service should address the Watershed Improvement Needs Inventory backlog which represents the backlog of rehabilitation and restoration projects needed to repair damage to the watershed and ecosystem.***

**Response:** The Roadless Area Conservation DEIS evaluates a range of alternatives to help the agency determine how best to manage inventoried roadless areas on the national forests and grasslands. The proposal specifically addresses limits on construction and reconstruction of roads in inventoried roadless areas. Aside from the backlog of maintenance for existing roads, the proposal does not address other backlogs for maintenance or construction, such as watershed improvements, recreation facilities, dams, water facilities, or other needs. These needs are being addressed through existing budgeting processes for

national forests and grasslands. Therefore the concern for addressing watershed improvement needs is outside the scope of the Roadless Area Conservation proposal.

***8. Logging can be damaging to watersheds, and should be restricted in those areas where it is causing damage.***

**Response:** The DEIS documented in detail (pp. 3-22 through 3-46) the impacts that timber harvesting and related activities, such as road construction and reconstruction, can have on watershed health. The DEIS described a wide range of alternatives that allow or limit timber offer levels. Where timber harvesting occurs, harvest operations would comply with contract clauses, forest plan standards and guidelines (BMPs), and any applicable State and Federal water quality guidelines to maintain watershed health.

***9. Although protecting watersheds is crucial, it does not require banning all timber harvest.***

**Response:** Protection of watershed health is a critical element in the proposal to change the management of roadless areas on the national forests and grasslands. Alternative 2 does not prohibit timber harvesting in inventoried roadless areas, but allows harvest methods that do not require road construction. Alternatives 3 and 4 would prohibit different levels of timber offer, with all timber commodity and stewardship offer prohibited in Alternative 4.

***10. The Forest Service should address the importance of roadless areas to clean air and water.***

**Response:** The protection of water, soil, and air resources is one of the primary reasons for the Roadless Area Conservation proposal. These values were specifically mentioned in President Clinton's October 13, 1999 address on Reddish Knob on the George Washington-Jefferson National Forests, which set in motion the activities leading to issuance of the DEIS. The Notice of Intent, published on October 19, 1999, further emphasized the importance of these resources in highlighting the need to minimize the impact of roads in inventoried roadless areas. The DEIS, on pp. 3-22 and 3-23 further emphasized the importance of these resources and the entire section on watershed health (pp. 3-22 through 3-46) provides further detail on the effects of road construction, reconstruction, and timber

management on water, soil, and air resources and how these effects change in response to the alternatives considered. The FEIS strengthens information presented in the DEIS with additional detail and references.

***11. The Forest Service should complete a site-specific analysis of the consequences of the proposed rule on watershed and air resources.***

**Response:** The proposed rule is designed to provide national direction on the management of inventoried roadless areas. Under the rule, the prohibitions would not allow certain activities. The agency believes it has sufficient information on the effects of these activities on watershed and air resources that it is appropriate to implement the prohibitions without performing site-specific analysis of each area.

***12. The Forest Service should separate soil, air, and water categories.***

**Response:** The section entitled “Watershed Health” on pp. 3-22 through 3-46 in the DEIS addressed soil, water, and air resources together because these key physical resources are intimately linked in an ecological context in the management of national forests and grasslands. Seven distinct subsections, however, were also included to provide discussions of various aspects of these resources, such as “water quantity and timing” on pp. 3-23 through 3-26, and “air quality” on pp. 3-43 through 3-46.

***13. The Forest Service should use watershed boundaries to delineate roadless areas.***

**Response:** Most of the inventoried roadless areas that are the subject of the EIS were delineated in RARE II, in forest and grassland planning, in other processes in accordance with NFMA and NEPA, or in assessments such as the Southern Appalachian Assessment. Criteria the Forest Service used for these delineations considered size of area and absence of roads, not watershed boundaries. Discussion of the merits of using watersheds as the basic land unit or for crossing present inventoried roadless area boundaries is beyond the scope of this document.

***14. The Forest Service should revise sections of the proposed rule dealing with water resources to include recent scientific information.***

**Response:** The section on water, soil, and air, DEIS pp. 3-22 through 3-46, included over 60 references, from Forest Service Research, academia, and public and private sectors across the nation, including many key references published during the last five years including this year (2000). The FEIS includes many additional references pertinent to these resources.

## **Water Quantity and Timing**

***15. Some managed timber harvest should be done to improve stream flow.***

**Response:** The DEIS section on watershed health, particularly the subsection on water quantity and timing (pp. 3-23 through 3-26), addressed this concern in detail. The last two paragraphs on p. 3-24 focus directly on this question. In summary, detectable annual water yield increases are only evident when unacceptably large portions of the timber in a watershed are harvested. The repeated removal of this amount of forest cover, and the related road construction, use, and maintenance to manage these areas, has negative impacts on water quality and a broad range of other physical and biological characteristics and values.

***16. The Forest Service must consider the effects of reductions in water yield on communities and agricultural uses; and***

***17. The Forest Service should clarify how a cumulative reduction in water yield is beneficial.***

**Response:** The DEIS on pp. 3-23 through 3-26 discussed potential effects of roading and timber harvest on water yields. Most research studies on the subject indicate that roading can change timing and magnitude of peak flow events, but has little effect on total annual water yields. Timber harvest, through a reduction in evapotranspiration, can increase annual water amounts. These effects are most noticeable in smaller watersheds, but become less detectable as drainage size increases. Sedell and others (2000) suggest that relying on augmentation of water supplies from national forest and grassland vegetation manipulation is not a viable strategy for dealing with water shortages. Greater gains can be made by reducing water consumption, improving conservation, and by allocating scarce supplies more efficiently.

Alternative 1 is the only alternative likely to produce detectable change in runoff over background levels from national forests and grasslands, with Region 10 most likely to experience such changes. In the interior west, such as in Wyoming, measurable increases in water yield following roading and timber harvest are not likely because remaining vegetation and evaporation quickly use any additional available water. Alternatives 2 through 4 offer increasing levels of protection for inventoried roadless areas, allowing them to continue to produce high quality water for instream and downstream uses by limiting roading and timber harvest. These alternatives do not reduce the amount of water from the national forests and grasslands, but they do maintain a near normal timing of water delivery.

**18. *The Forest Service should consider the importance of forests for water retention; and***

**19. *The Forest Service should address the value of trees for spring water retention.***

**Response:** The DEIS on pp. 3-23 through 3-26 directly addressed the cause-effects relationship between forests and water quantity and flow timing. Healthy watersheds are key to clean and continuous water supplies through rapid infiltration of precipitation, flow with naturally steady response to rainfall and snowmelt, and minimum problems with the quality of both surface and ground water. See also Response 16.

**20. *The Forest Service should manage for aspen cover in order to improve watershed yield.***

**Response:** The DEIS discusses the effects of a variety of alternatives on water quantity and timing on pp. 23 through 26. The Roadless Area Conservation Proposal discusses silvicultural management as a general practice and policy within inventoried roadless areas. However, the silvicultural practices involving specific tree species, such as aspen, whether inside inventoried roadless areas or in already roaded areas, are beyond the scope of this FEIS.

**21. *The Forest Service should evaluate the potential for the designation of a roadless area to cause modification of the hydrologic system.***

**Response:** Pages 3-23 through 3-41 in the DEIS discuss the effects of a range of alternatives on the

hydrology of inventoried roadless areas. The proposal offers a variety of options to protect the clean water and hydrologic response in these areas by limiting road construction and reconstruction as well as some degree of timber harvest. Because these areas are already largely unaltered from their natural conditions, limiting additional disturbance will essentially leave the hydrology of these areas unchanged.

**22. *The proposed rule's alternatives should provide an objective discussion of precipitation and runoff events.***

**Response:** The DEIS on pp. 3-23 through 3-32 discussed precipitation and runoff in several contexts. Generally, roading can change inherent drainage and runoff patterns within a watershed. Occasionally, the volume of water generated by a storm produces a quantity of runoff that exceeds the designed capability of the road system, thus causing its failure, resulting in water quality impacts. In roaded watersheds, the risk of road failure increases with the size of a storm; larger storms are typically more damaging to roads due to the amount of runoff produced compared to runoff from smaller storm events. Storm events would likely have less impact on water quality and quantity in Alternatives 2 through 4 because these entail less road construction, reconstruction, and timber harvest.

## **Water Quality and Drinking Water Source Areas**

**23. *The Forest Service should halt logging and road building until watershed area units can be identified.***

**Response:** All of the major watersheds with inventoried roadless areas that serve as drinking water source areas were identified in the DEIS (pp. 3-26 through 3-28). Specific watersheds that do not meet Clean Water Act Standards were also identified (DEIS, Figure 3-13 on p. 3-30). At the Forest level, watershed analysis is being completed using site-specific and existing data to assess watershed condition. Information generated from this ongoing work is used for land management plan revision decisions and project level work.

**24. *The Forest Service should consider the importance of roadless areas in protecting***

***municipal watersheds and maintaining watershed stability.***

**Response:** A recent publication on water resources and the Forest Service (Sedell and others, 2000) shows that approximately 14% of the nation's waters come from National Forest System (NFS) lands. The FEIS recognizes the importance of watershed health and the high quality water yielded from those lands. The effects of road building and timber harvesting on water quality and drinking water source areas as well as each alternative's environmental consequences on this important resource were discussed in detail in the DEIS (pp. 3-26 through 3-32). An analysis of landslide susceptibility in inventoried roadless areas was discussed in the DEIS on pp. 3-36 through 3-40.

***25. The Forest Service should consider the effects of tree removal on water temperatures.***

**Response:** Road construction, reconstruction, and timber harvest effects on stream temperature were discussed in detail in the DEIS, pp. 3-26 through 3-32.

***26. The proposed rule needs to be improved to allow for protection of roadless land surrounding Wilderness areas from timber sales to protect old-growth forests and watershed areas.***

**Response:** Protection of watershed health is a critical element in the proposal to change our management of inventoried roadless areas on the national forests and grasslands. Alternatives 2 and 3 (DEIS) would considerably reduce the timber offered in inventoried roadless areas, and Alternative 4 would prohibit all commodity and stewardship timber offered within these areas. The reductions in timber offer levels and associated road construction and reconstruction would have considerable beneficial effects on water quality by reducing risks of soil loss, landslides, and changes in channel morphology. Where timber harvest does occur, harvest operations must comply with strict contract clauses, forest plan standards and guidelines, and any applicable Federal, State, and local water quality guidelines to maintain water quality and overall watershed health. Watershed analysis is underway on many national forests and grasslands to assess watershed condition at the forest plan and project level to insure our watersheds are managed to maintain or enhance watershed health and long-term productivity.

***27. The Forest Service should not destroy forests by opening up pristine acres to exploitation; this will further threaten the quality of remaining water sources.***

**Response:** Protection of watershed health is a critical element in the proposal for changing management of inventoried roadless areas on the national forests and grasslands. National Forest watersheds serve as critical drinking water source areas, provide irrigation water for downstream users, provide recreation opportunities, and serve as habitat for numerous aquatic species. The Roadless Area Conservation DEIS recognized the importance of watershed health and the high quality water yielded from National Forest System lands. The effects of road construction, reconstruction, and timber harvesting on water quality and drinking water source areas were discussed in detail (DEIS pp. 3-26 through 3-32). Also see Response 8.

***28. The Forest Service should address the effects of road-induced sedimentation on water quality.***

**Response:** The DEIS addressed the effects of road construction, reconstruction, maintenance, and use in considerable detail in the sections on water quality and drinking water source areas (pp. 3-26 through 3-32) and soil loss and sedimentation (pp. 32 through 3-35). It particularly addressed drinking water source areas as they relate to inventoried roadless areas, Total Maximum Daily Loads (TMDLs), and key areas where soil loss and sedimentation are a concern in relation to roading and timber management.

***29. The Forest Service should state where impaired watersheds are located and what their relationship is to roadless areas.***

**Response:** Listing of impaired streams under section 303(d) of the Clean Water Act is the responsibility of the State water quality management agencies. The discussion on DEIS p. 3-28 and the map on p. 3-30 show that throughout the country water quality problems exist in watersheds containing National Forest System lands as well as on many other ownerships. Some of these watersheds contain inventoried roadless areas that are the focus of this DEIS. Local officials or interested publics wanting a current list of impaired watersheds can obtain it from their State water quality management agency or through an EPA regional office. It is beyond the scope of this document to provide such a list or to



discuss impaired stream segments either individually or in detail. Water quality plans that address specific impaired waters and methods for restoring their water quality are a requirement of the Clean Water Act and are prepared on a local scale. These plans are watershed based, cross ownership boundaries, and are prepared cooperatively with all owners and land managers in the watershed. The Forest Service participates in developing these plans where impaired watersheds contain National Forest System lands.

The DEIS presented a wide array of alternatives that allow various levels of land disturbances from road construction, reconstruction, and timber management activities. Alternatives that have reduced levels of disturbance are less likely to have negative impacts on an impaired stream segment on the State 303(d) list.

**30. *The Forest Service should address the effect of the proposed rule on the ability of local authorities to address problems associated with the Total Daily Maximum Load.***

**Response:** Section 303(d) of the Clean Water Act addresses water bodies that fail to meet State water quality standards. One way to improve water quality in these water bodies is the establishment of a Total Maximum Daily Load (TMDL) for the various pollutants impacting the waters of concern. The US Environmental Protection Agency (EPA) delegated the authority to establish TMDLs to the States and Tribes and their respective water quality management agencies. The DEIS presented a range of alternatives that have the potential to affect water quality to varying degrees. Pages 3-26 through 3-32 discuss these affects in relation to water quality limited segments and the establishment of TMDLs. None of the alternatives presented in the DEIS interferes in any way with the ability of States or Tribes to establish or manage TMDLs. The Forest Service at all levels works closely with the EPA, States, and Tribes to coordinate our efforts with theirs in reducing water pollution in an effective and meaningful way.

**31. *The Forest Service should define the term “impairment” as it is used to describe watersheds.***

**Response:** Impaired waters as shown in Clean Water Act Section 303(d) lists are water bodies for which existing technology-based pollution controls are

deemed inadequate for attainment of State water quality standards and designated beneficial uses. The map on p. 3-30 of the DEIS represented both threatened and impaired waters. Waters include streams, rivers, coastlines, estuaries, and lakes within an 8-digit (4<sup>th</sup> level) Hydrologic Unit Code (HUC). The map showed the percentage of impaired miles of the total stream miles in the watershed. Therefore, if a watershed had 1000 miles of stream, and 100 miles were impaired, the map would show the watershed in the 1-10 % impairment category.

**32. *The Forest Service should clarify the discrepancy between the Interior Columbia Basin Ecosystem Management Project’s estimate of impaired streams and that contained in the Draft EIS.***

**Response:** Figure 3-13 on p. 3-30 of the DEIS was a very condensed version of a more detailed map used in the analysis to describe the affected environment and environmental consequences of the alternatives. The map displayed was designed to depict areas of water quality concern at a national scale, followed with a description of how the alternatives would fare in their likelihood of improving or causing further impairment in these watersheds. In the document, *An Assessment of Ecosystem Components in the Interior Columbia Basin and Portions of the Klamath and Great Basins Vol. III* (USDA 1997), Map 4.2 on p. 1090 has a more detailed display of impaired stream segments. An accompanying Table 4.5 on p. 1091 lists impaired stream kilometers by agency by State.

Two factors would explain the differences between these two displays: scale and accuracy. First, the scale in the DEIS is less able to depict differences afforded by the more detailed ICBEMP display.

Second, the accuracy of the data on the two maps differs. The information displayed in the ICBEMP is of largely 1994 and 1995 vintage. The entire State of Washington is displayed using the less accurate 305(b) data rather than the more accurate 303(d) data. The data used to develop the map in the DEIS are derived from the most recent (1999) information compiled by the EPA and is therefore more current. The ICBEMP report acknowledges this on p. 1088: “Because these estimates are based on existing and accessible data from locally specific State and Federal monitoring programs, they likely underestimate the real extent and distribution of impairment.” In its discussion of temperature data on

the same page, the ICBEMP report goes on to say, “because many of the streams with elevated temperatures were not identified by the EPA assessment reports, it appears that water quality concerns within the Basin may be more severe than previously described.”

**33. *The Forest Service should honor States’ valid existing water rights. The DEIS and specialists reports do not explicitly address water rights as a valid existing right.***

**Response:** The Forest Service recognizes and will accommodate all reserved or outstanding rights provided by statute or treaty. Holders of water rights may need to use means other than road construction or reconstruction to access water rights that reside within inventoried roadless areas. These situations would be infrequent because most existing water management structures and facilities are in roaded areas. Those within inventoried roadless areas are usually along existing roads or trails.

**34. *The Forest Service should honor States’ rights to regulate air and water quality.***

**Response:** The Forest Service fully recognizes the role of States and Tribes in their responsibility, as delegated by the EPA, to implement provisions of the Clean Water Act and Clean Air Act. Any decisions made by a responsible official regarding actions that affect the ability of the Forest Service to comply with these acts, or the ability of the States or Tribes to exercise their responsibilities in carrying out these acts, will be done within the context of full public input and in collaboration with State or Tribal officials.

**35. *The Forest Service should honor States’ rights to manage watersheds. This is a particular concern in responding to emergency situations such as wildfire.***

**Response:** The Forest Service fully recognizes the role of States and Tribes in their responsibility, as delegated by the EPA, to implement provisions of the Clean Water Act. However, it is the responsibility of the Forest Service to manage the portions of watersheds under its jurisdiction within the applicable Federal and State laws. Where a wildfire or other event caused sufficient watershed damage to elevate concern for public health and safety from flooding or other impact, the rule

contains an exception that allows necessary road construction or reconstruction to address that safety concern.

**36. *The Forest Service should keep access open to springs and irrigation systems; to snow measurement sites, stream gauges, climate stations, and snow survey data sites (SNOTEL); to air quality monitoring sites, and similar improvements related to the management and use of water, soil, and air resources on the national forests and grasslands.***

**Response:** A number of respondents were concerned their access to springs, irrigation systems, snow measurement sites, air quality monitoring sites, and similar improvements related to the management and use of water, soil, and air resources on the national forests and grasslands would be restricted or curtailed by the Roadless Area Conservation proposal. The proposal does not close roads or trails on the national forests and grasslands. The alternatives present an array of options that restrict construction of new roads and reconstruction of existing roads within inventoried roadless areas. The vast majority of springs, diversion points for irrigation and domestic water supplies, snow depth and other measuring stations, and similar developments are located in currently roaded areas. Those in inventoried roadless areas are commonly along an existing road or trail that will continue to provide access. Where access may be needed to maintain an existing structure or construct a new structure, methods less disruptive than design and construction of a classified road exist to access the site (horseback, low tire-pressure all-terrain vehicles, helicopter, etc.). Where these methods will not meet the needs of the proponent, the responsible official retains several options to allow reasonable access. Two particularly relevant exceptions in the rule are:

- A road is needed to protect public health and safety in cases of imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause loss of life or property.
- A road is needed pursuant to reserved or outstanding rights or as provided by statute or treaty.

**37. *The difference between drinking water quality from a managed forest watershed and water from a roadless watershed is not justification for implementing the proposed rule.***

**Response:** The importance of roadless areas for watershed health is one of the reasons for the Roadless Area Conservation Proposed Rule (DEIS p.2-4). Further, the DEIS recognized that road construction and timber harvesting can have detrimental effects on water quality and watersheds that serve as drinking water source areas. These effects are typically caused by the introduction of sediment and nutrients into streams and changes in water temperature (pp. 3-26 through 3-27). Within inventoried roadless areas, there are 354 source areas that provide drinking water for public consumption. The action alternatives would prevent additional road construction in inventoried roadless areas and therefore reduce future risks of impairment to streams and drinking water source areas.

**38. *The Forest Service should end road building and restore roaded areas to their natural state to prevent erosion and bring back continuous areas for vegetation and wildlife.***

**Response:** No existing roads would be closed under the Roadless Area Conservation Proposed Rule. Nor does the proposal address how roads will be treated or stabilized. The proposed Roads Policy addresses existing roads. The policy will “make the existing forest road system safe, responsive to public needs, environmentally sound, affordable, and efficient to manage” (DEIS p. 1-16). This policy will identify roads that need to be maintained or upgraded and those that need to be decommissioned. Road problems that contribute sediments will be corrected through regular maintenance and, where necessary, realignment, or stabilization to prevent resource damage.

**39. *The Forest Service should consider the effects of agricultural/industrial pollution on watersheds.***

**Response:** Specific water pollution concerns on forested lands vary widely across the nation. The Roadless Area Conservation proposal focuses on conservation of inventoried roadless areas through a range of alternatives that limit road construction and reconstruction and in some cases timber harvest. The DEIS discussed a number of watershed effects of forest roads and harvest on pp. 3-22 through 3-41. The Forest Service, as manager of watersheds that supply approximately 14% of the nation’s water (Sedell and others, 2000), is concerned about water pollution from all sources. The cumulative effects

analysis in the FEIS discusses the effects of other land uses on water quality in the context of entire watersheds. Assessing the effects of agricultural and industrial pollution on watersheds is outside the scope of this rulemaking.

**40. *The cumulative effects analysis for water quality should include an assessment of forestry practices and other actions conducted on private inholdings and adjacent lands.***

**Response:** The cumulative effects analysis in the FEIS specifically discusses the fact that watersheds with national forests and grasslands also contain many other ownerships and land uses that may contribute to reduced water quality. This is especially true in larger watersheds with a smaller percentage of NFS land, and is more likely to occur in the Eastern and Southern Regions which have a higher percentage of land managed by entities other than the Forest Service.

**41. *The Forest Service should consider an alternative that prohibits road building and timber harvest only in roadless areas directly associated with drinking water.***

**Response:** As a result of comments on the DEIS, this proposed alternative was considered, but eliminated, for the reasons described in the section, “Alternatives Considered But Eliminated From Detailed Study” in Chapter 2 of the FEIS.

## **Channel Morphology**

**42. *The Forest Service should not prohibit road construction in roadless areas because if the headwaters of a water system were dammed by rotten logs, great canyons would be created when the log jam broke.***

**Response:** In inventoried roadless areas, Alternatives 1 through 3 continue to allow timber harvest at varying levels, offering the opportunity to remove accumulations of wood for a variety of commercial and stewardship purposes. Only Alternative 4 prohibits harvest completely. Alternative 1 allows continued road construction and reconstruction, while Alternatives 2 through 4 prohibit these activities with a few notable exceptions. The proposed rule contains a critical exception that address the specific concern over inability to remove

large log jams with high potential to initiate downstream channel erosion (p. A-27):

*A road is needed to protect public health and safety in cases of imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause loss of life or property.*

Research over the past several decades highlights the important role of large woody material in maintaining proper channel morphology and the habitat this material provides for a wide range of aquatic species. In addition, the risk of large log dams breaching with resulting catastrophic downstream damages, particularly in the relatively remote inventoried roadless areas, is extremely unlikely.

**43. *The Forest Service should consider the impacts roads and road construction have on watershed drainage patterns.***

**Response:** The DEIS, pp. 3-22 and 3-23, addressed the issues of sedimentation, changes in flow, and associated impacts to water quality from road construction. Page 3-22 stated that road surfaces and associated drainage structures such as ditches, and water crossings (bridges and fords) are a particular area of concern. Page 3-23 summarized that “timing of water runoff can change as roads and related drainage structures intercept, collect, and divert waters. This accelerates water delivery to the stream, more water becomes storm runoff, increasing the potential for runoff peaks to occur earlier, be of greater magnitude, and recede quicker than in unroaded watersheds (Wemple and others 1996).” Roads may also accelerate surface erosion and initiate mass wasting events such as landslides and mudflows (DEIS p. 3-32). Pages 3-40 through 3-41 discussed the effects of these changes in watershed processes on channel morphology. All Forest Service permanent and temporary roads are designed and constructed using soil, water, and air best management practices (BMPs) that prevent or reduce water pollution. Current road design and management criteria incorporate the latest knowledge and experience, resulting in fewer effects such as surface erosion, landslides, sedimentation, and dust emissions on water, soil, and air.

## Soil Loss, Sedimentation, and Site Productivity

**44. *The Forest Service should address the fact that if reconstruction of roads is prohibited, erosion will eventually close them; this will hamper fire-fighting efforts in the event of a fire in these areas.***

**Response:** The no action Alternative 1 allows road construction and reconstruction in inventoried roadless areas. Alternatives 2 through 4 prohibit some level of road construction and reconstruction with several identified exceptions.

The proposed Roadless Rule doesn’t make management decisions about existing roads. Decisions for existing roads will be addressed under the proposed Roads Policy. When roads are not maintained they can pose a risk to the environment and to public health and safety. The proposed Roads Policy is intended to make the existing forest road system safe, responsive to public needs, and environmentally sound (p. 1-16 of the DEIS).

For inventoried roadless areas, the DEIS included several exceptions to prohibitions that would apply to all action alternatives. One exception allows road construction or reconstruction to protect public health and safety in cases such as wildfire. Another allows realignment (reconstruction) if needed to “prevent irreparable resource damage by an existing road that is deemed essential for access, management, or public health and safety, and where such damage cannot be corrected by maintenance” (DEIS p. 2-4, p. A-27). All alternatives would allow maintenance of existing roads. The Forest Service also has the ability to respond to fires in proposed roadless areas without road access by using smokejumpers, aerial fire retardants, helicopter crews, and similar methods.

**45. *The Forest Service should address land clearing associated with logging and the resultant effects on erosion and soil productivity.***

**Response:** The DEIS placed significant emphasis on the importance of inventoried roadless areas for watershed and ecosystem health. Soil erosion, sedimentation, soil productivity, landslides, and their relationship to road construction and timber harvesting were discussed in detail in the DEIS, pp. 3-32 through 3-40. Where timber harvesting does occur, harvest operations would comply with strict

contract clauses, forest plan standards and guidelines, and any applicable State and Federal water quality guidelines to maintain watershed health. They must also meet standards set in land management plans developed under the new Planning Regulations (36 CFR 219). Currently, watershed analysis is being conducted on national forests to assess watershed condition to assure watersheds are managed to maintain watershed health and long-term productivity.

***46. The Forest Service should address the effects of logging on soil compaction.***

**Response:** DEIS pp. 3-32 through 3-35 described the environmental effects of a range of management alternatives on soil loss, sedimentation, and soil productivity. The affected environment presentation briefly described the effects of the alternatives on soil compaction, specifically as it relates to timber harvesting. The discussion does not address the particular components of soil compaction such as mycorrhizal fungi, soil bulk density changes, or loss of pore space for infiltration of water. The discussion addresses soil compaction as a complete topic and therefore addresses these more specific concerns as part of the general discussion.

***47. The Forest Service should use best management practices (BMP) to mitigate the effects of road building on water and stream quality.***

**Response:** All Forest Service permanent and temporary roads are designed, constructed, and maintained using soil, water, and air Best Management Practices (BMPs) that prevent or reduce water pollution. Current road design and management criteria incorporate the latest knowledge and experience, resulting in fewer effects such as surface erosion, landslides, sedimentation, and dust emissions on water, soil, and air. Management decisions for existing roads will be addressed under the proposed Roads Policy (DEIS p. 1-16). A more thorough discussion of BMPs was added to the FEIS.

***48. The Forest Service should explain how best management practices for road construction minimize environmental impacts.***

**Response:** Best Management Practices (BMPs) are practices or usually combinations of practices that are determined by a State or designated planning

agency to be the most effective and practicable means of controlling point and nonpoint pollutants at levels compatible with environmental quality goals. As such, BMPs are not perfect control, but practicable ones are designed to contain runoff and pollutants within normal precipitation and runoff events, typically 10 – 25 year return interval events. Practices not implemented to design standards will allow some level of pollution to escape. Similarly, storm and runoff events that exceed the design standard of the practice can result in some level of pollution.

***49. The Forest Service should enforce regulations in open areas to prevent abuse by users and educate the public about land health so these areas can remain open.***

**Response:** Recent years have seen a significant increase in use of National Forest System lands for both motorized and non-motorized recreation, resulting in more conflicts between users and more cases of damage to landscapes from overuse or misuse. Even with an increased presence of law enforcement officials and expanded education with programs such as “Tread Lightly,” problems continue.

The broad issue of enforcement and environmental education is outside the scope of this proposal.

***50. The Forest Service should address the impacts of clearcutting on siltation of rivers and streams.***

**Response:** The concern is related to a specific silvicultural system used on many NFS lands, not specific to inventoried roadless areas and is therefore outside the scope of this proposal. A description of timber harvest effects on sediment production was on pp. 3-32 through 3-35 in the DEIS.

***51. Best Management Practices for timber harvest, road construction, and mining should be reevaluated for effectiveness.***

**Response:** Best Management Practices (BMPs) are the primary tool used by the Forest Service to comply with the requirements of the Clean Water Act (CWA) in the area of non-point sources of pollution. BMPs are integral to plans for all land disturbing activities, including road construction, timber harvest, and minerals management. BMPs are reviewed for effectiveness by State agencies

responsible for implementation of the CWA on a regular basis. Necessary BMP updates are done as a part of these reviews. Evaluation of the effectiveness of BMPs is outside the scope of this proposal.

**52. *The Forest Service should be particularly sensitive to landscapes evolving in roadless areas in and around Mt. St. Helens National Volcanic Monument.***

**Response:** The Roadless Area Conservation proposal encompasses inventoried roadless areas across all national forests and grasslands, including specially designated areas such as the Mt. St. Helens National Volcanic Monument. The DEIS discussed the value of unique geologic resources on pp. 3-147 through 3-149, and Chapter 3 of the FEIS contains a separate section on special designated areas.

**53. *The Forest Service should consider that road construction will introduce soil bacteria.***

**Response:** The DEIS addressed the introduction of non-native invasive species on p. 3-88 and has an additional discussion of diseases related to forest management on pp. 3-107 through 3-109. The FEIS contains additional discussion on the role of vegetation management and road construction and reconstruction on the spread of disease through these activities and equipment used to perform these activities. Bacteria are one of many concerns the Forest Service faces in managing resources to prevent or slow the spread of diseases.

## Landslides

**54. *The Forest should address the accuracy of landslide causes on page 3-38 of the DEIS.***

**Response:** Landslides in completely undisturbed forests are common and natural landform features in many parts of the West, in landscapes particularly prone to landslides such as the Idaho batholith, the decomposed granitics of the California Sierras, and similar formations. Decades of research, however, confirm that roading and timber harvest can exacerbate these natural situations and increase the probability or risk of increased landslide activity. Pages 3-36 through 3-40 of the DEIS presented a summation of this existing research. Many current studies recognize that current road design, construction, and maintenance practices in areas with high landslide risk are much improved over practices

used in past decades (DEIS p. 3-39). The fact remains that road construction, reconstruction, and timber harvest activities increase the likelihood of accelerated landslide activity.

**55. *The landslide risk map on page 3-37 of the Draft EIS should be updated with Wyoming landslide data and maps from the Wyoming State Geological Survey.***

**Response:** The discussion of mass wasting on DEIS pp. 3-36 through 3-40 used recent but general information on landslide processes and risk. Figure 3-15 on DEIS p. 3-37 depicted the most recent information provided by the U.S. Geological Survey on a national scale. This map scale portrays a generalized risk of landslides in the country. More recent and detailed landslide mapping is available in Forest Service and State and local agency offices throughout the country. Unfortunately, that information encompasses a wide variety of scales, reliability and accuracy and would have resulted in a complex mix of information difficult to use and compare. The USGS information offers an appropriate level of consistency and accuracy for this analysis.

**56. *The Forest Service should prohibit road construction and logging because it induces landslides and creates turbid water.***

**Response:** Pages 3-36 through 3-40 of the DEIS presents a summary of available research on the effects of road construction and logging on the likelihood of increased risk of landslide activity in areas prone to such activity. The majority of studies conclude that the construction, reconstruction, and maintenance of roads and timber harvest activities in areas with high landside potential increase the probability of accelerating the occurrence of these events with the risk of detrimental effects of increased sedimentation in water bodies, aquatic habitats, and drinking water supplies.

**57. *The Forest Service should evaluate the role of unlogged and unroaded areas as protection for private property from landslides and flood damage.***

**Response:** Protection of water and soil resources is one of the primary reasons for the Roadless Area Conservation proposal as documented on pp. 3-22 through 3-23 of the DEIS. Benefits from protecting inventoried roadless areas from logging and related

roading are recognized by the Forest Service and were documented in the DEIS. These benefits occur not only at the site-specific level, but also downstream and on adjacent ownerships.

Recognition that watersheds do not end at national forest and grassland boundaries, but include a wide variety of other ownerships, is one of the driving forces behind the Clean Water Action Plan (CWAP), a national effort to provide a more collaborative approach to watershed management. The Forest Service has a major role in development and implementation of many action items in the CWAP.

## Fire Effects on Watersheds

**58. *The Forest Service should consider the large fuel build-ups and potential fires that will result in negative impacts on water, erosion, and landslides.***

**Response:** The DEIS discussed in detail the likelihood of fuel buildups and uncharacteristic wildfire in the section on fuels management on pp. 3-98 through 3-107. The section on watershed health further discussed fire effects on watersheds on pp. 3-41 through 3-43. The opening paragraph in the section entitled, "Fire Effects on Watersheds" stated, "The removal of land cover can increase erosion from raindrop impact and overland flow.

Combustion of vegetation and soil litter can mobilize nutrients that can enter stream waters. Loss of living vegetation can reduce transpiration and increase water available as streamflow. This additional flow can, in the most severe fires, increase flood peaks and flood-flow volumes, which would destabilize and erode streambanks and beds. In some areas, fires can cause soils to become hydrophobic, repelling water rather than letting it flow into the soil slowly. This action can cause higher flood flows and increase erosion and mass wasting. These severe situations can endanger lives, property, and resources on-site and downstream." The DEIS analyzed a range of alternatives that deal with these effects, displaying the likelihood of landslide activity between the alternatives.

The Burned Area Emergency Rehabilitation (BAER) program specifically evaluates severe burns, prescribes and installs land and channel treatments, and monitors results. The BAER program pays specific attention to the risks of increase landslides and works to minimize these risks. Treatments are designed with very careful concern for downstream users and their property. To bolster the DEIS

paragraph quoted above, the FEIS contains additional discussion of fire effects on watersheds with more detail on the BAER program, its purpose, and its relationship to landslide activities.

**59. *The Forest Service is doing a disservice to Montanans by neglecting to undertake a study to determine the erosion caused by roads versus erosion caused by the inaccessibility to control fuel loads and wildfires.***

**Response:** The DEIS discussed soil loss and sedimentation on pp. 3-32 through 3-35 and fire effects of watersheds on pp. 3-41 through 3-43, summarizing much of the research on these topics. The FEIS is not designed to recommend or perform research on these or other topics because other programs and processes within the Forest Service are charged with assessing research needs and performing that research in a scientific and collaborative manner. Therefore, undertaking such a study of erosion would be outside the scope of this analysis.

**60. *The Forest Service should analyze the predicted erosion caused by roads versus the erosion from wildfire in a non-managed forest without road access.***

**Response:** Pages 3-32 through 3-43 in the DEIS discuss soil loss, sedimentation, and landslide activity related to roads, fires, and natural conditions. The effect of the proposal on wildfire frequency is discussed in the DEIS on pp. 3-98 through 3-107. As is pointed out in the DEIS, erosion and sedimentation rates from roads generally exceed rates from other land management activities. Wildfires can lead to landslides on unstable hillslopes but these effects are very site-specific and unpredictable in terms of location and extent.

## Air Resources

**61. *The Forest Service should address air quality issues.***

**Response:** The DEIS addressed impacts of the alternatives on air quality resources on pp. 3-43 through 3-46. The FEIS expands this discussion with additional detail and references. In summary, the alternatives have different types and degrees of effects on air quality, varying slightly with the amount of dust emissions from newly constructed

roads and the amount of smoke from prescribed burning or wildfire.

**62. *The Forest Service should separate the discussion of the effects of roads from the effects of road uses on air quality.***

**Response:** It may be technically possible to separate the effects of road construction from road use. However, the total impact of the road on air resources is derived from the construction activity (dust, chemicals, emissions from construction equipment, etc.), maintenance of the road over time (dust, equipment vehicle emissions, etc.), and use by a variety of vehicle types and uses (dust, vehicle emissions). Roads are designed, constructed, and maintained for vehicle use. Analyzing these components together provides a more complete picture of the effects of roads on air resources.

**63. *The Forest Service should not preclude adoption of Alternative 1 because of changes in air quality.***

**Response:** The DEIS evaluated a range of alternatives using a variety of measures displayed in the section, “Comparison of Alternatives” on pp. 2-21 through 2-38. Effects of the alternatives on air resources are only one of these many measures and do not preclude the selection of any alternative or combination of alternatives.

**64. *The Forest Service should define where Class I air quality areas are in relation to Forest Service lands.***

**Response:** Table 3-7 on p. 3-44 of the DEIS listed individual forests with inventoried roadless areas in close proximity to Class I areas for each Forest Service region. Figure 3-16 on p. 3-45 displayed a map of Class I areas in relation to National Forest lands. Unfortunately, the scale of the map did not allow enough detail to show clearly which Class I areas are found in each State or near specific National Forests. To clarify this situation, the map scale in the FEIS has been adjusted to display the information on a full page. Also, Figure 3-16 in the DEIS incorrectly displayed both Class I and Class II areas. The FEIS figure has been revised to show only Class I areas.

**65. *The Forest Service should address the interaction of the proposed rule with Class I areas under the Clean Air Act.***

**Response:** DEIS pp. 43 through 46 addressed a range of alternatives to implement the Roadless Area Conservation proposal. The discussion specifically addressed the Clean Air Act as it relates to Class I areas in text, a table of Forests with inventoried roadless areas in proximity to Class I areas (Table 3-7), as well as a map showing these areas (Figure 3-16). The FEIS contains considerable additional material concerning air resources.

**66. *An abundance of trees result in fewer allergy and respiratory problems.***

**Response:** The DEIS on pp. 3-43 and 3-44 recognized the vital role of clean air in a healthy ecosystem. However, an analysis of respiratory and allergic responses to vegetation would be outside the scope of this proposal.

**67. *The Forest Service should explain how nitrogen from gasoline impacts the environment.***

**Response:** The DEIS, p. 3-44, second paragraph, described the role of nitrogen emission on air quality. Nitrogen oxides are one of the primary gaseous emissions from internal combustion engines. Complex chemical reactions in the atmosphere can convert these gases into particulates that affect visibility. Rounding of the inventoried roadless areas would increase vehicle numbers, increase exhaust emissions, and could lead to lower visibility in these areas.

**68. *Air quality will be compromised from a lack of access for fuels management and fire control.***

**Response:** The alternatives discussed in the DEIS provide a range of alternatives related to fuels management and fire suppression. Three specific sections of the DEIS combine to discuss fire management and effects in considerable detail: fire effects on watersheds (pp. 3-41 through 3-43), fuels management (pp. 3-98 through 3-107), and fire suppression (pp. 3-149 through 3-159). Pages 3-43 through 3-46 describe fire and air quality. Only prohibition Alternative 4 would limit the ability to manage fuels through the use of commodity and stewardship timber sales. The discussions in the sections above detail the effects of disallowing these



activities and the concern over the risk of increased large and severe wildfires. Alternatives 1 through 3 all allow timber harvest, albeit with a variety of limits on access and available harvest options.

**69. *The Forest Service should explain how air quality can be better in roadless areas as compared to managed areas.***

**Response:** There are two important aspects to addressing the relationship between air quality and roadless areas: (1) the quality of air within the inventoried roadless area itself, and (2) the role of inventoried roadless areas in protecting air quality in surrounding areas. In the first instance, the lack of road construction, reconstruction, maintenance, and use will limit the generation of dust and other particulate materials as well as exhaust emissions in areas themselves. Secondly, these undesirable materials will not be available for translocation by wind or other means to other adjacent or downwind areas to impact the quality of air in those areas. These relationships were addressed on DEIS pp. 3-43 through 3-46.

**70. *The Forest Service should acknowledge that significant air quality problems on National Forest System lands are not due to sources on those lands.***

**Response:** The FEIS contains an expanded discussion of air resources and recognizes the influence of actions outside national forests and grasslands as the source of many air quality concerns found on these areas. However, activities such as road construction, reconstruction, and use and timber harvests in and near have the potential to cause or increase air quality problems on a localized basis. These effects were discussed on pp. 3-43 through 3-46 of the DEIS. The cumulative effects analysis in the FEIS also acknowledges the input of outside sources on air quality on national forests and grasslands.

**71. *The Forest Service should define “non-attainment.”***

**Response:** A **non-attainment area** is a geographic area in which the level of a criteria air pollutant is higher than the level allowed by Federal standards.

**Criteria air pollutants** are a group of common air pollutants, such as carbon monoxide, particulate matter, or ozone, regulated by EPA on the basis of

criteria (information on health and/or environmental effects of pollution). Criteria air pollutants are widely distributed across the country.

A single geographic area may have several pollutants and have to meet the criteria for all of them. The area may have acceptable levels of the criteria, but unacceptable levels for others. Thus, an area can be both attainment and non-attainment at the same time. It has been estimated that 60% of Americans live in non-attainment areas, largely in urban and suburban settings.

These definitions are in the FEIS Glossary.

**72. *The Forest Service should address carbon dioxide release, carbon sequestration, and global climate change.***

**Response:** While the DEIS did not specifically address these issues, the FEIS responds to these public concerns and describes carbon dioxide release, carbon sequestration, and global climate change in the Air Resources section. The *Specialist Report on Physical Resources (October 2000)* includes a more inclusive discussion of these topics, and the appendix on references cited in the FEIS includes numerous additional articles on these topics.

None of the alternatives are likely, by themselves, to have any measurable effect on global atmospheric issues. The planned annual timber offer from inventoried roadless areas is roughly 0.3% of the estimated annual timber offer across all ownerships in the United States. When viewed on a global scale, this effect is even smaller. Reductions in harvest from inventoried roadless areas on national forests will likely be offset by increased harvest on other forest ownerships within the United States and by harvests and imports from other nations, such as Canada. The result of these actions is no net change in atmospheric conditions regardless of harvest offer levels in inventoried roadless areas. The level of road construction and reconstruction planned in the alternatives in the FEIS is too small to have effects on global climate change and carbon sequestration at the global scale.

**73. *Performing prescribed burns in roadless areas defeats the purpose of improving air quality in roadless areas.***

**Response:** Pages 3-43 through 3-46 in the DEIS described many of the concerns related to air quality and prescribed fire and wildfire in and near inventoried roadless areas. The discussion largely revolves around the trade-offs between managed fire and its related emissions versus the unmanaged effects and emissions of wildfires. The key component of this discussion is the relative degree of control afforded in prescribed fire (wind speed and direction, humidity, fuel moisture, time and manner of ignition, selected boundaries for control, etc.) as opposed to having little or no control of these factors in wildfire scenarios. While several periodic low-intensity prescribed fires may cumulatively produce a similar volume of smoke as a single larger wildfire, forest managers have no control about where, how far, or how long the smoke is resident in the atmosphere in wildfire events.

***74. The Forest Service should consider the effects trees have on cleaning and cooling the air.***

**Response:** This concern is of a general nature and applies to all forest lands regardless of roadless status or ownership. The analysis required to properly address the concern would be outside the scope of this proposal.

***75. The Forest Service should truthfully address the amount of air pollution caused by snowmobiles.***

**Response:** The Roadless Area Conservation proposal focuses on road construction, reconstruction, and timber harvest in inventoried roadless areas of the national forests and grasslands. The DEIS disclosed the effects of those activities on air quality. Snowmobile use and the environmental effects it causes are not within the scope of the analysis of the proposal.

## **Legislation**

***76. The Forest Service should support enactment of National Energy Security Act.***

**Response:** The National Energy Security Act is a proposal before Congress, not a law signed by the President. This FEIS would not be the proper vehicle to show support or lack of support for any pending legislation.

*End of Watershed & Air Section*

## Acronyms and Abbreviations

ANILCA	Alaska National Interest Lands Conservation Act
ASQ	Allowable Sale Quantity
BBF	Billion board feet
BLM	Bureau of Land Management
BMP	Best Management Practices
CAET	Content Analysis Enterprise Team
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
DEIS	Draft Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FEIS	Final Environmental Impact Statement
FEMAT	Forest Ecosystem Management Assessment Team
FY	Fiscal Year
GIS	Geographic Information System
ICBEMP	Interior Columbia Basin Ecosystem Management Project
LMP	Land Management Plan
LRMP	Land and Resource Management Plan
LUD	Land Use Designation (Tongass National Forest)
MMBF	Million board feet
MUSYA	Multiple-Use Sustained Yield Act
NEPA	National Environmental Policy Act
NFMA	National Forest Management Act
NFS	National Forest System (includes national forests and grasslands)
NMFS	National Marine Fisheries Service
NOI	Notice of Intent
OHV	Off-highway vehicle
RARE	Roadless Area Review and Evaluation
RARE II	Roadless Area Review and Evaluation II
ROD	Record of Decision
ROS	Recreation Opportunity Spectrum
SAA	Southern Appalachian Assessment
Stat.	Statutes
T&E	Threatened and Endangered
TEP	Threatened, Endangered, and Proposed
TEPS	Threatened, Endangered, Proposed, and Sensitive
TLMP	Tongass Land Management Plan
USC	United States Code
USDA	United States Department of Agriculture
USDI	United States Department of the Interior
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WSA	Wilderness Study Area



The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.